Common Informers Act (Northern Ireland) 1954

1954 CHAPTER 11

An Act to abolish the common informer procedure. [13th May 1954]

1 Abolition of certain common informer actions.

(1) After the commencement of this Act proceedings against any person for a penalty or forfeiture all or part of which is payable to a common informer shall not be instituted under—

(a) any enactment referred to in the Schedule to this Act; or

(b) any local or private Act.

(2) The preceding sub-section shall not operate to prevent a person being prosecuted (whether on indictment or under the Summary Jurisdiction Acts (Northern Ireland)) for an offence.

(3) Where, but for sub-section (1) of this section, any person would have been liable to a forfeiture or penalty, he shall, subject to the provisions of sub-section (4) of this section, be liable on summary conviction to—

(a) a fine not exceeding the amount of the forfeiture or penalty to which he would otherwise have been liable; and

(b) any non-pecuniary forfeiture to which he would have been liable as aforesaid.

(4) A person shall not be liable under sub-section (3) of this section if by virtue of any enactment he is liable, either on conviction on indictment or on summary conviction, to punishment either in addition to or in substitution for the forfeiture or penalty to which he would have been liable but for sub-section (1) of this section.

(5) Any enactment—

(a) relating to the burden of proof in proceedings prohibited by sub-section (1) of this section; or

(b) providing a defence in any such proceedings;

shall apply for the purposes of proceedings brought instead under sub-section (3) of this section.

(6) Notwithstanding any provision in any of the Acts set out in the Schedule to this Act the consent of the Attorney-General or any other person shall not be necessary for the institution of proceedings under sub-section (3) of this section.

2 Application to the Crown.

Sub-section (1) of section one of this Act shall bind the Crown so as to prevent the Crown from bringing proceedings as a common informer and, accordingly, the reference to a common informer in that sub-section shall include a reference to the Crown acting as a common informer.

S. 3 rep. by SLR 1973

4 Short title.

(1) This Act may be cited as the Common Informers Act (Northern Ireland), 1954.

Subs. (2)(3) rep. by 1954 c. 33 (NI); subs. (4) rep. by SLR 1973