



HM Government

# Consultation

**Non-Jury Trials**

**Justice and Security (Northern Ireland) Act 2007**

**November 2020**

## CONTENTS

<b>FOREWORD BY THE SECRETARY OF STATE FOR NORTHERN IRELAND</b>	3
<b>ABOUT THIS CONSULTATION</b>	4
Purpose	4
Scope of the consultation	4
Duration of the consultation	4
How to respond to this consultation	4
Government response	5
<b>HOW WE CONSULT</b>	6
Equality	6
Confidentiality	6
<b>CONSULTATION</b>	8
Non-Jury Trials in Northern Ireland	8
Extended Provisions	8
2018/2019 Public Consultation	9
Terrorist Threat in Northern Ireland	9
Research	9
Consultation	10
Consultation Question	10
<b>BACKGROUND INFORMATION</b>	12
The Justice and Security (Northern Ireland) Act 2007	12
The need for provisions in the Justice and Security (Northern Ireland) Act 2007	12
Previous Legislative System (commonly referred to as the “Diplock System”)	12
End of Diplock System	12
Criminal Justice Act 2003	13
Comparison: Criminal Justice Act 2003 and Justice and Security (Northern Ireland) Act 2007	13
2007 Non-Jury Trials	13
Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007	14
<b>ANNEX A: DIRECTOR OF PUBLIC PROSECUTIONS TEST</b>	16
Challenge	17
Protecting sensitive information in a judicial review	17
<b>ANNEX B: HOW NON-JURY TRIALS WORK IN NORTHERN IRELAND</b>	18
<b>ANNEX C: STATISTICS</b>	19
Table 1: Certificates issued and refused for non-jury trial by the DPP (2007 – 2020)	20
Table 2: Non-Jury trial cases as a percentage of all cases in the Crown Court (2013-2020)	21
Table 3: Number (with percentages) of cases where conditions of the DPP statutory test have been met (2011-2020)*	21
Table 4: Acquittal rates for Crown Court defendants where a plea of not guilty is entered in non-jury trials, compared with those in jury trials (2013-2020)	22
<b>ANNEX D: FURTHER INFORMATION</b>	23

## **FOREWORD BY THE SECRETARY OF STATE FOR NORTHERN IRELAND**

The UK Government is fully committed to seeing an end to non-jury trials in Northern Ireland, when it is safe to do so and compatible with the interests of justice. However, due to the SEVERE threat from terrorism and the persistence of paramilitary activity in Northern Ireland, non-jury trials continue to be deemed necessary for a small number of exceptional cases, where there is a risk that the administration of justice might be impaired if the trial were to be conducted with a jury.

In Northern Ireland today, there is a presumption of jury trial in all cases. Non-jury trials have accounted for less than 2% of all Crown Court cases in Northern Ireland for the last five years.

Non-jury trial provisions in the Justice and Security (Northern Ireland) Act 2007 allow the Director of Public Prosecutions for Northern Ireland to certify that a trial on indictment is to be conducted without a jury in a specific case, where a statutory test is met.

These provisions are temporary and will expire on 31 July 2021 unless they are extended.

I am launching this consultation to seek your views on whether the non-jury trial provisions contained in the Justice and Security (Northern Ireland) Act 2007 should be extended for a further two years from 2021.

I will use your responses to this consultation to inform my decision on whether to renew the non-jury trial provisions or allow them to lapse, subject to Parliamentary approval.

**THE RT HON BRANDON LEWIS MP**

**SECRETARY OF STATE FOR NORTHERN IRELAND**

## ABOUT THIS CONSULTATION

### Purpose

1. Extending non-jury trial provisions under the Justice and Security (Northern Ireland) Act 2007 (“the 2007 Act”) requires secondary legislation which must be approved by both Houses of Parliament. The Government recognises the need to keep the public informed and to allow people the opportunity to comment on policy proposals.
2. This consultation invites people to provide views on the extension of non-jury trial provisions under the 2007 Act for a further two years from the end of July 2021.

### Scope of the consultation

3. The non-jury trial provisions in the 2007 Act apply only in Northern Ireland. This consultation is open to responses from all of the United Kingdom.

### Duration of the consultation

4. The consultation closes to responses on 15/02/2021.

### How to respond to this consultation

5. The Government is seeking views from all interested parties, individuals and groups from across the United Kingdom on the matters covered by this consultation.
6. You can send your consultation responses:
  - **By email:** [NJTconsultation@nio.gov.uk](mailto:NJTconsultation@nio.gov.uk)
  - **In writing:**  
Public consultation:  
Non–Jury Trial Provisions  
Northern Ireland Office (SPG)  
Stormont House  
Stormont Estate Belfast  
BT4 3SH
7. When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make clear who the organisation represents and, where applicable, how the views of members were assembled. We will acknowledge your response.

8. All requests for access to the consultation document in other formats will be considered. You can email any queries to: [NJTconsultation@nio.gov.uk](mailto:NJTconsultation@nio.gov.uk)

**Government response**

9. A summary of responses to this consultation and details of the action that the Government will take, or has taken, will be published on the Northern Ireland Office (NIO) website at [www.gov.uk/nio](http://www.gov.uk/nio).
10. The NIO will aim to publish this information within 12 weeks of the consultation closing date.

## HOW WE CONSULT

1. This consultation is being conducted in line with the Cabinet Office consultation principles published in March 2018. A copy of the principles can be found at:  
<https://www.gov.uk/government/publications/consultation-principles-guidance>

### Equality

2. It is also being conducted in line with the NIO Equality Scheme which can be found at:  
<https://www.gov.uk/government/publications/nio-equality-scheme>
3. In accordance with Section 75 of the Northern Ireland Act 1998, the NIO has undertaken an Equality Screening exercise<sup>1</sup> prior to the launch of this consultation to indicate whether or not there are equality of opportunity and/or good relations impacts associated with extending the non-jury trial provisions.
4. The outcome of the screening exercise is that the likely impact of extending the provisions is “minor” in respect of two of the Section 75 categories (religious belief and political opinion) i.e. the policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible, and “none” in respect of the other categories.
5. An Equality Screening of the impact of the proposals in this consultation is available on request. Following the conclusion of this consultation we will review the screening exercise to assess in light of consultation responses. This is to ensure that the NIO’s initial assessment of the likely impact of the proposals remains accurate.

### Confidentiality

6. The information you send us may need to be shared with colleagues within the NIO, other relevant UK Government departments and relevant Northern Ireland Executive departments. The information might also be published in a summary of responses received and referred to in the published consultation report. The published consultation report will include a summary of responses to the consultation and a list of organisations that responded, but will not include personal names without receiving permission from the individual. Other contact details will not be published.

---

<sup>1</sup> [Please click here for more information on the Equality Commission’s Section 75 guidance](http://www.equalityni.org/S75duties) or go to <http://www.equalityni.org/S75duties>

7. All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of this public consultation exercise, it is understood that you consent to its possible disclosure and publication. If this is not the case, you should limit any personal information provided, or omit it entirely. Any personal information provided will be stored for six months before being destroyed in accordance with GDPR. If you want the information in your response to the consultation to be kept confidential, you should state so clearly in your response, although this cannot be guaranteed.
8. To find out more about the general principles of Freedom of Information and how it is applied in the NIO, please contact: [foi@nio.gov.uk](mailto:foi@nio.gov.uk)
9. In some consultations, external analysts may be contracted for the purpose of response analysis. If external analysts are used with this consultation, the NIO may share information you provided in response to the consultation, including personal data, with a third party of contracted external analysts.
10. The NIO is the data controller in respect of any personal data that you provide and NIO's Privacy Notice, which sets out the standards you can expect in respect of the handling of your personal data, can be found at: <https://www.gov.uk/government/news/privacy-notice>

## CONSULTATION

### Non-Jury Trials in Northern Ireland

1. Non-jury trial provisions in the Justice and Security (Northern Ireland) Act 2007<sup>2</sup>, which apply only in Northern Ireland, allow the Director of Public Prosecutions for Northern Ireland (DPP) to certify that a trial on indictment (tried in the Crown Court) is to be conducted without a jury in a specific case.
2. There are conditions set out in law that must be met before the DPP can consider issuing a certificate for a non-jury trial. These statutory conditions are set out in more detail in Annex A.
3. In a non-jury trial, a single judge sits alone to hear the case. The judge must give reasons for a conviction. Any person convicted before a non-jury court has a right of appeal against sentence or conviction without leave (meaning that there is no need to seek permission to appeal). The vast majority of Crown Court cases in Northern Ireland are jury trials. During 2019, 14 non-jury trials took place. This means that, in 2019, only 1% of all Crown Court cases in Northern Ireland were conducted without a jury.
4. More information about the background to non-jury trials can be found at page 12 and more information about how non-jury trials work in practice in Northern Ireland can be found in Annex B.
5. Statistics on the use of non-jury trials in Northern Ireland are available in Annex C.

### Extended Provisions

6. The non-jury trial provisions are temporary, but may be extended for a period of two years by secondary legislation approved in both Houses of Parliament. The duration of these provisions has been extended by successive orders since 2007. The provisions were last extended in July 2019 and will expire in July 2021.
7. There are no limits to the number of times these non-jury trial provisions may be extended. However, it is important to note that they were designed to be a temporary measure. The Government remains fully committed to seeing an end to non-jury trials in Northern Ireland, when it is safe to do so and compatible with the interests of justice.

---

<sup>2</sup> Justice and Security (Northern Ireland) Act 2007 can be found here: <https://www.legislation.gov.uk/ukpga/2007/6/contents>

## 2018/2019 Public Consultation

8. The NIO carried out a 12-week public consultation on the non-jury trial provisions from 6 December 2018 to 27 February 2019.
9. The views gathered during the 2018/19 consultation indicated that there was a continued need for such provisions to remain in place. The Secretary of State for Northern Ireland therefore decided to seek to extend the non-jury trial provisions for another two years. That extension ends in July 2021.
10. The Secretary of State for Northern Ireland needs to decide if the provisions should be extended for a further two years. This is why the NIO is seeking the views of the public again in the form of this consultation.
11. The NIO issued a response to the 2018 consultation in April 2019. Details of this can be found at:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/798532/NJT\\_Consultation\\_Response\\_-\\_Final\\_29.04.19\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/798532/NJT_Consultation_Response_-_Final_29.04.19_1_.pdf)

## Terrorist Threat in Northern Ireland

12. Today there still exists a SEVERE threat from Northern Ireland related terrorism in Northern Ireland.<sup>3</sup> The presence of violent paramilitary groups continues to pose risks to the criminal justice system. Threats and acts of violence demonstrate continued attempts at intimidation of individuals and communities.<sup>4</sup>

## Research

13. Academic research, commissioned as part of the Fresh Start Agreement in 2015, and joint analysis from PSNI and MI5 in the Report '*Assessment on Paramilitary Groups in Northern Ireland*', suggests that paramilitary organisations continue to use violence or the threat of violence to exert a powerful influence over communities. Details of where to obtain these reports can be found in the Further Information section in Annex D. The statistics on paramilitary style shootings and assaults referenced in paragraph 12 above demonstrate the continued harm that paramilitary groups inflict on communities in Northern Ireland.

---

<sup>3</sup> The threat level for Northern Ireland-related terrorism in Northern Ireland is set separately to the UK-wide threat level posed by all forms of terrorism. For more information go to:  
<https://www.mi5.gov.uk/threat-levels>

<sup>4</sup> The most up-to-date statistics available indicated that there were; 13 paramilitary style shootings, 44 paramilitary style assaults, 2 security-related deaths, 15 firearms found, 1.12kgs of explosives and 2,253 rounds of ammunition seized between November 2019 and October 2020.

14. Statistics from the Northern Ireland Housing Executive indicate that 2,643 people were driven out of their homes between 2014 and 2020 (to date) due to paramilitary and sectarian intimidation.

### **Consultation**

15. In advance of the expiry of the current provisions on 31 July 2021, which allow non-jury trials to occur in Northern Ireland under the Justice and Security (NI) Act 2007, the NIO is seeking your views on extending these provisions for a further two years, to July 2023.
16. Any views submitted as part of this consultation will be used by the Secretary of State for Northern Ireland to decide whether to renew the non-jury trial provisions or allow them to lapse, subject to Parliamentary approval.

### **Consultation Question**

17. The NIO welcomes your views on the following question:

**Should the non-jury trial provisions outlined in the Justice and Security (Northern Ireland) Act 2007 should be extended for a further two years?**

13. Please give reasons for your answer, providing evidence where possible. The deadline for responses is 15 February 2020.
14. To help you respond to this question, more detailed information on non-jury trials can be found in the next sections and annexes of this consultation document.
15. Please send your consultation responses to the Northern Ireland Office:
  - **By email:** [NJTconsultation@nio.gov.uk](mailto:NJTconsultation@nio.gov.uk)
  - **In writing:**  
Public consultation:

Non-Jury Trial Provisions  
Northern Ireland Office (SPG)  
Stormont House  
Stormont Estate Belfast  
BT4 3SH

## BACKGROUND INFORMATION

### **The Justice and Security (Northern Ireland) Act 2007**

16. The non-jury trial provisions contained within the Justice and Security (Northern Ireland) Act 2007 apply only in Northern Ireland.

### **The need for provisions in the Justice and Security (Northern Ireland) Act 2007**

17. The system under the Justice and Security (Northern Ireland) Act 2007 was designed specifically to address the unique challenges faced by the Northern Ireland criminal justice system. These challenges still exist today with the SEVERE<sup>5</sup> threat from Northern Ireland related terrorism and the persistent challenge of paramilitarism.

### **Previous Legislative System (commonly referred to as the “Diplock System”)**

18. These provisions replaced the “Diplock system” which existed from 1972 until 2007. Lord Diplock argued, in a report in 1972, that the terrorist intimidation of jurors in Northern Ireland was an obstacle to dealing effectively with terrorist crime in the courts. If a person was charged with a scheduled offence (specified in legislation) they were automatically tried before a Diplock Court, without a jury, unless the Attorney General certified that the offence was not to be treated as a scheduled offence.
19. The average number of Diplock Court cases in the last five years that the system existed (up until 2007) was 64 per year. By contrast, in the last five years (to date) there have been an average of 11 non-jury trial cases in the Crown Court per year.

### **End of Diplock System**

20. Following a public consultation on the Diplock arrangements in 2006, and in line with progress towards security normalisation in Northern Ireland, the then Secretary of State announced that a new system would be put in place. This new system would mean a presumption of jury trial in all cases. Non-jury trials would be retained for certain exceptional cases where there was a risk from paramilitary pressure on members of a jury.
21. The new system that was introduced is the current non-jury trial system and is the subject of this public consultation.

---

<sup>5</sup> MI5 Threat Levels can be read in full at: <https://www.mi5.gov.uk/threat-levels>

## Criminal Justice Act 2003

22. The Criminal Justice Act 2003<sup>6</sup>, which applies in Northern Ireland and England & Wales, provides (in very limited circumstances) for trials to be heard without a jury. However the threshold for the use of those provisions is set much higher than the current system under the Justice and Security (Northern Ireland) Act 2007. Provisions in the Criminal Justice Act 2003 are not adequate to deal with Northern Ireland's unique terrorist situation and therefore the non-jury trial provisions in the Justice and Security (Northern Ireland) Act 2007 were introduced.

## Comparison: Criminal Justice Act 2003 and Justice and Security (Northern Ireland) Act 2007 Non-Jury Trials

23. The following table highlights, in summary, the key differences between non-jury trials under the Criminal Justice Act 2003 and the Justice and Security (Northern Ireland) Act 2007. Full provisions are at Section 44 of the Criminal Justice Act 2003 and at Section 1 of the Justice and Security (Northern Ireland) Act 2007.

	Criminal Justice Act (2003)	Justice and Security (Northern Ireland) Act 2007
<b>Jurisdiction</b>	England & Wales and Northern Ireland	Northern Ireland only
<b>Reason for a non-jury trial</b>	There is: 1) <b>evidence</b> of real and present danger of jury tampering; <b>and</b>  2) despite attempts to prevent jury tampering, it is <b>likely</b> that it would still occur	There is a <b>risk</b> of jury tampering.  One of four conditions from a statutory test must be met (see Annex A).
<b>Who requests?</b>	Prosecution makes a request to a judge of the Crown Court	The Police Service of Northern Ireland (PSNI) or the Public Prosecution Service (PPS) make a request to the Director of Public Prosecutions (DPP)
<b>Who decides?</b>	Judge of the Crown Court	The DPP by following a statutory test (see Annex A)
<b>How is the decision made?</b>	Two conditions must be fulfilled:	DPP must conduct a statutory test set out in the JSA under which he must consider

<sup>6</sup> Criminal Justice Act 2003 can be read in full at:  
<https://www.legislation.gov.uk/ukpga/2003/44/contents>

	1) <b><u>evidence</u></b> of real and present danger of jury tampering; <b><u>and</u></b> 2) despite attempts to prevent jury tampering, it is <b><u>likely</u></b> that it would still occur	whether one (or more) of four key conditions is met (see Annex A)
<b>How many trials in the last 3 years (total)?</b>	0	34

### Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007

24. In February 2014, Mr David Seymour was appointed as the Independent Reviewer under Section 40 of the Justice and Security (Northern Ireland) Act 2007 by the then Secretary of State for Northern Ireland.
25. The Independent Reviewer reviews the legislation annually and provides any recommendations for improvements after liaising with relevant stakeholders.
26. When the non-jury trial provisions were extended in July 2017, it was agreed in Parliament that the operation of the provisions would be kept under regular, independent review by the Independent Reviewer.
27. Findings on non-jury trial provisions were included in the *10th, 11th and 12th Annual Reports of the Independent Reviewer of Justice & Security (NI) Act 2007*.
28. The 12th report covers the period from 1st August 2018 – 31st July 2019 and was published in April 2020. It can be found via the following link:  
<https://www.gov.uk/government/publications/12th-annual-report-of-independent-reviewer-of-justice-security>
29. In his 12th report the Independent Reviewer recommended that, in addition to this public consultation, the NIO should set up a working group consisting of representatives from the PPS, PSNI, the Court Service, the Bar, the Law Society and other independent organisations. He recommended the group look at practical measures that could be taken to reduce the number of NJTs taking place.

30. The NIO had planned to commence a review with key stakeholders prior to the launch of this consultation, but this has been delayed as a result of the Coronavirus (Covid-19) pandemic.
31. If, based on responses to this consultation document, the Secretary of State for Northern Ireland decides to seek to renew the non-jury trial provisions, the NIO will proceed to conduct a review of the kind recommended by the Independent Reviewer.

## ANNEX A: DIRECTOR OF PUBLIC PROSECUTIONS TEST

1. A non-jury trial under the Justice and Security (Northern Ireland) Act 2007 will only take place when the Director of Public Prosecutions (DPP) for Northern Ireland issues a certificate for a specific case, in relation to a trial on indictment (tried in the Crown Court).
2. Decisions for non-jury trials are made on a case-by-case basis, taking into account the circumstances of both the offence and the defendant.
3. The decision for issuing a certificate is based on a two-stage test set out in Section 1, subsections (3) to (6), of the Justice and Security (Northern Ireland) Act 2007. The DPP must:
  - i. Suspect that one (or more) of the four conditions is met; and
  - ii. Be satisfied that there is a risk that the administration of justice might be impaired if a jury trial were to be held.

<b>Condition One</b>	The defendant is, or is an associate of, a person who: <ol style="list-style-type: none"> <li>(a) is a member of a proscribed<sup>7</sup> organisation, or</li> <li>(b) has at any time been a member of an organisation that was, at that time, a proscribed organisation.</li> </ol>
<b>Condition Two</b>	That: <ol style="list-style-type: none"> <li>(a) the offence or any of the offences was committed on behalf of a proscribed organisation, or</li> <li>(b) a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.</li> </ol>
<b>Condition Three</b>	An attempt has been made to prejudice the investigation or prosecution of the offence or any of the offences and— <ol style="list-style-type: none"> <li>(a) the attempt was made on behalf of a proscribed organisation, or</li> <li>(b) a proscribed organisation was otherwise involved with, or assisted in, the attempt.</li> </ol>
<b>Condition Four</b>	The offence or any of the offences was committed to any extent (whether directly or indirectly) as a result of, in connection with or in

<sup>7</sup> Section 1(10) of the Justice and Security (Northern Ireland) Act 2007 provides that an organisation is a “proscribed organisation for the purpose of section 1 if at any time (a) it is (or was) proscribed (within the meaning given by section 11(4) of the Terrorism Act 2000, and (b) its activities are (or were) connected with the affairs of Northern Ireland. More information can be found at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670599/20171222\\_Proscription.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/670599/20171222_Proscription.pdf)

response to religious or political hostility of one person or group of persons towards another person or group of persons.

### Challenge

4. A legal<sup>8</sup> challenge can be brought against the issue of a non-jury trial certificate<sup>9</sup> only on the grounds of:
  - a. dishonesty;
  - b. bad faith; or
  - c. other exceptional circumstances such as lack of jurisdiction or error of law.

### Protecting sensitive information in a judicial review

5. Non-jury trial certificates state which conditions in the DPP's test have been met. This means that when someone challenges a non-jury trial certificate, they will have some information on which to base their challenge. They may not have access to all the information which informed the DPP's decision (for example confidential material such as intelligence or other sensitive national security related information).

---

<sup>8</sup> Relevant case law includes:

R v DPP, ex p. Kebilene [2000] 2 AC 326

Shuker & Ors, Re Applications for Judicial Review [2004] NIQB 20

Re Brian and Paula Arthurs [2010] NIQB 75

Hutchings [2017] NIQB 121

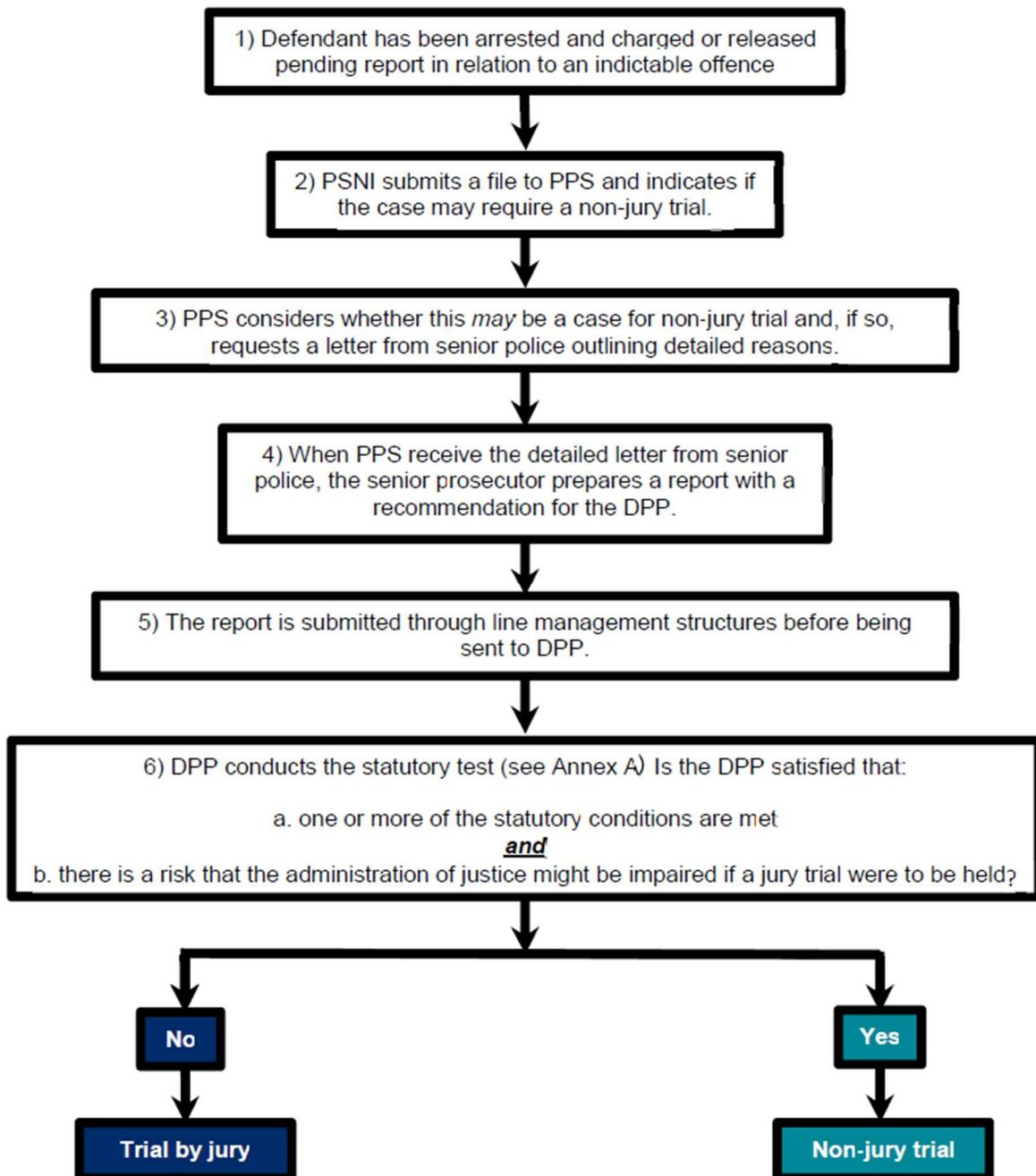
<sup>9</sup> Section 7 of the Justice & Security (Northern Ireland) Act 2007 can be found at:

<https://www.legislation.gov.uk/ukpga/2007/6/section/7>

## **ANNEX B: HOW NON-JURY TRIALS WORK IN NORTHERN IRELAND**

1. A non-jury trial certificate can be lodged with the court at any point before arraignment (i.e. the start of the criminal trial, where the charges are read to the defendant and the defendant is invited to enter a plea).
2. In a non-jury trial, a single judge sits alone to hear the case. If the defendant is convicted, the judge must give their reasoning. Any person convicted before a non-jury court has a right of appeal against their sentence or conviction, without the leave of the judge.

3. The following chart summarises the process for non-jury trials:



## ANNEX C: STATISTICS

1. The following tables provide statistics on non-jury trials in Northern Ireland, under the Justice and Security (Northern Ireland) Act 2007.
2. Please note that the figures for 2020 are provisional and are the most up to date that the NIO were able to obtain for inclusion in this consultation.
3. It should also be noted that the Coronavirus (Covid-19) pandemic has impacted the operation of the Crown Court in 2020 with trials being suspended.

**Table 1: Certificates issued and refused for non-jury trial by the DPP (2007 – 2020)**

Year	Certificates Issued	Certificates Refused
2007	12*	2
2008	25	2
2009	11	0
2010	14	0
2011	28	0
2012	25	3
2013	23	3
2014	14	1
2015	15	0
2016	19	1
2017	22	1
2018	17	1
2019	13	1
2020**	5	2

Source: Office of the Northern Ireland Director of Public Prosecutions

\*Provisions under the 2007 Act were brought into effect on 1 August 2007

\*\*Provisional figures up to 25 September 2020

**Table 2: Non-Jury trial cases as a percentage of all cases in the Crown Court (2013-2020)**

Year	Non-Jury Trial Cases	Other	Total	% Non-Jury Trial Cases
2013	36	1917	1953	1.8%
2014	28	1660	1688	1.7%
2015	17	1063	1080	1.6%
2016	12	1628	1640	0.7%
2017	9	1400	1409	0.6%
2018	18	1163	1181	1.5%
2019	14	1281	1295	1.1%
2020* (Jan-June)	3	528	531	0.6%

Source: NI Courts & Tribunals Service

\*Provisional figures

**Table 3: Number (with percentages) of cases where conditions of the DPP statutory test have been met (2011-2020)\***

Year	Number of Cases in which Condition Met				Certificates Issued
	Condition 1	Condition 2	Condition 3	Condition 4	
2011	27 (96%)	23 (82%)	4 (14%)	8 (29%)	28
2012	21 (84%)	16 (64%)	1 (4%)	10 (40%)	25
2013	22 (96%)	16 (70%)	3 (13%)	21 (91%)	23
2014	18 (100%)	12 (67%)	0 (0%)	16 (89%)	18
2015	14 (93%)	13 (87%)	0 (0%)	7 (47%)	15
2016	10 (91%)	11 (100%)	0 (0%)	7 (64%)	11

<b>2017</b>	9 (100%)	6 (67%)	0 (0%)	8 (89%)	9
<b>2018</b>	16 (94%)	12 (71%)	0 (0%)	14 (82%)	17
<b>2019</b>	10 (77%)	9 (69%)	0 (0%)	8 (62%)	13
<b>2020*</b>	5 (100%)	3 (60%)	0 (0%)	3 (60%)	5
<b>Total 2011-20</b>	162 (93%)	128 (74%)	9 (5%)	108 (62%)	174

Source: Northern Ireland Director of Public Prosecution's Office

\*Provisional figures up to 25 September 2020

**Table 4: Acquittal rates for Crown Court defendants where a plea of not guilty is entered in non-jury trials, compared with those in jury trials (2013-2020)**

<b>Year</b>	<b>Non-Jury Trials</b>	<b>Jury Trials</b>
<b>2013</b>	13.54%	24.87%
<b>2014</b>	27.45%	25.21%
<b>2015</b>	47.62%	20.80%
<b>2016</b>	11.1%	23.71%
<b>2017</b>	44.00%	25.00%
<b>2018</b>	19.2%	24.5%
<b>2019</b>	38.1%	20.6%
<b>2020* (Jan-June)</b>	0%	14.4%

Source: NI Courts & Tribunals Service

\*Provisional figures

## ANNEX D: FURTHER INFORMATION

- Criminal Justice Act 2003, Section 44  
<http://www.legislation.gov.uk/ukpga/2003/44/section/44>
- Justice and Security (Northern Ireland) Act 2007  
<http://www.legislation.gov.uk/ukpga/2007/6/contents>
- The Justice and Security (Northern Ireland) Act 2007 (Extension of duration of non-jury trial provisions) Order 2017  
<https://www.legislation.gov.uk/ukdsi/2019/9780111186589/contents>
- The Fresh Start Panel report on the Disbandment of Paramilitary Groups in Northern Ireland June 2016  
<https://www.northernireland.gov.uk/publications/fresh-start-panel-report-disbandment-paramilitary-groups-northern-ireland>
- Joint analysis from PSNI and the Security Service Paramilitary Groups in Northern Ireland  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/469548/Paramilitary\\_Groups\\_in\\_Northern\\_Ireland\\_-\\_20\\_Oct\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/469548/Paramilitary_Groups_in_Northern_Ireland_-_20_Oct_2015.pdf)
- Third Report of the Independent Reporting Commission (reporting on progress towards ending paramilitary activity):  
[https://www.ircommission.org/sites/irc/files/media-files/IRC%20Third%20Report\\_0.pdf](https://www.ircommission.org/sites/irc/files/media-files/IRC%20Third%20Report_0.pdf)
- *Twelfth Annual Report of the Independent Reviewer of the Justice & Security (NI) Act 2007*, which was published in April 2020:  
<https://www.gov.uk/government/publications/12th-annual-report-of-independent-reviewer-of-justice-security>