

# JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Trials on indictment without a jury*

#### *Section 5: Mode of trial on indictment*

30. This section sets out the manner in which cases are to be tried when a certificate under section 1 has been issued. *Subsection (1)* provides that the case is tried without a jury. *Subsection (2)* grants the court hearing the case the same powers and jurisdiction as if the trial were conducted with a jury. *Subsection (3)* provides that references to juries in other legislation are interpreted as references to the court where a case is tried under these provisions.
31. *Subsection (4)* makes clear that the trial court may not draw any adverse inferences from the fact that the DPP(NI) has issued a certificate under section 1.
32. *Subsection (5)* enables the court to find a person guilty of an alternative lesser charge (for example, manslaughter as an alternative to murder), even if the defendant is not being tried for that charge. This is equivalent to the power of the jury in trials on indictment with a jury.
33. *Subsection (6)* requires the court to provide a reasoned verdict if the defendant is convicted of one or more offences. The verdict must be provided at the time of conviction or as soon as is practicable afterwards. There is no requirement for the court to provide a reasoned verdict for an acquittal.
34. *Subsections (7) and (9)* remove restrictions on the right of appeal that would otherwise apply: a defendant can appeal sentence or conviction, and the prosecution can appeal sentence directly to the Court of Appeal, without seeking the leave of the court first. *Subsection (8)* provides that the period for giving notice of appeal runs from the date of the judgment in the case.