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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 70**

**The Crown Court (Children's Evidence) (Dismissal of Transferred Charges) Rules (Northern Ireland) 1996**

**Oral applications for dismissal**

3.—(1) Where notice of transfer has been given under Article 4 and a person to whom it relates intends to apply orally under paragraph 4(1) of Schedule 1 for any charge in the case to be dismissed, he shall give notice in writing in Form 1 of his intention to the chief clerk.

(2) A notice of intention to make such an application shall be given not later than 14 days after the day on which notice of transfer was given, and a copy thereof shall be given at the same time to the Director of Public Prosecutions and to any other person to whom the notice of transfer relates.

(3) The time for giving notice may be extended, either before or after it expires, by the Crown Court on an application made in accordance with paragraph (4) below.

(4) An application for an extension of time for giving notice shall be made in writing in Form 1 specifying the grounds of the application and shall be sent to the chief clerk and a copy thereof shall be given at the same time to the Director of Public Prosecutions and to any other person to whom the notice of transfer relates.

(5) The chief clerk shall give notice in Form 3 of the judge's decision on an application under paragraph (3) above —

- (a) to the applicant;
- (b) to the Director of Public Prosecutions; and
- (c) to any other person to whom the notice of transfer relates.

(6) A notice of intention to make an application under paragraph 4(1) of Schedule 1 shall be accompanied by a copy of any material on which the applicant relies and shall—

- (a) specify the charge or charges to which it relates;
- (b) state whether the leave of the judge is sought under paragraph 4(4) of Schedule 1 to adduce oral evidence on the application, indicating what witnesses it is proposed to call at the hearing; and
- (c) confirm in relation to each such witness that he is not a child to whom paragraph 4(5) of Schedule 1 applies.

(7) Where leave is sought from the judge for oral evidence to be given on an application, notice of his decision including, if leave has been granted, an indication of what witnesses are to be called, shall be given by the chief clerk in Form 3 to the Director of Public Prosecutions and to any other party to whom the notice of transfer relates.

(8) Where an application for dismissal under paragraph 4(1) of Schedule 1 is to be made orally, the chief clerk shall list the application for hearing before a judge of the Crown Court.