

*These notes refer to the Justice Act (Northern Ireland)
2015 (c.9) which received Royal Assent on 24 July 2015*

Justice Act (Northern Ireland) 2015

EXPLANATORY NOTES

OVERVIEW

Committal for Trial

11. Committal is a procedure used to determine whether there is sufficient evidence to justify putting a person on trial in the Crown Court. Proceedings can be in the form of oral evidence, where witnesses can be cross-examined, or as a paper exercise, carried out based on written statements and evidence. The practice of hearing oral evidence, particularly cross-examination, can have a significant impact on victims and witnesses, who may have to give (sometimes traumatic) evidence more than once.
12. Oral evidence hearings can also be very lengthy, with hearings typically lasting 1-2 days, and problems are often experienced in organising witnesses to attend, which can lead to adjournments and consequently increase delay in the magistrates' court before the case can be sent to the Crown Court. They can also be costly to the legal aid fund.
13. Part 2 of the Act creates new measures which will reform procedures around the taking of oral evidence and cross-examination of witnesses in committal proceedings, to provide that such evidence is only to be given where, in the opinion of the court, it is required in the interests of justice. Powers are also introduced to allow direct transfer to the Crown Court of those cases in which there is a guilty plea as well as direct transfer for certain indictable offences, beginning with murder and manslaughter cases.