

## SCHEDULE 2

### TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS

#### PART VII

##### MISCELLANEOUS

###### Prosecutions and other proceedings

31.—(1) Without prejudice to—

- (a) the generality of section 28(2) or 29(2) of the Interpretation Act (Northern Ireland) 1954; or
- (b) the provisions of a scheme made under Article 270 of the 2006 Order,

proceedings in respect of an offence created by or under any provision of the 1973 Order that may be taken by the Department before the transfer date may be taken on and after the transfer date by the successor company.

(2) Notwithstanding any repeal by the 2006 Order, Article 56A of the 1973 Order shall apply in relation to any proceedings referred to in sub-paragraph (1).

(3) For the purposes of sub-paragraph (2), in any case where the prosecutor is the successor company and where evidence which is sufficient in the opinion of the Department to warrant the proceedings came to the knowledge of the Department before the transfer date-

- (a) the date on which that evidence came to the knowledge of the Department shall be deemed to be the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the knowledge of the prosecutor; and
- (b) the Department shall, at the request of the successor company, issue a certificate for the purposes of Article 56A of the 1973 Order, as applied by sub-paragraph (2).