
STATUTORY INSTRUMENTS

2003 No. 1247

The Criminal Justice (Northern Ireland) Order 2003

PART III

TIME LIMITS

Re-institution of stayed proceedings

16.—(1) This Article applies where proceedings for an offence (the original proceedings) are stayed by a court under Article 12(3) or Article 15(5).

(2) In paragraph (3) the relevant authority means—

- (a) the Director of Public Prosecutions for Northern Ireland in the case of proceedings conducted by him;
- (b) the Director of the Serious Fraud Office in the case of proceedings conducted by him;
- (c) the Commissioners of Inland Revenue in the case of proceedings conducted by them;
- (d) the Commissioners of Customs and Excise in the case of proceedings conducted by them;
- (e) a person designated for the purpose of this paragraph by the Secretary of State in the case of proceedings not conducted as mentioned in sub-paragraphs (a) to (d).

(3) If the relevant authority so directs, fresh proceedings for the offence may be instituted within a period of three months (or such longer period as the court may allow) after the date on which the original proceedings were stayed by that court.

(4) Fresh proceedings shall be instituted as follows—

- (a) where the original proceedings were stayed by the Crown Court, by presenting an indictment;
- (b) where the original proceedings were stayed by a magistrates' court, by making a complaint.

(5) Fresh proceedings may be instituted in accordance with paragraphs (3) and (4)(b) notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (NI 26) (limitation of time).

(6) Where fresh proceedings are instituted, anything done in relation to the original proceedings shall be treated as done in relation to the fresh proceedings if the court so directs or it was done—

- (a) by the prosecutor in compliance or purported compliance with section 3, 4, 7 or 9 of the Criminal Procedure and Investigations Act 1996 (c. 26); or
- (b) by the accused in compliance or purported compliance with section 5 or 6 of that Act.

(7) Where a person is convicted of an offence in fresh proceedings under this Article, the institution of those proceedings shall not be called into question in any appeal against that conviction.

Changes to legislation:

The Criminal Justice (Northern Ireland) Order 2003, Section 16 is up to date with all changes known to be in force on or before 06 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.

[View outstanding changes](#)

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 \(N.I.\)](#))