

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Criminal Jurisdiction Act 1975, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 4(4).

EXTRA-TERRITORIAL OFFENCES

Exclusion of Backing of Warrants (Republic of Ireland) Act 1965^{M1}

Marginal Citations

M1 1965 c. 45.

1 At the end of section 2(2) of the Backing of Warrants (Republic of Ireland) Act 1965 (cases where warrant from Republic of Ireland is not to be executed) there shall be inserted the following words—

“or

- (c) that the warrant is for the arrest of a person accused of an offence committed in Northern Ireland which constitutes an extra-territorial offence under the law of the Republic of Ireland as defined in section 3 of the Criminal Jurisdiction Act 1975 ; or
- (d) that the person named or described in the warrant has been acquitted in a trial in Northern Ireland for an extra-territorial offence as defined in section 1 of the said Act of 1975 in respect of the same act or omission as that in respect of which the warrant is issued.”

Modifications etc. (not altering text)

C1 The text of ss. 7, 14(4)(5), Sch. 3 para. 1, Sch. 5 paras. 1, 2(1)(2), and Sch. 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Right of accused to opt for trial in Republic of Ireland

- 2 (1) If a person is accused of an extra-territorial offence, and a judge of the High Court, or the court of trial, is satisfied that a warrant has been duly issued in the Republic of Ireland on an information laid by a member of the police force (Garda Síochána) in the Republic of Ireland for his arrest for the corresponding offence in respect of the same act or omission, the judge or court shall, if the accused so requests, issue an order directing—
- (a) that the accused be delivered as soon as may be at some convenient point of departure from Northern Ireland into the custody of a member of the said police force in the Republic of Ireland, and
 - (b) that he be kept in custody in Northern Ireland until so delivered.

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- [^{F1}(2) If the accused is serving a sentence imposed for any other offence, the order under this paragraph shall not take effect until service of the sentence is completed.]
- [^{X1}(2) If at the time when the order under this paragraph is made the accused stands charged with or convicted of an offence other than the extra-territorial offence, so much of the order as directs him to be delivered as aforesaid shall not take effect until the conclusion of the proceedings (including any appeal or retrial) in respect of that other offence and of any sentence of imprisonment or detention imposed in those proceedings.]
- (3) An order may be made under this paragraph at any time before entry of the plea of the accused on arraignment on the indictment for the extra-territorial offence.

Editorial Information

- X1** Sch. 3 para. 2(2) beginning with the words “If at the time ...” substituted (N.I) for para. 2(2) by [Suppression of Terrorism Act 1978 \(c. 26, SIF 48\), s. 6](#)

Textual Amendments

- F1** Sch. 3 para. 2(2) beginning with the words “If at the time ...” substituted (N.I) for para. 2(2) substituted by [Suppression of Terrorism Act 1978 \(c. 26, SIF 48\), s. 6](#)

Safeguards for persons brought to Northern Ireland under warrant of arrest

- 3 (1) If a person is accused of an extra-territorial offence, and a judge of the High Court, or the court of trial, is satisfied that—
- (a) he was brought to Northern Ireland pursuant to a warrant of arrest which was endorsed in the Republic of Ireland under the law of that country corresponding to the ^{M2}Backing of Warrants (Republic of Ireland) Act 1965 and which does not specify the extra-territorial offence; and
 - (b) he has not, since being so brought, been at liberty for a continuous period of seven days or more; and
 - (c) he is not a person as respects whom an order under paragraph 2 above has been made, or would be made if the accused so requests,
- the court or judge shall, if the accused so requests, issue an order that proceedings for the trial of the extra-territorial offence shall be suspended.
- (2) For the period from the date of making of the order until such time as the accused has been at liberty for a period of seven continuous days the accused shall be immune from arrest or detention, and from any other proceeding whatsoever, relating to the extra-territorial offence, or any other extra-territorial offence committed prior to his surrender (not being an offence specified in the warrant).
- For the purposes of this sub-paragraph a person shall not be treated as being at liberty at any time when he is on bail.
- (3) An order may be made under this paragraph at any time before entry of the plea of the accused on arraignment on the indictment for the extra-territorial offence.

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Marginal Citations

M2 1965 c. 45.

Rights of accused under paragraphs 2 and 3 above

- 4 (1) When a person charged with an extra-territorial offence appears before the court of trial, the court shall, so far as appropriate, inform him of his rights under paragraphs 2 and 3 above.
- (2) The circumstances under which, and the procedure by which, a person so charged may apply under paragraph 2 or paragraph 3 above to a judge of the High Court, instead of applying to the court of trial, shall be such as may be prescribed by rules of court.

Safeguards for persons previously tried in Republic of Ireland

- 5 It is hereby declared that a person duly tried for an offence under the law of the Republic of Ireland which is also an extra-territorial offence is entitled to plead his acquittal or conviction in the trial in the Republic of Ireland as a bar in any proceedings in Northern Ireland for the extra-territorial offence.

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