

## 1992 No. 204

**SUPREME COURT, NORTHERN IRELAND PROCEDURE****The Rules of the Supreme Court (Northern Ireland)  
(Amendment) 1992**

*Made* . . . . . 5th May 1992

*Coming into operation* . . . . . 1st June 1992

*To be laid before Parliament*

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers and all other powers enabling us in that behalf as follows:

*Citation, commencement and interpretation*

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 1992 and shall come into operation on 1st June 1992.

(2) In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court (Northern Ireland) 1980(b).

*Proceedings relating to the Criminal Justice (International Co-operation) Act 1990(c) and the Northern Ireland (Emergency Provisions) Act 1991(d)*

2. Order 116 shall be amended as follows—

(1) by substituting for the title to the Order the title “PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989(e) AND CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS”;

(2) by inserting, at the end of the title to Part II of Order 116, the words—  
“AND CRIMINAL JUSTICE (INTERNATIONAL CO-OPERATION) ACT 1990”;

(3) by adding, after rule 36, the following new rule—

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(a) 1978 c. 23

(b) S.R. 1980 No. 346; the relevant amending instruments are S.R. 1989 No. 288 and S.R. 1991 No. 334

(c) 1990 c. 5

(d) 1991 c. 24

(e) 1989 c. 4

*“Criminal Justice (International Co-operation) Act 1990*

37.—(1) The provisions of this Part of this Order shall, with such modifications as are necessary and subject to the provisions of any Order in Council made under Section 9 of the Criminal Justice (International Co-operation) Act 1990, apply to proceedings for the registration and enforcement of external forfeiture orders as they apply to such proceedings in relation to external confiscation orders.

(2) For the purposes of this rule, an external forfeiture order is an order made by a court in a country or territory outside the United Kingdom which is enforceable in the United Kingdom by virtue of any such Order in Council.”.

(4) by adding, after Part II of Order 116, the Part III set out in the Schedule hereto.

Dated 5th March 1992.

*Brian Hutton  
John MacDermott  
Anthony Campbell  
Brian Kerr*

I concur,

*Mackay of Clashfern, C.*

Dated 5th May 1992.

**Rules to be inserted in Order 116**

## PART III

## NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1991

*Interpretation*

38.—(1) In this Part of this Order, “the 1991 Act” means the Northern Ireland (Emergency Provisions) Act 1991.

(2) Expressions used in this Part of this Order which are used in the 1991 Act, have the same meanings as in that Act.

*Application of Part II of Order 116*

39.—(1) Rules 16 to 26 of Part II of this Order shall apply, with the necessary modifications, for the purposes of proceedings under Part VII of, and Schedule 4 to, the 1991 Act.

(2) The provisions of Part II of this Order mentioned in paragraph (1) shall apply to applications to the High Court for the discharge or variation of restraint and charging orders made by the Secretary of State under paragraph 8 of Schedule 4 to the 1991 Act as they apply to applications for the discharge or variation of restraint and charging orders made under Articles 13 and 14 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990, except that in those circumstances when the relevant papers are being lodged with the court a certified copy of the restraint or charging order shall also be lodged.

*(This note is not part of the Rules.)*

These Rules amend Order 116 of the Rules of the Supreme Court (Northern Ireland) 1980 to take account of—

- (a) the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) (Northern Ireland) Order 1991, and any other Order in Council which may be made under section 9 of the Criminal Justice (International Co-operation) Act 1990. The 1991 Order designates those countries whose courts may make in respect of drug-trafficking offences forfeiture orders which may be recognised and enforced by the High Court in Northern Ireland. New rule 37 of Order 116 provides for external forfeiture orders to be subject to the procedures which already apply to the registration and enforcement of external confiscation orders by virtue of Article 28 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990; and
- (b) Part VII of, and Schedule 4 to, the Northern (Emergency Provisions) Act 1991, which make new provision for the confiscation of the proceeds of terrorist-related offences. The new Part III of Order 116 applies the procedures governing applications under the Criminal Justice (Confiscation) (Northern Ireland) Order 1991, with appropriate modifications, to applications to the High Court under Schedule 4 to the 1991 Act.