

Status: Point in time view as at 01/02/1991.

Changes to legislation: Judicature (Northern Ireland) Act 1978, Part II is up to date with all changes known to be in force on or before 20 May 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)

SCHEDULES

SCHEDULE 6

TRANSITIONAL PROVISIONS

PART II

THE CROWN COURT

- 11 (1) For the purpose of enabling indictable proceedings instituted before the commencement of Part IV of this Act to be continued thereafter, and for preserving in other respects the continuity of the administration of justice, the Crown Court shall be treated as succeeding to, and being the same court as, all courts of assize and county courts when exercising jurisdiction in or in relation to such proceedings.
- (2) Any order, writ, summons, warrant, recognizance, notice, grant of legal aid or other proceeding or document shall have effect in accordance with sub-paragraph (1) and shall be construed, unless the context otherwise requires, in accordance with the Table in paragraph 2 of Part I of Schedule 5.
- (3) In any proceedings in which a magistrates' court has committed a person for trial at, or otherwise given a direction as respects the hearing of proceedings by, a specified court of assize or county court, the place and time of trial of the proceedings in the Crown Court shall be determined in accordance with directions given by or on behalf of the Lord Chancellor, after consultation with the Lord Chief Justice.
- 12 Any indictable proceeding the hearing of which has begun but is not completed before the commencement of Part IV of this Act before a court of assize or county court shall be continued and disposed of as if this Act had not been passed.
- 13 Nothing in this Act shall affect any order made before the commencement of Part IV of this Act for the payment of costs under the ^{M1}Costs in Criminal Cases Act (Northern Ireland) 1968, and any such costs shall be taxable and recoverable as if this Act had not been passed.

Marginal Citations

M1 1968 c. 10 (N.I.)

- 14 The clerk of the Crown and peace of each county court shall make arrangements, in accordance with directions given by or on behalf of the Lord Chancellor for the disposal in accordance with those directions of all records in his custody or control which relate to the exercise by the county court of its jurisdiction to try indictable offences.

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- 15 (1) Subject to any provision made by rules of court, and to sub-paragraph (2) below—
- (a) any civil proceedings (including civil bill appeals) which had been begun in a court of assize before the commencement of Part IV of this Act may be continued thereafter in the High Court as if they had been begun in the High Court, and
 - (b) any act, judgment or order in civil proceedings in a court of assize shall be treated as having been done, given or made in accordance with the rules applicable to proceedings in the High Court, other than in a court of assize.
- (2) Any civil proceedings in a court of assize the hearing of which has begun but is not completed before the commencement of Part IV of this Act shall be continued and disposed of as if this Act had not passed.
- 16 (1) The Lord Chief Justice may, if it appears to him expedient, give directions as to the conduct of any civil proceedings begun in a court of assize or any indictable proceedings instituted before the commencement of Part IV of this Act if in his opinion the direction is required to meet any difficulty arising from the commencement of that Part.
- (2) The preceding provisions of this Part shall have effect subject to any direction under this paragraph.
- (3) A direction under this paragraph may relate either to a specified proceeding, or to proceedings of a specified class or description.

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