
Status: This version of this cross heading contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the War Crimes Act 1991, Cross Heading: Notice of transfer. (See end of Document for details)

PROSPECTIVE

SCHEDULE

PROCEDURE IN LIEU OF COMMITTAL

[^{F1}PART II]

NORTHERN IRELAND

Textual Amendments

- F1** Sch. Pt. II repealed (N.I.) (4.7.1996) by 1996 c. 25, ss. 46(1), 80, Sch. 5 (as substituted by 1996 c. 25, s. 79(4), Sch. 4 paras. 19(1), 36) (with s. 78(1))

Notice of transfer

- [^{F17} (1) Where a person has been charged in Northern Ireland with an offence to which section 1 of this Act applies and in the opinion of the Attorney General or Director of Public Prosecutions for Northern Ireland (or of an officer of either of them acting on his behalf) the evidence of the offence charged—
- (a) would be sufficient for that person to be committed for trial; but
 - (b) reveals a case of such complexity that it is appropriate that the case should without delay be taken over by the Crown Court,
- a notice certifying that opinion may be served by the Attorney General or Director of Public Prosecutions for Northern Ireland (or by such an officer acting as aforesaid) on the magistrates' court in whose jurisdiction the offence has been charged.
- (2) Any such notice shall be served before the magistrates' court—
- (a) has commenced hearing the evidence for the prosecution (other than a deposition relating to the arrest or to the remand of the accused), where the court is conducting a preliminary investigation; or
 - (b) has begun to conduct a preliminary inquiry.
- (3) On the service of such a notice the functions of the magistrates' court shall cease in relation to the case except as provided by paragraph 9 below or by Article 29(2)(d) of the ^{M1}Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.
- (4) The decision to serve such a notice shall not be subject to appeal or liable to be questioned in any court.
- (5) In this Part of this Schedule “prosecuting authority” means the Attorney General or Director of Public Prosecutions for Northern Ireland and “notice of transfer” means a notice under this paragraph.]

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Marginal Citations

- M1** S.I.1981/228 (N.I.8).

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