

1989 No. 296

SUPREME COURT, NORTHERN IRELAND

CROWN COURT

The Crown Court (Amendment) Rules
(Northern Ireland) 1989*Made* 25th July 1989*Coming into operation* 1st September 1989*To be laid before Parliament*

We, the Crown Court Rules Committee, in exercise of the powers conferred on us by section 52(1) of the Judicature (Northern Ireland) Act 1978(a) and section 159(6) of the Criminal Justice Act 1988(b), hereby with the concurrence of the Lord Chancellor make the following Rules:—

1. These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

2. Rule 2(1) of the Crown Court Rules (Northern Ireland) 1979(c) shall be amended by inserting, before the definition of “chief clerk”;
“the Act” means the Judicature (Northern Ireland) Act 1978;”

3. The Crown Court Rules (Northern Ireland) 1979 shall be amended by inserting after Rule 44 the following new rule—

“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,

(a) 1978 c. 23
(b) 1988 c. 33
(c) S.R. 1979 No. 90

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) 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 Provision Acts 1978 and 1987 upon the date on which Crown Counsel begins to open the Crown case to the judge.”

Dated 17th May 1989.

Brian Hutton
Robert Porter
V. A. Cave
J. D. W. Mills
J. Brady
R. Appleton
Trevor Smyth

I concur,

Mackay of Clashfern, C.

Dated 25th July 1989.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Crown Court Rules (Northern Ireland) 1979 to take account of applications under section 159 of the Criminal Justice Act 1988 (applications for leave to appeal in Crown Court proceedings against orders restricting or preventing reports of, or restricting access to, those proceedings). The Rules also add a definition of the expression “the Act” to the 1979 Rules.