1989 No. 338

CRIMINAL PROCEDURE

The Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989

Made	*14th August 1989*
Coming into operation . .	*14th August 1989*
Laid before Parliament	*1st September 1989*

The Attorney General, in exercise of the powers conferred on him by Article 4(7) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**a**), hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (Notice of Transfer) Regulations 1989 and shall come into operation on 1st September 1989.

Interpretation

2. In these regulations—

"designated authority" means an authority designated by Article 3(2) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988; and

"notice of transfer" means a notice given under Article 3(1) of that Order.

Notice of transfer

3. A notice of transfer given by or on behalf of a designated authority shall be in Form 1.

Notice to defendant

4. Where a notice of transfer is given by or on behalf of a designated authority, a copy of the notice shall be given by or on behalf of the authority to any person to whom the notice of transfer relates (or, if he is acting by a solicitor, to his solicitor) together with—

(*a*) a notice in Form 2; and

(*b*) a statement of the evidence on which any charge to which the notice of transfer relates is based.

(a) S.I. 1988/1846 (N.I. 16)

Notice to Crown Court

5. Where a notice of transfer is given by or on behalf a designated authority, a copy of the notice shall be given by or on behalf of the authority to the appropriate officer of the Crown Court sitting at the place specified by the notice of transfer as the proposed place of trial together with—

(*a*) a copy of the notice referred to in paragraph (*a*) of regulation 4 and copies of the material enclosed with that notice; and

(*b*) the statement referred to in paragraph (*b*) of that regulation.

Notice to prison governor etc.

6. Where a notice of transfer is given by or on behalf of a designated authority, a copy of the notice shall be given by or on behalf of the authority to any person who has custody of any person to whom the notice of transfer relates together with a copy of the notice referred to in paragraph (*a*) of regulation 4.

P. B. B. Mayhew

14th August 1989 Her Majesty's Attorney General

SCHEDULE regulations 3 and 4

FORM 1

Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988

THE QUEEN

v

NOTICE OF TRANSFER OF CASE TO THE CROWN COURT

To the clerk of petty sessions Magistrates' Court

1. I am [an officer of]
[acting on behalf of him/them].

2. has/have been charged with the indictable offence/offences specified in the Schedule of Charges attached to this Form.

3. The magistrates' court in whose jurisdiction the offence/offences has/have been committed has not—

(*a*) commenced hearing the evidence for the prosecution (other than a deposition relating to the arrest or to the remand of the accused), where the court is conducting a preliminary investigation, or

(*b*) begun to conduct a preliminary inquiry.

4. I certify that in my opinion the evidence of the offence/offences charged—

(*a*) would be sufficient for to be committed for trial, and

(*b*) reveals a case of fraud of such seriousness and complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.

5. Accordingly, the functions of the magistrates' court cease in relation to the case, except as provided by Article 4(3) and (6) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 and by Article 29(2)(*c*) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981.

6. The proposed place of trial is the Crown Court sitting at

[Where this notice relates to more than one person, paragraph 7 below is to be completed in respect of each person to whom it relates.]

7. was on the day of 19 remanded in custody to appear at Magistrates' Court on the day of 19 . Notice has been given to him requesting him to indicate whether he consents to the Court exercising its powers under Article 4(3) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 without his being brought before the Court.

or

7. was on the day of 19 remanded on bail to appear at Magistrates' Court on the day of 19 . [Notice has been given to him that this requirement has now ceased but that it is his duty to appear

before the Crown Court sitting at , or at such other place as shall be notified to him, on a date to be notified to him.] [Notice has been given to him that this requirement continues.]

8. Each of the witnesses listed in the Schedule of Proposed Witnesses will be required to attend and give evidence before the Crown Court.

Dated this day of 19 .

Name

Title