

## SCHEDULES

### SCHEDULE 4

#### MODIFICATIONS FOR NORTHERN IRELAND

##### *Part I of this Act*

- 4 In section 1 for subsections (1) and (2) substitute—
- “(1) This Part applies where a person is charged with an offence, the court proceeds to deal summarily with the charge and that person pleads not guilty.
- (2) This Part also applies where—
- (a) a person is charged with an indictable offence and he is committed for trial for the offence concerned,
  - (b) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious or complex fraud),
  - (c) a person is charged with an indictable offence and proceedings for the trial of the person on the charge concerned are transferred to the Crown Court by virtue of a notice of transfer given under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children),
  - (d) a count charging a person with a summary offence is included in an indictment under the authority of Article 193A of the Road Traffic (Northern Ireland) Order 1981 (offences relating to drink or drugs), or
  - (e) an indictment charging a person with an indictable offence is presented under the authority of section 2(2)(c), (d), (e) or (f) of the Grand Jury (Abolition) Act (Northern Ireland) 1969.
- (2A) In subsection (2)—
- “indictable offence” means an offence which is triable on indictment, whether it is exclusively so triable or not;
- “summary offence” has the same meaning as in Article 193A of the Road Traffic (Northern Ireland) Order 1981.”
- 5 (1) In section 5(2) for “section 5(9) of the Criminal Justice Act 1987” substitute “Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.
- (2) In section 5(3) for “paragraph 4 of Schedule 6 to the Criminal Justice Act 1991” substitute “paragraph 3 of Schedule 1 to the Children’s Evidence (Northern Ireland) Order 1995”.
- 6 In section 13 (1) for “the bill of indictment is preferred” substitute “the indictment is presented”.

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*Status: This is the original version (as it was originally enacted).*

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7 After section 14 there shall be inserted—

**“14A Public interest: review for scheduled offences**

- (1) This section applies where this Part applies by virtue of section 1(2) and the offence charged is a scheduled offence within the meaning of section 1 of the Northern Ireland (Emergency Provisions) Act 1996.
- (2) At any time—
  - (a) after a court makes an order under section 3(6), 7(5), 8(5) or 9(8), and
  - (b) before the accused is acquitted or convicted or the prosecutor decides not to proceed with the case concerned,
 the accused may apply to the court for a review of the question whether it is still not in the public interest to disclose material affected by its order.
- (3) In such a case the court must review that question, and if it concludes that it is in the public interest to disclose material to any extent—
  - (a) it shall so order; and
  - (b) it shall take such steps as are reasonable to inform the prosecutor of its order.
- (4) Where the prosecutor is informed of an order made under subsection (3) he must act accordingly having regard to the provisions of this Part (unless he decides not to proceed with the case concerned).”

8 In section 15(1) at the end add “and section 14A does not apply”.

9 In section 16 after “14(2)” insert “, 14A(2)” and after “14(3)” insert “, 14A(3)”.

10 In section 17(1)(a) after “14” insert “, 14A”.

11 In section 18 at the end add—

“(11) In section 13 (legal aid) of the Contempt of Court Act 1981 (as set out in Schedule 4 to that Act) in subsection (1)(a) after sub-paragraph (ii) there shall be inserted—

“(iia) by a magistrates' court or the Crown Court under section 18 of the Criminal Procedure and Investigations Act 1996; or”.

12 (1) In section 19(1) for the words from the beginning to “includes” substitute—

“Without prejudice to the generality of—

- (a) Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' courts rules), and
- (b) section 52 of the Judicature (Northern Ireland) Act 1978 (Crown Court rules),

the power to make rules under each of those provisions includes”.

(2) In section 19(2)(b) after “14(2)” insert “, 14A(2)”.

(3) In section 19(2)(d) after “14(3)” insert “, 14A(3)”.

(4) In section 19 omit subsection (3).

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*Status: This is the original version (as it was originally enacted).*

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- 13 (1) In section 20(2) for “section 9 of the Criminal Justice Act 1987 or section 31 of this Act” substitute “Article 8 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988”.
- (2) In section 20(3) for the words from the beginning to “that section” substitute “Without prejudice to the generality of Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 (magistrates' courts rules) the power to make rules under that Article”.
- (3) In section 20(5) for paragraph (b) substitute—  
“*(b)* “enactment” includes a statutory instrument within the meaning of section 1(d) of the Interpretation Act (Northern Ireland) 1954.”
- 14 In section 21(3) for paragraph (e) substitute—  
“*(e)* the indictment is presented (where this Part applies by virtue of section 1(2)(e))”.