



Justice and Security (Northern Ireland) Act 2007

2007 CHAPTER 6

Trials on indictment without a jury

^{F1} Issue of certificate

- (1) This section applies in relation to a person charged with one or more indictable offences (“the defendant”).
- (2) The Director of Public Prosecutions for Northern Ireland may issue a certificate that any trial on indictment of the defendant (and of any person committed for trial with the defendant) is to be conducted without a jury if—
 - (a) he suspects that any of the following conditions is met, and
 - (b) he is satisfied that in view of this there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury.
- (3) Condition 1 is that the defendant is, or is an associate (see subsection (9)) of, a person who—
 - (a) is a member of a proscribed organisation (see subsection (10)), or
 - (b) has at any time been a member of an organisation that was, at that time, a proscribed organisation.
- (4) Condition 2 is that—
 - (a) the offence or any of the offences was committed on behalf of a proscribed organisation, or
 - (b) a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.
- (5) Condition 3 is that an attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and—
 - (a) the attempt was made on behalf of a proscribed organisation, or
 - (b) a proscribed organisation was otherwise involved with, or assisted in, the attempt.

Status: Point in time view as at 09/07/2011. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Justice and Security (Northern Ireland) Act 2007, Section 1. (See end of Document for details)

- (6) Condition 4 is that the offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in response to religious or political hostility of one person or group of persons towards another person or group of persons.

[^{F2}(6A) The Director of Public Prosecutions for Northern Ireland may not issue a certificate under subsection (2) if—

- (a) the proceedings are taken in Northern Ireland only by virtue of section 28 of the Counter-Terrorism Act 2008, and
- (b) it appears to the Director that the only condition that is met is condition 4.]

(7) In subsection (6) “religious or political hostility” means hostility based to any extent on—

- (a) religious belief or political opinion,
- (b) supposed religious belief or political opinion, or
- (c) the absence or supposed absence of any, or any particular, religious belief or political opinion.

(8) In subsection (6) the references to persons and groups of persons need not include a reference to the defendant or to any victim of the offence or offences.

(9) For the purposes of this section a person (A) is the associate of another person (B) if—

- (a) A is the spouse or a former spouse of B,
- (b) A is the civil partner or a former civil partner of B,
- (c) A and B (whether of different sexes or the same sex) live as partners, or have lived as partners, in an enduring family relationship,
- (d) A is a friend of B, or
- (e) A is a relative of B.

(10) For the purposes of this section an organisation is a proscribed organisation, in relation to any time, if at that time—

- (a) it is (or was) proscribed (within the meaning given by section 11(4) of the Terrorism Act 2000 (c. 11)), and
- (b) its activities are (or were) connected with the affairs of Northern Ireland.

Textual Amendments

F1 Ss. 1-8 expire on 1.8.2009 by virtue of s. 9(1) of this Act; S.I. 2007/2045, **art. 2(3)(a)**

F2 S. 1(6A) inserted (18.6.2009) by Counter Terrorism Act 2008 (c. 28), **ss. 28(6), 100(5)** (with s. 101(2)); S.I. 2009/1256, **art. 2(a)**

Modifications etc. (not altering text)

C1 Ss. 1-8: effective period extended until 1.8.2011 by The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2009 (S.I. 2009/2090), **art. 2**

C2 Ss. 1-8: effective period extended until 1.8.2013 by The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2011 (S.I. 2011/1720), **art. 2**

Status:

Point in time view as at 09/07/2011. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Justice and Security (Northern Ireland) Act 2007, Section 1.