STATUTORY INSTRUMENTS

1991 No. 1711 (N.I. 16)

The Criminal Justice (Northern Ireland) Order 1991

- - - - - - 24th July 1991

Title and commencement

1.—(1) This Order may be cited as the Criminal Justice (Northern Ireland) Order 1991.

(2) Except as provided by paragraph (3), this Order shall come into operation on the expiration of 2 months from the day on which it is made.

(3) The following provisions shall come into operation on such day as the Secretary of State may by order appoint[F1], namely—

(a) Article 6; and

(b) Article 8 and the Schedule so far as they relate to the Criminal Jurisdiction Act 1975[F2] and the Criminal Damage (Northern Ireland) Order 1977[F3].

F1 fully exercised SR 1992/468
F2 1975 c. 59
F3 1977 NI 4

Interpretation

2. The Interpretation Act (Northern Ireland) 1954[F4] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

F4 1954 c. 33 (NI)

Remands to police custody

3.—(1) In Article 47 of the Magistrates' Courts (Northern Ireland) Order 1981[F5] (remands) after paragraph (4) there shall be inserted the following paragraphs—

"(4A) In the exercise of its power under paragraph (1)(a) to remand in custody an accused to whom this paragraph applies, a magistrates' court may, on an application made under this paragraph by a member of the Royal Ulster Constabulary not below the rank of inspector, commit the accused to detention at a police station.

(4B) In the exercise of its power under paragraph (1)(a) to remand in custody an accused to whom this paragraph applies, a magistrates' court may, on an application made under this paragraph by a member of the Royal Ulster Constabulary not below the rank of inspector, commit the accused to the custody (otherwise than at a police station) of a constable.

(4C) The period for which an accused is remanded under paragraph (4A) or (4B) shall not exceed 3 days commencing on (and including) the day following that on which he is remanded.

(4D) Paragraphs (4A) and (4B) apply to an accused who—

(a) is not under the age of 21 years; and

(b) is not already detained under a custodial sentence.

(4E) An accused shall not be committed to detention at a police station under paragraph (4A) unless there is a need for him to be so detained for the purposes of inquiries into other offences; and, if a person is committed to such detention—

(a) he shall, as soon as that need ceases, be brought back before the magistrates' court which committed him or any other magistrates' court for the county court division for which that court was acting or before any other magistrates' court having jurisdiction to conduct the proceedings;

(b) he shall be treated as a person in police detention to whom the duties under Article 40 of the Police and Criminal Evidence (Northern Ireland) Order 1989[F6] (responsibilities in relation to persons detained) relate; and

(c) his detention shall be subject to periodic review at the times set out in Article 41 of that Order (review of police detention).

(4F) An accused shall not be committed to the custody (otherwise than at a police station) of a constable under paragraph (4B) unless there is a need for him to be kept in such custody for the purposes of inquiries into other offences; and if a person is committed to such custody, he shall, as soon as that need ceases, be brought back before the magistrates' court which committed him or any other magistrates' court for the county court division for which that court was acting or before any other magistrates' court having jurisdiction to conduct the proceedings.” .

(2) In Article 63(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989[F7] (taking of non-intimate samples without consent) in sub-paragraph (a) after the words “police detention” there shall be inserted the words “ or is being held in custody by the police on the authority of a court ”.

F5 1981 NI 26
F6 1989 NI 12
F7 1989 NI 12

Documents to be furnished to court and served on accused in connection with preliminary inquiry

4. In Article 32 of the Magistrates' Courts (Northern Ireland) Order 1981[F8] (documents to be furnished to court and served on accused in connection with preliminary inquiry) in paragraph (1)(b)(iii) for paragraphs (aa) and (bb) there shall be substituted the following paragraphs—

“(aa) in the case of a written exhibit, a copy of that exhibit or a notice of the time and place when that exhibit may be examined by the accused or his solicitor or any witness whom the accused may wish to call at his trial to give evidence relating to it; and

(bb) in the case of any other exhibit, a notice of the time and place when that exhibit may be examined as mentioned in paragraph (aa);” .

F8 1981 NI 26