



HM Government

Consultation Response

Non-Jury Trials

Justice and Security (Northern Ireland) Act 2007

April 2021

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INTRODUCTION

Consultation on Non-Jury Trials in Northern Ireland

1. On 23 November 2020, the Northern Ireland Office launched a 12-week public consultation¹ seeking views on whether the non-jury trial provisions within the Justice and Security (Northern Ireland) Act 2007² (the 2007 Act) should be extended for a further two years.
2. The consultation closed on 15 February 2021. This Consultation Response contains an analysis of the responses received (Pages 6-8) and the subsequent decision that the Secretary of State for Northern Ireland has made (Page 17) on whether to extend the non-jury trial provisions.

Consultation Principles

3. This consultation process 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

4. It is also being conducted in line with the Northern Ireland Office Equality Scheme which can be found at:
<https://www.gov.uk/government/publications/nio-equality-scheme>
5. In accordance with Section 75 of the Northern Ireland Act 1998, the Northern Ireland Office undertook an Equality Screening exercise³ prior to the launch of the consultation to assess whether or not there were equality of opportunity and/or good relations impacts associated with extending the non-jury trial provisions.
6. The outcome of the screening exercise was that the likely impact of extending the provisions was “minor” in respect of two of the Section 75 categories (religious belief and political opinion) and “none” in respect of the other categories. On that basis the Northern Ireland Office made an initial assessment that an Equality Impact Assessment was not necessary, subject to analysis of the consultation responses.

¹ The consultation document on non-jury trials can be found here:
<https://www.gov.uk/government/news/non-jury-trials-justice-and-security-northern-ireland-act-2007>

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

³ More information on the Equality Commission’s Section 75 guidance can be found here:
<https://www.equalityni.org/S75duties>

7. Following the conclusion of the consultation, the Northern Ireland Office reviewed the screening exercise in light of the consultation responses and assessed that its initial assessment of the likely impact of the proposals remained accurate.
8. An Equality Screening of the impact of the proposals in this consultation is available on request.

Accessibility

9. This document is publicly available at www.gov.uk/nio. You may make additional copies of this document without seeking permission. It can also be made available, on request, in different formats for individuals with particular needs.
10. If you require any additional copies or have any concerns or questions about this consultation process, you can contact:

- By email: NJTconsultation@nio.gov.uk
- In writing: Public consultation
Non-Jury Trial Provisions
Northern Ireland Office (SPG)
Stormont House
Stormont Estate Belfast
BT4 3SH

BACKGROUND

Non-Jury Trials in Northern Ireland

11. The non-jury trial provisions in the 2007 Act, 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.
12. There are conditions set out in the 2007 Act that must be met before the DPP can consider issuing a certificate for a non-jury trial (see annex B).
13. 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.

Extended Provisions

14. 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 every two years by successive orders since 2007. The provisions were last extended in July 2019 and will expire in July 2021.
15. 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 the use of the non-jury trial provisions in the 2007 Act in Northern Ireland, when it is safe to do so and compatible with the interests of justice.

CONSULTATION RESPONSES

Responses Received

16. The consultation received 13 responses. These were from (*in alphabetical order*):

1. The Bar of Northern Ireland
2. David Seymour (Independent Reviewer of the Justice and Security (NI) Act 2007)
3. Director of Public Prosecutions for Northern Ireland
4. Jonathan Hall QC (Independent Reviewer of Terrorism Legislation)
5. Law Society of Northern Ireland
6. MI5
7. Northern Ireland Human Rights Commission
8. Northern Ireland Minister of Justice, Naomi Long MLA
9. Office of the Attorney General for Northern Ireland
10. Office of the Lord Chief Justice of Northern Ireland
11. Police Service of Northern Ireland (PSNI)
12. Professor Clive Walker (Centre of Criminal Justice Studies, University of Leeds)
13. Ulster Unionist Party

17. After analysing the responses, the Northern Ireland office has assessed that:

- **Eight** respondents **support/accept** extending the provisions,
- **One** respondent **objects** to extending the provisions; and
- **Four** respondents **neither clearly support nor object** to extending the provisions.

ANALYSIS OF RESPONSES

Responses Supporting/Accepting

18. There were **eight** responses that the Northern Ireland Office assessed to be in support/accepting of the need to extend the non-jury trial provisions for a further two years.
20. These respondents mainly justified their support/acceptance with reasons such as:
- The current SEVERE threat level⁴ from Northern Ireland related terrorism in Northern Ireland.
 - Continued paramilitary activity and coercive control/intimidation of communities.
 - The provisions in Part 7 of the Criminal Justice Act 2003⁵ are not suited to deal with the unique challenges associated with Northern Ireland related terrorism and wider paramilitary activity. More information on the Criminal Justice Act 2003 can be found on page 14.
 - As well as protecting jurors from tampering, non-jury trials protect defendants from perverse judgments as a result of juror bias.
21. Although accepting that a further extension of the provisions is necessary at this time, most respondents in this category also expressed a will for the provisions to be removed when it was safe to do so and compatible with the interests of justice. This mirrors the Government's vision.
22. A number of these respondents noted the commitment made in the consultation document to proceed with a working group of the kind recommended by the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007 ("the Independent Reviewer") (see page 9), if the Secretary of State for Northern Ireland decides to seek to renew the non-jury trial provisions. Respondents were supportive and some expressed a desire to be involved.

Responses Objecting

23. There was **one** response that the Northern Ireland Office assessed to object to the need to extend the non-jury trial provisions for a further two years.
24. Reasons provided objecting to the extension included:

⁴ 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>

⁵ The Criminal Justice Act 2003 can be found here: <https://www.legislation.gov.uk/ukpga/2003/44/contents>

- That Northern Ireland should move towards the regime under the Criminal Justice Act 2003.
- The ability to challenge a non-jury trial certificate is subject to limitations which are too stringent.
- The SEVERE threat from Northern Ireland related terrorism in Northern Ireland is not necessarily linked to juror intimidation.
- The threshold needed to pass the statutory test is too low.

25. While this response objected to the extension of the non-jury trial provisions, it also noted that the respondent would welcome dialogue as a member of the working group recommended by the Independent Reviewer (see page 9).

Responses Neither Supporting Nor Objecting

27. There were **four** responses which the Northern Ireland Office assessed as neither clearly supporting nor objecting to the need to extend the non-jury trial provisions for a further two years.

28. These respondents had mixed responses. Some examples of views raised included:

- By virtue of the availability of non-jury trials in NI, limited direct evidence of juror tampering/bias exists.
- Removal of the non-jury trial provisions may reduce delays in the justice system (see page 14 for more information on delay).
- No concerns about how the present system is operating.
- The fact that the DPP regularly rejects applications demonstrates thorough consideration before a certificate is granted.

29. A number of these respondents also supported the commitment made in the consultation document to proceed with a review of the kind recommended by the Independent Reviewer (see page 9).

INDEPENDENT REVIEWER

Annual Reports

30. In the course of the renewal debates in 2017 when Parliament agreed to the Secretary of State extending the non-jury trial provisions, the Parliamentary Under-Secretary of State Chloe Smith MP, committed to keep the provisions under regular independent review by requesting that the Independent Reviewer include non-jury trials in the Independent Reviewer's annual report.
31. The first annual report that included a review of the non-jury trial provisions was the Tenth Annual Report (published in April 2018). All reports⁶ published since then have included consideration of non-jury trial provisions.
32. Recommendations made by the Independent Reviewer have led to closer collaboration between PSNI and the PPS; a reduction in processing times; and improvements to the administration of the process.
33. In his consultation response, the Independent Reviewer advised that the findings outlined in the Twelfth Annual Report (published in April 2020) had not altered. In that report, he stated that it was not yet appropriate to discontinue the use of the non-jury trial provisions. However, he made two recommendations aimed at reducing the number of non-jury trials taking place and therefore building an evidential base for the removal of the provisions in due course. The first recommendation (the establishment of a working group) is discussed below and the second was that the DPP considers using his discretion not to issue a certificate in those cases where the low threshold of the statutory test is only just met.

Working Group

34. In the Twelfth Annual Report, the Independent Reviewer recommended that the Northern Ireland Office 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:

“...the NIO could, in addition to conducting their Consultation with interested parties every two years, consider setting up a working party to look at the feasibility of

⁶ All annual reports of the Justice and Security (Northern Ireland) Act 2007 can be accessed here:
<https://www.gov.uk/government/publications/annual-reports-of-the-independent-reviewer-of-justice-and-security-northern-ireland-act-2007>

using existing juror protection measures to reduce still further the number of NJTs.”

35. In the consultation document, the Northern Ireland Office committed to proceeding with a review of the kind recommended by the Independent Reviewer, if the Secretary of State for Northern Ireland were to decide to seek to renew the non-jury trial provisions.
36. As already set out, there was a broad consensus amongst the consultation respondents in support of such a working group.

DISCUSSION

37. As the Northern Ireland Office has stated previously, the Government remains fully committed to seeing an end to the use of the non-jury trial provisions in the 2007 Act, when safe and compatible with the interests of justice.

Consultation Responses

38. The Northern Ireland Office has assessed that the majority of respondents expressed a view in favour of extending the non-jury trial provisions in Northern Ireland at this time.

39. This section will explore some of the common themes included in consultation responses in more detail.

Terrorism & Paramilitarism

40. The system under the 2007 Act was designed specifically to address the unique challenges faced by the Northern Ireland criminal justice system. These challenges still exist today with the SEVERE threat from Northern Ireland related terrorism in Northern Ireland and the persistent challenge of paramilitarism.

41. Respondents who supported the extension of the non-jury trial provisions referenced the current SEVERE threat level from Northern Ireland related terrorism and continued paramilitary activity and coercive control of communities as reasons to extend the provisions for another two years.

42. Among the responses supporting extension, reference was made to publicly available PSNI statistics: :

(Consultation response, February 2021)

There is data available that is supportive of *[NIO comments made in the consultation]*. In the reporting period April 2019 to March 2020, the following is of note:

- 67 paramilitary style attacks including 11 shootings attributed to violent dissident republican groups and 2 shootings attributed to Loyalists paramilitary groups
- 24 firearms and 463 rounds of ammunition seized
- 0.52kg explosives, 1 detonator, 1 mortar launcher seized
- 13 bombing incidents, of which 5 devices exploded and 8 were defused.
- 15 persons were charged with terrorist related offences.

43. In their third report (November 2020), the Independent Reporting

Commission⁷ stated that, “there are still too many communities in Northern Ireland and many individuals and families in local communities who remain under the coercive control of paramilitary groups and that is simply unacceptable. This reality remains generally hidden, only coming to wider public notice when there is a particular outrage or atrocity. But for too many people the reality of a paramilitary presence, and all that that involves, afflicts their daily lives and experiences.”

44. Statistics from the Northern Ireland Housing Executive indicate that 2,773 people were driven out of their homes from 2014 to date due to paramilitary and sectarian intimidation.
45. One consultation response provided an example of alleged juror intimidation on behalf of a paramilitary group. The juror in question shared their experience publicly via Twitter. The Belfast Telegraph⁸ recently published an example of alleged jury tampering where the juror claimed that he was forced to relocate to France as a result of intimidation.
46. The information provided in paragraphs 42 - 45 demonstrates the real fear and intimidation caused by terrorists and paramilitary groups across and within communities in Northern Ireland. Where the defendant or the crime is suspected⁹ of being associated with a proscribed¹⁰ organisation, this fear and intimidation could impact the administration of justice in two ways; either via a direct threat to jurors from members or supporters of that organisation or via the perceived threat the jurors feel in participating in such a case. Either could lead to a perverse verdict.
47. Conversely, other consultation respondents questioned whether there is evidence to link the SEVERE threat from Northern Ireland related terrorism to a risk to the administration of justice.

⁷ The Third Report of the Independent Reporting Commission can be found here:

<https://www.ircommission.org/sites/irc/files/media-files/IRC%20Third%20Report.pdf>

⁸ The full article can be read here:

<https://www.belfasttelegraph.co.uk/news/northern-ireland/juror-flees-to-france-after-uda-threat-to-set-accused-free-40186763.html>

⁹ The Director of Public Prosecution’s decision for issuing a certificate is based on a two-stage test set out in law in section 1 of the Justice and Security (Northern Ireland) Act 2007.

¹⁰ 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 in relation to any time 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

(Consultation response, February 2021)

“Whilst we appreciate that the terrorist threat in this jurisdiction is severe given the risks to individuals and communities posed by paramilitary groups, no evidence is presented in the [consultation] document which links this directly to juror intimidation. Instead this continues to be presented as a theoretical risk with no examples provided to demonstrate that this poses an actual threat to the administration of justice and thereby justifying the continued extension of the provisions in the 2007 Act for a further two years.”

48. The above comment highlights the fact that, as non-jury trials take place in cases where the administration of justice is deemed to be at risk, there is limited evidence of juror intimidation, as this risk is mitigated. One respondent addressed this point in their response:

(Consultation response, February 2021)

It is counterintuitive to suggest that a lack of interference with recent trials means that a jury trial is therefore always feasible, rather the current arrangements have prevented the collapse of criminal cases.

Jury Bias

49. In addition to the risk of juror intimidation, there is also the potential for juror bias as a result of a defendant’s suspected association with a proscribed organisation or if the offence being tried is in connection with religious or political hostility. The non-jury trial provisions can therefore also be in the interests of the defendant; protecting against the risk of impairment to the administration of justice arising from a hostile jury.

50. Historical cases relating to Troubles-era investigations are often high-profile and garner media attention. There are conditions set out in law that must be met before the DPP can consider issuing a certificate for a non-jury trial - the fourth condition deals with offences connected to religious or political hostility. Therefore historical cases may be heard in a non-jury trial to protect the administration of justice. Some respondents raised the issue of bias in historical cases in their responses:

(Consultation response, February 2021)

“As you will be aware, in the case of Hutchings, the Supreme Court recognised the challenges in achieving a fair trial in such cases if they are heard by a jury.”

“...the potential requirement for non-jury trial in Northern Ireland in relation to the prosecution of historical offences is one that needs to be considered in any decision in relation to further extension of the provisions.”

(Consultation response, February 2021)

“There have also been certificates granted by the Director Public Prosecution against military personnel serving in Northern Ireland during the period of deployment as a consequence of ‘Op Banner’ prior to the Belfast Agreement 1998. There is a potential for a juror in such trials to be prejudiced in some regard by their experiences, locality, background and how their community has been affected as a consequence of the military aid provided to the civil authorities during ‘The Troubles’.”

Delay

51. The efficiency of the Criminal Justice system is vitally important to maintaining pressure on those who seek to do harm to the communities of Northern Ireland. Reducing avoidable delays is a key part of improving the performance of Northern Ireland's Criminal Justice system.
52. Some respondents suggested that the removal of the non-jury trial provisions would help reduce delay. This was explained by one respondent as below:

(Consultation response, November 2020)

Despite the significant reduction in time Mr Seymour has recorded for PSNI to respond to requests by the Public Prosecutor Service for information (down from an average of 7 months to an average of 7 weeks), the process of certification adds to that delay. Complexities and therefore delay are also likely to result from the use, in non-jury trials, of a separate disclosure judge.

Criminal Justice Act 2003

53. Part 7 of the Criminal Justice Act 2003¹¹ (“the 2003 Act”), which applies in Northern Ireland and England and Wales, provides for trials to be heard without a jury in very limited circumstances. However the threshold for the use of those provisions is set much higher than the current system under the 2007 Act.
54. In their consultation response, one respondent expressed their desire for the 2007 Act to be amended to include a necessity provision that mirrors section 44 of the 2003 Act. Other respondents expressed concerns about the low threshold required for the DPP to grant a non-jury trial certificate as he must only *suspect* one of the four conditions (see annex B) is met and be satisfied, in view of that fact, that there is a risk that the administration of justice *might* be impaired. In contrast, the 2003 Act requires *evidence* of a real and present danger that jury tampering would take place.

¹¹ The Criminal Justice Act 2003 can be read in full here:
<https://www.legislation.gov.uk/ukpga/2003/44/contents>

55. Some respondents saw the removal of the non-jury trial provisions as set out in the 2007 Act and the sole reliance on the 2003 Act as a long-term goal that Northern Ireland should aim towards as a process of normalisation. Others, believe Northern Ireland is ready to make that transition now:

(Consultation response, February 2021)

“We believe that jury tampering is a risk that could be dealt with effectively under the provisions of the 2003 Act in this jurisdiction, as routinely happens in England and Wales, which includes the safeguards of judicial oversight, high objective thresholds and consideration of alternative precautionary steps built into the legislation.”

56. Whilst appropriate for other UK jurisdictions, the provisions under the 2003 Act were not designed to deal with Northern Ireland’s unique security situation. The current non-jury trial system under the 2007 Act was created specifically to address the unique and ongoing challenges in Northern Ireland. Given that the majority of respondents to the consultation indicated that the system under the 2007 Act continues to be required, it would create a significant risk to the administration of justice in Northern Ireland, and potentially to individuals, to solely rely, at this time, on the 2003 Act.

Alternative Measures

57. Some respondents suggested that alternative juror protection methods could be employed to prevent the need for non-jury trials. For example, sequestration, or moving the trial to a different venue could be used to shield the jury from tampering. One respondent suggested a package of measures in their response:

(Consultation response, December 2020)

“...alternatives should be considered more seriously as a package – the 2003 Act, the remaining measures under the 2007 Act, and protective security. If not considered just yet to amount to a convincing case for the withdrawal of non-jury trials, then the alternatives should be more prominently promoted and explicitly ruled out in the specified procedures before any given non-jury trial is ruled in.”

58. The Northern Ireland Office agrees that these matters are worthy of detailed consideration. The working group recommended by the Independent Reviewer of the 2007 Act (see page 9) could explore these methods when investigating practical measures that could be taken to reduce the number of non-jury trials taking place.

59. These alternative measures would not, however, protect a defendant from a

perverse verdict resulting from juror bias.

Ability to Challenge

60. Some respondents raised concerns about the grounds for challenging a non-jury trial certificate being too narrowly defined.

61. Under Section 7(1) of the 2007 Act, a legal challenge can be brought against the issue of a non-jury trial certificate only on the grounds of:

- dishonesty;
- bad faith; or
- other exceptional circumstances such as lack of jurisdiction or error of law.

62. These restrictions do not apply however, where the challenge is brought under the Human Rights Act 1998 that a public authority has breached the Convention rights. This provision reflects the well-established principle that prosecutorial decisions may only be judicially reviewed in limited circumstances.

63. In the Tenth Annual Report, the Independent Reviewer considered the grounds for challenge and determined that “exceptions to this ouster provision in section 7 are so wide that it is not clear in what circumstances a legitimate judicial review could be prevented in reliance on it”.

SECRETARY OF STATE DECISION

64. While the majority of respondents advocated the current need to extend the non-jury trial provisions under the 2007 Act, it is important to note that most of those also indicated that this was a reluctant position. The Secretary of State for Northern Ireland agrees that the continued need for the provisions is regrettable. However, the potential risks to the administration of justice and to individuals highlighted by a number of the consultation responses if the non-jury trial provisions were to expire imminently, cannot be ignored.
65. The Secretary of State also notes the broad consensus for the recommendation of the Independent Reviewer to establish a working group to seek to further reduce the number of non-jury trials under the 2007 Act. The expertise brought together by this group could also be used to identify what indicators would assist in determining when it would be safe and compatible with the interests of justice to allow the provisions to expire.
66. Having reviewed and analysed the responses to the public consultation on non-jury trials and taken into account the relevant factors, the Secretary of State for Northern Ireland has decided:

- 1) that it is necessary to seek Parliamentary approval for an extension of the non-jury trial provisions under the 2007 Act for a further two years;
- 2) that the operation of the provisions should continue to be kept under regular, independent review; and
- 3) that a working group should be convened to identify practical measures that could be taken to reduce the number of non-jury trials taking place. The group should also examine what indicators would assist in determining when it would be safe and compatible with the interests of justice to allow the provisions to expire.

Statutory Instrument

67. An Order making provision for the extension of the non-jury trial provisions under the 2007 Act will be laid in Parliament on 26 April 2021. The Order will require the approval of both Houses of Parliament before it can be made.

Parliamentary Debates

68. If the Order is approved by both Houses of Parliament, the Order will extend the non-jury trial provisions from 1st August 2021. Their new expiry date will become 31st July 2023. Information on Parliamentary debates can be found on the Parliament website: www.parliament.uk

ANNEX A: 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 2019
<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
- 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
- *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>


ANNEX B: 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.

Condition One	The defendant is, or is an associate of, a person who: <ol style="list-style-type: none"> (a) is a member of a proscribed¹² organisation, or (b) has at any time been a member of an organisation that was, at that time, a proscribed organisation.
Condition Two	That: <ol style="list-style-type: none"> (a) the offence or any of the offences was committed on behalf of a proscribed organisation, or (b) a proscribed organisation was otherwise involved with, or assisted in, the carrying out of the offence or any of the offences.
Condition Three	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"> (a) the attempt was made on behalf of a proscribed organisation, or (b) a proscribed organisation was otherwise involved with, or assisted in, the attempt.
Condition Four	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

¹² 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



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