1963. No. 214 **[NC]**

SUPREME COURT, NORTHERN IRELAND WINTER ASSIZE

The Northern Ireland Winter Assize Order 1963

BY THE GOVERNOR IN THE PRIVY COUNCIL OF NORTHERN IRELAND

WAKEHURST

I, John de Vere, Baron Wakehurst, Knight of the Most Noble Order of the Garter, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of Northern Ireland, by and with the advice and consent of Her Majesty's Privy Council in Northern Ireland, in pursuance of the Winter Assizes Act 1876(a) and of the Supreme Court of Judicature Act (Ireland) 1877(b) and of the Government of Ireland Act 1920(c) and the Orders made by Her Majesty in Council under the last mentioned Act, and of all other powers in that behalf, do hereby order as follows:—

Definition of the Winter Assize County

1. The county of Antrim, the county of Armagh, the county of Down, the county of Fermanagh, the county of Londonderry, the county of the City of Londonderry, and the county of Tyrone, for the purposes of the next Winter Assizes and of this Order, shall be united together and form one county under the name of the Northern Ireland Winter Assize County.

Place for Holding the Assizes

2. The next Winter Assizes for the said Winter Assize County shall be held in the Courthouse of the county of Antrim at Belfast.

Jurisdiction

3. The Court at the Winter Assizes at Belfast shall have jurisdiction to try any prisoner committed for trial at Assizes or a County Court, and also any person bound by recognizance to surrender and take his or her trial at Assizes or a County Court in the said Winter Assize County, who may be brought before it, and any indictment which has been heretofore found or presented in any of the aforesaid counties, the trial of which stands postponed, and any person against whom depositions have been taken although not committed for trial, against whom a bill of indictment shall be preferred by the authority of Her Majesty's Attorney-General for Northern Ireland for any indictable offence committed within the said Winter Assize County, and shall have the same powers with respect to the trial of and passing sentence upon such prisoner or person, and the trial of such indictment, as a Court of Oyer and Terminer and General Gaol Delivery would have had at the Assizes in the county where, but for the said Acts and Orders and this Order, such prisoner or person or such indictment would have been tried and for the purpose of giving effect to any sentence, whether it be a sentence of capital punishment, or of imprisonment, shall have power to commit such prisoner or person to prison there to be dealt with according to law; and any indictment found by the Grand Jury at the said Winter Assizes, the trial of which shall stand postponed, shall be a good and valid indictment to be

(a) 39 & 40 Vict. c. 57.
(b) 40 & 41 Vict. c. 57.
(c) 10 & 11 Geo. 5. c. 67.

tried at any future Court of Oyer and Terminer and General Gaol Delivery or County Court for the county where the offence is charged to have been committed, or is deemed to have been committed.

The Under Sheriff

4. Subject to the provisions of this Order, the Under Sheriff of the County of Down, hereinafter called the said Under Sheriff, shall alone act for the purpose of the said Winter Assizes for the said Winter Assize County, and shall have jurisdiction for that purpose over the whole district constituting the said Winter Assize County; and precepts and other documents relating to the said Winter Assizes shall be addressed to him alone.

Duties of the Under Sheriff

5. In all matters not herein specifically mentioned, the precepts to the said Under Sheriff shall direct him to issue, and he shall issue the like orders, notices, precepts, warrants, and documents, and perform the same acts (mutatis mutandis), as if he were Under Sheriff for the whole of the said Winter Assize County, and all Under Sheriffs, Governors of Prisons, Bailiffs, Constables and Officers in the said Winter Assize County shall obey accordingly.

Jurisdiction of the Under Sheriff

6. The said Under Sheriff shall, as to all matters in relation to such Winter Assizes for which no specific provision is made by this Order, have the same power, jurisdiction, and responsibility as if he were Under Sheriff for the whole of the said Winter Assize County, except that this provision shall not authorise the said Under Sheriff to carry sentences into execution outside the County of Down, or to levy outside the said county, fines imposed or recognizances estreated at the said Winter Assizes; and the several Under Sheriffs of the counties constituting such Winter Assize County shall each in respect of his own county, carry into execution all sentences imposed upon prisoners, levy all fines inflicted and execute all orders made against the persons sentenced at the Winter Assizes in respect of offences committed or deemed to have been committed within their counties respectively.

Juries

7. The precepts of the Judge or Judges to the said Under Sheriff shall direct him to summon, return, and empanel the Grand Jurors and Petty Jurors from the County of Down, and the Jurors so summoned, returned and empanelled, shall be deemed to be good and lawful persons of the body of each and all of the several counties constituting the said Winter Assize County; and the Grand and Petty Juries formed out of those Jurors shall be deemed to be a Grand and Petty Juries respectively of the body of each and all of the said counties respectively, and shall have jurisdiction accordingly.

Prisoners

8. The precepts of the Judges to the said Under Sheriff shall direct him to order all Governors of Prisons to cause all prisoners who, under the provisions of this Order, may be tried at Belfast, to be brought there, and the said Under Sheriff shall and may cause such prisoners to be brought accordingly without any writ of Habeas Corpus.

Duties of Officers, etc.

9. All Justices of the Peace, Mayors, Coroners, Clerks of the Crown and Peace, Clerks of Petty Sessions, Bailiffs, Governors of Prisons, Constables,

Officers, and persons having authority and being under an obligation to attend the Assizes for any county comprised in the said Winter Assize County, or to certify, transmit, or deliver to the Court of Assize, or the proper officer thereof, any indictment, inquisition, recognizance, examination, deposition, calendar, exhibit, or document, shall have the same authority and be under the same obligation to attend at the Winter Assizes held for the said Winter Assize County, and to certify, transmit, and deliver to the Court of Assize, or the proper officer thereof (except as hereinafter in the next article is excepted), such indictment, inquisition, recognizance, examination, deposition, calendar, exhibit, or document. This provision shall not apply to the Under Sheriffs of any of the counties constituting the said Winter Assize County other than the said Under Sheriff.

Informations, etc., in Cases of Trial

10. All informations, depositions, calendars, inquisitions, or recognizances, returnable to the Clerk of the Crown and Peace at an earlier period than three clear days before the day fixed for the commencement of the Winter Assizes, shall be returned as heretofore to the Clerk of the Crown and Peace to whom they would have been returned but for this Order, but all such documents returnable at a later period and before the day appointed for the opening of the said Winter Assizes shall be returned to the Clerk of the Crown and Peace for the County of Down, and all such documents as shall have been returned to the Clerk of the Crown and Peace of any county forming a part of the said Winter Assize County, other than the Clerk of the Crown and Peace for the County of Down, shall be transmitted by such first-mentioned Clerk of the Crown and Peace at least two clear days before the first day of the Winter Assizes to the Clerk of the Crown and Peace for the County of Down. The Clerk of the Crown and Peace for the County of Down shall not be entitled to fees for copies of documents already supplied and charged for by the Clerk of the Crown and Peace for any of the counties united for the purposes of Winter Assizes by this Order.

Entries in Crown Books

11. In the event of any case being for trial, which had previously been before any Court of Assize or a County Court (except the Assizes or County Court for the County of Down), the Clerk of the Crown and Peace in whose custody the Crown Book containing the entry or entries of any former proceedings in the case may be, shall transmit to the Clerk of the Crown and Peace for the County of Down, at least two clear days before the first day of the Winter Assizes, a copy of such entry or entries certified by him to be a true copy, and such certified copy shall be received for all purposes as a record of such proceedings in the same manner as if the original Crown Book had been produced by such Clerk of the Crown and Peace.

Venue

12. In all indictments and presentments at the said Winter Assizes the venue laid in the margin thereof shall be the county where the offence is charged to have been committed or is triable, and such statement of the venue shall be sufficient without the addition of the words "Northern Ireland Winter Assize County."

Recognizances

13. In all cases in which any person, before the date of this Order, has entered into or shall hereafter and before the said Winter Assizes enter into

recognizance to appear and prosecute or give evidence in the case of any person committed or returned for trial at any Assizes or County Court to be held in any of the counties forming the said Winter Assize County; and in all cases in which any person has heretofore entered into, or shall hereafter and before the said Winter Assizes enter into a recognizance to surrender and take his or her trial at any Assizes or County Court to be held in any of the said counties for any offence, such recognizance shall be deemed to have been entered into for attendance at the Winter Assizes for the said Winter Assize County, and is hereby altered accordingly; and every person bound by such recognizance shall be bound to appear at such Winter Assizes or forfeit his or her recognizance; provided always that this article shall not apply to any case in which any person is or shall be bound as aforesaid to surrender and take his or her trial at any Assizes or County Court to be held in any of the aforesaid counties, or to appear and prosecute or give evidence in any such last-mentioned case, unless six days' previous notice (at least) shall have been given, on behalf of the Crown, to such person, either by serving the same upon him or her personally or by leaving the same at the place of residence as of which he or she is described in his or her recognizance; and in any case in which such notice as aforesaid shall not have been given every recognizance entered into in the said case shall have the force and effect which such recognizance would have had if this Order had not been made, and if the Winter Assizes hereby directed had not been held.

Governors of Prisons to Transmit Calendars

14. Ten days before the day fixed for the opening of the Commission of Assize at Belfast a calendar of the prisoners to be removed for trial at the said Winter Assizes for the said Winter Assize County, so far as such calendar can then be made out, shall, together with a short statement of the offences with which they are charged, be transmitted by the Governor of each prison in which such prisoners may be, to the Governor of Her Majesty's Prison at Belfast, and to the Clerk of the Crown and Peace for the County of Down, and the said Clerk of the Crown and Peace shall cause to be inserted in one or more newspapers circulating in the Winter Assize County, the said calendar and statement and a notice that the persons bound by recognizances to appear and prosecute, or give evidence for or against the prisoners so removed, shall appear and prosecute and give evidence at Belfast. The Governor of each such prison from which such prisoners are to be removed shall forthwith give notice to each such prisoner that he will be so removed and tried at the said Winter Assizes.

Governors of Prisons to Transmit Prisoners

15. It shall be lawful for, and it shall be the duty of, the Governors of Her Majesty's Prisons, during the week before the day upon which the said Winter Assizes for the said Winter Assize County are appointed to be held, to send, without any writ of Habeas Corpus, such prisoners as are in custody in the said prisons under committal for trial at the Assizes to Her Majesty's Prison at Belfast for the purposes of their trial, and to take all proper steps for their transmission to the said last-mentioned prison and their maintenance by the way; and the Governor of Her Majesty's Prison at Belfast shall receive such prisoners into his charge and custody on their arrival, and shall keep and maintain them in the said prison until they are either ordered to be discharged or remanded by proper authority, or until they shall have been tried and sentenced, and proper arrangements have been made for their being sent back to the prison to which they would have been remitted had they been tried at the Assizes in the county where, but for the said Acts and Orders,

and this Order, they would have been tried; and if such prisoners or any of them are ordered to be conveyed back to the said last-mentioned prison, the Governor of such prison, or one or more of his assistants, shall attend and receive and convey the said prisoners or prisoner as last aforesaid.

The Clerk of the Crown and Peace

16. The Clerk of the Crown and Peace for the County of Down shall be the Clerk of the Crown and Peace at the said Winter Assizes for the said Winter Assize County, and shall have all powers of issuing summonses and subpoenas, and of taxing bills of costs, expenses of prosecutors and witnesses, and all other powers necessary for checking and paying such costs relating to the trial of prisoners that the Clerk of the Crown and Peace of the county where such prisoners were committed would have had if such prisoners had been tried at the Assizes held in such last-mentioned county.

Records and Crown Books

17. The records of each county united for the purposes of Winter Assizes by this Order shall be kept separate and distinct, and the said Clerk of the Crown and Peace for the County of Down shall keep a separate Crown Book for the records of each county, and after the termination of the Assizes shall return it with all indictments, informations, depositions, recognizances, inquisitions, and other records belonging to each county, to the respective Clerks of the Crown and Peace of the several united counties other than the County of Down.

Payment of Witnesses

18. In any case where money is ordered by the Court at the Winter Assizes for the said Winter Assize County to be paid in respect of costs and expenses of prosecutors and witnesses, the same shall be paid by the Crown Solicitor by whom the same would have been payable had a like Order been made by a Court of Oyer and Terminer, or Gaol Delivery, in the county where the trial would have taken place but for this Order.

Meaning of Terms

19. Except where the context otherwise requires, terms used in this Order shall have the same meaning as that which the same terms have in the Winter Assizes Act 1876(**a**).

Duration and Extent of Order

20. This Order shall come into operation on the 2nd day of December, 1963, and, unless earlier revoked, shall be in force until the 31st day of March, 1964. The Winter Assizes to be holden under and in pursuance of this Order shall not for any purpose except for the presentment by the Grand Jury of bills of indictment, the trial of prisoners or other persons triable as herein provided, and for the proceedings necessary for or consequent upon such trial, be deemed or taken to be an Assize for any of the several counties herein mentioned, and except as aforesaid, all notices, applications, presentments, acts and proceedings which might otherwise have been served, given, made, done, or taken for or at the next or any other Assizes for each or any of the said several counties, or elsewhere, shall and may be so served, given, made, done, and taken, the holding of the said Winter Assizes, or anything herein contained, or anything done in pursuance hereof to the contrary notwithstanding; and the provisions of this Order shall be in addition to every other power, authority, and jurisdiction of the Court.

(a) 39 & 40 Vict. c. 57.

Given at Government House, Hillsborough, this eighteenth day of November, 1963.

MacDermott

Wm. Craig

Brian Maginess

L. E. Curran

EXPLANATORY NOTE

(*This Note is not part of the Order, but is intended to indicate its general purport.*)

The purpose of this Order is to constitute the whole of Northern Ireland, other than the City of Belfast, a single Winter Assize County for the holding of the forthcoming Northern Ireland Winter Assizes and to provide that such assizes shall be held in the Courthouse of the County of Antrim at Belfast.

1963. No. 215 **[NC]**

SLAUGHTER-HOUSES

Exemption

ORDER, DATED 26TH NOVEMBER, 1963, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION 1(8) OF THE SLAUGHTER-HOUSES ACT (NORTHERN IRELAND) 1953.

The Ministry of Agriculture in exercise of the powers conferred upon it by Section 1(8) of the Slaughter-houses Act (Northern Ireland) 1953(**a**) hereby makes the following Order:

Citation and Commencement

1. This Order may be cited as the Slaughter-houses (Exemption) (Amendment) (No. 2) Order (Northern Ireland) 1963 and shall come into operation on the date hereof.

Amendment

2. For the Schedule to the Slaughter-houses (Exemption) (Amendment) Order (Northern Ireland) 1963(**b**) there shall be substituted the Schedule to this Order.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this 26th day of November, 1963.

(L.S.) *W. G. Malcolm,*
Assistant Secretary.

(**a**) 1953. c. 21.

(**b**) S.R. & O. (N.I.) 1963, No. 179.