1977 No. 114

SUPREME COURT, NORTHERN IRELAND

FERMANAGH AND TYRONE ASSIZES

Fermanagh and Tyrone Assize Order 1977

Made . . . . . *27th April* 1977

Coming into operation . . . *16th May* 1977

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 commencement

1. This order may be cited as the Fermanagh and Tyrone Assize Order 1977 and shall come into operation on 16th May 1977.

Interpretation

2. In this order—

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954(b);

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

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

"the united assize under-sheriff" has the meaning given by article 6.

Counties united for purposes of spring and autumn assizes

3. The counties of Fermanagh and Tyrone shall for the purposes of the spring and autumn assizes be united together and form one county under the name of the United Assize County of Fermanagh and Tyrone (in this order referred to as "the united assize county").

Place for holding spring and autumn assizes

4. The spring and autumn assizes for the united assize county shall be held at the courthouse of the county of Tyrone at Omagh.

Jurisdiction of court for the united assize county

5.—(1) The court for the united assize county shall be held as aforesaid under a commission of assize, oyer and terminer and general gaol delivery for the despatch of civil and criminal business for the united assize county and any reference in any statutory provision to a court of assize or to the assizes for a county or to a judge at the assizes shall, in relation to a court of assize or assizes to be held in the spring or autumn in or for the county of Tyrone or the county of Fermanagh, be construed as a reference to the court for the united assize county or to a judge at such court.

(a) S.I. 1975/816 (N.I. 7)
(b) 1954 c. 33 (N.I.)

(2) Without prejudice to the generality of paragraph (1)—

(*a*) nothing in this order shall derogate from the jurisdiction conferred on a judge of assize by the County Court Appeals Act (Northern Ireland) 1964(**c**);

(*b*) the court for the united assize county shall have jurisdiction to try any person—

(i) committed for trial before the commencement of this order 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(**d**)); or

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

(iii) 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(**e**),

for any indictable offence committed or deemed to have been committed within the county of Fermanagh or the county of Tyrone.

(3) The court for the united assize county 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.

(4) Any indictment presented at the court for the united assize county, 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 in or for the county where the offence is charged or is committed or is deemed to have been committed.

(5) The reference in paragraph (4) to a future court of oyer and terminer and general gaol delivery in or for the county where the offence is charged or is committed or is deemed to have been committed includes a reference to a future court for the united assize county.

United assize under-sheriff

6.—(1) Subject to this order, the under-sheriff for the united assize county at the spring or autumn assizes shall be such one of the under-sheriffs of County Fermanagh or County Tyrone or such other under-sheriff as the Secretary of State may designate and is in this order referred to as "the united assize under-sheriff".

(2) Subject to this order, the united assize under-sheriff shall have all the functions which an under-sheriff has in relation to an assize for a county.

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

(4) Precepts and other documents relating to the united assizes shall be addressed to the united assize under-sheriff 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.

(**c**) 1964 c. 3 (N.I.)
(**d**) 1964 c. 21 (N.I.)
(**e**) 1969 c. 15 (N.I.)