
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART V

CRIMINAL JURISDICTION AND PROCEDURE

Right to claim trial by jury for certain summary offences

Right to claim trial by jury for certain summary offences

29.—(1) Where a person over the age of fourteen years is charged before a court of summary jurisdiction with a summary offence for which he is liable, or would if he were adult be liable, to be sentenced by the court to imprisonment for a term exceeding six months^{F1}. . . , he may, subject to the provisions of this Article, claim to be tried by a jury, unless the offence is an offence under—

- (a) any provision of the Explosives Act 1875^{F2};
- (b) section 1 or 2 of the Protection of the Person and Property Act (Northern Ireland) 1969^{F3};
- (c) section 4 of the Explosives Act (Northern Ireland) 1970^{F4};
- (d) Article 3(1), 3(1) and (3), 4 or 5 of the Criminal Damage (Northern Ireland) Order 1977^{F5} which is triable summarily by virtue of Article 9(1) of that Order;

Sub#para. (e) rep. by 1991 NI 3

- [^{F6}(f) Article 3, 61(2) or 64 of the Firearms (Northern Ireland) Order 2004]
- [^{F7}(g) Article 18(3) of the Public Order (Northern Ireland) Order 1987 (riotous behaviour)]
- [^{F8}(h) Article 5(1) or (2) of the Criminal Justice (Northern Ireland) Order 2003 (absconding by person admitted to bail)]
- [^{F8}(i) paragraph 1(1) or (2) of Schedule 2 to the Justice (Northern Ireland) Act 2004 (absconding by person admitted to bail in respect of a scheduled offence).]
- [^{F9}(j) Article 22 of the Public Order (Northern Ireland) Order 1987;
- (k) the Crossbows (Northern Ireland) Order 1988;
- (l) section 139(1), 139A(1) [^{F10}or (2)] or 141(1) of the Criminal Justice Act 1988;
- (m) Article 53 or 54(1) of the Criminal Justice (Northern Ireland) Order 1996;
- (n) section 1 or 2 of the Knives Act 1997.]
- [^{F11}(o) section 93 of the Justice (Northern Ireland) Act 2010.]
- [^{F12}(p) section 4 or 8(1) or (2) of the Welfare of Animals Act (Northern Ireland) 2011 (unnecessary suffering; fighting).]
- [^{F13}(q) section 1 of the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (the domestic abuse offence).]
- [^{F14}(r) section 1 or 2 of the Protection from Stalking Act (Northern Ireland) 2021.]

Changes to legislation: *The Magistrates' Courts (Northern Ireland) Order 1981, Section 29 is up to date with all changes known to be in force on or before 09 February 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Where under paragraph (1) or any other enactment a person charged with a summary offence is entitled to claim to be tried by a jury, his claim shall be of no effect unless he appears in person and makes it before he pleads to the charge; and, where under any enactment the prosecution is entitled to claim that the accused shall be tried by a jury, the claim shall be of no effect unless it is made before the accused pleads to the charge.

(3) A magistrates' court before which a person is charged with a summary offence for which he may claim to be tried by a jury shall, before asking him whether he pleads guilty, inform him of his right and, if the court thinks it desirable for the information of the accused, tell him to which court he would be committed for trial and explain what is meant by being tried summarily; and shall then ask him whether he wishes, instead of being tried summarily, to be tried by a jury.

(4) Where the accused is charged with an offence for which he is entitled under paragraph (1) to be tried by a jury if he has been previously convicted of a like offence but not otherwise, the court shall explain to him that he may have a right to claim trial by a jury and, after giving him the same information as is provided by paragraph (3), shall ask him whether, if he has that right, he wishes, instead of being tried summarily, to be tried by a jury.

(5) If—

- (a) under this Article or under any other enactment a person charged with a summary offence is entitled to claim to be tried by a jury and claims to be so tried; or
- (b) the prosecution exercises any right conferred by any enactment to claim that the accused shall be tried by a jury;

the court shall deal with the complaint in all respects as if it were for an offence punishable on conviction on indictment only; and the offence, whether or not indictable otherwise than by virtue of any such claim, shall be deemed to be an indictable offence.

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| F1 | 2003 c. 42 |
| F2 | 1875 c. 17 |
| F3 | 1969 c. 29 (NI) |
| F4 | 1970 c. 10 (NI) |
| F5 | 1977 NI 4 |
| F6 | 2004 NI 3 |
| F7 | 2003 NI 13 |
| F8 | 2004 c. 4 |
| F9 | Art. 29(1)(j)-(n) added (16.7.2008) by Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1(4), 90(10) ; S.R. 2008/293, art. 2 , Sch. para. 14 |
| F10 | Words in art. 29(1)(l) inserted (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 110(1), 111(1)(h), Sch. 7 para. 3(1) (with s. 106(4)) |
| F11 | Art. 29(1)(o) inserted (5.5.2011) by Justice Act (Northern Ireland) 2011 (c. 24), ss. 110(1), 111(1)(h), Sch. 7 para. 3(2) (with s. 106(4)) |
| F12 | Art. 29(1)(p) inserted (1.8.2016) by Justice Act (Northern Ireland) 2016 (c. 21), ss. 48(7) , 61(2); S.R. 2016/248, art. 2 |
| F13 | Art. 29(1)(q) inserted (21.2.2022) by Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (c. 2), s. 22 ; S.R. 2022/57, art. 2(v) |
| F14 | Art. 29(1)(r) inserted (27.4.2022) by Protection from Stalking Act (Northern Ireland) 2022 (c. 17), ss. 5 , 22(1) |

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)
- art. 29(1) words inserted by [2019 c. 17 s. 46\(17\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)