CROWN COURT RULES (NORTHERN IRELAND) 1979

SUPPLEMENT No. 5

June 2017

This supplement contains amendments to the Crown Court Rules (Northern Ireland) 1979 ("the principal Rules"). It replaces pages 3-6A, 31-34, 43-54 and inserts new pages 31A-31B.

It incorporates amendments made by:–

The Crown Court (Amendment) Rules (Northern Ireland) 2014 (S.R. 2014 No.219)

These Rules make a number of amendments to the principal Rules (S.R. 1979 No.90) to give effect to Directive 2010/64/EU of the European Parliament and of the Council of 20th October 2010 on the right to interpretation and translation in criminal proceedings. They make provision for interpretation and translation services for defendants, including defendants with hearing or speech impediments.

These Rules came into operation on 5th September 2014.

The Crown Court (Amendment) Rules (Northern Ireland) 2015 (S.R. 2015 No.241)

These Rules amend the principal Rules to take account of amendments made to the Proceeds of Crime Act 2002 ("the 2002 Act") by the Serious Crime Act 2015 by—

- inserting new rule 76A to make provision for applications for a compliance order under new section 163A of the 2002 Act;
- inserting new rule 76B to make provision for applications for discharge or variation of a compliance order;
- amending rule 83 to take account of the amendment to section 173 of the 2002 Act whereby the prosecutor is included in the list of persons who may make an application for variation of a confiscation order on the ground of inadequacy of available amount; and
- amending rule 84 to cover applications under new section 175A of the 2002 Act for discharge of a confiscation order where recovery from the estate of a deceased defendant is impractical.

These Rules came into operation on 1st June 2015.

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The Crown Court (Amendment) Rules (Northern Ireland) 2016 (S.R. 2016 No.297)

These Rules amend the principal Rules to take account of Part 1 of the Justice Act (Northern Ireland) 2015 which creates a single jurisdiction for county courts and magistrates' courts whereby the jurisdiction and powers of those courts are exercisable throughout the whole of Northern Ireland.

These Rules came into operation on 31st October 2016.

Note: Insertions and substituted or added words are shown in square brackets, with a footnote showing the authority for them.

CROWN COURT RULES (NORTHERN IRELAND) 1979

SUPPLEMENT No. 4

June 2014

This supplement contains amendments to the Crown Court Rules (Northern Ireland) 1979 ("the principal Rules"). It replaces pages 3, 4, 5, 6, 6A, 18A, 18B, 19 – 22, 31, 32, 43 – 52, 54A, 65 – 67, 68 and 88I – 88L and inserts new pages 30E, 30F, 67A, 67B, 88LA – 88LC, 88N and 88O.

It incorporates amendments made by:–

The Crown Court (Amendment No. 2) Rules (Northern Ireland) 2011 (S.R. 2011 No. 420)

These Rules make a number of amendments to the principal Rules (S.R. 1979 No. 90) which take account of the amendments made to Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 ("the 1999 Order") (special provisions relating to child witnesses) by the Justice Act (Northern Ireland) 2011. Specifically,

- inserts new rule 44CBA to provide the procedure for an application to disapply or disapply in part the primary rule in Article 9 of the 1999 Order;
- amends rule 44CD; and
- amends Form 6 to ensure a witness' views are given when considering the identity of a specified person to accompany the witness while the witness is giving evidence by live link.

These amendments came into operation on 1st January 2012.

The Crown Court (Amendment) Rules (Northern Ireland) 2013 (S.R. 2013 No. 82)

These Rules amend the principal Rules to—

- remove the phrase "under these Rules" from Rule 3;
- omit Rule 48; and
- prescribe the procedure for making an application for the examination of a witness through an intermediary under Article 17 of the 1999 Order and the examination of the accused through an intermediary under Article 21BA of the 1999 Order.

These amendments came into operation on 11th May 2013.

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The Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010 No. 133)

This Order abolishes the Northern Ireland Court Service (which was established as a unified and distinct civil service of the Crown under section 69 of the Judicature (Northern Ireland) Act 1978), transfers its functions to the Department of Justice and makes a number of consequential amendments and repeals.

These amendments came into operation on 12th April 2010.

The Serious Organised Crime and Police Act 2005 and Serious Crime Act 2007 (Consequential and Supplementary Amendments to Secondary Legislation) Order 2008 (S.I. 2008 No. 574)

The Schedule to this Order revokes and amends references in the secondary legislation listed in that Schedule to the Assets Recovery Agency and its Director consequential on the abolition of those persons by the Serious Crime Act 2007 and makes minor amendments in relation to the creation of the Serious Organised Crime Agency by the Serious Organised Crime and Police Act 2005.

These amendments came into force on 1st April 2008.

Note: Insertions and substituted or added words are shown in square brackets, with a footnote showing the authority for them.

Deletions are indicated by [...] with a footnote showing the authority for them.

CROWN COURT RULES (NORTHERN IRELAND) 1979

SUPPLEMENT No. 3

July 2011

This supplement contains amendments to the Crown Court Rules (Northern Ireland) 1979 ("the principal Rules"). It amends and replaces pages 3-4, 31-36B, 62-63A and 69-70 and inserts new pages 36A-36B.

It incorporates amendments made by:–

The Crown Court (Amendment) Rules (Northern Ireland) 2011 (S.R. 2011 No. 230)

These Rules amend the principal Rules to:–

- insert a new rule 46 to prescribe the manner for making an application to the Crown Court, by any party, where no other provision is prescribed;
- insert a definition of chief clerk for the purposes of proceedings under the Crime (International Co-operation) Act 2003 ("the 2003 Act");
- omit rule 58(3) to remove the requirement that all requests for assistance in criminal proceedings, under section 7 of the 2003 Act, must be sent to the Secretary of State;
- insert new rules 58A and 58B to prescribe the procedure for dealing with applications in respect of domestic freezing orders under sections 10-12 of the 2003 Act;
- insert new rules 60A and 60B to prescribe the procedure for dealing with applications in respect of overseas freezing orders under sections 20-25 of the 2003 Act; and
- make a number of technical amendments to Forms 6 and 7A in the Crown Court Rules (Northern Ireland) 1979 to reflect that prosecutions are no longer undertaken by the police in Northern Ireland and update a number of references to reflect current procedural arrangements.

These amendments came into operation on 25th July 2011.

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CROWN COURT RULES (NORTHERN IRELAND) 1979

SUPPLEMENT No. 2

February 2009

This supplement contains amendments to the Crown Court Rules (Northern Ireland) 1979 ("the principal Rules"). It amends and replaces pages 3-4, 30A-30B and 54A and inserts new pages 30C-30D and 88D-88M (Forms 7L – 7O).

It incorporates amendments made by:-

The Crown Court (Amendment) Rules (Northern Ireland) 2008 (S.R. 2008 No. 505)

These Rules amend the principal Rules so as to prescribe the procedure relating to applications for:-

- directions for a witness (other than the accused) to give evidence by live link under Part III of the Criminal Justice (Northern Ireland) Order 2004; and
- directions under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999.

These amendments came into operation on 2nd February 2009.

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CROWN COURT RULES (NORTHERN IRELAND) 1979

SUPPLEMENT No. 1

January 2007

This supplement contains new pages replacing:–

- pages 1–6A;
- pages 9-10
- pages 17-18B
- inserting pages 30A and B
- pages 53-54A
- pages 59-62;
- inserting pages 88A–88C;

It incorporates amendments made to the Crown Court Rules (Northern Ireland) 1979 by:

The Crown Court (Amendment) Rules (Northern Ireland) 2006 (S.R. 2006 No. 499)

which came into operation on 8th January 2007.

These Rules prescribe procedure relating to:–

- applications for trial without a jury under section 44 of the Criminal Justice Act 2003 where the judge is satisfied that there is a real and present danger of jury tampering;
- applications for trial by jury of sample counts only under section 17 of the Domestic Violence, Crime and Victims Act 2004, where the judge is satisfied that it would be impracticable to try all counts by jury and that each count to be tried by the jury can be regarded as a sample of counts which could accordingly be tried without jury; and
- applications for leave for a witness (other than the accused) who is outside the United Kingdom to give evidence by live link.

Note: Insertions and substituted or added words are shown in square brackets, with a footnote showing the authority for them.

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STATUTORY RULES OF NORTHERN IRELAND

1979 No. 90

CROWN COURT

The Crown Court Rules (Northern Ireland) 1979

Made . . . . . *22nd March 1979*

Coming into operation . . *18th April 1979*

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(j) Rule 46 substituted by S.R. 2011 No. 230 with effect from 25.07.11
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(a) Part VII added by S.R. 1991 No. 237 and substituted by S.R. 1996 No. 281 with effect from 25.08.96
(b) Part VIII added by S.R. 1991 No. 327 and substituted by S.R. 2004 No. 233
(c) New Rules 58A and 58B inserted by S.R. 2011 No. 230 with effect from 25.07.11
(d) New Rules 60A and 60B inserted by S.R. 2011 No. 230 with effect from 25.07.11
(e) Part IX inserted by S.R. 1999 No. 491 with effect from 17.01.00 and re-numbered by S.R. 2000 No. 227 with effect from 21.08.00

[*Supplt. No. 5 (June 2017)*]

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(a) Part X inserted by S.R. 2000 No. 227 with effect from 21.08.00
(b) Part XI inserted by S.R. 2003 No. 71 with effect from 24.03.03 and amended by S.R. 2003 No. 279 with effect from 30.06.03
(c) Rule 75 revoked by S.I. 2008 No. 574 with effect from 01.04.08
(d) New Rules 76A and 76B inserted by S.R. 2015 No. 241 with effect from 01.06.15

[*Supplt. No. 5 (June 2017)*]

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We, the Crown Court Rules Committee, in exercise of the powers conferred upon us by sections 48(5), 51(5) and 51(1) of the Judicature (Northern Ireland) Act 1978(b) and section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(c), hereby with the concurrence of the Lord Chancellor make the following Rules:—

PART 1

INTRODUCTION

Citation and Commencement

1. These Rules may be cited as the Crown Court Rules (Northern Ireland) 1979 and shall come into operation on 18th April 1979.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires,—

"(d) the Act" means the Judicature (Northern Ireland) Act 1978;

"chief clerk" [(e)...] includes such other [(f) civil servant in the Department of Justice] as may be authorised to act on his behalf for the purpose in question;

"committal proceedings" means proceedings before a magistrates' court conducting a preliminary investigation or preliminary enquiry;

"depositions" means depositions taken before a magistrates' court and includes written statements tendered in evidence under section 3 of the Criminal Procedure (Committal for Trial Act) (Northern Ireland) 1968(g), and

document exhibited to such depositions or statements and the statement of the accused;

"judge" means a judge of the High Court or a county court judge;

"magistrates' court" means a court under the Magistrates' Courts Act (Northern Ireland) 1964(h) or the Children and Young Persons Act (Northern Ireland) 1968(i);

"prosecutor" means the Director of Public Prosecutions when the prosecution is being carried on by him;

"Taxing Master" means the Master (Taxing Office) or such other person as may be designated or appointed to exercise jurisdiction under section 60(1) of the Act;

[(j) "the 1999 Act" means the Youth Justice and Criminal Evidence Act 1999.]

(a) New Rule inserted by S.R. 2003 No. 279 with effect from 30.06.03
(b) 1978 c. 23
(c) 1968 c. 10 (N.I.)
(d) Inserted by S.R. 1989 No. 296 with effect from 01.09.89
(e) Words omitted by S.R. 2016 No. 297 with effect from 31.10.16
(f) Words substituted by S.R. 2010 No. 133 with effect from 12.04.10
(g) 1968 c. 31 (N.I.)
(h) 1964 c. 21 (N.I.)
(i) 1968 c. 34 (N.I.)
(j) Definition inserted by S.R. 2004 No. 233 with effect from 17.05.04

[(**a**) "the 1999 Order" means the Criminal Evidence (Northern Ireland) Order 1999(**b**).]

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[(**c**) "the 2004 Order" means the Criminal Justice (Evidence) (Northern Ireland) Order 2004(**d**).]

(2) In these Rules any reference to a rule or schedule shall be construed as a reference to a rule contained in these Rules or as the case may be, to a schedule thereto; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

(3) The forms in the schedule shall be used where applicable with such variations as the circumstances of the particular case require.

PART II

COSTS BETWEEN PARTIES IN CROWN COURT

Taxation of costs

3.—(1) Where [(**e**)...] the Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as possible by the Taxing Master.

(2) On taxation there shall be allowed such sum as is reasonably sufficient to compensate the party for the expenses properly incurred by him.

Review by Taxing Master

4.—(1) Any party dissatisfied with the taxation of any costs by the Taxing Master under rule 3 may apply to him to review his decision.

(2) The application shall be made by giving notice to the Taxing Master and to any other party to the taxation within 14 days of the taxation specifying the items in respect of which the application is made and the grounds of objection.

(3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the Taxing Master answers in writing—

(**a**) Definition inserted by S.R. 2003 No. 279 with effect from 30.06.03
(**b**) S.I. 1999 No. 278
(**c**) Definition inserted by S.R. 2005 No. 80 with effect from 18.04.05
(**d**) S.I. 2004 No. 1501
(**e**) Words omitted by S.R. 2013 No. 82 with effect from 11.05.13

to the objections specified in that notice and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.

(4) The Taxing Master shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by them or on behalf and shall notify them of the result of his review.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs.

Appeal to the High Court Judge

5.—(1) Any party dissatisfied with the result of a review of taxation under rule 4 may, within 14 days of receiving notification thereof, request the Taxing Master to supply him with reasons in writing for his decision and may within 14 days of the receipt of such reasons appeal to the High Court.

(2) On the hearing of the appeal the High Court may reverse, affirm or amend the decision appealed against or make such other order as it thinks appropriate.

(3) Unless the High Court otherwise directs, no further evidence shall be received on the hearing of the appeal; and no ground of objection shall be valid which was not raised on the review under rule 4.

Supplementary provisions

6.—(1) On a review or an appeal to the High Court the Taxing Master or that Court may make such order as seems just in respect of the costs of the hearing of the review or the appeal, as the case may be.

(2) Any time prescribed by rule 4 or 5 may be extended by the Taxing Master or the High Court on such terms as seem just.

PART III

BAIL

Interpretation

7. In this Part, save where the context otherwise requires;—

"application" means an application to the Court in relation to bail;

"surrender to custody" means, in relation to a person released on bail, surrendering himself into the custody of the Court or other proper authority (according to the requirements of the order admitting him to bail) at the time and place appointed for him to do so.

Applications in relation to bail

8.—(1) Every application, other than an application during a trial before the Court, shall be made by delivering to the office of the chief clerk at Belfast a notice setting out the grounds of the application and referring to any earlier application to the Court, the High Court or a magistrates' court in the same proceedings

(2) An application by a defendant shall be in Form 1 in the schedule and an application by any other person shall be in Form 1A.

(3) The chief clerk on receiving the notice shall—

(a) give a copy thereof to the prosecutor, unless he is the applicant, and at the same time inform him by telephone of the terms of the notice;

(b) where the application has been made by the prosecutor or a surety in respect of a defendant who is on bail, give a copy of the notice to that defendant; and

(c) subject to any direction of the Court, list the application for hearing for a time not later than 7 days from the date on which he received the notice and inform the defendant and the prosecutor and, where he is the applicant, the surety of the time and place of the hearing.

(4) The hearing shall be at Belfast unless the chief clerk at Belfast, subject to and in accordance with directions of a judge, arranges otherwise.

Admission to bail

9.—(1) Where a defendant is admitted to bail under rule 8, the chief clerk shall forthwith file the order admitting the defendant to bail, and such order shall be in Form 2 in the Schedule.

(2) The chief clerk shall give a copy of the order to the defendant by handing it to the person having custody of him.

Security instead of recognizances

10. The Court may instead of requiring a person to enter into a recognizance, consent to his giving other security, and such security may be given by that person or on his behalf.

Persons to take recognizances

11.—(1) The Court may direct that a recognizance shall be entered into or other security given before—

(a) a magistrates' court;

(b) a clerk of petty sessions;

(c) an officer of the Court;

(d) in cases to which section 51(7)(a) of the Act applies, the officer in charge of the police station to which a defendant is taken or a police officer of the rank of inspector or above; or

(e) where the person admitted to bail is in a prison or other place of detention, the governor or keeper of that place.

(2) Where the Court gives no direction under paragraph (1), a recognizance may, where the statutory conditions are satisfied, be entered into before any of the persons specified in that paragraph.

Manner in which recognizance is to be entered into

12.—(1) A recognizance may be entered into or security given before a person specified in rule 11(1) on the production to him of a copy of the order admitting the defendant to bail with or without sureties of such number and amount as the Court may direct.

[(**a**)(1A) A person specified in rule 11(1) before whom a recognizance may be entered into may require, a person offering himself as surety to a recognizance to produce evidence as to his means and as to his identity and place of abode and to sign a certificate that he is possessed of sufficient means to pay the sum in which he is to be bound under the recognizance.

(1B) Such certificate shall be attached to or endorsed on the recognizance.]

(2) Where, in pursuance of an order of the Court, a recognizance is entered into or other security given before any person, it shall be his duty to cause the recognizance or, as the case may be, a statement of the other security given to be transmitted

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(**a**) Rules 12(1A) and 12(1B) inserted by S.R. 2000 No. 227 with effect from 21.08.00

forthwith to the chief clerk; and a copy of the recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the person named in the order was detained, unless the recognizance was entered into or other security given before such governor or keeper.

Estreat of recognizance

13. Where a recognizance has been entered into by or in respect of a defendant admitted to bail to appear before the Court and it appears to the Court that default has been made in performing the conditions of the recognizance, the Court may either of its own motion or on the application of the prosecutor order the recognizance to be estreated in any such sum not exceeding the amount of the recognizance as it thinks fit to order.

Forfeiture of security

14.—(1) Where security has been given by or on behalf of a defendant for his surrender to custody and the Court is satisfied that he failed to surrender to custody, then, unless it appears to the Court that he had reasonable cause for his failure, the Court may either of its own motion or on the application of the prosecutor order the forfeiture of the security in any such sum not exceeding the value thereof as it thinks fit to order.

(2) A security which has been ordered to be forfeited under paragraph (1) shall to the extent of the forfeiture—

(a) if it consists of money, be accounted for and paid in the same manner as a fine imposed by the Court would be; and

(b) if it does not consist of money, be enforced by such magistrates' court as may be specified in the order.

Procedure for estreat or forfeiture

15. Where the Court is to consider making an order under rule 13 or 14, the chief clerk shall give notice to that effect to the person by whom the recognizance was entered into or security given, indicating the time and place at which the matter will be considered, and no such order shall be made before the expiration of 7 days after the notice required by this paragraph has been given.

Recommittal

16. If a defendant has been released on bail and, on the application of the prosecutor or a surety, it appears to the Court that—

(a) he has failed to surrender to custody;

(b) he is in breach of any condition of his bail; or

(c) he is unlikely to surrender to custody,

the Court may order that he be recommitted to custody and issue a warrant for his arrest.

Variation of order admitting to bail

17. Where the Court has admitted a defendant to bail, it may, on application by the defendant or the prosecutor or a surety,—

(a) vary or dispense with any conditions of bail or impose conditions in respect of bail to which the defendant has been admitted unconditionally;

(b) increase or reduce the amount in which the defendant or any surety is bound; or

(c) require sureties or additional sureties or dispense with any surety.

[*Supplt. No. 1 (January 2007)*]

Postponement of taking recognizances

18. The Court may, on making an order admitting to bail, direct that the taking of recognizances be postponed for such period as the Court thinks fit.

PART IV
INDICTMENTS

Material, etc, for indictments

19.—(1) An indictment shall be on durable paper, and may be produced by one of the following means, that is to say, printing, writing (which must be clear and legible) and typewriting otherwise than by means of a carbon, and may be produced partly by one of those means and partly by another or others of them.

(2) Each sheet on which an indictment is set out shall be 297 millimetres long and 210 millimetres wide, and if more than one sheet is required, the sheets shall be fastened together in book form.

(3) A proper margin not less than 25 millimetres wide shall be kept on the left-hand side of each sheet.

(4) An indictment shall not be open to objection by reason only of any failure to comply with this rule.

[(a)Form of an indictment

20.—(1) Subject to paragraph (2), an indictment shall be in Form 3 in the Schedule.

(2) Where the Court makes an order under section 17 of the Domestic Violence, Crime and Victims Act 2004 for a trial to take place on the basis that the trial of some, but not all, of the counts included in the indictment shall be conducted without a jury, an indictment shall be in Form 3A in the Schedule.]

Joining of charges in one indictment

21. Charges for any offences may be joined in the same indictment if those charges are founded on the same facts or form or are a part of a series of offences of the same or a similar character.

Mode in which offences are to be charged

22.—(1) A description of the offence charged in an indictment or, where more than one offence is charged in an indictment, of each offence so charged shall be set out in the indictment in a separate paragraph called a count.

(2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is on created by statute, shall contain a reference to the section of the statute creating the offence.

(4) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary:

Provided that where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(5) Where an indictment contains more than one count, the counts shall be numbered consecutively.

(a) Rule substituted by S.R. 2006 No. 499 with effect from 08.01.07

Provisions as to statutory offences

23.—(1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions or other matters stated in the alternative in the enactment may be stated in the alternative in the count charging the offence.

(2) It shall not be necessary, in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property

24.—(1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or state the value of the property.

(2) Where property is vested in more than one person and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those person by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Trustees", "Commissioners", or "Club" or other such name, it shall be sufficient to use the collective name without naming an individual.

Description of person

25. The description or designation in an indictment of the accused person or any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name or his abode, style, degree or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable or undesirable to give such a description or designation such description or designation shall be given as is reasonable in the circumstance, or such person may be described as "a person unknown".

Description of document

26. Where it is necessary to refer any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rule as to description

27.—(1) Subject to any other provisions of these Rules, it shall be sufficient to describe in ordinary language any place, time, thing, matter, act or omission whatsoever to which it is necessary to refer in any indictment in such a manner as to indicate with reasonable clearness the place, time, thing, matter. Act or omission referred to.

(2) Figures shall and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

Statement of intent

28. It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person where the statute

creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

Averment of previous conviction

29. Any averment of a previous conviction of an offence shall be made at the end of the indictment by means of a statement that the person accused has been previously convicted of an offence at a certain time and place without stating the particulars of the offence.

Saving for section 33(3) of the Children and Young Persons Act (Northern Ireland) 1968

30. Nothing in these Rules shall affect the provisions of subsection (3) of section 3 of the Children and Young Persons Act (Northern Ireland) 1968(**a**).

Presentment of an indictment

31. An indictment shall be deemed to have been presented when it has been received in the office of the chief clerk.

Time for presentment

[(**b**) **32.**—(1) Subject to the succeeding paragraphs of this rule, an indictment shall be presented not later than 11.00 a.m. on the day prior to the arraignment of the person accused therein.

(2) In any case in which a notice of transfer has been given under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988, the indictment shall be presented within 28 days of the giving of notice of transfer.

(3) In any case, other than a case to which (2) applies, where the prosecutor considers that the evidence on the indictment is likely to reveal a case of serious or complex fraud, the indictment shall be presented within 28 days of the date of committal.

(4) In any case, other than a case to which paragraph (2) applies, where it appears to the judge that a preparatory hearing is likely to be ordered, he may direct that the indictment be presented within 14 days from the date of this direction.

(5) The requirements contained in the preceding paragraph of this rule may be waived if—

(i) the accused consents to this course; and

(ii) the court gives leave.]

Substitution or amendment of an indictment

33. Subject to section 5 of the Indictments Act (Northern Ireland) 1945,(**c**) no substituted or amended indictment shall be presented without prior leave of the court.

Procedure on application under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969

34. Every application to a judge under paragraph (e) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**d**) for leave to present an indictment shall—

(**a**) 1968 c. 34 (N.I.)
(**b**) Rule 32 substituted by S.R. 1989 No. 294 with effect from 01.09.89
(**c**) 1945 c. 16 (N.I.)
(**d**) 1969 c. 15 (N.I.)

(i) be in writing and signed by the applicant or his solicitor;

(ii) be accompanied by the indictment which it is proposed to present;

(iii) unless the application is made by or on behalf of the Director of Public Prosecutions for Northern Ireland, be accompanied by an affidavit by the applicant, or, if the applicant is a corporation, by an affidavit by a director or officer of the corporation, that the statements contained in the application are, to the best of the deponent's knowledge information and belief, true;

(iv) state whether or not any application has previously been made, whether there have been any committal proceedings, and the result of any such application or proceedings; and

[(**a**) (v) be served on the chief clerk and, subject to Rule 36A, at the same time on the accused, together with any accompanying documents.]

35.—(1) Where there have been no committal proceedings, the application shall—

(a) state why it is desired to present an indictment without such proceedings;

(b) be accompanied by copies of the statements of the witnesses intended to be examined on behalf of the prosecution, and

(c) state that the evidence shown by these statements will be available at the trial and that the case disclosed by the statements, is to the best of the applicant's knowledge, information and belief, a true case.

(2) Where there have been committal proceedings and the magistrates' court has refused to commit the accused for trial, the application shall be accompanied by—

(a) a copy of the depositions; and

(b) the statements of any witnesses whom it is proposed to call so far as their evidence is not contained in the depositions;

and the application shall state that the evidence shown by the statements and (except so far as may be expressly stated to the contrary in the application) the evidence shown by the depositions will be available at the trial and that the case disclosed by the depositions and statements is, to the best of the applicant's knowledge, information and belief, a true case.

(3) Where the accused has been committed for trial, the application shall state why the application is made and shall be accompanied by copies of the statements of the witnesses intended to be examined on behalf of the prosecution, so far as the evidence shown in those statements is not contained in the depositions, and, unless the depositions have already been transmitted to the judge to whom the application is made, shall also be accompanied by a copy of the depositions; and the application shall state that the evidence shown by the said statements will be available at the trial and that the case disclosed by the depositions and the statements is, to the best of the applicant's knowledge, information and belief, a true case.

(4) Any requirement of this rule that an application should be accompanied by a copy of any depositions shall, as respects documents exhibited to those depositions, be satisfied if a copy of such parts only of the exhibits as are, in the opinion of the applicant, material accompanies the application and the application contains an express statement to that effect.

(**a**) Paragraph substituted by S.R. 2003 No. 71 with effect from 24.03.03

[(**a**)**36.**—(1) The accused may, within fourteen days of service of the application under rule 34, serve on the chief clerk—

(a) a written submission giving his reasons for opposing the application; or

(b) an application in writing for leave to make oral submissions, and shall at the same time, serve a copy on the opposite party to the proceedings.

(2) An application for leave under paragraph (1)(b) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(3) The chief clerk shall notify all parties of the decision of the court on the application for leave to make oral submissions and, where leave is granted, the notification shall state the time and place at which the submissions will be made.

(4) Notwithstanding paragraph (1), the judge may, if he thinks fit before deciding the application—

(a) Require written or oral submission from the applicant or the accused;

(b) Require the attendance of the applicant, the accused or any of the witnesses.

(5) Any application for leave to respond orally or in writing to written submissions made under paragraphs (1) or (4) shall be made in writing, specifying the grounds for the application, and served on the chief clerk within seven days of service of the written submission and at the same time, a copy thereof shall be served on the opposite party to the proceedings.

(6) An application for leave under paragraph (5) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(7) The chief clerk shall notify all parties of the decision of the court on an application made under paragraph (5) and —

(a) where leave is granted for oral submissions to be made, the notification shall state the time and place at which the submissions will be made;

(b) where leave is granted for written submissions to be made, the notification shall state the period within which the written submissions shall be lodged with the chief clerk and served on the opposite party.

(8) Where oral submissions are made under paragraphs (1) or (4)(a) or the applicant, accused or any of the witnesses attends under paragraph (4)(b)—

(a) the attendance before the judge [may take place in private(**b**)];

(b) unless the judge gives a direction to the contrary, the applicant or the accused may attend a solicitor or by counsel.

(9) Where the applications under rule 34 for leave to prefer an indictment is determined otherwise than at an oral hearing, the chief clerk shall forthwith notify the parties of the judge's decision.

(10) The period of 14 days in paragraph (1) or the period of seven days in paragraph (5) or the time period specified in a notice given under paragraph (7)(b) may be extended, either before or after it expires, on an application made in writing specifying the grounds for the application and served on the chief clerk and a copy of the application shall be served by the applicant on every other party to the proceedings.

(**a**) Rule 36 substituted by S.R. 2003 No. 71 with effect from 24.03.03
(**b**) Inserted by S.R. 2003 No. 279 with effect from 30.06.03

(11) An application for extension of time under paragraph (10) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(12) The chief clerk shall notify all the parties of the decision of the court on the application for extension of time.]

[(a)**36A.**—(1) An application to the judge for leave to dispense with service under rule 34 on the accused shall be made in writing and shall be served on the chief clerk.

(13) Any application made under paragraph (1) shall specify the grounds for the application.]

37. It shall be the duty of any person having custody of any depositions to give to any person desiring to make an application for leave to present a bill of indictment against the person who was accused when those depositions were taken a reasonable opportunity to inspect the depositions and, if so required by him, to supply him, on payment of the appropriate fee with copies of the depositions or any part thereof.

Duty to furnish copy of indictment

38.—(1) A person charged on indictment shall be supplied before arraignment by the chief clerk with a copy of the indictment free of charge.

(2) The cost of supplying a person charged on indictment with a copy of the indictment shall for the purposes of section 1 but not of section 2 of the Costs in Criminal Cases Act (Northern Ireland) 1968(**b**) be treated as part of the costs of the prosecution.

PART V

REFERENCES TO THE EUROPEAN COURT

Interpretation

39. In this Part, unless the context otherwise requires,—

"the European Court" means the Court of Justice of the European Communities; and

"order" means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

Orders of the Court

40.—(1) An order may be made before or at the trial by the Court either of its own motion or on the application of the defendant or the prosecutor.

(2) An order, which shall be in Form 4 in the schedule, shall set out in a schedule thereto the request for the preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

Transmission of the order to the European Court

41. When an order has been made, a copy shall be sent to the Master (Queen's Bench and Appeals) who shall send it to the Registrar of the European Court.

(**a**) Rule 36A Inserted by S.R. 2003 No. 71 with effect from 24.03.03
(**b**) 1968 c. 10 (N.I.)

Adjournment pending ruling

42.—(1) The proceedings in which an order is made shall, unless the Court otherwise orders be adjourned until the European Court has given a preliminary ruling in the question referred to it.

(2) Nothing in paragraph (1) shall be taken as preventing the Court from deciding any preliminary or incidental question which may arise in the proceedings after an order is made and before a preliminary ruling is given by the European Court.

Special directions pursuant to section 47(2)

43.—(1) Where directions under section 47(2) of the Act confer power on the Lord Chief Justice to give special directions in regard to particular cases, he may give such directions either of his own motion or on the application of the defendant or the prosecutor.

(2) Any such application must be in writing and state the grounds of the application.

(3) With a view to giving any special directions the Lord Chief Justice may, if he considers it necessary, direct the parties to appear before him.

Time limits for beginning of trials

[(**a**)**44.** The periods specified for the purposes of paragraphs (a) and (b) of section 48(5) of the Act shall be 8 days and 14 weeks respectively, and accordingly the trial of a person committed by a magistrates' court or whose case has been transferred to the Crown Court under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or [(**b**)Article 4 of the Children's Evidence (Northern Ireland) Order 1995—]

(a) shall not begin until the expiration of 8 days beginning with the date of his committal or the date of the giving of the notice of transfer as the case may be, except with his consent and the consent of the prosecutor, and

(b) shall, unless the court has otherwise ordered, begin not later than the expiration of 14 weeks beginning with the date of his committal or the date of the giving of the notice of transfer, as the case may be.]

[(c) Hearings in Camera

44A.—(1) Where a prosecutor or a defendant intends to apply for an order that all or part of a trial be held in camera for reasons of national security or for the protection of the identity of a witness or any other person he shall not less than 7 days before the date on which the trial is expected to begin serve a notice in writing to that effect on the chief clerk and shall at the same time serve a copy of the notice on each other party to the proceedings.

(2) On receiving such notice, the chief clerk shall forthwith cause a copy thereof to be displayed in a prominent place within the precincts of the Court.

(3) An application by a prosecutor or a defendant who has served such a notice for an order that all or part of a trial be heard in camera shall, unless the Court otherwise orders, be made in camera after the defendant has been arraigned but before the beginning of the trial and if such an order is made, the trial shall be adjourned until whichever of the following shall be appropriate—

(**a**) Rule 44 substituted by S.R. 1989 No. 294 with effect from 01.09.89
(**b**) Inserted by S.R. 1996 No. 71 with effect from 08.04.96
(**c**) Rule 44A inserted by S.R. 1989 No. 296 with effect from 01.09.89

(a) 24 hours after the making of the order, where no application for leave to appeal from the order is made; or

(b) After the determination of an application to the Court of Appeal for leave to appeal, where the application is dismissed; or

(c) After the determination of the appeal by the Court of Appeal, where leave to appeal is granted.

(4) For the purposes of this Rule, a trial shall begin upon the date upon which a defendant is put in charge of the jury or, where the trial is conducted by a judge without a jury under the Northern Ireland (Emergency Provisions) Acts 1978 and 1987 upon the date on which Crown Counsel begins to open the Crown case to the judge.]

[(a) Trial without jury where danger of jury tampering

44AA.—(1) An application by the prosecution for a trial to be conducted without a jury under section 44 of the Criminal Justice Act 2003 (*danger of jury tampering*) shall be made by giving notice in writing which shall be in Form 5 in the Schedule.

(2) The notice under paragraph (1) shall be served on the chief clerk and every other party to the proceedings within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**b**) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995(**c**) was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**d**) was given, or

(d) on which an order for retrial is made.

(3) Where the grounds for making an application under paragraph (1) do not arise until after the expiry of the time limit specified above, the prosecution shall make the application as soon as reasonably practicable.

(4) Any party who wishes to oppose the application under paragraph (1) shall, within 14 days of the date that notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition giving reasons for it.

(5) An application under paragraph (1) shall be determined by a judge at a hearing on or after the arraignment of the accused and the chief clerk shall notify the parties of the time and place of any such hearing.

(6) A party notified in accordance with paragraph (5) may be present at the hearing and be heard.

(7) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 5A in the Schedule.

(8) An application to the judge of the Crown Court for leave to appeal under section 47(1) of the Criminal Justice Act 2003 shall be made orally within two days of the making of the order or ruling to which it relates.

(9) Unless the application is made on the occasion of the order or ruling to which it relates, the appellant shall serve notice in writing thereof, specifying the grounds of the application on the chief clerk and on every other party to the proceedings

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(**a**) Rules 44AA and 44AB inserted by S.R. 2006 No. 499 with effect from 08.01.07
(**b**) S.I. 1988/1846 (N.I. 16)
(**c**) S.I. 1995/757 (N.I. 3)
(**d**) 1969 c. 15 (N.I.)

[*Supplt. No. 1 (January 2007)*]

directly affected by the order or ruling which is the subject of the application for leave to appeal.

(10) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice required under this rule to be given in a different form, or orally; or

(b) extend or abridge the time for service of a notice required under this rule, either before or after that period expires.

Trial by jury of sample counts only

44AB.—(1) An application under section 17 of the Domestic Violence, Crime and Victims Act 2004 (*application by prosecution for certain counts to be tried without a jury*) shall be made by giving notice in writing which shall be in Form 5B in the Schedule.

(2) The notice under paragraph (1) shall be accompanied by a copy of the indictment in Form 3A in the Schedule which it would be intended to present if the Court makes an order for the trial to take on the basis that the trial of some, but not all, of the counts included in the indictment may be conducted without a jury and shall be served on the chief clerk and every other party to the proceedings within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given, or

(d) on which an order for retrial is made.

(3) Any party who wishes to oppose the application under paragraph (1) shall, within 14 days of the date that notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition giving reasons for it.

(4) An application under paragraph (1) shall be determined by a judge at a hearing on or after the arraignment of the accused and the chief clerk shall notify the parties of the time and place of any such hearing.

(5) A party notified in accordance with paragraph (4) may be present at the hearing and be heard.

(6) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 5C in the Schedule.

(7) An application to the judge of the Crown Court for leave to appeal under section 18A(1) of the Domestic Violence, Crime and Victims Act 2004 shall be made orally within two days of the making of the order or ruling to which it relates.

(8) Unless the application is made on the occasion of the order or ruling to which it relates, the appellant shall serve notice in writing thereof, specifying the grounds of the application, on the chief clerk and on every other party to the proceedings directly affected by the order or ruling which is the subject of the application for leave to appeal.

(9) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice required under this rule to be given in a different form, or orally; or

(b) extend the time for service of a notice required under this rule, either before or after that period expires.] [*Supplt. No. 4 (May 2013)*]

[(a) **Application for special measures directions**

44B.—(1) An application for a special measures direction under Article 7 of the 1999 Order, shall be made by giving notice in writing, which shall be in Form 6 in the Schedule.

(2) If the application is for a special measures direction—

(a) enabling a witness to give evidence by means of a live link, the information sought in Part 2 of Form 6 shall be provided;

(b) enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the information sought in Part 3 of Form 6 shall be provided;

[(**b**)(c) enabling an examination of a witness to be conducted through an intermediary—

(i) the information sought in Part 4 of Form 6; and

(ii) any relevant report, including an intermediary's assessment,

shall be provided.]

(3) The application under paragraph (1) shall be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given, or

(d) on which an order for retrial is made.

(4) The notice under paragraph (1) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party to the proceedings.

(5) Any party on whom a copy of a notice of the application under paragraph (1) is served may oppose the application for a special measures direction in respect of any measure available in relation to the witness, whether or not the question of whether the witness is eligible for assistance by virtue of Article 4 or 5 of the 1999 Order is in issue.

(6) Any party who wishes to oppose the application shall, within 14 days of the date of notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(7) In order to comply with paragraph (6)—

(a) a party shall state in the written notification whether he—

(i) disputes that the witness is eligible for assistance by virtue of Article 4 or 5 of the 1999 Order;

(ii) disputes that any of the special measures available would be likely to improve the quality of evidence given by the witness or that such measures (or a combination of them) would be likely to maximise the quality of that evidence; and

(iii) opposes the granting of a special measures direction; and

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(**a**) Inserted by S.R. 2003 No. 471 with effect from 01.12.03
(**b**) Paragraph inserted by S.R. 2013 No. 82 with effect from 11.05.13

(b) where the application relates to the admission of a copy of a video recording, a party who receives a recording shall provide the information required by rule 44CE(5).

(8) Except where notice is received in accordance with paragraph (6), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(9) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (6) of his opposition to the application, the Court shall direct a hearing of the application.

(10) Where a hearing of the application is to take place in accordance with paragraphs (8) or (9), the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(11) A party notified in accordance with paragraph (10) may be present at the hearing and be heard.

(12) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 7 in the Schedule, and if the application was made for a direction enabling a video recording of an interview of a witness to be admitted as evidence in chief of that witness, the notification shall state whether the whole or specified parts only of the video recording or recordings disclosed are to be admitted in evidence].

[(**a**) **Application for an extension of time**

44C.—(1) An application may be made in writing for the period of 28 days specified in rule [(**b**)44B(3)] to be extended.

(2) The application may be made either before or after that period has expired.

(3) The application shall be accompanied by a statement setting out the reasons why the applicant is or was unable to make the application within that period, and the application and that statement shall be served by the applicant on the chief clerk and every other party to the proceedings.

(4) An application for an extension of time under this rule shall be determined by a judge without a hearing unless the judge otherwise directs.

(5) The chief clerk shall notify all the parties of the judge's decision.]

[(**c**) **Late Applications**

44CA.—(1) Notwithstanding the requirements of rule [(**b**)44B]—

(a) an application may be made for a special measures direction orally at the trial; or

(b) the Court may of its own motion raise the issue whether a special measures direction should be given.

(**a**) Rule 44C substituted by S.R. 2003 No. 279 with effect from 30.06.03
(**b**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03
(**c**) Rule 44CA inserted by S.R. 2003 No. 279 with effect from 30.06.03

(2) Where an application is made in accordance with paragraph (l)(a)—

(a) the applicant must state the reasons for the late application; and

(b) the Court must be satisfied that the applicant was unable to make the application in accordance with rule [(**a**)44B].

(3) The Court shall determine before making a special measures direction—

(a) whether to allow other parties to the proceedings to make representations on the question;

(b) the time allowed for making such representations (if any); and

(c) whether the question should be determined following a hearing at which the parties to the proceedings may be heard.

Discharge or variation of a special measures direction

44CB.—(1) An application to discharge or vary a special measures direction under Article 8(2) of the 1999 Order shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the direction was made.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the change of circumstances occurs.

(3) Any party on whom an application is served in accordance with paragraph (2) may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (6) to (12) of rule [(**a**)44B] shall apply to an application to discharge or vary a special measures direction as they apply to an application for a direction.

[(**b**) **Application to disapply or disapply in part the primary rule**

44CBA.—(1) An application to disapply or disapply in part the primary rule under Article 9(4)(ba) of the 1999 Order shall be made in writing and shall include such information as the Court requires to make a determination.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the witness has expressed that wish.

(3) Paragraphs (6) to (12) of Rule 44B shall apply to an application to disapply or disapply in part the primary rule as they apply to an application for a direction.]

Renewal application following a material change of circumstances

44CC.—(1) Where an application for a special measures direction has been refused by the Court, the application may only be renewed ("renewal application") where there has been a material change of circumstances since the Court refused the application.

(2) The applicant shall—

(a) specify in the renewal application each material change of circumstances which is alleged to have occurred; and

(b) serve the renewal application on the chief clerk, and on each party to the proceedings, as soon as reasonably practicable after the change occurs.

(**a**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03

(**b**) Rule 44CBA inserted by S.R. 2011 No. 420 with effect from 01.01.12

(3) Any party on whom the application is served in accordance with paragraph (2)(b) may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (6) to (12) of rule [(**a**)44B] and rules 44CD and 44CE shall apply to a renewal application as they apply to the application which was refused.

Application for a special measures direction for witness to give evidence by means of a live link

44CD.—(1) Where the application for a special measures direction is made in accordance with rule [(**a**)44B(2)(a)], for a witness to give evidence by means of a live link, the following provisions of this rule shall also apply.

(2)[(**b**)...] a party who seeks to oppose an application for (**c**) a child witness] to give evidence by means of a live link must, in order to comply with rule [(**a**)44B(6)], state why in his view the giving of a special measures direction would not be likely to maximise the quality of the witness's evidence.

[(**d**)...]

Video recording of testimony from witnesses

44CE.—(1) Where an application is made for a special measures direction enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the following provisions of this rule shall also apply.

(2) Notice of the application made in accordance with rule [(**a**)44B(1)] shall be accompanied by the video recording (or, as the case may be, a copy of the video recording) which it is proposed to tender in evidence and shall include—

(a) the name of the defendant and the offence to be charged;

(b) the name and date of birth of the witness in respect of whom the application is made;

(c) the date on which the video recording was made;

(d) a statement as to whether, and if so at what point in the video recording, an oath was administered to, or a solemn declaration made by, the witness;

(e) a statement that, in the opinion of the applicant, either—

(i) the witness is available for cross-examination; or

(ii) the witness is not available for cross-examination and the parties have agreed that there is no need for the witness to be so available;

(f) a statement of the circumstances in which the video recording was made which complies with paragraph (4); and

(g) the date on which the video recording was disclosed to the other party or parties.

(3) Where it is proposed to tender part only of a video recording of an interview with the witness, the application must specify that part and be accompanied by a video recording of the entire interview, including those parts which it is not proposed to tender in evidence, and by a statement of the circumstances in which the video recording of the entire interview was made which complies with paragraph (4).

(4) The statement of the circumstances in which the video recording was made referred to in paragraphs (2)(f) and (3) shall include the following information, except in so far as it is contained in the recording itself:—

(a) the times at which the recording commenced and finished, including details of interruptions;

(b) the location at which the recording was made and the usual function of the premises;

(**a**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03
(**b**) Words omitted by S.R. 2011 No. 420 with effect from 01.01.12
(**c**) Words substituted by S.R. 2003 No. 471 with effect from 01.12.03
(**d**) Paragraphs 3 and 4 omitted by S.R. 2011 No. 420 with effect from 01.01.12

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(c) in relation to each person present at any point during, or immediately before, the recording—

(i) [(**a**)his] name, age and occupation;

(ii) the time for which each person was present; and

(iii) the relationship, if any, of each person to the witness and to the defendant;

[(**b**)(iv) whether or not the person present was there to act as an intermediary for a witness, and, if so, whether an application under Article 17 of the 1999 Order for the use of an intermediary has been made or will be made, and whether the intermediary made the declaration as set out in Form 7Q before acting.]

[(**c**)(ca) in relation to each person present at any point during the recording, a statement confirming that the said person when present is visible in the recording;]

(d) in relation to the equipment used for recording—

(i) a description of the equipment;

(ii) the number of cameras used;

(iii) whether the cameras were fixed or mobile;

(iv) the number and location of the microphones;

(v) the video format used; and

(vi) whether it offered single or multiple recording facilities and, if so, which were used; and

(e) the location of the master tape if the video recording is a copy and details of when and by whom the copy was made.

(5) A party who received a copy of a recording under paragraph (2) shall within 14 days of the date on which it was served on him, notify the applicant and the chief clerk, in writing—

(a) whether he objects to the admission under Article 15 of the 1999 Order or any part of the video recording or recordings disclosed, giving his reasons why it would not be in the interest of justice for the recording or any part of it to be admitted;

(b) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts; and

(c) whether he wishes to be represented at any hearing of the application.

(6) Notwithstanding the provisions of rule [(**d**)44B] and this rule, a copy of any video recording which the defendant proposes to tender in evidence need not be sent to the prosecution until the close of the prosecution case at the trial.

(7) The Court may determine an application by the defendant to tender in evidence a video recording even though a copy of the recording has not, in accordance with paragraph (6), been served upon the prosecution.

(8) Where a copy of a video recording which is the subject of a special measures direction is sent to the prosecution after the direction has been made, the prosecutor may apply to the Court for the direction to be varied or discharged.

(9) An application under paragraph (8) may be made orally to the Court.

(10) A prosecutor who makes an application under paragraph (8) shall state—

(a) why he objects to the admission under Article 15 of the 1999 Order of any part of the video recording or recordings disclosed, giving his reasons why it

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(**a**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03
(**b**) Paragraph inserted by S.R. 2013 No. 82 with effect from 11.05.13
(**c**) Inserted by S.R. 2003 No. 471 with effect from 01.12.03
(**d**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03

would not be in the interests of justice for the recording or any part of it to be admitted; and

(b) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts.

(11) The Court shall, before determining the application;—

(a) direct a hearing of the application; and

(b) allow all the parties to the proceedings to be present and be heard on the application.

(12) The chief clerk shall notify all parties to the proceedings of the decision of the Court as soon as reasonably practicable after the decision is given.

(13) Any decision varying a special measures direction must state whether the whole or specified parts of the video recording or recordings subject to the application are to be admitted in evidence.

Expert Evidence

44CF. Any party to the proceedings who proposes to adduce expert evidence (whether of fact or opinion) in connection with an application or renewal application for, or an application to vary or discharge, a special measures direction shall, not less than 14 days before the date set for the trial to begin—

(a) serve the other party or parties to those proceedings with a statement in writing of any finding or opinion which he proposes to adduce by way of such evidence; and

(b) where a request is made to him in that behalf by any other party to those proceedings, provide that party also with a copy of (or if it appears to the party proposing to adduce the evidence to be more practicable, a reasonable opportunity to examine) the record of any observation, test, calculation or other procedure on which such finding or opinion is based and any document or other thing or substance in respect of which any such procedure has been carried out.]

[(a) Prohibition on cross-examination of particular witness

44D.—(1) An application by the prosecutor for a direction under Article 24 of the 1999 Order in relation to any witness shall be made by giving notice in writing to the chief clerk and at the same time the applicant shall serve a copy thereof on every other party to the proceedings.

(2) In an application under paragraph (1), the prosecutor shall state why, in his opinion—

(a) the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the defendant in person;

(b) the evidence would be improved if a direction were given Article 24(2) of the 1999 Order; and

(3) On receipt of the application, the chief clerk shall refer it—

(a) if the trial has started, to the trial judge;

(b) if the trial has not started when the application is received—

(i) to the judge who has been designated to conduct the trial; or

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(a) Rules 44D to 44H substituted by S.R. 2003 No. 471 with effect from 01.12.03

(ii) if no judge has been designated for that purpose, to such judge as may be designated for the purposes of hearing that application.

(4) Where a copy of a notice under paragraph (1) is served on a party to the proceedings more than 14 days before the date set for the trial to begin, that party may, within 14 days, make observations in writing in relation to the application to the chief clerk and shall serve a copy of such observations on every other party to the proceedings.

(5) A party on whom a copy of a notice is served in accordance with paragraph (1) may notify the chief clerk and every other party to the proceedings, in writing, of his opposition to the application and give reasons for it.

(6) Those reasons shall be notified—

(a) within 14 days of the date the notice of application was served on him, if that date is more than 14 days before the date set for the trial to begin;

(b) if the trial has begun, in accordance with any directions issued by the trial judge; or

(c) if neither sub-paragraph (1) nor sub-paragraph (b) apply, before the date set for the trial to begin.

(7) Where the application made in accordance with paragraph (1) is made before the date set for the trial to begin and the application—

(a) is not contested by any party to the proceedings, the Court may determine the application without a hearing;

(b) is contested by a party to the proceedings, the Court shall direct a hearing of the application.

(8) Where the application is made after the trial has begun—

(a) the application may be made orally; and

(b) the trial judge may give such directions as he considers appropriate to deal with the application.

(9) Where a hearing of the application is to take place, the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The chief clerk shall, as soon as reasonably practicable after the determination of an application made in accordance with paragraph (1), notify all the parties to the proceedings of the decision and the reasons for it.

(12) A person making an oral application under paragraph (8)(a) shall—

(a) give reasons why the application was not made before the trial commenced; and

(b) provide the Court with the information set out in paragraph (2).

Restrictions on cross-examination of witness by the accused person

44E.—(1) This rule and rules 44F and 44G apply where a defendant is prevented from cross-examining a witness in person by virtue of Article 22, 23 or 24 of the 1999 Order.

(2) The Court shall as early in the proceedings as is reasonably practicable—

(a) explain to the defendant that he is prevented from cross-examining a witness in person; and

(b) invite him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

(3) The defendant shall within 7 days of the Court giving its explanation, or within such other period as the Court may in any particular case allow, give notice to the chief clerk as to whether or not he has arranged for a legal representative to act on his behalf.

(4) Where the defendant has arranged for a legal representative to act for him, the notice under paragraph (3) shall include details of the name and address of the representative.

(5) The chief clerk shall notify all other parties to the proceedings of the name and address of any person appointed by the defendant to act on his behalf.

(6) Where the Court gives its explanation under paragraph (2) to the defendant—

(a) within 7 days of the date set for the commencement of any hearing at which a witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies may be cross-examined, or

(b) after such a hearing has commenced,

the period of 7 days within which the defendant is required to give notice under paragraph (3) shall be reduced in accordance with any direction issued by the Court.

(7) Where at the end of the period of 7 days or such other period as the Court has allowed, the Court has not received notice from the defendant under paragraph (3), it may grant the defendant an extension of time, whether of its own motion or on the application of the defendant.

(8) Before granting an extension of time, the Court may direct a hearing at which all parties to the proceedings may attend and be heard.

(9) Any extension of time shall be for such period as the Court considers appropriate in the circumstances of the case.

(10) The decision of the Court as to whether or not to grant the defendant an extension of time shall be notified to all parties to the proceedings by the chief clerk.

Appointment by the Court

44F.—(1) Where the Court decides, in accordance with Article 26(4) of the 1999 Order, to appoint a qualified legal representative, the chief clerk shall notify all parties to the proceedings of the name and address of that representative.

(2) An appointment made by the Court under Article 26(4) of the 1999 Order shall, except to such extent as the Court may in any particular case determine, terminate at the conclusion of the cross-examination of any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

Appointment arranged by the defendant

44G.—(1) The defendant may arrange for the qualified legal representative, appointed by the Court under Article 26(4) of the 1999 Order, to be appointed to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

(2) Where such an appointment is made—

(a) both the defendant and the qualified legal representative shall notify the Court of the appointment; and

(b) the qualified legal representative shall, from the time of his appointment, act for the defendant as though the arrangement had been made under Article

26(2)(a) of the 1999 Order and shall cease to be the representative of the Court under Article 26(4) of the 1999 Order.

(3) Where the Court received notification of the appointment either from the qualified legal representative or from the defendant but not from both, the Court shall investigate whether the appointment has been made, and if it concludes that the appointment has not been made, paragraph (2)(b) shall not apply.

(4) The defendant may, notwithstanding an appointment by the Court under Article 26(4) of the 1999 Order, arrange for a legal representative to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 applies.

(5) Where the defendant arranges for, or informs the Court of his intention to arrange for a legal representative to act for him, he shall notify the Court within such period as the Court may allow, of the name and address of any person appointed to act for him.

(6) Where the Court is notified within the time allowed that such an appointment has been made, any qualified legal representative appointed by the Court in accordance with Article 26(4) of the 1999 Order shall be discharged.

(7) The chief clerk shall as soon as reasonably practicable after notification is received by the Court, or where paragraph (3) applies, after the Court is satisfied that the appointment has been made, notify all the parties to the proceedings—

(a) that the appointment has been made;

(b) where paragraph (4) applies, of the name and address of the person appointed;

(c) that the person appointed by the Court under article 26(4) of the 1999 Order has been discharged or has ceased to act for the Court.

Procedure for applications in proceedings for sexual offences

44H.—(1) Subject to paragraph (10), an application under Article 28(2) of the 1999 Order for leave to adduce evidence of, or ask questions about, any sexual behaviour of a complaint shall be made by giving to the chief clerk notice in writing and shall—

(a) be made within 28 days from the date—

(i) of the committal of the defendant; or

(ii) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(iii) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(iv) on which an order for retrial is made; or

(b) be accompanied by a full written explanation specifying the reasons why the application could not have been made within the specified period.

(2) An application under paragraph (1) shall contain the following—

(a) a summary of the evidence it is proposed to adduce and of the questions it is proposed to put to any witness;

(b) a full explanation of the reasons why it is considered that the evidence and questions fall within Article 28(3) or (5) of the 1999 Order;

(c) a summary of any document or other evidence to be submitted in support of such evidence and questions;

(d) where it is proposed that a witness at the trial give evidence as to the

complainant's sexual behaviour, the name and date of birth of any such witness.

(3) A copy of the application under paragraph (1) shall be served, by the applicant, on every other party to the proceedings at the same time as it is served on the chief clerk.

(4) The prosecutor shall notify the chief clerk and the other parties to the proceedings—

(a) whether or not he opposes the application, giving reasons for any such position, and

(b) whether or not he wishes to be represented at any hearing of the application,

and where the notice of application is received by the prosecutor more than 14 days before the date set for the trial to begin, the notification must be served by the prosecutor within 14 days of receipt.

(5) Where a copy of the application is received by a party to the proceedings other than the prosecutor more than 14 days before the date set for the trial to begin, that party may, within 14 days, make observations in writing in relation to the application to the chief clerk and shall serve a copy of such observations on every other party to the proceedings.

(6) In considering any application under this rule, the Court may request a party to the proceedings to provide the Court with such information as it may specify and which the Court considers would assist in the determining the application.

(7) Where the Court makes such a request, the person required to provide the information shall do so within 14 days of the Court making the request or by such time as the Court considered appropriate in the circumstances of the case.

(8) An application under paragraph (1) shall be determined by a judge following a hearing.

(9) The date and time of the hearing shall be—

(a) determined by the chief clerk after taking into consideration—

(i) any time which a party to the proceedings has been given to respond to a request for information; and

(ii) the date fixed for any other hearing relevant to the proceedings; and

(b) notified by the chief clerk to all the parties to the proceedings.

(10) An application under Article 28(2) of the 1999 Order may be made orally to the trial judge where the application is made after the trial has begun.

(11) The person making the application under paragraph (10) shall—

(a) give reasons why the applicant failed to make the application in accordance with paragraph (1); and

(12) The chief clerk shall, as soon as reasonably practicable after the hearing of an application under paragraph (1), give notice of the decision of the judge to all the parties to the proceedings.".]

[(a) Application for reporting direction

44I.—(1) An application by a party to any criminal proceedings for a reporting direction under section 46 of the 1999 Act in relation to a witness in those proceedings may be made at any time after the commencement of the proceedings by giving notice in writing which shall be in Form 7A in the Schedule.

(a) Rules 44I - 44M inserted by S.R. 2004 No. 233 with effect from 17.05.04

(2) For the purpose of this rule, rule 44J and rule 44K, proceedings commence on the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given, or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given, or

(d) on which an order for retrial is made.

(3) The notice under paragraph (1) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 7 days of the date that notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition giving reasons for it.

(5) In order to comply with paragraph (4) a party shall state in the written notification whether he—

(a) disputes that the witness is eligible for protection under section 46 of the 1999 Act; and

(b) disputes that the granting of protection would be likely to improve the quality of evidence given by the witness or the level of co-operation given by the witness to any party to the proceedings in connection with the party's preparation of its case.

Application for excepting direction

44J.—(1) An application for a direction under section 46(9) of the 1999 Act ("an excepting direction") may be made at any time after the commencement of the proceedings if a reporting direction has been given by the Court in respect of a witness in those proceedings.

(2) The application under paragraph (1) may be made by—

(a) Any party to those proceedings; or

(b) any person who, although not a party to the proceedings, is directly affected by a reporting direction given in relation to a witness in those proceedings or could be so affected if the Court in determining an application gave a reporting direction.

(3) An application for an excepting direction may be made—

(a) orally at the time the reporting direction is given; or

(b) by giving notice in writing which shall be in Form 7B in the Schedule.

(4) An applicant for an excepting direction shall state why, in his opinion—

(a) the effect of the restrictions imposed (or which the applicant for the reporting direction seeks to have imposed) places a substantial and unreasonable restriction on the reporting of the proceedings; and

(b) it is in public interest to remove or relax those restrictions.

(5) Where the application for an excepting direction is made in writing, the notice under paragraph (3)(b) shall be served on the chief clerk, and at the same time a copy thereof shall be served, by the applicant, on every other party or, as the case may be, every party to those proceedings.

(6) Any party who wishes to oppose the application shall, within 7 days of the date that notice of the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition giving reasons for it.

Variation or revocation

44K.—(1) An application to—

(a) revoke a reporting direction; or

(b) vary or revoke an excepting direction,

may be made at any time after the commencement of the proceedings.

(2) The application under paragraph (1) may be made by—

(a) any party to the proceedings in which the direction was given; or

(b) any person who, although not a party to those proceedings is, in the opinion of the Court, directly affected by the direction.

(3) The application under paragraph (1) shall be made by giving notice in writing which shall be in Form 7C in the Schedule which—

(a) shall specify the grounds upon which the applicant seeks to have the direction varied or, as the case may be, revoked; and

(b) shall be served, by the applicant, on the chief clerk and on every other party or, as the case may be, every party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 7 days of the date the application was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

Hearings

44L.—(1) Subject to paragraph (2), the Court may—

(a) determine any application made under rule 44I, 44J or 44K without a hearing; or

(b) direct a hearing of any such application.

(2) Where a party to the proceedings notifies the chief clerk of his opposition to an application under rule 44I, 44J or, as the case may be, 44K, the Court shall direct a hearing of that application.

(3) Where a hearing of an application is to take place in accordance with this rule, the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(4) A party notified in accordance with paragraph (3) may be present at the hearing and be heard.

(5) Before determining an application, the Court may hear and take into account representation made to it by any person who in the Court's opinion has a legitimate interest in the application before it.

(6) The chief clerk shall, as soon as reasonably practicable after the determination of an application under rule 44I, 44J or 44K, notify all the parties to the proceedings of the decision of the Court in Form 7D in the Schedule.

Hearings in camera

44M.—(1) If any proceedings a prosecutor or defendant has served notice under rule 44A(1) of his intention to apply for an order that all or part of a trial be held in camera, any application under rule 44I, 44J or 44K relating to a witness in those proceedings need not identify the witness by name or date of birth.]

[(a) Procedure for the admission of evidence of bad character

44N.—(1) A party who wants to adduce evidence of a non-defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 5 of the 2004 Order shall give notice in writing which shall be in Form 7E in the Schedule.

(2) Notice under paragraph (1) shall be served on the chief clerk and every other party to the proceedings—

(a) within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996(**b**) (disclosure by the prosecutor); or

(b) as soon as is reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant.

(3) Any party who wishes to oppose the application under paragraph (1) shall, within 14 days of the date on which the notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

(4) A prosecutor who wants to adduce evidence of a defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 6 of the 2004 Order, shall give notice in writing which shall be in Form 7F in the Schedule.

(5) Notice under paragraph (4) shall be served on the chief clerk and every other party to the proceedings within 14 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**c**) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995(**d**) was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**e**) was given, or

(d) on which an order for retrial is made.

(6) A co-defendant who wants to adduce evidence of a defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 6 of the 2004 Order shall give notice in writing which shall be in Form 7F in the Schedule.

(7) Notice under paragraph (6) shall be served on the chief clerk and every other party to the proceedings within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor).

(8) An application by a defendant to exclude bad character evidence shall be by notice in writing which shall be in Form 7G in the Schedule and shall be served on the chief clerk and on every other party to the proceedings within 7 days of the date that notice under paragraph (4) or paragraph (6) was served on him.

(**a**) Rules inserted by S.R. 2005 No. 80 with effect from 18.04.05
(**b**) 1996 c. 25; section 3 was amended by section 82(1) of paragraph 7(1) of Schedule 4 to the Regulation of Investigatory Powers Act 2000 (c. 23) and is prospectively amended by section 32 of the Criminal Justice Act 2003 (c. 44)
(**c**) S.I. 1998/1846 (N.I. 16)
(**d**) S.I. 1995/757 (N.I. 3)
(**e**) 1969 c. 15 (N.I.)

(9) A defendant who is entitled to have notice served on him under this rule may waive his entitlement by so informing the Court and the party who would have served the notice.

(10) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow notice or application required under this rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this rule, either before or after that period expires.

Procedure for the admission of hearsay evidence

44O.—(1) This rule shall apply where a party wishes to adduce evidence on one or more of the grounds set out in Article 18(1)(a) to (d) of the 2004 Order and in this rule, such evidence is referred to as "hearsay evidence".

(2) A prosecutor who wants to adduce hearsay evidence shall give notice in writing which shall be in Form 7H in the Schedule.

(3) Notice under paragraph (2) shall be served on the chief clerk and every other party to the proceedings within 14 days from the date of—

(a) the committal of the defendant;

(b) service of a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**a**) (serious fraud cases) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995(**b**) (certain cases involving children); or

(c) the grant of leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**c**); or

(d) the making of an order for retrial.

(4) A defendant who wants to adduce hearsay evidence shall give notice in writing which shall be in Form 7H in the Schedule.

(5) Notice under paragraph (4) shall be served on the chief clerk and every other party to the proceedings within 14 days from the date on which the prosecutor has complied with or purported to comply with section 3 of the Criminal procedure and Investigations Act 1996(c) (disclosure by prosecutor).

(6) Any party who wishes to oppose the application under paragraph (2) or (4) shall, within 14 days of the date the notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing in Form 7I in the Schedule, of his opposition.

(7) A party who is entitled to have notice served on him under this rule may waive his entitlement by so informing the Court and the party who would have served the notice.

(8) The Court may, if it considers that it is in the interests of justice to do so,—

(a) dispense with the requirement to give notice of intention to adduce hearsay evidence;

(b) allow notice required under this rule to be given in a different form, or orally; or

(c) abridge or extend the time for service of a notice required under this rule, either before or after that period expires.]

(**a**) S.I. 1988/1846 (N.I. 16)
(**b**) S.I. 1995/757 (N.I. 3)
(**c**) 1969 c. 15 (N.I.)

[(a) **Evidence by live link where witness is outside the United Kingdom** [*Supplt. No. 1 (January 2007)*]

44P.—(1) An application for leave under Article 80A(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 for a witness (other than the accused) who is outside the United Kingdom to give evidence through a live link shall be made by giving notice in writing which shall be in Form 7J in the Schedule.

(2) The notice under paragraph (1) shall be served on the chief clerk and every other party to the proceedings within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**b**) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995(**c**) was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**d**) was given; or

(d) on which an order for retrial is made.

(3) Any party who wishes to oppose the application under paragraph (1) shall, within 14 days of the date on which notice of the application was served on him, notify the chief clerk and every other party to the proceedings in writing, of his opposition giving reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (3) of his opposition to the application, the Court shall direct a hearing of the application.

(6) Where a hearing is to take place in accordance with paragraphs (4) or (5), the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The chief clerk shall, as soon as reasonably practicable after determination of an application under paragraph (1), notify all parties of the decision of the court in Form 7K and, where leave is granted, the notification shall state—

(a) the country in which the witness will give evidence;

(b) if known, the place where the witness will give evidence;

(c) where the witness is to give evidence on behalf of the prosecutor or where the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996(**e**) (alibi), the name of the witness;

(d) the location of the Court at which the trial will be held; and

(e) any conditions specified by the Court in accordance with paragraph (9).

(9) In determining an application under paragraph (1), the Court may specify that as a condition of the grant of leave the witness should give evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the Court may put as to the circumstances in which the

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(**a**) Rule 44P inserted by S.R. 2006 No. 449 with effect from 08.01.07
(**b**) S.I. 1988/1846 (N.I. 16)
(**c**) S.I. 1995/757 (N.I. 3)
(**d**) 1969 c. 15 (N.I.)
(**e**) 1996 c. 25

[*Supplt. No. 2 (February 2009)*]

evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

(10) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice required under this rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice required under this rule, either before or after that period expires.]

[(a) Evidence by live link by witness (other than the defendant)

44Q.—(1) An application for a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 for a witness (other than the defendant) to give evidence through a live link shall be made by giving notice in writing which shall be in Form 7L.

(2) The application under paragraph (1) shall be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**b**) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995(**c**) was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(**d**) was given; or

(d) on which an order for retrial is made; or

(e) on which a plea of guilty was entered.

(3) The notice under paragraph (1) shall be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 14 days of the date that notice under paragraph (1) was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(5) Except where notice is received in accordance with paragraph (4), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(6) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (4) of his opposition to the application, the Court shall direct a hearing of the application.

(7) Where a hearing is to take place in accordance with paragraphs (5) or (6), the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(8) A party notified in accordance with paragraph (7) may be present at the hearing and be heard.

(9) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 7M in the Schedule, and, where a direction is given, the notification shall state—

(**a**) Rules 44Q to 44T inserted by S.R. 2008 No. 505
(**b**) S.I. 1998/1846 (N.I. 16)
(**c**) S.I. 1995/757 (N.I. 13)
(**d**) 1969 c. 15 (N.I.)

(a) if known, the place where the witness will give evidence;

(b) where the witness is to give evidence on behalf of the prosecutor or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of witness;

(c) the location of the Court at which the proceedings will be held; and

(d) any conditions specified by the Court in accordance with paragraph (10).

(10) In determining an application under paragraph (1), the Court may specify that as a condition of the direction, the witness should give evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the Court may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

(11) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this Rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this Rule, either before or after that period expires.

Application for rescission of a direction

44R.—(1) An application to rescind a direction for a witness to give evidence through a live link under Article 11(5)(a) of the Criminal Justice (Northern Ireland) Order 2004 shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the direction was made.

(2) An application under paragraph (1) shall be served on the chief clerk and on every other party to the proceedings as soon as is reasonably practicable after the change in circumstances occurs.

(3) Any party on whom a copy of the notice under paragraph (2) is served may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (4)–(9) and (11) of Rule 44Q shall apply to an application to rescind a live link direction as they apply to an application for a live link direction.

Application by the accused for live link direction

44S.—(1) An application by the accused for a live link direction under Article 21A of the 1999 Order shall be made by giving notice in writing, which shall be in Form 7N.

(2) The application under paragraph (1) shall be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) on which an order for retrial is made; or

(e) on which a plea of guilty was entered.

(3) The notice under paragraph (1) shall be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

[*Supplt. No. 2 (February 2009)*]

(4) Any party on whom a copy of the notice of the application under paragraph (1) is served may oppose the application for a live link direction, whether or not the question of whether the conditions set out in Article 21A(4) or (5) of the 1999 Order is in issue.

(5) Any party who wishes to oppose the application shall, within 14 days of the date the notice under paragraph (1) was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(6) In order to comply with paragraph (5), a party shall state in the written notification whether he disputes that—

(a) the accused is eligible for a live link direction by virtue of Article 21A(4) or (5) of the 1999 Order; and

(b) it is in the interests of justice for the accused to give evidence through a live link.

(7) Except where notice is received in accordance with paragraph (5), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(8) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (5) of his opposition to the application, the Court shall direct a hearing of the application.

(9) Where a hearing of the application is to take place in accordance with paragraphs (7) or (8), the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 7O.

(12) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this Rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this Rule, either before or after that period expires.

(13) Where a live link direction is made enabling the accused to give evidence by means of a live link, he shall be accompanied at the live link only by persons acceptable to a judge of the Crown Court.

Discharge of live link direction

44T—(1) Subject to paragraph (3), an application to discharge a live link direction under Article 21A(7) of the 1999 Order shall be made in writing.

(2) An application under paragraph (1) shall be served on the chief clerk and on each party to the proceedings as soon as reasonably practicable.

(3) Paragraphs (4) to (12) of Rule 44S shall apply to an application to discharge a live link direction as they apply to an application for a live link direction.

[(a) **Application by the accused for a direction allowing the examination of the accused through an intermediary** [*Supplt. No. 4 (May 2013)*]

44U.—(1) An application by the accused for direction allowing the accused to be examined through an intermediary under Article 21BA of the 1999 Order shall be made in Form 7N and shall include—

(a) the information sought in Part C of Form 7N; and

(b) any relevant report, including an intermediary's assessment.

(2) The application under paragraph (1) shall be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which the Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud)(Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) on which an order for retrial is made.

(3) The notice under paragraph (1) shall be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

(4) Any party on whom a copy of the notice of the application under paragraph (1) is served may oppose the application for a direction allowing the use of an intermediary, whether or not the question of the conditions set out in Article 21BA (5) or (6) of the 1999 Order for the use of an intermediary is in issue.

(5) Any party who wishes to oppose the application shall, within 14 days of the date the notice under paragraph (1) was served on him, notify the applicant and the chief clerk in writing of his opposition and give reasons for it.

(6) In order to comply with paragraph (5), a party shall state in the written notification whether he disputes that—

(a) the accused is eligible for a direction allowing the use of an intermediary by virtue of Article 21BA (5) or (6) of the 1999 Order as appropriate; and

(b) allowing the accused to be examined through an intermediary is necessary in order to ensure that the accused receives a fair trial.

(7) Except where notice is received in accordance with paragraph (5), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(8) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (5) of his opposition to the application, the Court shall direct a hearing of the application.

(9) Where a hearing of the application is to take place in accordance with paragraph (7) or (8), the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The chief clerk shall, as soon as practicable, after the determination of an application under paragraph (1), notify all the parties of the decision in Form 7P.

(a) Rules 44U to 44W inserted by S.R. 2013 No. 82 with effect from 11.05.13

[*Supplt. No. 4 (May 2013)*]

(12) The Court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this Rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this Rule, either before or after that period expires.

Discharge or variation of a direction allowing the examination of accused by an intermediary

44V.—(1) Subject to paragraph (3), an application to discharge or vary a direction allowing the examination of the accused by an intermediary shall be made in writing.

(2) Any application under paragraph (1) shall be served on the chief clerk and on each party to the proceedings as soon as reasonably practicable.

(3) Paragraphs (4) to (12) of Rule 44U shall apply to an application to discharge or vary a direction allowing the examination of the accused by an intermediary as they apply to an application for such a direction.

Declaration by an intermediary acting for either a witness or an accused

44W.—(1) The declaration required to be taken by an intermediary under Article 17(5) or 21BA (9) of the 1999 Order shall be as set out in Form 7Q.

(2) A copy of the declaration made by the intermediary shall be served on the chief clerk and on each party to the proceedings at the time an application for the use of an intermediary under rule 44B or rule 44U is being made, or as soon as reasonably practicable thereafter.]

Variation or rescission of sentence or order under section 49

[*Supplt. No. 5 (June 2017)*]

45. Where a judge considers pursuant to section 49 of the Act whether a sentence or other order should be varied or rescinded, he shall do so in open court.

[(a) Manner of application where no other procedure specified

46. Where no other provision is made in these Rules as to the way in which an application is made to the Court (otherwise than at the trial) under these Rules, the application shall be made in writing and delivered to the chief clerk and a copy thereof given to every other party to the proceedings.]

Service of documents

47. Any notice or other document which is required by these Rules to be given to any person may be served personally on, or sent by post to, that person or his solicitor.

[(b) Excusing of jurors

47A.—(1) Subject to paragraphs (2) to (4) the powers of a judge under Article 10 and 11(1) of the 1996 Order may be exercised by the Juries Officer.

(2) A person dissatisfied with a decision of a Juries Officer made under Article 10 or 11(1) of the 1996 Order and this rule may appeal to a judge in accordance with paragraph (3).

(3) An appeal under this rule shall be commenced by the appellant giving notice of appeal to the Juries Officer and such notice shall be in writing and shall specify the matters upon which the appellant relies in support of his appeal.

(4) A judge shall not dismiss an appeal under this rule unless the appellant has been given an opportunity of making representations.

(5) Where an appeal under this rule is decided in the absence of the appellant, the Juries Officer shall notify him of the decision without delay.

(6) In this rule—

[(c) "division" means an administrative court division specified under section 2(2)(a) of the Justice Act (Northern Ireland) 2015 for all purposes of a county court or, if different administrative court divisions are specified for different purposes of a county court, an administrative court division specified under section 2(2)(c) of that Act for the residual purposes of the court;]

"Juries Officer" means the Juries Officer designated under Article 2(2) of the 1996 Order for the [(d)...] division in which the person is summoned for jury service under Article 8 of the 1996 Order;

"the 1996 Order" means the Juries (Northern Ireland) Order 1996.]

[(e)...]

[(f) Assistance with communication for a defendant who does not speak English or who has a hearing or speech impediment.]

(a) Rule 46 substituted by S.R. 2011 No. 230 with effect from 25.07.11
(b) Rule inserted by S.R. 1999 No. 134 with effect from 16.08.99
(c) Substituted by S.R. 2016 No. 297 with effect from 31.10.16
(d) Words omitted by S.R. 2016 No. 297 with effect from 31.10.16
(e) Rule omitted by S.R. 2013 No. 82 with effect from 11.05.13
(f) Rule inserted by S.R. 2014 No. 219 with effect from 05.09.14

[*Supplt. No. 5 (June 2017)*]

47B.—(1) In this Rule—

(a) references to a defendant who needs interpretation mean—

(i) a defendant who needs interpretation because he does not speak or understand English; or

(ii) a defendant who needs assistance because he has a speech or hearing impediment;

(b) where a defendant has a hearing or speech impediment, references to an interpreter include a person appointed—

(i) to communicate to the defendant anything said at the hearing and explain it so far as is necessary for the defendant to understand it; or

(ii) to communicate any answers given by the defendant, and any other matters that the defendant seeks to convey, and explain them so far as is necessary to enable the court and others present at the hearing to understand them,

and references to interpretation shall be construed accordingly;

(c) references to acting at a hearing include assisting the defendant to communicate with his legal representative during the hearing and in relation to such assistance, paragraph (1)(b)(ii) has effect as if the reference to the court and others present at the hearing were to the legal representative.

(2) Where a defendant who needs interpretation is due to be present at a hearing, the chief clerk shall appoint an interpreter to act at the hearing.

(3) Before an interpreter begins to act at a hearing, an oath or affirmation shall be administered to the interpreter.

(4) Before an interpreter is sworn or makes his affirmation, the interpreter's name shall be read out, and any party to the proceedings may object to the interpreter on any reasonable ground.

(5) If the court upholds an objection made under paragraph (4), the interpreter shall not be sworn or make his affirmation and the chief clerk shall appoint another interpreter.

(6) Where, on application or of its own motion, the court is satisfied that a document is essential, it shall order that a written translation of the document, or a relevant passage thereof, is provided to a defendant who needs interpretation unless—

(a) the defendant unequivocally and voluntarily waives his right to translation and has had legal advice or otherwise has full knowledge of the consequences of such a waiver; or

(b) provision of an oral translation or oral summary of the document, or the passage thereof, would not prejudice the fairness of the proceedings.

(7) On application, the court may give any direction which it considers appropriate where—

(a) no interpreter has been appointed by the chief clerk;

(b) on a previous application under paragraph (6), the court determined that there was no need for translation of the document, or a passage thereof, specified in the application; or

(c) a defendant who needs interpretation submits that the quality of interpretation or translation is not sufficient to safeguard the fairness of the proceedings.

(8) The chief clerk shall record—

(a) the identity of any interpreter appointed to act at a hearing;

(b) any decision to provide an oral translation or oral summary of an essential document or a passage thereof;

(c) any waiver by a defendant who needs interpretation of his right to translation; and [*Supplt. No. 5 (June 2017)*]

(d) any direction given under paragraph (7).

Annulment of Indictments Rules (Northern Ireland) 1977

49. The Indictments Rules (Northern Ireland) 1977(**a**) are hereby annulled.

(**a**) S.R. 1977 No. 191

[*Supplt. No. 5 (June 2017)*]

Repeal

50. Upon the coming into force of these Rules sections 1 and 2 of the Indictments Act (Northern Ireland) 1945(**a**) and in section 7 of that Act the words "or the rules made there under" shall cease to have effect.

[(**b**)PART VII

APPLICATIONS UNDER THE PROCEEDS OF CRIME (NORTHERN IRELAND) ORDER 1996

Interpretation

51. In this Part of these Rules:—

"the 1996 Order" means the Proceeds of Crime (Northern Ireland) Order 1996(**c**); an Article referred to by number is a reference to the Article so numbered in the 1996 Order; and expressions which are defined in the 1996 Order have the same meaning as in the 1996 Order.

Statements, etc in connection with the making of confiscation orders under the 1996 Order

52.—(1) Where a defendant has been convicted of an offence to which the 1996 Order applies and the prosecutor or the defendant is required, or proposes, to give to the Court any statement or other document under Article 15 (provision of information by the prosecution) or Article 16 (provision of information by the defendant) he shall serve it within such time as the Court may direct on the chief clerk and at the same time serve a copy thereof on the opposite party.

(2) Any statement given to the Court by the prosecutor or the defendant under Article 15 or 16 shall include the following particulars—

(a) the name of the defendant and the Crown Court case number;

(b) the name of the person by whom the statement is given and, if different, the name of the person by whom it is made;

(c) the date on which the conviction for the offence occurred; and

(d) the facts relied on in support of any allegation made or matter indicated.

(3) Where in accordance with Article 15(3) the defendant is required to indicate the extent to which he accepts any allegation contained within a statement given by the prosecutor, he must indicate so in writing to the chief clerk, and at the same time serve a copy on the prosecutor.

(4) Where the prosecutor intends to indicate the extent to which he accepts any allegation contained within a statement given by the defendant under Article 15 or 16, he must indicate so in writing to the chief clerk, and at the same time serve a copy on the defendant.

Application for increase in term of imprisonment in default of payment

53.—(1) The following provisions of this rule shall have effect for the purposes of applications under Article 14(2).

(2) Notice of application under Article 14(2) to increase the term of imprisonment or detention fixed in default of payment of the confiscation order by

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(**a**) 1945 c.16 (N.I.)
(**b**) Part VII substituted by S.R. 1996 No. 281 with effect from 25.08.96
(**c**) S.I. 1996/1299 (N.I.9)

a person ("the defendant") shall be made by the prosecutor in writing to the chief clerk at the place where the confiscation order was made.

(3) The notice under paragraph (2) shall—

(a) state the name and address of the defendant;

(b) specify the grounds of the application;

(c) give details of any enforcement measures taken; and

(d) include a copy of the confiscation order.

(4) On receiving a notice under paragraph (2) the chief clerk shall—

(a) forthwith send to the defendant a copy of the said notice; and

(b) notify in writing the applicant and the defendant of the date, time and place appointed for hearing of the application.

(5) Where the Court makes an order pursuant to an application under Article 14(2), the chief clerk shall forthwith send a copy of the order—

(a) to the applicant;

(b) to the defendant;

(c) where the defendant is in custody at the time of the making of the order, to the person having custody of him.

Investigations – discharge and variation of order

54.—(1) Where an order has been made under Article 50(2), the person required to comply with the order may apply to the county court judge who made the order or, where that judge is not available, to any other county court judge, to have the order discharged or varied.

(2) An application under paragraph (1) shall be made in writing, setting out the grounds of the application and shall be served on—

(a) the chief clerk [(**a**)…] and

(b) the constable [or the financial investigator(**b**)] who obtained the order.

(3) The application may be determined by the judge either with or without a hearing and if a hearing is directed the chief clerk shall notify the parties of the time and place of the hearing.

Postponement of confiscation orders

54A.—(1) Notice of application by the defendant or prosecutor under Article 11(5) asking the Court to exercise its powers under Article 11(1) or (4), shall be made in writing to the chief clerk of the Court at the place where the defendant was convicted.

(2) On receiving a notice under paragraph (1), the chief clerk shall forthwith send a copy of the notice to the opposite party who shall within 28 days notify the applicant and the chief clerk, in writing, whether or not he proposes to oppose the application, giving the reason for any such opposition.

(3) After the expiry of the period referred to in paragraph (2), the Court shall determine whether an application under paragraph (1) is to be dealt with-

(a) without a hearing, or

(b) at a hearing at which the parties may be represented, and the chief clerk, shall inform the parties accordingly.

(**a**) Words omitted by S.R. 2016 No. 297 with effect from 31.10.16

(**b**) Words inserted by S. R. 2001 No. 253 with effect from 24.02.03

[*Supplt. No. 3 (July 2011)*]

(4) Where the Court makes an order pursuant to an application under Article 11(5), the chief clerk shall forthwith send a copy of the order to the applicant and to the other party.

Confiscation – revised assessments

54B.—(1) A notice of application by the prosecutor under Article 17, 18 or 19, shall be made in writing to the chief clerk of the Court at the place where the defendant was convicted.

(2) The notice under paragraph (1) shall—

(a) state the name of the defendant and the Crown Court case number;

(b) give the date on which any relevant conviction occurred;

(c) give the date on which any relevant confiscation order was made or, as the case may be, varied;

(d) specify the grounds on which the application is made; and

(e) give an indication of the evidence available to support the application.

(3) On receiving a notice under paragraph (1) the chief clerk shall—

(a) forthwith send to the defendant a copy of the said notice; and

(b) notify in writing the applicant and the defendant of the date, time and place appointed for the hearing of the application.

(4) Where the Court makes an order pursuant to an application under Article 17, 18 or 19, the chief clerk shall forthwith send a copy of the order to the applicant and to the defendant.

Compensation where absconder is acquitted

54C. Where the Court cancels a confiscation order under Article 27, the chief clerk shall give notice to that effect to the Master (Queen's Bench and Appeals) in the High Court.]

[(a)PART VIII

APPLICATIONS UNDER THE CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

Interpretation

55. In this Part of these Rules—

"the Act" means the Crime (International Co-operation) Act 2003(**b**), a reference to a section or a Schedule by a number is a reference to the section or Schedule so numbered in the Act; and expressions which are defined in the Act have the same meaning as in the Act.

[(**c**) chief clerk" means the chief clerk of the Court at the place where the proceedings under the Crime (International Co-operation) Act 2003 are to be heard and includes such other civil servant in the Department of Justice as may be authorised to act on his behalf for the purpose in question.]

Notice required to accompany process served outside the United Kingdom

56.—(1) The notice which by virtue of section 3(4)(b) shall accompany any process served outside the United Kingdom shall, so far as is reasonably practicable, give the information specified in paragraphs (2) and (4).

(**a**) Part VIII substituted by S.R. 2004 No. 233 with effect from 17.05.04
(**b**) 2003 c. 32
(**c**) Words inserted by S.R. 2011 No. 230 with effect from 25.07.11

(2) The notice shall—

(a) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and

(b) give the particulars specified in paragraph (4) about that authority.

(3) The "relevant authority" where the process is served—

(a) at the request of the prosecuting authority, is that prosecuting authority

(b) at the request of the defendant, or of the prosecutor in the case of a private prosecution, is the Court by which the process is served.

(4) The particulars referred to in paragraph (2) are—

(a) the name and address of the prosecuting authority or, as the case may be, the Court, together with its telephone and fax numbers and e-mail address:

(b) the name of a person at the prosecuting authority or, as the case may be, the Court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(5) Where selection 3(3) applies, the chief clerk shall require any process served outside the United Kingdom to be accompanied by—

(a) any translation which is provided under section 3(3)(b); and

(b) any translation of the information required to be given by this rule which is provided to him.

Proof of service outside the United Kingdom

57.—(1) The service on any person under section 4(1) of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1)—

(a) that a process has been served;

(b) of the manner in which service was effected;

(c) of the date on which a process was served;

shall be admissible as evidence of any facts so stated.

Notice of application for request for assistance

58.—(1) An application under section 7(1) (requests for assistance in obtaining evidence abroad) shall, subject to paragraph (2), be made by giving notice in writing to the chief clerk and shall—

(a) state the particulars of the offence which it is alleged has been committed or the grounds upon which it is suspected that an offence has been committed;

(b) state whether proceedings in respect of the office have been instituted or the office is being investigated; and

(c) include particulars of the assistance requested in the form of a draft request for assistance.

(2) The judge may direct that paragraph (1) need not be complied with if he is satisfied that the applicant has good reason to make the application as soon as possible and it is not practicable to comply with that paragraph.

[(**a**)...]

[(b) Notice of application for a domestic freezing order

58A.—(1) An application under section 10(1) (domestic freezing orders) shall be made by giving notice in writing to the chief clerk and shall be accompanied by—

(**a**) Omitted by S.R. 2011 No. 230 with effect from 25.07.11

(**b**) New Rules 58A and 58B inserted by S.R. 2011 No. 230 with effect from 25.07.11

[*Supplt. No. 3 (July 2011)*]

(a) the certificate, referred to in section 11, completed by the applicant; and

(b) either the request made under section 7, or an indication of when such a request will be made.

(2) Where the judge makes a domestic freezing order under section 10(1) the chief clerk shall, within 14 days of the date the order was made, send to the Secretary of State—

(a) the domestic freezing order;

(b) the certificate completed by the applicant; and

(c) either the request under section 7, or an indication of when such a request will be made.

Variation or revocation of a domestic freezing order

58B.—(1) An application to vary or revoke a domestic freezing order under section 12 shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the order was made.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the change in circumstances occurs.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of application was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (3) of his opposition to the application, the Court may direct a hearing of the application.

(6) Where a hearing of the application is to take place in accordance with paragraphs (4) or (5) the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision.

(9) Where the judge makes an order to vary or revoke a freezing order under section 12, the chief clerk shall, as soon as reasonably practicable, send a copy of that order to the Secretary of State.]

Proceedings before a nominated court

59. In proceedings before a nominated court pursuant to a notice under section 15(1), the Court may—

(a) determine who may appear to take part in the proceedings under Schedule 1 and whether a party to the proceedings is entitled to be legally represented; and

(b) if it thinks it necessary to do so in the interests of justice, direct that all or any persons not being members or officers of the Court or parties to the proceedings, their solicitors or counsel, or other persons directly concerned in the proceedings, be excluded from the Court during the proceedings.

Record of proceedings before a nominated court

[*Supplt. No. 3 (July 2011)*]

60.—(1) In proceedings before a court nominated pursuant to a notice under section 15(1), the chief clerk shall make a record of the evidence received by the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is—

(a) details of the request in respect of which the notice under section 15(1) was given;

(b) the date on which, and place at which, the proceedings under Schedule 1 in respect of that request took place;

(c) the name of any witness who gave evidence at the proceedings in question;

(d) the name of any person who took part in the proceedings as a legal representative or as an interpreter;

(e) whether a witness was required to give evidence on oath or after making a solemn affirmation; and

(f) whether the opportunity to cross-examine any witness was refused.

(3) When the Court sends the evidence received by it under paragraph 6(1) of Schedule 1 to the court or authority that made the request or to the territorial authority for forwarding to the court or authority that made the request, the chief clerk shall send to the court, authority or, as the case may be, territorial authority a copy of an extract so much of the record as relates to the proceedings in respect of that request.

[(a) Consideration of an overseas freezing order

60A.—(1) In proceedings before a Court nominated under section 21, the Court shall consider whether to give effect to the freezing order—

(a) save in exceptional circumstances, on the next business day after receipt of a copy of the order from the Secretary of State; and

(b) in any event within 5 business days of receipt of the order.

(2) The Court shall not consider an overseas freezing order unless it is satisfied that the Chief Constable has—

(a) been given notice of the order; and

(b) had an opportunity to be heard.

(3) The Court may consider an overseas freezing order—

(a) without a hearing; or

(b) at a hearing in private or public.

(4) The chief clerk shall, as soon as reasonably practicable, give notice of any decision of the Court in respect of an overseas freezing order to the Secretary of State.

(5) In this rule "business day" means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

(6) In paragraph (5) "bank holiday" means a day which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971.

Release of evidence subject to an overseas freezing order

60B.—(1) An application under section 25 for the release of evidence which is subject to an overseas freezing order shall be made by giving notice in writing and shall state the reasons why the evidence should be released.

(2) An application under paragraph (1) shall be served on the chief clerk, and on

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(a) New Rules 60A and 60B inserted by S.R. 2011 No. 230 with effect from 25.07.11

[*Supplt. No. 3 (July 2011)*]

each of the parties to the proceedings, as soon as reasonably practicable, after the reasons for making the application occur.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the chief clerk in writing of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the Court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (3) of his opposition to the application, the Court may direct a hearing of the application.

(6) Where a hearing of the application is to take place in accordance with paragraphs (4) or (5) the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision.

(9) Where the Court makes an order under section 25 the chief clerk shall, as soon as reasonably practicable, give notice of that order to the Secretary of State.]

Interpreter for the purposes of proceedings involving a television or telephone link

61.—(1) This rule applies where the court nominated under section 30(3) (hearing witnesses in the UK through television links) or section 31(4) (hearing witnesses in the UK by telephone) is a Crown Court.

(2) Where it appears to the chief clerk that the witness to be heard in the proceedings under Part 1 or 2 of Schedule 2 ("the relevant proceedings") is likely to give evidence in a language other than English, he shall make arrangements for an interpreter to be present at the relevant proceedings to translate what is said into English.

(3)Where is appears to the chief clerk that the witness to be heard in the relevant proceedings is likely to give evidence in a language other than that in which the proceedings of the court referred to in section 30(1) or, as the case may be, section 31(1) ("the external court") will be conducted, he shall make arrangement for an interpreter to be present at the relevant proceedings to translate what is said into the language in which the proceedings of the external court will be conducted.

(4) Where the evidence in the relevant proceedings is given in a language other than English and is not translated into English by an interpreter, the Court shall adjourn the proceedings until such time as an interpreter can be present to provide a translation into English.

Record of television link before a nominated court

62.—(1) In proceedings before a court nominated pursuant to a notice under section 30(3), the chief clerk shall make a record of the evidence given in the presence of the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is—

(a) details of the request in respect of which the notice under section 30(3) was given;

(b) the date on which, and place at which, the proceedings under Part 1 of Schedule 2 in respect of that request took place;

(c) the technical conditions, such as the type of equipment used, under which the proceedings took place;

(d) the name of the witness who gave evidence;

(e) the name of any person who took part in the proceedings as a legal representative or as an interpreter; and

(f) the language in which the evidence was given.

(3) As soon as is reasonably practicable after the proceedings under Part 1 of Schedule 2, the chief clerk shall send to the external authority that made the request a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

Record of telephone link before a nominated court

62A.—(1) In proceedings before a court nominated pursuant to a notice under section 31(4), the chief clerk shall make a record of the evidence given the presence of the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is—

(a) details of the request in respect of which the notice under section 31(4) was given;

(b) the date on which, and place at which, the proceedings under Part 2 of Schedule 2 took place;

(c) the name of the witness who gave evidence;

(d) the name of any person who took part in the proceedings as a legal representative or as an interpreter; and

(e) the language in which the evidence was given.

(3) As soon as is reasonably practicable after the proceedings under Part 2 of Schedule 2, the chief clerk shall send to the external authority that made the request a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

Restriction on access to records kept under rules 60, 62 and 62A

62B. The records kept under rules 60, 62 and 62A shall not be open to inspection by any person except—

(a) as authorised by the Secretary of State; or

(b) with leave of the Court.]

[(a)PART IX

DEVOLUTION ISSUES UNDER SCHEDULE 10 TO THE NORTHERN IRELAND ACT 1998

Interpretation

[(b)**63.**]—(1) In this Part—

"the appropriate Minister or department" means—

(a) the First Minister and the Deputy First Minister acting jointly; or

(b) where they, acting jointly, determine under paragraph 36 of Schedule 10 that any power conferred on them by that Schedule in relation to any specified proceedings may be exercised by a specified Minister or Northern Ireland department, that Minister or department; and for this purpose "specified" means specified in a determination under that paragraph;

"devolution issue" means a devolution issue within the meaning of Schedule 10;

"the Judicial Committee" means the Judicial Committee of the Privy Council;

"Schedule 10" means Schedule 10 to the Northern Ireland Act 1998(c).

Raising of devolution issue on trial on indictment

[(b)**64.**]—(1) Where the party to a trial on indictment proposes to raise a devolution issue, he shall lodge a notice in Form 8 with the chief clerk and serve it on each of the other parties to the proceedings setting out the facts and circumstances and points of law on the basis of which it is alleged that the devolution issues arises in sufficient details to enable the Court to determine whether such an issue arises in the proceedings.

(2) In paragraph (1) "a party to a trial on indictment" means the prosecutor or the defendant in proceedings in the Court whether before or after arraignment.

(3) Where a devolution issue has been raised in accordance with paragraph (1), the chief clerk shall as soon as practicable cause the matter to be drawn to the attention of the Court for the making of an order under paragraph 5 of Schedule 10 requiring notice of the devolution issue to be given to the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department.

(4) If the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department wishes to become a party to the proceedings so far as they relate to the devolution issue as mentioned in paragraph 6 of Schedule 10, he or it shall, within 7 days after receipt of the notice, or such longer period as the Court may direct, give notice in Form 9 to the chief clerk; and a copy of such notice shall be sent to each of the other parties.

Reference of devolution issue to Court of Appeal

[(d)**65.**]—(1) Where the Court decides to refer a devolution issue to the Court of Appeal under paragraph 7 of Schedule 10, it shall make an order so referring the issue.

(2) An order under paragraph (1) shall be in Form 10 and the Court may give directions to the parties as to the manner and form of the schedule to that order, but it shall be settled by the Court.

(a) Inserted by S.R. 1999 No. 491 with effect from 17.01.00
(b) Renumbered by S.R. 2000 No. 227 with effect from 21.08.00.
(c) 1998 c. 47
(d) Renumbered by S.R. 2000 No. 227 with effect from 21.08.00

(3) The chief clerk shall send the order to the Master (Queen's Bench and Appeals).

Reference of devolution issue to Judicial Committee

[(a)**66.**]—(1) Where the Court is required by the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department as mentioned in paragraph 33 of Schedule 10 to refer a devolution issue to the Judicial Committee, it shall make an order in Form 11 referring the issue to the Judicial Committee.

(2) The Court may give directions to the parties as to the manner and form in which the reference, in the schedule to the order, is to be drafted.

(3) When the reference has been settled by the Court, the chief clerk shall send the order to the Registrar of the Judicial Committee.

Adjournment of proceedings pending reference of devolution issue

[(a)**67.**]—(1) The proceedings in which an order is made under rule 68 or 69 for the reference of a devolution issue shall, unless the Court otherwise orders, be adjourned until the Court of Appeal or, as the case may be, the Judicial Committee, has determined the issue referred to it.

(2) Nothing in paragraph (1) shall be taken as preventing the Court from deciding any preliminary or incidental question which may arise in the proceedings after an order referring the devolution issue is made and before the Court of Appeal or, as the case may be, the Judicial Committee.

Procedure on receipt of determination of devolution issue

[(a)**68.**]—(1) Where, on a reference of a devolution issue, the Court of Appeal or, as the case may be, the Judicial Committee has determined the issue and the determination has been received by the Court, the chief clerk shall send a copy of the determination to each of the parties to the proceedings and the Court shall give directions as to further procedure.]

[(b)PART X

WITNESS SUMMONSES

Interpretation

69. In this Part of these Rules, unless the context otherwise requires:—

"the applicant" means the applicant in relation to an application to which that rules applies;

"the directed person" and the "stipulated evidence, document or thing" have the same meaning as in section 51A(10) of the Act; and

"a scheduled offence" means an offence which is scheduled within the meaning of section 1 of the Northern Ireland (Emergency Provisions) Act 1996(c).

Application for witness summons

70.—(1) This rule applies to an application under section 51A of the Act for the issue of a witness summons.

(a) Renumbered by S.R. 2000 No. 227 with effect from 21.08.00
(b) Part X inserted by S.R. 2000 No. 227 with effect from 21.08.00
(c) 1996 c. 24

(2) Subject to paragraphs (8) to (10), the application shall be made in writing to the chief clerk and shall—

(a) contain a brief description of the stipulated evidence, document or thing;

(b) set out the reasons why the applicant considers that the stipulated evidence, document or thing is likely to be material evidence;

(c) set out the reason why the applicant considers that the directed person will not voluntarily attend as a witness or produce the document or thing; and

(d) if the witness summons is proposed to require the directed person to produce a document or thing—

(i) inform the directed person of his right to make representations in writing and at a hearing, under paragraph (5); and

(ii) state whether the applicant seeks a requirement also to be imposed under section 51B of the Act (advance production) and, if such a requirement is sought, specify the place and time at which the applicant wishes the document or thing to be produced.

(3) The application shall be supported by an affidavit—

(a) setting out any charge on which the proceedings concerned are based;

(b) specifying the stipulated evidence, document or thing in such a way as to enable the directed person to identify it;

(c) specifying grounds for believing that the directed person is likely to be able to give the stipulated evidence or to produce the stipulated document or thing;

(d) specifying grounds for believing that the stipulated evidence is likely to be material evidence or, as the case may be, that the stipulated document or thing is likely to be material evidence.

(4) A copy of the application and the supporting affidavit shall be served on the directed person at the same time as it is served on the chief clerk.

(5) The directed person may, within 7 days of receiving a copy of the application under paragraph (4), inform, in writing, the chief clerk whether or not he wishes to make representations, concerning the issues of the witness summons proposed to be directed to him, at a hearing and may also make written representations to the chief clerk.

(6) The chief clerk shall—

(a) if the directed person indicates that he wishes to have the application considered at a hearing, fix a time, date and place for the hearing;

(b) if the directed person does not indicate in accordance with paragraph (5) that he wishes to make representations at a hearing, refer the application to a judge of the Crown Court for determination with or without a hearing; and

(c) notify the applicant and, where sub-paragraph (a) applies, the directed person of the time, date and place fixed for any hearing of the application.

(7) Any hearing under this rule shall, unless the judge directs otherwise, take place in private and the proceedings at the hearing shall be recorded.

(8) In the case of an application for a witness summons which it is proposed shall require the directed person to give evidence but not to produce any document or thing, that application may be made orally to a judge or in writing and, in such a case—

(a) paragraphs (3) to (7) shall not have effect; and

(b) the application shall, in addition to the matters set out in sub-paragraphs (a) to (c) of paragraph (2), specify—

(i) any charge on which the proceedings concerned are based; and

(ii) the grounds for believing that the direct person is likely to be able to give the stipulated evidence.

(9) Subject to paragraph (10), in the case of an application for a witness summons which it is proposed shall require the directed person to produce any document or thing and which is made within 7 days of the date fixed for trial, the chief clerk shall refer the notice of application—

(a) where the offence charged is a scheduled offence, to such judge as has been designated by the Lord Chief Justice for the purposes of hearing the application;

(b) in any other case, to the trial judge, or such other judge as may be available,

to determine the application or to give such directions as the judge to whom the notice is referred considers appropriate, and paragraphs (2)(d)(i) and (4) to (6) shall not have effect.

(10) In the case of an application for a witness summons which it is proposed shall require the directed person to produce any document or thing and which is made during the trial, such application shall be made orally to the trial judge, to determine the application or to give such directions as he considers appropriate, and in such a case—

(a) paragraphs (3) to (7) shall not have effect; and

(b) the application shall, in addition to the matters set out in sub-paragraphs (a) to (c) of paragraph (2), specify the grounds for believing that the directed person is likely to be able to produce the document or thing.

Application that summons be no further effect

71.—(1) This rule applies to an application under section 51C of the Act

(2) The application shall be made in writing to the chief clerk as soon as reasonably practicable after the document or thing has been produced for inspection in pursuance of a requirement imposed by the witness summons under section 51B of the Act.

(3) The application shall state that the applicant concludes that the requirement imposed by the witness summons under section 51A(2) of the Act is no longer needed.

(4) If a direction is given under section 51C of the Act following the application, the chief clerk shall notify the person to whom the witness summons is directed as to the effect of the direction.

Application to make summons issues on application ineffective

72.—(1) This rule applies to an application under section 51D of the Act.

(2) The application shall be made in writing to the chief clerk and shall—

(a) state that the applicant was not served with notice of the application to issue the summons and that he was neither present nor represented at any hearing of that application; and

(b) set out the reasons why the applicant considers that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence.

(3) On receiving the application, the chief clerk shall—

(a) serve notice of the application on the person on whose application the witness summons was issued;

(b) refer the application, where the offence charged is a schedule offence, to such judge as has been designated by the Lord Chief Justice for the purposes of determining the application;

(c) refer the application, in any other case—

(i) if the trial has started, to the trial judge; or

(ii) if the application is received before the start of the trial, either to the judge who has been designated to conduct the trial, or if no judge has been designated for that purpose, to the judge who issued the witness summons to which the application relates.

(4) The court shall not grant or, as the case may be, refuse the application unless the applicant and the person on whose application the witness summons was issued have been given an opportunity of making representations, whether at a hearing or (where they agree to do so) in writing without a hearing.

(5) In a case where the witness summons to which the application relates imposed a requirement to produce any document or thing, then if—

(a) the applicant can produce that document or thing, but

(b) he seeks to satisfy the court that the document or thing is not likely to be material evidence,

the applicant must, unless the judge directs otherwise, arrange for the document or thing to be available at the hearing of the application.

(6) Any hearing under this rule shall, unless the judge directs otherwise, take place in private and the proceedings at the hearing shall be recorded.

(7) The chief clerk shall notify the applicant and the person on whose application the witness summons was issued of the decision of the court in relation to the application.

Application to make summons issued of court's own motion ineffective

73.—(1) Rule 72 shall apply to an application under section 51F of the Act as it applies to an application under section 51D of that Act, subject to the following modifications.

(2) Paragraphs (2)(a) and (3)(a) shall be omitted.

(3) In paragraphs (4) and (7), the words "and the person on whose application the witness summons was issued" shall be omitted.

(4) In paragraph (4), for the words "(where they agree to do so)", there shall be substituted the words "(where he agrees to do so)".]

[(a)PART XI

APPLICATIONS UNDER SCHEDULE 6A TO THE TERRORISM ACT 2000, [THE CRIMINAL JUSTICE AND POLICE ACT 2001(b)] AND THE PROCEEDS OF CRIME ACT 2002

Interpretation

74. In this Part of these Rules:—

"the Act" means the Proceeds of Crime Act 2002 and a reference to a section by number is a reference to the section so numbered in the Act; expressions which are defined in the Act have the same meaning as in the Act;

(a) Part XI inserted by S.R. 2003 No. 71 with effect from 24.03.03
(b) Inserted by S.R. 2003 No. 279 with effect from 30.06.03

[(a) "the chief clerk" includes such other civil servant in the Department of Justice as may be authorised to act on his behalf for the purpose in question.] [*Supplt. No. 5 (June 2017)*]

[(b)...]

Time for payment

76.—(1) Notice of an application under section 161 shall be made to the chief clerk in writing.

(2) On receiving a notice under paragraph (1) the chief clerk shall—

(a) forthwith send a copy to the prosecutor [(c)...]; and

(b) notify the parties of the date and time of the hearing.

[(d) Application for compliance order

76A.—(1) Notice of an application under section 163A(3)(b) shall be made to the chief clerk in writing and shall—

(a) state the name and address of the defendant and the Crown Court case number;

(b) give details of the relevant confiscation order, including any variations thereto;

(c) specify the amount outstanding under the confiscation order;

(d) give full particulars of the matters relied upon in support of the application; and

(e) state the date and place of the hearing.

(2) Subject to paragraph (3), the prosecutor shall, not less than seven days before the date fixed for hearing, serve a copy of the notice on—

(a) the defendant;

(b) any other person of whom the prosecutor is aware who would be a person affected by the order; and

(c) the receiver, if appointed.

(3) An application under paragraph (1) may be made ex parte if—

(a) it is urgent; or

(b) there are reasonable grounds to believe that the giving of notice would cause a reasonable apprehension of dissipation of the realisable property which is the subject of the relevant confiscation order.

(4) Where the Court makes a compliance order, the chief clerk shall forthwith serve a copy of the order on—

(a) the defendant;

(b) any person affected by the order of whom the prosecutor is aware; and

(c) if appointed, the receiver.

Application for discharge or variation of a compliance order

76B.—(1) Notice of an application under section 163A(5) shall be made to the chief clerk in writing and shall—

(a) state the name and address of the defendant and the Crown Court case number;

(b) give details of the confiscation order and any variations thereto;

(c) give details of the compliance order and any variations thereto;

(d) specify any amount outstanding under the confiscation order; and

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(a) Words substituted by S.R. 2016 No. 297 with effect from 31.10.16
(b) Rule 75 revoked by S.I. 2008 No. 574 with effect from 01.04.08
(c) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08
(d) Rules 76A and 76B inserted by S.R. 2015 No. 241

[*Supplt. No. 5 (June 2017)*]

(e) give full particulars of the matters relied upon in support of the application.

(2) The applicant shall serve the notice on the receiver, if appointed, and—

(a) the prosecutor;

(b) the defendant; and

(c) any other person affected by the order,

where be is not the applicant.

(3) Any party served with a notice under paragraph (2) may, within seven days of receiving the notice, inform the chief clerk in writing that he wishes to make representations.

(4) After the expiry of the period referred to in paragraph (3), the Court shall determine whether an application under paragraph (1) is to be dealt with—

(a) without a hearing, or

(b) at a hearing at which the parties may be represented,

and the chief clerk shall inform the parties accordingly.

(5) Where the Court makes an order discharging or varying a compliance order, a copy of the order shall be served by the chief clerk on all those who were served with a copy of the application under paragraph (2).

Postponement

77.—(1) Notice of an application under section 164(7) shall be made to the chief clerk in writing and at the same time a copy served on the opposite party who shall within 28 days notify the applicant and the chief clerk, in writing, whether or not he proposes to oppose the application, giving the reason for any such opposition.

(2) After the expiry of the period referred to in paragraph (1), the Court shall determine whether the application is to be dealt with—

(a) without a hearing, or

(b) at a hearing at which the parties may be represented,

and the chief clerk shall inform the parties accordingly.

(3) Where the Court makes an order pursuant to an application under section 164(7), the chief clerk shall forthwith send a copy of the order to the applicant and to the opposite party.

Statements in connection with the making of confiscation orders

78.—(1) Where the prosecutor [(**a**)...] is required or proposes to give to the Court a statement under section 166 or section 168, he shall serve it within such time as the Court may direct on the chief clerk and at the same time serve a copy thereof on the defendant.

(2) Any statement given to the court by the prosecutor [(**a**)...] under section 166 or 168 shall include the following particulars—

(a) the name of the defendant and the Crown Court case number;

(b) the name of the person by whom the statement is given, and if different, the name of the person by whom it is made;

(c) the date on which the conviction for the offence occurred; and

(d) the matters relied on in support of any allegation made or matter indicated.

(a) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08

79. Where under section 167 the defendant is ordered to indicate the extent to which he accepts any allegation contained within a statement given by the prosecutor, [(**a**)...] unless the Court directs otherwise, he shall indicate so in writing to the chief clerk, and at the same time serve a copy on the opposite party. [*Supplt. No. 5 (June 2017)*]

80. Where under section 168 the defendant is ordered by the Court to provide information, unless the Court directs otherwise, the information shall be provided in writing to the chief clerk, and at the same time served on the opposite party.

Reconsideration of case or benefit

81.—(1) Notice of an application under section 169, section 170 or section 171 shall be made in writing to the chief clerk.

(2) The notice under paragraph (1) shall—

(a) state the name and address of the defendant and the Crown court case number;

(b) give the date on which any relevant conviction occurred;

(c) give the date on which any relevant confiscation order was made, or as the case may be, varied;

(d) give full particulars of the matters relied upon in support of the application.

(3) On receiving a notice under paragraph (1) the chief clerk shall—

(a) forthwith send a copy to the defendant; and

(b) notify the parties of the date and place of the hearing.

(4) Where the Court makes an order pursuant to an application under section 169, section 170 or section 171, the chief clerk shall forthwith send a copy of the order to the applicant and to the defendant.

Reconsideration of available amount

82.—(1) Notice of an application under section 172 shall be made in writing to the chief clerk.

(2) The notice under paragraph (1) shall—

(a) state the name and address of the defendant and the Crown Court case number;

(b) give the date on which any relevant conviction occurred;

(c) give the date on which any relevant confiscation order was made, or as the case may be, varied;

(d) give full particulars of the matters relied upon in support of the application.

(3) The chief clerk shall, not less than seven days before the date fixed for the hearing, send a copy of the notice received under paragraph (1) together with notification of the date and place of the hearing to—

(a) the defendant;

(b) where the applicant is the prosecutor [(**a**)...], the receiver if appointed;

(c) where the receiver is the applicant—

(i) the prosecutor; or

[(**a**)...]

and shall notify the applicant of the date and place of the hearing.

(**a**) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08

[*Supplt. No. 5 (June 2017)*]

(4) Where the Court makes an order pursuant to an application under section 172, the chief clerk shall forthwith send a copy of the order to every person to whom the notice was sent under paragraph (3).

Variation: inadequacy of available amount

83.—(1) Notice of an application under section 173 shall be made to the chief clerk in writing.

[(**a**)(2) The applicant shall, not less than seven days before the date fixed for the hearing, send a copy of the notice together with notification of the date and place of the hearing to—

(a) the prosecutor;

(b) the defendant; and

(c) the receiver, if appointed,

where he is not the applicant.]

(3) Where the Court makes an order pursuant to an application under section 173, the chief clerk shall forthwith send a copy of the order to every person to whom notice was sent under paragraph (2).

Discharge

84.—(1) Notice of an application made under section [(**b**) 174, 175 or 175A] shall be made in writing and shall—

(a) give details of the confiscation order;

(b) specify the amount outstanding under the confiscation order; and

(c) give full particulars of the matters relied upon in support of the application.

(2) The applicant shall serve the notice on—

(a) the chief clerk, where he is not the applicant;

(b) the defendant; [(**c**) or where the application is made under section 175A, his personal representative;]

(c) the prosecutor, where he is not the applicant; and

(d) the receiver, where one has been appointed.

(3) Any party served with a notice under paragraph (2) may, within seven days of receiving the notice, inform the chief clerk in writing that he wishes to make representations.

(4) After the expiry of the period referred to in paragraph (3), the Court shall determine whether an application under paragraph (1) is to be dealt with—

(a) without a hearing, or

(b) at a hearing at which the parties may be represented,

and the chief clerk shall inform the parties accordingly.

(5) Where the Court makes an order discharging the confiscation order, the chief clerk shall forthwith serve a copy of the order on the defendant, [(**c**) or where appropriate, his personal representative], the prosecutor and if appointed, the receiver.

Application to proceed where defendant absconds

85. Notice of an application under section 177 or 178 shall be made to the chief clerk in writing and shall, at the same time, be served on any person of whom the applicant is aware who may be affected by the application.

(**a**) Rule 83(2) substituted by S.R. 2015 No. 241 with effect from 01.06.15
(**b**) Words substituted by S.R. 2015 No. 241 with effect from 01.06.15
(**c**) Words added by S.R. 2015 No. 241 with effect from 01.06.15

Application for variation of confiscation order made against absconder

[*Supplt. No. 4 (April 2008)*]

86.—(1) Notice of an application under section 179 shall be made to the chief clerk in writing.

(2) The notice under paragraph (1) shall include particulars of the following—

(a) the relevant confiscation order;

(b) the circumstances in which the defendant ceased to be an absconder;

(c) the defendant's conviction of the offences concerned; and

(d) the reasons why the defendant believes the amount required to be paid is too large.

(3) The chief clerk shall, not less than seven days before the date fixed for the hearing, send a copy of the notice received under paragraph (1)—

(a) to the prosecutor, [(**a**)...]; and

(b) notify the parties of the date and place appointed for the hearing.

Application for discharge of confiscation order made against absconder

87.—(1) Notice of an application under section 180 shall be made to the chief clerk in writing.

(2) The notice under paragraph (1) shall include particulars of the following—

(a) the relevant confiscation order;

(b) the date on which the applicant ceased to be an absconder;

(c) the acquittal of the defendant for the offence concerned, if the defendant has been acquitted; and

(d) if the defendant has not been acquitted—

(i) the undue delay in continuing the proceedings; or

(ii) any indication given by the prosecutor that he does not intend to continue the proceedings.

(3) The chief clerk shall, not less than seven days before the date fixed for the hearing, send a copy of the notice received under paragraph (1)—

(a) to the prosecutor, [(**a**)...]; and

(b) notify the parties of the date and place appointed for the hearing.

Application for increase in term of imprisonment

88.—(1) Notice of an application under section 188(5) to increase the term of imprisonment or detention fixed in default of payment of a confiscation order shall be made to the chief clerk in writing.

(2) The notice under paragraph (1) shall—

(a) state the name and address of the defendant;

(b) give full particulars of the matters relied upon in support of the application;

(c) give details of any enforcement measures taken; and

(d) include a copy of the confiscation order.

(3) On receiving a notice under paragraph (1) the chief clerk shall—

(a) forthwith send a copy of said notice to the defendant; and

---

(**a**) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08

(b) notify the parties of the date and place appointed for the hearing of the application.

(4) Where the Court makes an order pursuant to an application under section 188(5), the chief clerk shall forthwith send a copy of the order to the parties and where the defendant is in custody at the time of making of the order, the person having custody of him.

Compensation

89.—(1) Notice of an application for compensation under section 220 shall be made to the chief clerk in writing.

(2) The chief clerk shall, not less than seven days before the date fixed for the hearing, send a copy of the notice received under paragraph (1) together with notification of the date and place of the hearing to—

(a) the person alleged to be default; and

(b) the person by whom the compensation would be payable under section 220(9); and

notify the applicant of the date and place of the hearing.

90.—(1) Notice of an application for compensation under section 221 shall be made to the chief clerk in writing.

(2) The notice under paragraph (1) shall include—

(a) details of the confiscation order and its variation or discharge;

(b) full particulars of the realisable property held by the applicant;

(c) details of the loss suffered by the applicant as a result of the making of the order.

(3) The chief clerk shall, not less than seven days before the date fixed for the hearing—

(a) send a copy of the notice received under paragraph (1) to the prosecutor [(**a**)...]; and

(b) notify the parties of the date and place of the hearing of the application.

Appointment of a receiver

91.—(1) Notice of an application under section 198 for the appointment of a receiver shall be made to the chief clerk in writing.

(2) The notice shall be supported by an affidavit—

(a) giving full particulars of the matters relied upon in support of the application;

(b) stating the name, address and position of the proposed receiver;

(c) giving, to the best of the deponent's ability, full particulars of the realisable property in respect of which the order is sought and specifying the person holding such property;

(d) if the proposed receiver is not a member of staff of [(**a**)...] the Department of Director of Public Prosecutions (Northern Ireland) or the Commissioners of Her Majesty's Customs and Excise and the applicant is asking the court to allow the receiver to act without giving security or before he has given security or satisfied the court that he has security in place, explain the reasons why that is necessary.

(3) Subject to paragraph (4), the applicant shall, not less than seven days before the date fixed for the hearing of the application, serve copies of the notice and

(**a**) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08

accompanying affidavit, together with notice in writing of the date and place appointed for the hearing of the application on— [*Supplt. No. 4 (April 2008)*]

(a) the defendant;

(b) any person who holds realisable property to which the application relates; and

(c) any other person of whom the applicant is aware who may be affected by the application.

(4) An application under paragraph (1) may be made ex parte if—

(a) it is urgent; or

(b) there are reasonable grounds to believe that the giving of notice would cause a reasonable apprehension of dissipation of the realisable property which is the subject of the application.

(5) Where the Court makes an order for the appointment of a receiver, the applicant shall serve copies of the order and affidavit in support on—

(a) the defendant;

(b) the receiver;

(c) any person who holds realisable property to which the application relates; and

(d) any other person of whom the applicant is aware who may be affected by the order.

Application for conferment of powers

92.—(1) Notice of an application for an order for the conferment of powers on a receiver under section 199 or section 201 shall be made to the chief clerk in writing.

(2) The notice shall be supported by an affidavit, which shall include—

(a) full particulars of the matters relied upon in support of the application;

(b) to the best of the deponent's ability, full particulars of the realisable property in respect of which the order is sought and details of the person holding such property.

(3) Subject to paragraph (4), the applicant shall, not less than seven days before the date fixed for the hearing of the application, serve copies of the notice and accompanying affidavit, together with notice in writing of the date and place appointed for the hearing of the application on—

(a) the defendant;

(b) the receiver, if already appointed;

(c) any person who holds realisable property to which the application relates; and

(d) any other person of whom the applicant is aware who may be affected by the application.

(4) Except where section 199(8) or section 201(8) apply, an application under paragraph (1) may be made ex parte if the application is to confer on the receiver power to take possession of property and—

(a) the case is one of urgency; or

(b) the giving of notice would cause a reasonable apprehension of dissipation of the realisable property which is the subject of the application.

(5) Where the Court makes an order for the conferment of powers on the receiver, the applicant shall serve copies of the order and affidavit in support on—

(a) the defendant;

(b) the receiver;

(c) any person who holds realisable property to which the application relates; and

(d) any other person of whom the applicant is aware who may be affected by the order.

Application for leave

93.—(1) Notice of an application for leave under section 207(2) or section 208(2) shall be made to the chief clerk in writing.

(2) The applicant shall, not less than seven days before the date fixed for the hearing of the application, serve copies of the notice, together with notice in writing of the date and place appointed for the hearing of the application on—

(a) the tenant;

(b) the receiver;

(c) the person against whom the confiscation order has been made; and

(d) any other person of whom the applicant is aware who may be affected by the application.

Application for discharge or variation and applications for other orders

94.—(1) Notice of an application under section 210(3) or section 211(1) shall be made to the chief clerk in writing.

(2) The applicant shall, not less than seven days before the date fixed for the hearing of the application, serve copies of the notice and accompanying affidavit, together with notice in writing of the date and place of the hearing on—

(a) the person who applied for the appointment of the receiver;

(b) the defendant;

(c) any person who holds realisable property in respect of which the receiver has been appointed;

(d) the receiver; and

(e) any other person of whom the applicant is aware who may be affected by the application,

where he is not the applicant.

(3) Where the Court makes an order under section 211(2), a copy of the order shall be served by the applicant on all those who were served with a copy of the application under paragraph (4).

Sums in the hands of receivers

95.—(1) Where the receiver has fully paid the amount payable under the confiscation order and any sums remain in his hands, notice of an application for directions as to the distribution of the sums in his hands shall be made to the chief clerk in writing.

(2) The applicant shall, not less than seven days before the date fixed for the hearing of the application, serve copies of the notice, together with notice in writing of the date and place of the hearing, on—

(a) the defendant; and

(b) any person who holds realisable property in respect of which the receiver has been appointed.

[*Supplt. No. 4 (April 2008)*]

Security

96.—(1) This rule applies where a receiver is appointed under section 198 [(**a**)...] and the receiver is not a member of staff of [(**a**)...] the Department of the Director of Public Prosecutions (Northern Ireland) or the Commissioners of Her Majesty's Customs and Excise.

(2) An order for the appointment of a receiver may include such direction as the Court sees fit as to the giving of security by the person appointed.

(3) Where by virtue of an order appointing a receiver a person is required to give security in accordance with this rule, he must give security approved by the Court duly to account for what he receives as receiver and to deal with it as the Court directs.

(4) Unless the Court otherwise directs, the security shall be by way of guarantee which must be lodged with the chief clerk who shall retain it until it is duly vacated.

Remuneration

97.—(1) This rule applies where a receiver is appointed under section 198 [(**a**)...] and the receiver is not a member of staff of [(**a**)...] the Department of the Director of Public Prosecutions (Northern Ireland) or the Commissioners of Her Majesty's Customs and Excise.

(2) A person appointed as receiver shall be allowed such remuneration, if any, as may be authorised by the Court and the Court may direct that such remuneration shall be fixed by reference to such scales or rates of professional charges as it thinks fit.

Accounts

98.—(1) A receiver shall submit such accounts to such parties at such intervals or on such dates as the Court may direct.

(2) Any party to whom a receiver is required to submit accounts may, after giving reasonable notice to the receiver, inspect, either personally or by an agent, the books and other papers relating to such accounts.

(3) Any party who is dissatisfied with the accounts of the receiver may give notice in writing specifying the item to which objection is taken and requiring the receiver within not less than fourteen days to lodge his accounts with the Court and a copy of such notice shall be lodged with the chief clerk.

(4) Following an examination by the Court of an item or items in an account to which objection is taken, the result of such examination must be certified by the Court and an order may be made as to the incidence of any costs or expenses incurred.

Default by receiver

99.—(1) Where a receiver fails to comply with any order of the Court or any obligation under these Rules, the Court may order him to attend a hearing to show cause for his failure.

(2) At a hearing under paragraph (1), the Court may make any order it thinks proper including—

(a) an order for discharge of the receiver and appointment of another receiver;

(b) an order reducing or disallowing any remuneration claimed by the receiver; and

(c) an order for the payment of costs.

(**a**) Words omitted by S.I. 2008 No. 574 with effect from 01.04.08

[*Supplt. No. 5 (June 2017)*]

Production orders: discharge and variation

100.—(1) An application under section 351 (3)(b) shall be made in writing, giving full particulars of the matters relied upon in support of the application, and shall be served on—

(a) the chief clerk [(**a**)...] and

(b) a constable at the police station specified in the production order; or

(c) where the production order which is the subject of the application was not obtained by a constable, the office of the appropriate officer who obtained the order, as specified in the order.

(2) An application under paragraph (1) may be determined with or without a hearing and if a hearing is directed the chief clerk shall notify the parties of the time and place of the hearing.

Disclosure orders: discharge and variation

101. An application under section 362(3)(b) shall be made in writing, giving full particulars of the matters relied upon in support of the application, and shall be served on—

(a) the chief clerk [(**a**)...]; and

(b) the [(**b**) prosecutor].

Customer information orders and account monitoring orders: discharge and variation

102.—(1) This rule applies to applications—

(a) by a person other than a police officer under paragraph 4(1) of Schedule 6A to the Terrorism Act 2000(**c**) for the discharge or variation of an account monitoring order; and

(b) under section 369(3)(b) for the discharge or variation of a customer information order; and

(c) under section 375(2)(b) for the discharge or variation of an account monitoring order.

(2) Notice of an application under paragraph (1) shall be made in writing, giving full particulars of the matters relied upon in support of the application, and shall be served on—

(a) the chief clerk [(**a**)...]; and

(b) a constable at the police station specified in the order which is the subject of the application; or

(c) where the order which is the subject of the application was not obtained by a constable, the office of the appropriate officer who obtained the order, as specified in the order.

Application for letter of request

103.—(1) Notice of an application under section 376 shall, be made to the chief clerk [(**a**)...] in writing and shall—

(**a**) Words omitted by S.R. 2016 No. 297 with effect from 31.10.16
(**b**) Word substituted by S.I. 2008 No. 574 with effect from 1.04.08
(**c**) 2000 c. 11

(a) state the grounds of the confiscation investigation and give particulars of any related criminal proceedings; [*Supplt. No. 5 (June 2017)*]

(b) include particulars of the assistance requested in the form of a draft letter of request.

(2) An application under paragraph (1) may be heard ex parte.

Sending a letter of request

104. Where a judge issues a letter of request under section 376(2) the chief clerk shall send it to the Secretary of State.]

[(a) Criminal Justice and Police Act 2001

105.—(1) In this rule—

"the 2001 Act" means the Criminal Justice and Police Act 2001(**b**); a reference to a section by number is a reference to the section so numbered in the 2001 Act; and expressions which are defined in the 2001 Act shall have the same meaning as in the 2001 Act; and

"chief clerk" [(**c**)...] includes any other [(**d**) civil servant in the Department of Justice] as may be authorised to act on his behalf for the purpose in question.

(2) Notice of an application under section 59 shall be made in writing to the chief clerk and shall—

(a) where the application is made under section 59(2), specify upon which of the grounds in section 59(3) the application is made and—

(i) where the application is made under section 59(3)(a), specify why the applicant considers there was no power to make the seizure;

(ii) where the application is made under section 59(3)(b), (c) or (d), describe the property and specify why the applicant considers it should be returned;

(b) where the application is made to authorise the retention of property by a person for the time being in possession of the property, specify upon which of the grounds in section 59(7) the application is made.

(3) Where the applicant is a person with a relevant interest, the applicant shall, at the same time as the notice is given to the chief clerk, serve a copy on—

(a) the person for the time being in possession of the property;

(b) the person, if any, identified as being the person to whom notice of such an application should be given by a notice served under section 52 when the property was seized; and

(c) any other person appearing to have a relevant interest in the property.

(4) Where the applicant is a person for the time being in possession of the property, the applicant shall, at the same time as the notice is given to the chief clerk, serve a copy on—

(a) the person from whom the property was seized; and

(b) any other person appearing to have a relevant interest in the property.

(5) Any person served with a copy of a notice under paragraph (3) or (4) shall within seven days—

(**a**) Rule 105 inserted by S.R. 2003 No. 279 with effect from 30.06.03
(**b**) 2000 c. 16
(**c**) Words omitted by S.R. 2016 No. 297 with effect from 31.10.16
(**d**) Words substituted by S.R. 2010 No. 133 with effect from 12.04.10

[*Supplt. No. 1 (January 2007)*]

(a) notify the chief clerk in writing whether or not he wishes to make representations concerning the application and appear at the hearing of the application; and

(b) if he wishes to make representations, serve on the applicant and the chief clerk a written statement setting out such representation.

(6) The chief clerk shall—

(a) fix a date and place for the hearing of the applications; and

(b) notify the applicant and any person who wishes to make representations at the hearing of the date and place of such hearing.

(7) The hearing of an application under section 59 may be in private, if the judge thinks necessary in the interests of justice.]

Robert Lowry
Turlough O'Donnell
Basil Kelly
R.R. Chambers
R. Porter
J.G. Fox
R. Appleton
Denis Synge Stephens
James Oliver Brady
James G. Doran
G.B. Turkington

Dated 22nd March 1979

I concur Elwyn-Jones C.

Dated 26th March 1979

7K. Notice of decision on application for leave for witness (other than the accused) who is outside the United Kingdom through a live link] [*Supplt. No. 4 (May 2013)*]

[(**a**)7L. Application for direction for witness to give evidence through a live link

7M. Notice of decision on application for direction/recission of direction for witness to give evidence through a live link

[(**b**)7N. Application for live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999

Application for the examination of an accused through an intermediary under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999]

7O. Notice of decision on application for live link direction/application to discharge a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999]

[(**c**)7P. Notice of decision on application for examination of accused through an intermediary under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999

Notice of decision on application to vary or discharge a direction allowing the examination of accused through an intermediary under Article 21BB of the Criminal Evidence (Northern Ireland) Order 1999

7Q. Declaration for an intermediary under Article 17(5) or Article 21BA(9) of the Criminal Evidence (Northern Ireland) Order 1999]

[(**d**)8. Notice of devolution issue under Schedule 10 to the Northern Ireland Act 1998

9. Notice of intention of the Attorney General for Northern Ireland or the appropriate Minister or department to become party to proceedings so far as relates to devolution issue under Schedule 10 to the Northern Ireland Act 1998

10. Order for reference of devolution issue to the Court of Appeal

11. Order for reference of devolution issue to the Judicial Committee of the Privy Council]

(**a**) Forms 7L to 7O inserted by S.R. 2008 No. 505 with effect from 02.02.09
(**b**) Form 7N substituted by S.R. 2013 No. 82 with effect from 11.05.13
(**c**) Forms 7P and 7Q inserted by S.R. 2013 No. 82 with effect from 11.05.13
(**d**) Substituted by S.R. 2003 No. 471 with effect from 01.12.03

SCHEDULE 1

FORM 1 Rule 8(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of application in relation to bail

IN THE MATTER OF[1]

.....

Of[2] .....

Who has been committed for trial to the Crown Court at.....[3]

TAKE NOTICE THAT[1] .....

At present [detained in .....][4]

Or [on bail] hereby applies to the Crown Court for an order that he will be released from custody pending his trial upon such terms and conditions as the Court may think just – or [for the following order—][5]

The grounds on which this application is made are as follows [6][7]

Previous application for bail[8]

In the event of the applicant being admitted to bail the following persons would be willing to stand as sureties for the due surrender of the applicant to his bail:

Name[9].....

Address.....

Occupation .....

Name[9].....

Address.....

Occupation .....

Dated.....20.....

Signed.....

[10]Applicant or Solicitor for the Applicant.

To the Crown Court at Belfast.

NOTES

(1) Insert full name of defendant.
(2) Here state home address of defendant.
(3) Court to which committed.
(4) Here state the place in which he is confined.
(5) Delete which ever is not applicable and insert alternative order if required.
(6) Set out the grounds on which the application is made.
(7) No affidavit is required in support of this application.

(8) Details of any previous applications.
(9) The names of a surety or sureties may be inserted here. It is not necessary to give the names of sureties at this stage, but giving the names will release of the applicant if the application is successful.
(10) Where the applicant is not represented by a solicitor, the applicant must sign the notice.
(11) Two copies of this form must be completed. Where completed by the applicant in person they must, if the applicant is in custody, be sent to the Crown Court by the Governor of the prison or other place where the applicant is detained.

FOR USE BY GOVERNOR OR PRISON OF BORSTOL OR SOLICITOR FOR THE APPLICANT

Name of Applicant .....

Has the applicant engaged a solicitor for this application? .....

If so, state name and address of solicitor.....

.....

Offence .....

Court and date of committal .....

Court to which committed(3) .....

Name of police officer in charge of case .....

FORM 1A Rule 8(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of application in relation to bail

IN THE MATTER OF[1]

.....

Of[2] .....

Who has been committed for trial to the Crown Court at.....[3]

TAKE NOTICE THAT[4] .....

of.....

hereby applies to the Crown Court for an order[5]—

The grounds on which this application is made are as follows[6][7]

Dated.....20.....

Signed.....

[8]Applicant or Solicitor for the Applicant.

To the Crown Court at Belfast.

NOTES

(1) Insert full name of defendant.
(2) Here state home address of defendant.
(3) Court to which committed.
(4) Prosecutor or surety.
(5) State order applied for.
(6) Set out the grounds on which the application is made.
(7) No affidavit is required in support of this application.
(8) Where the applicant is not represented by a solicitor, the applicant must sign the notice.
(9) Two copies of this Form must be completed.

FORM 2 Rule 9(1)

IN THE CROWN COURT IN NORTHERN IRELAND

Order for admission to bail

THE QUEEN v. A.B.

, the day of 20 .

Before the Crown Court at

IN THE MATTER of

An applicant for bail.

UPON APPLICATION by the above named applicant

IT IS ORDERED that
be admitted to bail in the sum of £ , with sufficient

AND IT IS ORDERED that bail is granted to the applicant subject to the condition that

AND IT IS ORDERED that upon the applicant and entering into recognizances in Form 132 of the Magistrates' Court Rules (Northern Ireland) 1974, in the above mentioned sums, this order shall be sufficient authority for the person for the time being in charge of to release the applicant unless is in custody for some other cause.

AND IT IS ORDERED that the prosecutor or a surety may at any time in the interests of justice or for the prevention of crime apply to the Court to have this order reviewed.

FORM 3 Rule 20

Form of Indictment

THE QUEEN v. A.B.

COURT OF TRIAL: The Crown Court at

DATE: [i.e. date on which the indictment is to be presented.]

CHARGE[S]:—

A.B. is charged with the following offence[s]:—

FIRST COUNT

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

SECOND COUNT

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

[and so on, stating the offence and particulars thereof for each count charge in the indictment]

[(a) FORM 3A Rule 20(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Form of indictment for use where an application is to be made under section 17(2) of the Domestic Violence, Crime and Victims Act 2004 for trial by jury of sample counts only

INDICTMENT

THE QUEEN v. A.B.

COURT OF TRIAL: The Crown Court at

DATE: [i.e. date on which the indictment is to be presented.]

CHARGE[S]:-

A.B. is charged as follows:-

PART 1

Count 1

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

Count 2

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

[and so on, stating the offence and particulars thereof for each count charged in the indictment which is to be tried by a jury]

PART 2

Section 1: counts associated with Count 1 in Part 1 of this indictment.

Count 1.1

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

(a) Forms 3A inserted by S.R. 2006 No. 449 with effect from 08.01.07

[*Supplt. No. 1 (January 2007)*]

Count 1.2

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

[and so on, stating the offence and particulars thereof for each count associated with Count 1 in Part 1 of this indictment]

Section 2: counts associated with Count 2 in Part 1 of this indictment

Count 2.1

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

Count 2.2

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

[and so on, stating the offence and particulars thereof for each count associated with Count 2 in Part 1 of this indictment]]

FORM 4 Rule 40(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Order for reference to the European Court

THE QUEEN v. A.B.

IT IS ORDERED that the question[s] set out in the Schedule hereto concerning the interpretation [or validity] of [specify Treaty provision or Community instrument or act concerned] be referred to the Court of Justice of the European Communities for a preliminary ruling in accordance with Article 177 of the Treaty establishing the European Economic Community [or Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community, as the case may be].

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the said Court of Justice has given its ruling on the said question[s] or until further order.

[(a)FORM 5 Rule 44AA(1) [*Supplt. No. 1 (January 2007)*]

IN THE CROWN COURT IN NORTHERN IRELAND

Form of application for a trial without jury under section 44 of the Criminal Justice Act 2003 (jury tampering)

An application should be made within 28 days from—

(a) the date of the committal of the defendant; or

(b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) the date on which an order for retrial is made.

This Form may be used where the reasons for making the application do not arise until after the time limits outlined above have expired.

This Form may also be used where an extension of time has been granted for the making of this application.

This Form should be served on the Chief Clerk, and at the same time a copy thereof shall be served on every other party to the proceedings.

Details required	*Notes*
Details of Applicant PPS Office: PPS Reference Number:	
Case Details The Crown Court at: Crown Court Bill Number:	
Date of— committal for trial* order for retrial* notice of transfer* leave to present an indictment under Grand Jury (Abolition) Act (Northern Ireland) 1969* date on which reasons for making application arose*	*Delete as appropriate

(a) Forms 5-5C inserted by S.R. 2006 No. 449 with effect from 08.01.07

Defendant(s): Name of Defendant's solicitor: Address of Defendant's solicitor:	State the name of the defendant(s) to whom this application relates.
Charges	Give brief details of those charges to which this application relates.
Grounds	State the grounds for the application here.

Dated this day of 20 .

To: the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTES:

The application served on the Chief Clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the Chief Clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

FORM 5A Rule 44AA(7) [*Supplt. No. 1 (January 2007)*]

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of decision of application for trial without jury under section 44 of the Criminal Justice Act 2003 (Jury Tampering)

Case Details The Crown Court at: Crown Court Bill number: Name of Defendant(s): Defendant's Solicitor:	
Application made by: PPS Office: PPS Reference: Date of Application:	

Result:

An application for trial without jury under section 44 of the Criminal Justice Act 2003 is granted*/refused*.

The Court is satisfied*/not satisfied* that there is evidence of a real and present danger that jury tampering would take place.

The Court is satisfied*/not satisfied* that notwithstanding any steps which might reasonably be taken to prevent jury tampering, the likelihood that jury tampering would take place is so substantial as to make it necessary in the interests of justice for the trial to be conducted without a jury.

* Delete as appropriate

Dated this day of 20 .

Chief Clerk

FORM 5B Rule 44AB(1)

IN THE CROWN COURT IN NORTHERN IRELAND

Form of application for a trial by jury of sample counts only under section 17 of the Domestic Violence, Crime and Victims Act 2004

An application should be made within 28 days from—

(a) the date of the committal of the defendant; or

(b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) the date on which an order for retrial is made.

This Form shall also be used where an extension of time has been granted for the making of this application.

This Form should be served on the Chief Clerk, and at the same time a copy thereof shall be served on every other party to the proceedings.

Details required	*Notes*
Details of applicant: PPS Office: PPS Reference Number:	
Case Details: The Crown Court at: Crown Court Bill Number:	
Date of— committal for trial* order for retrial* notice of transfer* leave to present an indictment under Grand Jury (Abolition) Act (Northern Ireland) 1969*	*Delete as appropriate
Defendant(s): Name of Defendant's solicitor: Address of Defendant's solicitor:	State the name of the defendant(s) to whom this application relates.

[*Supplt. No. 1 (January 2007)*]

Charges	Give brief details of those charges to which this application relates.
Grounds	State the grounds for the application here.

Dated this day of 20 .

To: the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTES

The application served on the Chief Clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

This application must be accompanied by a Form of Indictment (Form 3A).

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the Chief Clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

FORM 5C Rule 44AB(6)

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of decision on an application for a trial by jury of sample counts under section 17 of the Domestic Violence, Crime and Victims Act 2004

Case Details: The Crown Court at: Crown Court Bill number: Name of Defendant(s): Defendant's solicitor:	
Application made by: PPS Office: PPS Reference: Date of Application:	

Result:

The application under section 17 of the Domestic Violence, Crime and Victims Act 2004 for a trial to take place on the basis that the trial of some, but not all, of the counts included in the indictment may be conducted without a jury is granted*/refused*.

The Court is satisfied*/not satisfied* that the following three conditions are fulfilled:

1. That the number of counts included in the indictment is likely to mean that a trial by jury involving all of those counts would be impracticable.

2. That each count or group of counts which is to be tried with a jury can be regarded as a sample of counts which are to be tried without a jury.

3. That it is in the interests of justice for an order under Article 17(2) of the Domestic Violence, Crime and Victims Act 2004 to be made.

*Delete where appropriate

Dated this day of 20 .

Chief Clerk]

[(a)FORM 6

IN THE CROWN COURT IN NORTHERN IRELAND

Form of application for a special measures direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999

An application should be made within 28 days from—

(a) the date of the committal of the defendant; or

(b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) the date on which an order for retrial is made.

This Form may also be used where an extension of time has been granted for the making of this application.

A copy of this Form shall be given at the same time to the other party or parties to the case.

PART I

To be completed by all applicants

Details required	*Notes*
Details of witness Name of Witness: Date of birth of Witness: If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application: If the applicant is the prosecutor, give the name of the witness (otherwise leave blank):	An application by the defence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996.
Case details [(b)PPSNI reference number ICOS reference number if known]	

(a) Form 6 substituted by S.R. 2003 No. 471 with effect from 01.12.03

(b) Words omitted and new words inserted by S.R. 2011 No. 230 with effect from 25.07.11

Defendant(s): Surname Forenames: Court venue: Date of next Court appearance: Charges:	 The venue of the Court hearing the case Give brief details (including date and location of offence) of those charges to which this application applies
Details of application Specify the special measures being sought: State the grounds on which the witness relies in support of the application for a special measures direction Give a description of evidence submitted in support of this application:	 The statement should make clear whether the applicant seeks automatic eligibility or whether the applicant alleges that the quality of the evidence will be reduced unless a direction is given. In the latter case, the grounds on which the applicant alleges that the quality of the witness's evidence is likely to be diminished in terms of completeness, coherence and accuracy should be clearly stated. This requirement is optional. Examples of evidence might be: birth certificate; medical report; expert evidence; police report.
Arrangements which may be available Give a description of the arrangements relevant to the measures applied for, which may be made available in the area in which it is likely the hearing will take place:	
Reasons for application Give the grounds for believing the special measures being sought in this application will increase the quality of the witness's evidence:	

Give the views of the witness as to why the measures sought in this application are required:	
Material change of circumstances Give a description of any material change of circumstances relied upon to support this application:	This requirement applies only where— (a) a special measures direction is already in force and application is being made to discharge or vary the direction, or (b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.

PART 2

[*Supplt. No. 4 (January 2012)*]

To be completed if the application is for evidence to be given through a live link

Details required	*Notes*
Details of application Give— (a) the address of any venue from which the witness will give evidence if the Court's own live link is not used: (b) the name of the person who it is proposed will accompany the witness: (c) the occupation of this person: (d) the relationship (if any) of this person to the witness:	An application by the defence need not disclose the name of the person proposed to accompany the witness if disclosure could lead to the identification of the witness.
Grounds State why it is believed that this person should accompany the witness [(**a**) (include the witness' views)]:	

(**a**) Words inserted by S.R. 2011 No. 420 with effect from 01.01.12

PART 3

To be completed if the application is to tender in evidence a video recording under Article 15 of the Criminal Evidence (Northern Ireland) Order 1999

Details required	*Notes*
Video recording(s) Statement as to the circumstances in which video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself.
Date(s) of video recording(s):	
Time(s) of video recording(s):	Give the times at which recording began and finished, including details of any interruptions.
Location and normal function of premises where video recording made:	Give address of premises where recording made and state the usual function of those premises.
Details of those present while recording made Give details of each person present at any point during the recording:	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the defendant.
In relation to each person present at any point during the recording, a statement confirming that the person is visible in the recording when present:	
[(**a**) Was an intermediary used during the video-recording? If yes, please complete Part 4 of this form, providing details of the intermediary. Please indicate whether the intermediary made the necessary declaration as set out in Form 7Q before acting.	
Has the Court already approved the use of an intermediary under Article 17 of the 1999 Order? If not, will an application be made?]	

(**a**) Paragraph inserted by S.R. 2013 No. 82 with effect from 11.05.13

[*Supplt. No. 4 (May 2013)*]

Equipment used Give a description of the equipment used for the recording:	The description shall include the following information— number and type of cameras used (fixed or mobile); the number and location of microphones; the video format used; and whether it offered single or multiple recording facilities and if it did which were used.
Recordings of part only of an interview State whether the video recording contains part only of the interview with the witness:	A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence shall also be provided to the Court and the other parties. The details of each such recording shall be given as above. Use separate sheets where necessary.
Details of copy State in respect of each video recording whether it is a copy, and give the following details in respect of each copy— Name and address of person who has the master tape: When, and by whom, the copy was made:	
Attendance and supply of copies Is the witness willing and able to attend the trial for cross-examination? Have the copies of the video recording(s) to which this application relates been disclosed to the other parties? Has a copy of this notice and the video recording(s) to which it relates been served on each party to the proceedings? Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?	Where the application is by the defendant, the video recording(s) do not have to be served on the prosecution until the close of the prosecution case at the trial.

[(a)PART 4

To be completed if the application is to allow the examination of a witness through an intermediary

Details required	*Notes*
Details of the application— (a) what is the name of the proposed intermediary:	An application by the defence need not disclose the name of the intermediary if disclosure could lead to the identification of the witness.
(b) what is the occupation of this person:	
(c) list any relevant skills or professional qualifications:	
(d) what is the relationship (if any) of this person to the witness:	
(e) is the proposed intermediary registered with the Department of Justice:	
(f) describe the witness' communication needs, and the proposed arrangements for questioning the witness. Attach any relevant report, including an intermediary's assessment. Ground rules for questioning may be discussed between the court, the legal representatives and the intermediary before the witness gives evidence to establish (a) how questions should be put to help the witness understand them and (b) how the proposed intermediary will alert the court if the witness has not understood or needs a break.	
(g) has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made.	

(a) Part 4 inserted by S.R. 2013 No. 82 with effect from 11.05.13

[*Supplt. No. 4 (May 2013)*]

(h) has an intermediary been used in any other part of the investigation or pre-trial preparation, including a video-recorded interview:	
(i) if an intermediary was used in a video-recorded interview, is it intended that an application will be made to have the video-recording admitted as evidence in chief:	
(ii) was that intermediary used in any other part of the investigation, pre-trial preparation or video-recorded interview, the person named above (if no, please give the details sought in this Part in respect of that intermediary);	
(iii) did that intermediary make a declaration before acting? If yes, please attach a copy.]	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to
(insert names and addresses of each of the other parties to the proceedings)

NOTE:
The notice served on the Chief Clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

[(a)FORM 7 [(b)Rule 44B]

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF DECISION ON APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Case Details

The Crown Court at:

Crown Court Case Number:

Defendant(s): Surname:
Forenames:

Application

Name of applicant:

Name of applicant's Solicitor:

Address of Solicitor:

Reference:

Date of Application:

Name of Witness:

Result

Special measures direction under Article [11] [12] [13] [14] [15] [(c)[17]] [18] granted*/granted subject to the following conditions*/refused on the following grounds—

Dated this day of 20 .

Chief Clerk]

(a) Form 7 substituted by S.R. 2003 No. 279 with effect from 30.06.03
(b) Substituted by S.R. 2003 No. 471 with effect from 01.12.03
(c) Number inserted by S.R. 2013 No. 82 with effect from 11.05.13

[(a)FORM 7A Rule 44I [*Supplt. No. 3 (July 2011)*]

IN THE CROWN COURT IN NORTHERN IRELAND

Application for a reporting direction under section 46 of the Youth Justice and Criminal Evidence Act 1999

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness: Name of witness: Date of birth of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera
Case details [(b)PPSNI reference number ICOS reference number if known] Defendant(s): Surname: Forenames: The Crown Court at: Crown Court Bill Number: Date of – committal for trail* giving notice of transfer* leave given to present indictment* order for retrial* next court appearance*	The venue of the court hearing the case. *Delete as appropriate

(a) Forms 7A – 7D inserted by 2004 No. 233 with effect from 17.05.04
(b) Words omitted and new words inserted by S.R. 2011 No. 230 with effect from 25.07.11

Charges	Give brief details of those charges to which this application relates
	The statement should make clear why, in the applicant's view, if the direction is not given— (a) the quality of evidence given by the witness, or (b) the level of co-operation given by the witness to any party to the proceedings in the preparation of that party's case, is likely to be diminished by fear or distress if the witness is identified by member of the public. This requirement is optional. Examples might be— Police Report Medical Report
Public Interest State why a reporting direction— (a) is in the interest of justice; and (b) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings	

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTE:
The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

NOTE to party who receives a copy of this notice:
If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7B Rule 44J

IN THE CROWN COURT IN NORTHERN IRELAND

Application for an excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Case details Defendant(s): Surname: Forenames: The Crown Court at: Crown Court Bill Number: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	*Delete as appropriate
Charges	Give brief details of those charges to which this application relates

Reference number of reporting direction: Court which gave the reporting direction: Date on which reporting direction given: Is a copy of the reporting direction attached:	The applicant should attach a copy of the reporting direction if available
Details of application State the grounds on which the applicant relies and in particular state why a reporting direction is or would be substantial and unreasonable restriction on the reporting of the proceedings: State why it would be in the public interest to remove or relax reporting restrictions:	

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTE:
The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

NOTE to party who received a copy of this notice:
If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7C Rule 44K

IN THE CROWN COURT IN NORTHERN IRELAND

Application for [revocation of a reporting direction] [variation of an excepting direction] [revocation of an excepting direction] under section 46 of the Youth Justice and Criminal Evidence Act 1999

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Case details Defendant(s): Surname: Forenames: The Crown Court at: Crown Court Bill Number: Date – of committal for trial* of giving of notice of transfer* of leave given to present indictment* of order for retrial* of next court appearance* on which application is to be heard*	*Delete as appropriate
Charges	Give brief details of those charges to which this application relates

Reference number of [reporting] [excepting] direction: Court which gave the [reporting] [excepting] direction: Date on which [reporting][excepting] direction given: Is a copy of the [reporting][excepting] direction attached:	 The applicant should attach a copy of the [reporting][excepting] direction if available
Details of application The application is for: [the revocation of a reporting direction]* [the variation of an excepting direction]* [the revocation of an excepting direction]* The grounds on which the applicant relies are as follows—	 * Delete as appropriate

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

NOTE to party who received a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7D Rule 44L

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of decision on application for [reporting direction][excepting direction][revocation of reporting direction] [variation of revocation of excepting direction] made in accordance with section 46 of the Youth Justice and Criminal Evidence Act 1999

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Case details The Crown Court at: Crown Court Bill Number: Defendant(s): Charges:	
Upon the hearing of an application on (date) at (place) the Court made an order to the following effect, viz:-	
Reporting Direction *If an excepting direction has been given by the Court, give the following details—* Reference number of the excepting direction: Court which gave the direction: Date on which direction given: Give details of the exception granted by the Court:	

Excepting Direction *If an excepting direction has been given by the Court, give the following details—* Reference number of the excepting direction: Court which gave the direction: Date on which direction given: Give details of the exception granted by the Court:
Revocation of a reporting direction *If a reporting direction has been revoked, give the following details—* Reference number of the reporting direction: Court which gave the reporting direction: Date on which the reporting direction was given: Date on which the reporting direction was revoked:
Variation or revocation of an excepting direction If an excepting direction has been varied or revoked, give the following details— Reference number of the excepting direction: Court which gave the excepting direction: Date on which the excepting direction was given: Give details of how the excepting direction was varied or revoked:

Dated this day of 20 .

Chief Clerk]

FORM 7E Rule 44N(1)

IN THE CROWN COURT IN NORTHERN IRELAND

APPLICATION FOR LEAVE TO ADDUCE EVIDENCE OF NON-DEFENDANT'S BAD CHARACTER

(Article 5 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

This form should be served on the chief clerk, and at the same time a copy thereof shall be served on every other party to the proceedings—

- within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor); or
- as soon as reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant.

Details required	*Notes*
Details of applicant Name: Address:	
Case details The Crown Court at: Crown Court Bill Number: Name of defendant(s): Charges: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	**delete as appropriate*
Details of the application Please provide the following details: • the particulars of the bad character evidence including how it is to be adduced or elicited in the proceedings (including the names of the relevant non-defendant and other relevant witness); and	*Article 5 of the 2004 Order.*

• the ground for the admission of evidence of a non-defendant's bad character under Article 5 of the 2004 Order.	*Please attach any relevant documentation.*
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please provide details:	

Dated this day of 20 .

Applicant

To the Chief Clerk of the Crown Court sitting at

And to
(Insert names and addresses of each of the other parties to the proceedings)

NOTE:
The notice served on the chief clerk shall be endorsed with the date upon which the manner in which notice was served on each of the other parties to the proceedings.

NOTE to party who received a copy of this application:
If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you, to notify the chief clerk and every other party to the proceedings, in writing, of your opposition, giving reasons for it.

FORM 7F Rule 44N(4) and (6)

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF INTENTION TO ADDUCE EVIDENCE OF DEFENDANT'S BAD CHARACTER

(Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

This form should be served on the chief clerk, and at the same time a copy thereof shall be served on every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served within 14 days from—

(a) the date of the committal of the defendant; or

(b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) the date on which an order for retrial is made.

Where the notice is given by a co-defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor).

Details required	*Notes*
Details of party giving notice Name: Address:	
Case details The Crown Court at: Crown Court Bill Number: Name of defendant(s): Charges: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	**delete as appropriate*

Details of the notice To the named defendant: You are hereby given notice that bad character evidence, particulars of which are details below, is to be adduced or elicited in these proceedings. The particulars of that bad character evidence are as follows:	In this section include: (a) a description of the bad character evidence and how it is to be adduced or elicited in the proceedings (including the names of any relevant witnesses); (b) the grounds for the admission of evidence of the defendant's bad character under Article 6 of the 2004 Order; (c) why the admission of that evidence is in the interests of justice, where Article 13 of the Order applies (evidence of conviction when under 14 used in proceedings for offence committed as an adult). Please attach any relevant documentation.
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please provide details:	

Dated this day of 20 .

Applicant

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Note to defendant:

An application by a defendant to exclude bad character evidence shall be in Form 7G and shall be served on the chief clerk and on every other party to the proceedings within 7 days of the date the notice of intention to adduce the evidence of bad character was served on him.

FORM 7G Rule 4N(8)

IN THE CROWN COURT IN NORTHERN IRELAND

APPLICATION TO EXCLUDE EVIDENCE OF DEFENDANT'S BAD CHARACTER

(Articles 6 and 13 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

This form should be served on the chief clerk and on every other party to the proceedings within 7 days of the date on which the notice of intention to adduce evidence of the defendant's bad character was served on the defendant.

Details required	*Notes*
Details of the defendant(s) Name: Address: Date of Birth: If you are in custody, please give your prison number and the address of the establishment in which you are detained:	
Case details The Crown Court at: Crown Court Bill Number: Charges: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance* Date on which you were served with notice of intention to adduce evidence of bad character in these proceedings:	**delete as appropriate*

Details of the application Include the following information: (a) why the admission of bad character evidence would have such an adverse effect on the fairness of the proceedings that the Court should not admit it. (b) details as to the length of time between the matters to which the bad character evidence relates and the matters which form the subject of the offence charged. (c) if you are applying for the exclusion of this evidence on grounds other than Article 6(3) of the 2004 Order, please set out such objections.	*Note that an application to exclude this evidence under Article 6(3) of the 2004 Order can only be made if you have notified of a party's intention to adduce this evidence under Article 6(1)(d) (it is relevant to an important matter in issue between the defendant and the prosecutor) or Article 6(1)(g) (that the defendant has made an attack on another person's character).*
Offences committed by the defendant when a child If you are applying to exclude evidence of a previous conviction for an offence when under the age of 14, state (a) whether the offence for which you received a conviction when under the age of 14 was offence triable only on indictment; and (b) why it would not be in the interests of justice for that evidence to be admitted.	*Article 13(1) of the 2004 Order.*
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, state your reasons:	

Dated this day of 20 .

[Defendant]
[Solicitor for Defendant]

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

FORM 7H Rule 44O(2) and (4)

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF INTENTION TO ADDUCE HEARSAY EVIDENCE

(Article 18 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

This form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served not more that 14 days after—

(a) the committal of the defendant;

(b) the service of a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious fraud cases) or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 (certain cases involving children); or

(c) the grant of leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969; or

(d) the making of an order for retrial.

Where the notice is given by a defendant, it shall be served not more than 14 days after the prosecutor has complied with or prosecuted to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by prosecutor).

Details required	**Notes**
Case details The Crown Court at: Crown Court Bill Number: Name of defendant(s): Charges: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	**delete as appropriate*
Details of party giving notice Surname: Forename: Address:	State the name and address of the party giving notice of hearsay evidence. (If in custody give address where detained)

Details of the notice: To the named recipient of the notice: I hereby give you notice of my intention to adduce hearsay evidence, details of which are set out below, in these proceedings.	
Grounds for adducing hearsay evidence On which of the following grounds do you intend to adduce hearsay evidence? (a) Any statutory provision makes it admissible; ☐ (b) Any rule of law preserved by Article 22, Criminal Justice (Evidence) (Northern Ireland) Order 2004: ☐ (c) All parties to the proceedings agree to it being admissible; or ☐ (d) It is in the interests of justice for it to be admissible. ☐ Further details of grounds:	Tick as appropriate. Specify which provision of the 2004 Order or other statute, or which rule of law preserved by Article 22 you rely on to adduce the evidence. Where box (d) is ticked, you must specify which of the factors set out in Article 18(2) of the 2004 Order and explain how they are relevant.
Details of hearsay evidence The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to adduce as hearsay evidence. A complete copy of that evidence must be attached to this notice, if it has not already been served on the other parties.
Extension of time Are you applying for an extension of time within which to give this notice? If yes, state your reasons:	

Dated this day of 20 .

Defendant

To the Chief Clerk of the Crown Court sitting at

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

NOTE to party who receives a copy of this application:

If you wish to oppose the admission of hearsay evidence, you are required, within 14 days of the date the notice was served on you, to serve notice of your opposition in From 71 on the chief clerk and every other party to the proceedings.

FORM 7I Rule 44I (6)

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF OPPOSITION TO THE ADMISSION OF HEARSAY EVIDENCE

(Article 18 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

This form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings within 14 days of the date on which the notice of intention to adduce hearsay evidence was served.

Details required	**Notes**
Case details The Crown Court at: Crown Court Bill Number: Name of defendant(s): Charges: Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	**delete as appropriate*
Details of party giving notice Surname: Forename: Address:	State the name and address of the party giving notice of their opposition to the admission of hearsay evidence. (If in custody give address where detained).
Details of the notice The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to exclude from the proceedings. Specify whether you object to all or part of that evidence.
Grounds for excluding hearsay evidence:	Set out the grounds for excluding the hearsay evidence that you object to. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.

Extension of time Are you applying for an extension of time within which to give this notice? If yes, state your reasons:	

Dated this day of 20 .

(Signed)

To the Chief Clerk of the Crown Court sitting at

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTES:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

[(a) FORM 7J Rule 44P(1) [*Supplt. No. 1 (January 2007)*]

IN THE CROWN COURT IN NORTHERN IRELAND

APPLICATION FOR LEAVE FOR WITNESS (OTHER THAN THE ACCUSED) WHO IS OUTSIDE THE UNITED KINGDOM TO GIVE EVIDENCE THROUGH A LIVE LINK

(Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989)

An application should be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) on which an order for retrial is made.

This Form may also be used where an extension of time has been granted for the making of this application.

This Form should be served on the Chief Clerk, and at the same time a copy thereof shall be served on every other party to the proceedings.

Details required	*Notes*
Details of Applicant	
Name:	
Address:	
Case Details:	
The Crown Court at:	
Crown Court Bill Number:	
Name of defendant(s):	
Charges:	
Date of—	
committal for trial*	
giving of notice of transfer*	
leave to present an indictment*	
order for retrial*	
next court appearance*	*Delete as appropriate

(a) Forms 7J and 7K inserted by S.R. 2006 No. 499 with effect from 08.01.07

[*Supplt. No. 1 (January 2007)*]

Details of Witness Name of witness: Date of Birth of Witness:	An application by the defence for evidence to be given by live link need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (alibi)
Details of Application State the reasons given by the applicant in support of this application: Country in which the witness will give evidence: Place from which the witness will give evidence (if known):	
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To: the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTES

The notice served on the Chief Clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the Chief Clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

FORM 7K Rule 44P(1) [*Supplt. No. 1 (January 2007)*]

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF DECISION ON APPLICATION FOR LEAVE FOR WITNESS (OTHER THAN THE ACCUSED) WHO IS OUTSIDE THE UNITED KINGDOM TO GIVE EVIDENCE THROUGH A LIVE LINK

(Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989)

Case Details

The Crown Court at:

Crown Court Bill Number:

Defendant(s): Surname:

Forenames:

Upon hearing of an application by (*name of applicant*), on (*date application heard*) under Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989 for leave for a witness outside the United Kingdom to give evidence through a live link, the court made an order to the following effect, viz—

Leave granted*/refused on the following grounds*—

To be completed where leave is granted:

Country in which the witness will give evidence:

Place where the witness will give evidence (if known):

Where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996, the name of the witness:

The location of the Court at which the trial will be held:

Name of person specified by the Court under Rule 44P(9), in whose presence the witness shall give evidence (if applicable):

This day of 20 .

Chief Clerk of the Crown Court

*Delete as appropriate]

[(a) FORM 7L Rule 44Q(1)

IN THE CROWN COURT IN NORTHERN IRELAND

APPLICATION FOR DIRECTION FOR WITNESS TO GIVE EVIDENCE THROUGH A LIVE LINK

(Article 10 of the Criminal Justice (Northern Ireland) Order 2004)

An application should be made within 28 days from the date—

(a) of the committal of the defendant; or
(b) on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or
(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or
(d) on which an order for retrial is made; or
(e) on which a plea of guilty is entered.

This Form may also be used where an extension of time has been granted for the making of this application.

This Form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

Details Required	*Notes*
Details of applicant: Name: Address:	
Case Details: PPSNI reference number: The Crown Court at: Crown Court Bill Number: ICOS number (if known):	

(a) Forms 7L-7O inserted by S.R. 2008 No. 505 with effect from 02.02.09

Name of defendant(s): Charges: Date of— committal for trial* giving of notice of transfer* leave to present an indictment* order for retrial* plea* next court appearance*	*Delete as appropriate
Details of Witness Name of witness: Date of Birth of Witness:	An application by the defence for evidence to be given by live link need not disclose who that witness is, except to the extent that the disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996 (alibi)
Details of Application State the reasons given by the applicant in support of this application: Place from which the witness will give evidence (if known):	
Extension/abridgement of time for service Please indicate whether you are applying for an extension or abridgement of time for service.	
If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To: the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTES:

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

FORM 7M Rule 44Q(9) [*Supplt. No. 2 (February 2009)*]

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF DECISION ON APPLICATION FOR DIRECTION/RESCISSION OF DIRECTION FOR WITNESS TO GIVE EVIDENCE THROUGH A LIVE LINK

(Articles 10 and 11 of the Criminal Justice (Northern Ireland) Order 2004)

Case Details

PPSNI reference number:

The Crown Court at:

Crown Court Bill Number:

ICOS number (if known):

Defendant(s): Surname:
Forenames:

Upon hearing of an application by *(name of applicant)*, on *(date application heard)* under Article 10/Article 11* of the Criminal Justice (Northern Ireland) Order 2004 for a direction/rescission of a direction* for a witness to give evidence through a live link, the Court made an order to the following effect, viz—

Direction given/refused/rescinded/rescission refused*.

* If direction is refused or rescinded or an application for rescission of a direction is refused, state the grounds –

To be completed where direction is given:

Place where the witness will give evidence (if known):

Where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of the witness:

The location of the Court at which the trial will be held:

Name of person specified by the Court under Rule 44Q(10), in whose presence the witness shall give evidence (if applicable):

[*Supplt. No. 2 (February 2009)*]

This day of 20 .

Chief Clerk of the Crown Court

*Delete as appropriate

[(a) FORM 7N

IN THE CROWN COURT IN NORTHERN IRELAND

APPLICATION FOR LIVE LINK DIRECTION UNDER ARTICLE 21A OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

APPLICATION FOR THE EXAMINATION OF AN ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BA OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

An application should be made within 28 days from the date—

(a) of the committal of the defendant; or

(b) on which the Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or

(c) on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or

(d) on which an order for retrial is made.

This Form may also be used where an extension of time has been granted for the making of this application.

This Form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

(a) Form 7N substituted by S.R. 2013 No. 82 with effect from 11.05.13

[*Supplt. No. 4 (May 2013)*]

PART A – TO BE COMPLETED FOR AN APPLICATION FOR A LIVE LINK DIRECTION OR AN APPLICATION FOR A DIRECTION FOR THE EXAMINATION OF AN ACCUSED THROUGH AN INTERMEDIARY	
Details required	*Notes*
Details of applicant: Name: Address:	
Case Details: PPSNI reference number: The Crown Court at: Crown Court Bill number: ICOS number (if known):	
Name of defendant: Charges:	

Date of— committal for trial* giving of notice of transfer* leave to present an indictment* order for retrial* plea* next court appearance*	
*delete as appropriate	
PART B – TO BE COMPLETED WHERE AN APPLICATION FOR A LIVE LINK DIRECTION IS BEING MADE	
Details of application State the conditions under which Article 21A(4) or (5) upon which this application is based: Give a description of the evidence submitted in support of this application:	This requirement is optional. Examples of evidence might be birth certificate; medical report.

[*Supplt. No. 4 (May 2013)*]

Arrangements available Give a description of the live link facilities which are available in the area in which it is likely the hearing will take place: **Reasons for application** Give the grounds for believing the live link direction being sought in this application will enable the accused to participate more effectively in the proceedings as a whole: Give the views of the accused as to why the live link direction sought in this application is required: **Details of live link** Give— (a) the address of any venue from which the accused will give evidence if the Court's own live link is not used: (b) the name of the person who it is proposed will accompany the accused: (c) the occupation of this person: (d) the relationship (if any) of this person to the accused: **Grounds** State why it is believed that this person should accompany the accused:	

[*Supplt. No. 4 (May 2013)*]

Extension/abridgment of time for service Please indicate whether you are applying for an extension or an abridgement of time for service. If the answer is yes, please state your reasons:	
PART C – TO BE COMPLETED WHERE AN APPLICATION FOR THE EXAMINATION OF THE ACCUSED THROUGH AN INTERMEDIARY IS BEING MADE	
Details of application (a) State the conditions under which Article 21BA(5) or (6) upon which this application is based: (b) Give the grounds for believing that the use of an intermediary will enable the accused to participate more effectively in the proceedings as a witness giving oral evidence: (c) Give a description of the evidence on which the application is based: (d) What is the name of the proposed intermediary: (e) What is the occupation of this person:	

(f) List any relevant skills or professional qualifications:	
(g) What is the relationship (if any) of this person to the accused:	
(h) Is the proposed intermediary registered with the Department of Justice:	
(i) Has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made:	
(j) Describe the accused's communication needs and the proposed arrangements for questioning the witness. Attach any relevant report including an intermediary's assessment. Ground rules for questioning may be discussed between the Court, the legal representatives and the intermediary before the accused gives evidence to establish (a) how questions should be put to help the accused understand them and (b) how the proposed intermediary will alert the Court if the witness has not understood or needs a break:	
(k) Has an intermediary been used in any other part of the investigation:	
(i) Was that intermediary the person named above (if no, please give the details sought in this Part in respect of that intermediary):	

(ii) Did that intermediary make a declaration before acting? If yes, please attach a copy of it: (l) Give a description of any other evidence submitted in support of this application:	This requirement is optional. Examples of other types of evidence might be birth certificate; medical report.
Extension/abridgment of time for service Please indicate whether you are applying for an extension or an abridgement of time for service. If the answer is yes, please state your reasons.	

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the parties to the proceedings)

NOTES

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.]

FORM 7O

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF DECISION ON APPLICATION FOR LIVE LINK DIRECTION/APPLICATION TO DISCHARGE A LIVE LINK DIRECTION UNDER ARTICLE 21A OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Case Details

PPSNI reference number:

The Crown Court at:

Crown Court Bill Number:

ICOS number (if known):

Defendant(s): Surname:

Upon hearing of an application by (*name of applicant*), on (*date application heard*) under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999 for a direction/discharge of a live link direction*, the Court made an order to the following effect, viz:—

Live link direction given/refused/discharged/discharge refused*.

If direction is refused or an application for discharge of a direction is refused, state the grounds—

This day of 20 .
Chief Clerk of the Crown Court
*Delete as appropriate

Rule 2(6)(d)
Rule 44U(11)

[(**a**)FORM 7P

IN THE CROWN COURT IN NORTHERN IRELAND

NOTICE OF DECISION ON APPLICATION FOR EXAMINATION OF ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BA OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

NOTICE OF DECISION ON APPLICATION TO VARY OR DISCHARGE A DIRECTION ALLOWING THE EXAMINATION OF ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BB OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Case Details

PPSNI reference number:

The Crown Court at:

Crown Court Bill Number:

ICOS number (if known):

Defendant(s): Surname:

Upon hearing an application by the defendant, on (date application heard) under Article 21BA for a direction to allow the examination of the accused through an intermediary/under Article 21BB for the variation/discharge* of a direction allowing the examination of the accused through an intermediary, the Court made an order to the following effect, viz:-

(*please specify the name of the intermediary*)

Direction allowing the examination of the accused through an intermediary given/ refused/discharged/varied/discharged refused/variation refused*

Please state the reasons for that decision –

This day of 20 .

Chief Clerk of the Crown Court

*Delete as appropriate

(**a**) Forms 7P and 7Q inserted by S.R. 2013 No. 82 with effect from 11.05.13

Rule 44B(2)(c)
44CE(4)(c)(iv)
44U(1) and 44W

[*Supplt. No. 4 (May 2013)*]

FORM 7Q

IN THE CROWN COURT IN NORTHERN IRELAND

DECLARATION FOR AN INTERMEDIARY UNDER ARTICLE 17(5) OR ARTICLE 21BA(9) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

I (insert name) solemnly, sincerely and truly declare (or I swear by Almighty God) that I will well and faithfully communicate questions and answers and make a true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.

Signed:

(Intermediary)

Dated:

To the Chief Clerk of the Crown Court sitting at

And to

(insert the names and addresses of each of the other parties to the proceedings).]

[(a)FORM 8

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of devolution issue under Schedule 10 to the Northern Ireland Act 1998

THE QUEEN-v-A.B.

TAKE NOTICE that I intend to raise for determination in the above mentioned proceedings on indictment in the Crown Court at the following devolution issue(s) under Schedule 10 to the Northern Ireland Act 1998 which arise[s] in the said proceedings, namely—

[State devolution issue[s], briefly setting out issue[s] and points of law]

Dated this day of 20 .

[Defendant/Solicitor for the Defendant] [On behalf of the Prosecutor]

To: the Chief Clerk of the Crown Court at and to the [Prosecutor] [Defendant]

(a) Form 8 inserted by S.R. 1999 No. 491 with effect from 17.01.00

[(a)FORM 9

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of intention of the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department to become party to proceedings so far as relates to devolution issue under Schedule 10 to the Northern Ireland Act 1998

THE QUEEN-v-A.B.

TAKE NOTICE that the Attorney General [Attorney General for Northern Ireland] [First Minister and Deputy First Minister acting jointly/Minister/Department of (referred to as "the appropriate Minister or department")] intend(s) to become a party to the proceedings as mentioned in paragraph 6 of Schedule 10 to the Northern Ireland Act 1998 in relation to the devolution issue in raised by of which notice was received on the day of , in the above-mentioned proceedings on indictment.

Dated this day of 20 .

On behalf of the [Attorney General] [Attorney General for Northern Ireland] [appropriate Minister or department]

To: the Chief Clerk of the Crown Court at

the Prosecutor

the Defendant(s)]

(a) Form 9 inserted by S.R. 1999 No. 491 with effect from 17.01.00

[(a)FORM 10

IN THE CROWN COURT IN NORTHERN IRELAND

Order for reference of devolution issue to the Court of Appeal

THE QUEEN-v-A.B.

IT IS ORDERED that the devolution issue[s] set out in the Schedule hereto be referred to Her Majesty's Court of Appeal in Northern Ireland for determination in accordance with paragraph 7 of Schedule 10 to the Northern Ireland Act 1998.

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the Court of Appeal has determined the said devolution issue[s] or until further order.

Given under my hand this day of 20 .

Judge

SCHEDULE

[State devolution issue[s] referred for determination of the Court of Appeal]

(a) Form 10 inserted by S.R. 1999 No. 491 with effect from 17.01.00

[(a)FORM 11

IN THE CROWN COURT IN NORTHERN IRELAND

Order for reference of devolution issue to the Judicial Committee of the Privy Council

THE QUEEN-v-A.B.

IT IS ORDERED that the devolution issue[s] set out in the Schedule hereto be referred to the Judicial Committee of the Privy Council for determination in accordance with paragraph 7 of Schedule 10 to the Northern Ireland Act 1998.

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the Judicial Committee has determined the said devolution issue[s] or until further order.

Given under my hand this day of 20 .

Judge

SCHEDULE

[State devolution issue[s] referred for determination of the Judicial Committee]

(a) Form 11 inserted by S.R. 1999 No. 491 with effect from 17.01.00

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to indicate their general purport.)

The Judicature (Northern Ireland) Act 1978 provides for the establishment of a new court, the Crown Court in Northern Ireland, to conduct criminal trials on indictment and in that respect to exercise jurisdiction formerly vested in the High Court and County Court. The Rules regulate the procedure and practice of the Crown Court with regard to the matters specified in the Rules and also supersede the Indictments Rules made under the Indictments Act (Northern Ireland) 1945.