

## SCHEDULES

### SCHEDULE 14

#### Criminal Justice

##### *Costs in Criminal Cases Act (Northern Ireland) 1968*

2. Amend the Costs in Criminal Cases Act (Northern Ireland) 1968(1) as follows.
- 3.—(1) Amend section 1(2) (expenses of prosecution) as follows.
  - (2) For subsection (1) substitute—

“(1) Where any criminal proceedings are instituted by or on behalf of, or taken over by, the Director of Public Prosecutions, the costs of the prosecution of such proceedings (including any costs incurred in connection with any matter preliminary or incidental to, and with any appeal from, those proceedings) shall, in accordance with arrangements approved by the Department of Finance and Personnel, be defrayed in the first instance by the Director.”
  - (3) In subsection (3) for “Ministry of Finance” substitute “Department of Finance and Personnel”.
- 4.—(1) Amend section 2 (costs of prosecution in cases of conviction) as follows.
  - (2) For subsection (1)(a) substitute—

“(a) in the case of proceedings to which section 1(1) applies, to the Director of Public Prosecutions; and”.
- 5.—(1) Amend section 3 (costs of defence in cases of acquittal, dismissal or discharge) as follows.
  - (2) For subsection (1)(i) substitute—

“(i) in the case of proceedings to which section 1(1) applies, order the Director of Public Prosecutions; and”.
  - (3) In subsection (5) for “Ministry” substitute “Director of Public Prosecutions”.
- 6.—(1) Amend section 4(3) (costs awarded by Court of Appeal) as follows.
  - (2) In subsection (1)(a)—
    - (a) for “to the Secretary of State” substitute “to the Director of Public Prosecutions or any other person the Court thinks appropriate”;
    - (b) for “by the Secretary of State” substitute “by the Director of Public Prosecutions”.
  - (3) In subsection (2) for “Ministry” substitute “Director of Public Prosecutions or any other person the Court thinks appropriate”.

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(1) 1968 c. 10 (N.I.). Functions under the Act were transferred by S.I. 1973/2163.

(2) Section 1 was amended by S.I. 1973/2163 and S.I. 2003/1247 (N.I. 13).

(3) Section 4(1) was substituted by S.I. 1982/159; and amended by the Criminal Appeal (Northern Ireland) Act 1980 (c. 47), Schedule 4, paragraph 6; S.I. 1988/1846 (N.I. 16); and S.I. 2004/1500 (N.I. 9).

*Status: This is the original version (as it was originally made).*

(4) In subsection (2A) for “Secretary of State” substitute “Director of Public Prosecutions or any other person the Court thinks appropriate”.

(5) In subsection (4) for the words from “subject,” to the end substitute “subject to section 25 of the Crown Proceedings Act 1947 where that section is applicable”.

7. In section 5A(4) (fees of required interpreter) for “Ministry” substitute “Department of Justice”.

8. In section 6(b)(5) (effect of costs of legal aid) for “Ministry” substitute “Director of Public Prosecutions”.

9. In section 8 (saving) for “Ministry” substitute “Director of Public Prosecutions”.

10. Omit section 9(6) (financial provisions).

11.—(1) Amend section 10(7) (interpretation) as follows.

(2) In subsection (1), in the definition of “private prosecutor”, for “the Attorney General” substitute “the Director of Public Prosecutions, the Attorney General or the Advocate General”.

(3) Omit subsection (1A).

(4) In subsection (2) for the words from “the Ministry” to “as the case may be,” substitute “any person”.

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(4) Section 5A was inserted by section 18 of the Administration of Justice Act 1973 (c. 15).

(5) Section 6(b) was amended by S.I. 1973/2163 and S.I. 1982/159.

(6) Section 9 was amended by S.I. 1973/2163.

(7) Section 10 was amended by S.I. 2003/1247 (N.I. 13) and the Statute Law Revision (Northern Ireland) Act 1980 (c. 50), Schedule, Part 4.