

THE NORTHERN IRELAND WINTER
ASSIZE ORDER, 1929.

By the Governor and Privy Council in
Northern Ireland.

ABERCORN.

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ASSIZES, 1929.

In pursuance of the Winter Assizes Act, 1876, and of the Supreme Court of Judicature Act (Ireland) 1877, and of the Government of Ireland Act, 1920, and the Orders made by His Majesty in Council under the last-mentioned Act, and of all other powers in that behalf, I, James Albert Edward, DUKE OF ABERCORN, Knight of the Most Noble Order of the Garter, Knight of the Most Illustrious Order of St. Patrick, Governor of Northern Ireland, by and with the advice and consent of His Majesty's Privy Council in Northern Ireland, 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 at Londonderry, in the County of the City of Londonderry.

Jurisdiction.

3. The Court at the Winter Assizes at Londonderry shall have jurisdiction to try any prisoner committed for trial at Assizes or Quarter Sessions, and also any person bound by recognizance to surrender and take his or her trial at Assizes or Quarter Sessions in the said Winter Assize County, who may be brought before it, and any indictment which has been heretofore found by any Grand Jury 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 His 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 penal servitude, or of imprisonment, shall have power to commit such prisoner or person to the prison to which he or she would have been committed had he or she been tried at an Assize in the county where, but for the said Acts and Orders and this Order, he or she

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

The Sheriff.

4. The Sheriff of the county of the City of Londonderry hereinafter called the said Sheriff, shall alone act for the purpose of the said Winter Assizes for the said Winter Assize County, and, subject to the provisions of this Order, 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.

Juries.

5. The Precepts of the Judge or Judges to the said Sheriff shall direct him to summon, return, and empanel the Grand Jurors and Petty Jurors from the County of the City of Londonderry, and the Jurors so summoned, returned and impanelled, 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 Jury formed out of those Jurors shall be deemed to be a Grand and Petty Jury respectively of the body of each of the said counties respectively, and shall have jurisdiction accordingly.

Prisoners.

6. The precepts of the Judges to the said Sheriff shall direct him to cause the prisoners from all the prisons in the said Winter Assize County, who, under the provisions of this Order, may be tried at Londonderry, to be brought there, and the said Sheriff shall and may cause such prisoners to be brought accordingly without any writ of Habeas Corpus.

Duties of the Sheriff.

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

Jurisdiction of the Sheriff.

8. The said 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 Sheriff for the whole of the said Winter Assize County, except that this provision shall not authorize the said Sheriff to carry sentences into execution outside the county of the City of Londonderry, or to levy outside the said county of the City, fines imposed or recognizances estreated at the said Winter Assizes: and all such sentences, fines, and estreated recognizances shall, respectively, be executed and levied in the said counties respectively constituting the said Winter Assize County, other than the county of the City of Londonderry, aforesaid, by the Sheriffs of such counties respectively.