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## STATUTORY INSTRUMENTS

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# 2003 No. 1247

## The Criminal Justice (Northern Ireland) Order 2003

### PART III

#### TIME LIMITS

##### **Preliminary stages of criminal proceedings**

**12.**—(1) The Secretary of State may by regulations make provision, in respect of a specified preliminary stage of proceedings for an offence, as to the maximum period—

- (a) to be allowed to the prosecution to complete the stage;
- (b) during which the accused may, while awaiting completion of the stage, be in the custody of a magistrates' court or the Crown Court in relation to the offence.

(2) The regulations may, in particular—

- (a) provide for a specified law about bail to apply in relation to cases to which custody or overall time limits apply (subject to any modifications which the Secretary of State considers it necessary to specify in the regulations);
- (b) make such provision with respect to the procedure to be followed in criminal proceedings as the Secretary of State considers appropriate in consequence of another provision of the regulations; and
- (c) enable a magistrates' court or the Crown Court in specified circumstances to extend or further extend a time limit at any time before it expires.

(3) Where an overall time limit expires before the completion of the stage of proceedings to which the limit applies, a magistrates' court or the Crown Court (as the case may be) shall stay the proceedings.

(4) Regulations under this Article which provide for a custody time limit in relation to a preliminary stage shall have no effect where—

- (a) a person escapes from the custody of a magistrates' court or the Crown Court before the expiry of the custody time limit;
- (b) a person who has been released on bail in consequence of the expiry of a custody time limit fails to surrender himself into the custody of the court at the appointed time; or
- (c) a person who has been released on bail in consequence of the expiry of a custody time limit is arrested by a constable in connection with a breach, or likely breach, of a condition of his bail.

(5) Paragraph (6) applies where—

- (a) a person escapes from the custody of a magistrates' court or the Crown Court; or
- (b) a person who has been released on bail fails to surrender himself into the custody of the court at the appointed time,

and is accordingly unlawfully at large for any period.

**Changes to legislation:** The Criminal Justice (Northern Ireland) Order 2003, Section 12 is up to date with all changes known to be in force on or before 13 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

- (6) The following, namely—
- (a) the period for which the person is unlawfully at large; and
  - (b) such additional period (if any) as the court may direct, having regard to the disruption of the prosecution occasioned by—
    - (i) the person's escape or failure to surrender; and
    - (ii) the length of the period mentioned in sub-paragraph (a),

shall be disregarded, so far as the offence in question is concerned, for the purposes of the overall time limit which applies in his case in relation to the stage which the proceedings have reached at the time of the escape or, as the case may be, at the appointed time.

[<sup>F1</sup>(7) Any period during which proceedings for an offence are adjourned pending the determination of an appeal under Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals) shall be disregarded, so far as the offence is concerned, for the purposes of the overall time limit and the custody time limit which applies to the stage which the proceedings have reached when they are adjourned.]

**F1** [2004 NI 9](#)

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**Commencement Orders yet to be applied to the The Criminal Justice (Northern Ireland) Order 2003**

Commencement Orders bringing legislation that affects this Order into force:

- [S.R. 2016/387 art. 2 commences \(2015 c. 9 \(N.I.\)\)](#)