

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

S.I. 2004 No. 1500 (N.I. 9)

EXPLANATORY MEMORANDUM

COSTS

49. **Article 28** amends the Costs in Criminal Cases (Northern Ireland) Act 1968 to give the Court of Appeal power, on an appeal under this Part, to award costs to and against the defendant.

Effect on time limits in relation to preliminary stages

50. **Article 29** amends Article 12 of the Criminal Justice (Northern Ireland) Order 2003 (NI 13) (power of Secretary of State to set time limits in relation to preliminary stages of criminal proceedings) to disapply the overall time limit for the period during which proceedings are adjourned pending a prosecution appeal under this Part of the Order. It also makes similar changes in respect of schedule offences under the Terrorism Act 2000 (c. 11).

Restrictions on reporting

51. **Article 30** contains a general prohibition on the reporting of appeals arising under this Part of the Order, whilst giving the judge, the Court of Appeal and the House of Lords respectively, power to lift the reporting restriction either completely or to a certain extent. The prohibition is qualified by providing that the restriction ends at the conclusion of the trial and does not apply to various matters including details of the court, the defendant, witnesses, legal representatives and the offences at issue.

Offences in connection with reporting

52. **Article 31** sets out the summary offences created by the new reporting restrictions under Article 30 and the penalties which may be imposed on conviction.

Rules of court

53. **Article 32** makes provision for rules of court to be drawn up in respect of measures provided for under Part IV of the Order. In particular it refers to rules of court relating to:
- Time limits which are to apply in connection with any provisions under Part IV;
 - Procedures that are to be applied in connection with provisions under this Part; and
 - The powers of judges of the Court of Appeal to give leave to appeal under this Part or to exercise the power of the Court of Appeal under Article 17.

Interpretation of Part IV

54. **Article 33** defines terms employed in this Part of the Order.

Part V - Supplementary

Orders

55. **Article 34** sets out the Secretary of State's order making powers under this Order.

Repeals

56. **Article 35** introduces Schedule 3 which details a number of repeals of existing legislation.

Supplementary and consequential provision, etc.

57. **Article 36** provides that the Secretary of State may make an order to make any supplementary or consequential provisions which he deems necessary to give full effect to any provision in this Order.