1978 No. 356

SUPREME COURT, NORTHERN IRELAND WINTER ASSIZE

Northern Ireland Winter Assize Order 1978

Made . . . . . 17*th November* 1978

Coming into operation . . . 15*th December* 1978

To be laid before Parliament

The Secretary of State in pursuance of article 5 of the Administration of Justice (Northern Ireland) Order 1975(**a**) hereby makes the following order:

Citation and operation

1. This order may be cited as the Northern Ireland Winter Assize Order 1978 and shall come into operation on 15th December 1978 and, unless previously revoked, shall be in force until 31st March 1979.

Interpretation

2. In this order—

"the winter assizes" means the winter assizes for the united assize county;

"the united assize county" has the meaning given by article 3;

"the winter assizes under-sheriff" has the meaning given by article 6;

and a reference to the clerk of the Crown and peace for the county of Down includes a reference to any person undertaking the functions of that clerk of the Crown and peace in relation to the winter assizes for the purposes of this order or any person for the time being acting in that capacity.

Counties united for purposes of winter assizes

3. The counties of Antrim, Armagh, Down, Fermanagh, Tyrone and Londonderry and the county of the city of Londonderry shall be united with each other for the purposes of the winter assizes and shall form one county under the name of the united assize county.

Place for holding winter assizes

4. The next winter assizes for the united assize county shall be held in the courthouse of the county of Down at Downpatrick.

Jurisdiction of court at winter assizes

5.—(1) The court at the winter assizes shall have jurisdiction to try any person—

(*a*) committed for trial at assizes or a county court in the united assize county (other than a person committed for trial to a county court under section 47(6) of the Magistrates' Courts Act (Northern Ireland) 1964(**b**)); or

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(a) S.I. 1975/816 (N.I. 7)
(b) 1964 c. 21 (N.I.)

(*b*) against whom an indictment has been presented in any county united in the united assize county, the trial of which stands postponed; or

(*c*) against whom a bill of indictment has been presented to it in accordance with section 2 of the Grand Jury (Abolition) Act (Northern Ireland) 1969(c);

for any indictable offence.

(2) The court at the winter assizes shall have the same powers with respect to the trial of any such person as a court of oyer and terminer and general gaol delivery would have had at the assizes in the county where, but for this order, such person would have been tried.

(3) Any indictment presented at the winter assizes, the trial of which is postponed, shall be a valid indictment to be tried at any future court of oyer and terminer and general gaol delivery or county court for the county where the offence is charged or is deemed to have been committed.

The winter assizes under-sheriff

6.—(1) Subject to this order, the under-sheriff of the county of Down (in this order referred to as "the winter assizes under-sheriff") shall alone act for the purpose of the united assize county.

(2) Subject to paragraph (3) the winter assizes under-sheriff shall in relation to the winter assizes for which no specific provision is made by this order, have the same functions as if he were under-sheriff for the whole of the united assize county.

(3) The several under-sheriffs of the counties united in the united assize county shall each in respect of his own county carry into execution all sentences imposed upon persons sentenced at the winter assizes.

(4) Precepts and other documents relating to the winter assizes shall be addressed to the winter assizes under-sheriff alone and, subject to this order, the precepts shall direct him to issue and he shall issue the orders, notices, precepts, warrants and documents and perform the acts which he would issue were he under-sheriff for the whole of the united assize county and all under-sheriffs, prison governors, constables and other officers in the united assize county shall obey accordingly.

Juries

7. The precept of the judge or judges to the winter assizes under-sheriff shall direct him to summon, return and empanel the jurors in accordance with the Juries Acts (Northern Ireland) 1871 to 1974 for the purposes of the winter assize.

Prisoners

8.—(1) The precepts of the judges to the winter assizes under-sheriff shall direct him to order all prison governors to cause all prisoners who under the provisions of this order may be tried at Downpatrick to be brought there and the under-sheriff shall cause such prisoners to be brought there, accordingly, without any writ of habeas corpus.

(2) The governor of any prison in which such prisoner is held shall produce him for trial at the winter assizes accordingly.

(c) 1969 c. 15 (N.I.)