



# Judicature (Northern Ireland) Act 1978

## 1978 CHAPTER 23

### PART IV

#### THE CROWN COURT

#### **51 Process to compel appearance before Crown Court.**

- (1) Any condition of a recognizance to appear before the Crown Court and any summons or order to appear before the Crown Court may be framed so as to require appearance at such time and place as may be directed by the Crown Court, and, if a time or place is specified in the condition, summons or order, it may be varied by any subsequent direction of the Crown Court.
- (2) Where an indictment has been presented although the person charged has not been committed for trial, the Crown Court may issue a summons requiring that person to appear before the Crown Court or a warrant for his arrest.
- (3) Where any person charged with or convicted of an offence has entered into a recognizance conditioned for his appearance before the Crown Court and in breach of that recognizance fails to appear, the Crown Court may, without prejudice to the enforcement of the recognizance, issue a warrant for his arrest.
- (4) The Crown Court may admit to bail, or direct the admission to bail of, any person—
  - (a) who has been committed in custody for appearance before the Crown Court [<sup>F1</sup>or in relation to whose case a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988][<sup>F2</sup>(serious and complex fraud) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children)]; or
  - (b) who is in the custody of the Crown Court pending the disposal of his case by the Crown Court,

and the time during which a person is admitted to bail under any provision of this subsection shall not count as part of any term of imprisonment or detention under his sentence.

*Changes to legislation: Judicature (Northern Ireland) Act 1978, Section 51 is up to date with all changes known to be in force on or before 25 April 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*

- (5) Provision may be made by Crown Court rules as respects the powers of the Crown Court relating to bail, including any provision—
- (a) allowing the court, instead of requiring a person to enter into a recognizance, to consent to his giving other security;
  - (b) allowing the court to direct that a recognizance shall be entered into or other security given before a magistrates' court <sup>F3</sup> . . . or, if the rules so provide, a person of such other description as is specified in the rules;
  - (c) prescribing the manner in which a recognizance is to be entered into or other security given and the persons by whom and the manner in which the recognizance or security may be enforced;
  - (d) authorising the committal, in such cases and by such courts <sup>F3</sup> . . . as may be prescribed by the rules, of persons released from custody in pursuance of the powers;
  - (e) making provision as to the varying or dispensing with requirements as to sureties and the postponement of taking recognizances.
- (6) Any reference in any statutory provision to a recognizance shall include, unless the context otherwise requires, a reference to any other description of security given instead of a recognizance, whether in pursuance of subsection (5)(a) or otherwise.
- (7) The Crown Court, on issuing a warrant for the arrest of any person, may endorse the warrant for bail, and in any such case—
- (a) the person arrested under the warrant shall, unless the Crown Court otherwise directs, be taken to a police station, and
  - (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognizances of such amount as may be fixed by the endorsement.
- (8) A person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before the Crown Court shall be brought forthwith before either the Crown Court or any magistrates' court, and if he is brought before a magistrates' court—
- (a) the court shall commit him in custody or release him on bail until he can be brought or appear before the Crown Court at the time and place appointed by the Crown Court; and
  - (b) if the warrant is endorsed for bail but the person in custody is unable to satisfy the conditions endorsed, the magistrates' court may vary those conditions if satisfied that it is proper to do so.

#### Textual Amendments

**F1** Words inserted by [S.I. 1988/1846 \(N.I. 16\)](#), art. 12, [Sch. para. 4\(2\)](#)

**F2** [S. 51\(4\)\(a\)](#) amended (8.4.1996) by [S.I. 1995/757\(N.I. 3\)](#), art. 6(1), Sch. 2 para. 8; [S.R. 1996/122](#) art. 2

**F3** Words in [s. 51\(5\)](#) repealed (1.4.2005) by [2002 c. 26](#), ss. 86, 87(1), [Sch. 13](#); [S.R. 2005/109](#), [art. 2](#), [Sch.](#)

**Changes to legislation:**

Judicature (Northern Ireland) Act 1978, Section 51 is up to date with all changes known to be in force on or before 25 April 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.

[View outstanding changes](#)

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

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

- s. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)