STATUTORY INSTRUMENTS

1965 No. 1876

MAGISTRATES' COURTS

The Backing of Warrants (Republic of Ireland and Jersey) Order 1965

Made - - - - 29*th October* 1965
Coming into Operation 15*th November* 1965

At the Court at Buckingham Palace, the 29th day of October 1965

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of the powers conferred on Her by section 12(2) of the Backing of Warrants (Republic of Ireland) Act 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. The Backing of Warrants (Republic of Ireland) Act 1965 shall, in its application to the Bailiwick of Jersey, have effect subject to the adaptations and modifications specified in the Schedule to this Order and in that Schedule " the Bailiwick " means the Bailiwick of Jersey and the territorial waters adjacent thereto.

2. This Order may be cited as the Backing of Warrants (Republic of Ireland and Jersey) Order 1965 and shall come into operation on 15th November 1965.

W. G. Agnew.

SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF THE BACKING OF WARRANTS (REPUBLIC OF IRELAND) ACT 1965 IN ITS APPLICATION TO THE BAILIWICK OF JERSEY

1. The Act shall apply as if for the words " a justice of the peace in the United Kingdom ", the words " a justice of the peace in any part of the United Kingdom ", the words " a justice of the peace acting for the same area as that of the court by which the order was made, or in Scotland to the sheriff " and the words " the justice " there were substituted in each case the words " the Bailiff ".

2. The Act shall apply as if for the words " the area for which the justice acts " and the words " the part of the United Kingdom comprising the area for which he acts " there were substituted in each case the words " the Bailiwick ".

3. The Act shall apply as if for the word " constable " there were substituted (except in section 4(4)) the words " police officer ".

4. The Act shall apply as if for the words " a magistrates' court " there were substituted the words " the Police Court ".

5. Section 1(4) shall apply as if for the words " that part " there were substituted the words " the Bailiwick ".

(a) 1965 c. 45.

6. Section 2(2) shall apply as if for the words from " the part " to " six months " there were substituted the words " the Bailiwick which is punishable by death or with imprisonment for six months or more ".

7. Section 3 shall apply as if there were substituted the following section:—

" 3.—(1) Where an order is made by the Police Court under section 2(1) of this Act in respect of any person—

(*a*) he shall not be delivered up under the order until the expiration of the period of fifteen days beginning with the date on which the order is made, unless he gives notice in the prescribed manner that he consents to his earlier removal;

(*b*) if within that period he gives notice of appeal under subsection (2) of this section, he shall not be so delivered up while proceedings on the appeal are pending;

and the Police Court shall inform him that he will not be delivered up under the order during the said period of fifteen days unless he gives notice as aforesaid, and that he has the right to appeal under subsection (2) of this section.

(2) An appeal shall lie against an order made under section 2(1) of this Act as if the order were an order made on a conviction by the Police Court.".

8. Section 4 shall apply as if in subsection (6) after the word " Scotland " there were inserted the words " and the Bailiwick ".

9. Section 5(1) to (3) and section 5(4) from the beginning to the words " proper to do so " shall apply as if there were substituted the following subsections and words:—

" (1) Where under section 2(1) or 4(3) of this Act the Police Court has the power to remand a person, the court may—

(*a*) remand him in custody; or

(*b*) remand him on bail, that is to say, take from him a recognisance (' caution '), with or without securities, conditioned as provided in subsection (2) or (3) of this section;

and may, instead of taking a recognisance in accordance with paragraph (*b*) of this subsection, fix the amount of the recognisance with a view to its being taken subsequently, and meanwhile remand him in custody.

(2)(*a*) A recognisance taken under this section from a person remanded under section 2(1) of this Act shall be conditioned for his surrender to the Viscount at the place and time mentioned in a notice in writing to be served on him by or on behalf of the Viscount, but the time mentioned in a notice so served shall not be more than twenty-four hours before the time at which it appears to the Viscount that the period of remand is likely to end.

(*b*) During the period between the surrender of a person as aforesaid and the end of the period of remand he shall be treated as if committed to the custody of the Viscount and shall be detained in such a manner as the Viscount may determine, but where it appears to the Viscount that the end of the period of remand will be unexpectedly delayed the Viscount shall release him on his entering into a recognisance, with or without sureties, conditioned as provided in paragraph (*a*) of this subsection.

(3) A recognisance taken under this section from a person remanded under section 4(3) of this Act shall be conditioned for his appearance at the Police Court on the date and at the time mentioned in a notice in writing to be served on him at the time of the taking of the recognisance.

(4) If, in breach of a recognisance taken under this section from a person, he fails to surrender, the Police Court may, without prejudice to the enforcement of the recognisance, issue a warrant in the prescribed form for his arrest; and on his arrest under the warrant paragraph (*b*) of subsection (2) of this section shall apply as if he had surrendered to the Viscount, but the Viscount shall not release him as provided by that paragraph unless he is satisfied that it is proper to do so.".

10. Section 6(1) shall apply as if there were added at the end the words " or in the Bailiwick the Inferior Number of the Royal Court ".

11. Section 8(1) shall apply as if there were added at the end the following paragraph :—

" (*d*) in the Bailiwick, rules of court made under Article 22 of the Police Court (Miscellaneous Provisions) (Jersey) Law 1949 and, accordingly, the power to make rules for the purposes of that Law shall include power to make rules for the purposes of this Act.".

12. Section 9(1) shall apply as if paragraph (*a*) were omitted.

13. The Schedule shall apply as if there were added at the end the following paragraphs :—

" *Proceedings in the Bailiwick*

11. Paragraph 12 of this Schedule shall apply to proceedings in the Bailiwick under section 2 of this Act.

12. The Court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if that person were accused of having committed an offence.".

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order makes adaptations and modifications in the application of the Backing of Warrants (Republic of Ireland) Act 1965 to the Bailiwick of Jersey.