1977 No. 115

SUPREME COURT, NORTHERN IRELAND

LONDONDERRY ASSIZES

Londonderry Assize Order 1977

Made . . . . . *27th April* 1977

Coming into operation . . . *16th May* 1977

To be laid before Parliament

The Secretary of State in pursuance of article 5 of the Administration of Justice (Northern Ireland) Order 1975(a) hereby makes the following order:

Citation and commencement

1. This order may be cited as the Londonderry Assize Order 1977 and shall come into operation on 16th May 1977.

Interpretation

2. In this order—

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954(b);

"the united assizes" means the assizes for the united assize county;

"the united assize county" has the meaning given by article 3;

"the united assize under-sheriff" has the meaning given by article 6.

Counties united for purposes of spring and autumn assizes

3. The county of the city of Londonderry and the county of Londonderry shall for the purposes of the spring and autumn assizes be united together and form one county under the name of the United Assize County of Londonderry (in this order referred to as "the united assize county").

Place for the holding of spring and autumn assizes

4. The spring and autumn assizes for the united assize county shall be held in the county courthouse in the city of Londonderry.

Jurisdiction of court for the united assize county

5.—(1) The court for the united assize county shall be held as aforesaid under a commission of assize, oyer and terminer and general gaol delivery for the despatch of civil and criminal business for the united assize county and any reference in any statutory provision to a court of assize or to the assizes for a county or to a judge at the assizes shall, in relation to a court of assize or assizes to be held in the spring or autumn in or for the county of the city of Londonderry or the county of Londonderry, be construed as a reference to the court for the united assize county or to a judge at such court.

(a) S.I. 1975/816 (N.I. 7) (b) 1954 c. 33 (N.I.)

(2) Without prejudice to the generality of paragraph (1)—

(*a*) nothing in this order shall derogate from the jurisdiction conferred on a judge of assize by the County Court Appeals Act (Northern Ireland) 1964(c);

(*b*) the court for the united assize county shall have jurisdiction to try any person—

(i) committed for trial before the commencement of this order at assizes or a county court in the united assize county (other than a person committed for trial to a county court under section 47(6) of the Magistrates' Courts Act (Northern Ireland) 1964)(**d**);

(ii) against whom an indictment has been presented in either county united in the united assize county, the trial of which stands postponed; or

(iii) against whom a bill of indictment has been presented to it in accordance with section 2 of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**e**)

for any indictable offence committed or deemed to have been committed within the county of the city of Londonderry or the county of Londonderry.

(3) The court for the united assize county shall have the same powers with respect to the trial of any such person as a court of oyer and terminer and general gaol delivery would have had at the assizes in or for the county where, but for this order, such persons would have been tried.

(4) Any indictment presented at the court for the united assize county, the trial of which is postponed, shall be a valid indictment to be tried at any future court of oyer and terminer and general gaol delivery or county court in or for the county where the offence is charged or is committed or is deemed to have been committed.

(5) The reference in paragraph (4) to a future court of oyer and terminer and general gaol delivery in or for the county where the offence is charged or is committed or deemed to have been committed includes a reference to a future court for the united assize county.

United assize under-sheriff

6.—(1) The under-sheriff for the county of the city of Londonderry and for the county of Londonderry shall be the under-sheriff for the united assize county and is in this order referred to as "the united assize under-sheriff".

(2) Precepts and other documents relating to the united assizes shall be addressed to the united assize under-sheriff.

Juries

7. The precept of the judge or judges to the united assize under-sheriff shall direct him to summon, return and empanel the jurors in accordance with the Juries Acts (Northern Ireland) 1871 to 1974 for the purposes of the united assizes.

(c) 1964 c. 3 (N.I.)
(d) 1964 c. 21 (N.I.)
(e) 1969 c. 15 (N.I.)

Prisoners

8.—(1) The precepts of the judges to the united assize under-sheriff shall direct him to order all prison governors to cause all prisoners who under the provisions of this order may be tried at the county courthouse in the city of Londonderry to be brought there and the under-sheriff shall cause such prisoners to be brought there, accordingly, without any writ of habeas corpus.

(2) The governor of the prison in which such prisoner is held shall produce him for trial at the united assizes accordingly.

Duties of officers, etc.

9.—(1) All prison governors, constables, officers and other persons under an obligation to attend the assizes for the county of the city of Londonderry or for the county of Londonderry shall attend at the united assizes.

(2) Clerks of petty sessions and other officers who, but for this order, are under an obligation to certify, transmit or deliver to such assizes or a county court for such county or the proper officer thereof any indictment, complaint, recognizance, statement, deposition, calendar or other document or exhibit shall certify, transmit or deliver it to the court for the united assize county or the proper officer thereof.

The clerk of the Crown and peace

10. The clerk of the Crown and peace for the county of the city of Londonderry and the county of Londonderry shall be the clerk of the Crown and peace for the united assize county.

Recognizances

11.—(1) Where any person is, apart from this order, bound by his recognizance to appear and prosecute or give evidence in the case of any person committed for trial or bound before the commencement of this order to surrender or take his trial at an assize for the county of the city of Londonderry or for the county of Londonderry or at a county court to be held in the united assize county and upon whom notice is served on behalf of the Crown not less than six days before such trial, his recognizance shall have effect as if entered into for appearance at the united assizes.

(2) Such a person shall be bound to appear at the united assizes or forfeit his recognizance.

(3) Nothing in this order shall affect the recognizance of any person to whom such notice as is specified in paragraph (1) has not been given.

(4) Notice under paragraph (1) shall be served personally upon the person bound by the recognizance or by leaving it at the place specified in the recognizance as being his residence.

Governors of prisons to transmit calendars

12.—(1) Not less than ten days before the day appointed for the opening of the united assizes a calendar of the prisoners to be tried there together with a short statement of the offences with which they are charged shall be transmitted by the governor of any prison in which the prisoner is held to the governor of Her Majesty's prison at Belfast and to the office of the clerk of the Crown and peace for the united assize county.

(2) The governor of any prison in which a person to be tried at the united assizes is held shall notify him that he will be so tried.

Roy Mason
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
27th April 1977

EXPLANATORY NOTE

(This note is not part of the order, but is intended to indicate its general purport.)

This order unites the county of the city of Londonderry and the county of Londonderry for the purposes of the spring and autumn assizes and provides that such assizes shall be held in the county courthouse in the city of Londonderry.

1977 No. 116

Medicines (Standard Provisions for Licences and Certificates) Amendment Regulations 1977

This Order has been made by the Secretaries of State respectively concerned with health in England and in Wales, the Secretary of State concerned with health and with agriculture in Scotland, the Minister of Agriculture, Fisheries and Food, the Department of Health and Social Services for Northern Ireland and the Department of Agriculture for Northern Ireland, acting jointly, in exercise of powers conferred by section 47(1) of the Medicines Act 1968.

In pursuance of paragraph 11 of Schedule 4 of that Act this Order has been registered as a Northern Ireland Statutory Rule under the Statutory Rules Act (Northern Ireland) 1958. It is printed in full in the volume of United Kingdom Statutory Instruments for 1977 and has been numbered 675 in that series.