



# Justice and Security (Northern Ireland) Act 2007

## 2007 CHAPTER 6

### *Trials on indictment without a jury*

#### <sup>F13</sup> Preliminary inquiry

- (1) This section applies where a certificate under section 1 has been issued in relation to any trial on indictment of a person charged with one or more indictable offences.
- (2) In proceedings before a magistrates' court for the offence or any of the offences, if the prosecution requests the court to conduct a preliminary inquiry into the offence the court must grant the request.
- (3) In subsection (2) “preliminary inquiry” means a preliminary inquiry under the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (4) Subsection (2)—
  - (a) applies notwithstanding anything in Article 31 of that Order,
  - (b) does not apply in respect of an offence where the court considers that in the interests of justice a preliminary investigation should be conducted into the offence under that Order, and
  - (c) does not apply in respect of an extra-territorial offence (as defined in section 1(3) of the Criminal Jurisdiction Act 1975 (c. 59)).

#### 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)

#### 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

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*Status: Point in time view as at 04/07/2015. This version of this provision has been superseded.*

*Changes to legislation: Justice and Security (Northern Ireland) Act 2007, Section 3 is up to date with all changes known to be in force on or before 07 September 2023. 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)*

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- C3** Ss. 1-8: effective period extended until 1.8.2015 by The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2013 (S.I. 2013/1619), **art. 2**
- C4** Ss. 1-8: effective period extended until 1.8.2017 by The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2015 (S.I. 2015/1572), **art. 2**

**Status:**

Point in time view as at 04/07/2015. This version of this provision has been superseded.

**Changes to legislation:**

Justice and Security (Northern Ireland) Act 2007, Section 3 is up to date with all changes known to be in force on or before 07 September 2023. 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.