
EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Crown Court Rules (Northern Ireland) 1979 principally to take account of the repeal and replacement of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990 (as amended) by the Proceeds of Crime (Northern Ireland) Order 1996.

The Rules substitute a new Part VII into the 1979 Rules to provide for various matters arising under the 1996 Order, including:—

- (a) the statements and other documents to be tendered to the Court under Articles 15 and 16 of the 1996 Order (rule 52);
- (b) applications under Article 14(2) of the 1996 Order for the term of imprisonment or detention fixed in default of payment of a confiscation order to be increased to take account of interest on the unsatisfied order (rule 53);
- (c) applications for the variation and discharge of orders under Article 50(2) of the 1996 Order (rule 54);
- (d) applications by the defendant or prosecutor under Article 11 of the 1996 Order for the postponement of the making of a confiscation order or the extension of such postponement (rule 54A);
- (e) applications under Articles 17, 18 and 19 of the 1996 Order for, respectively, the reconsideration of cases where the defendant's proceeds of crime were not assessed, the reassessment of the defendant's proceeds of crime and the revised assessment of a defendant's proceeds of crime (rule 54B);
- (f) the giving of notice to the Master (Queen's Bench and Appeals) that a confiscation order has been cancelled under Article 27 of the 1996 Order (rule 54C).

The Rules also make a consequential amendment to rule 46 of the 1979 Rules and delete Part IX of those Rules to take account of the lapsing of the confiscation provisions in the Northern Ireland (Emergency Provisions) Act 1991.

The Rules also amend the Crown Court (Amendment) Rules (Northern Ireland) 1996 to rectify an error in the citation provision.