
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 520

The Crown Court (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997

Review of non-disclosure order: application by accused

- 5.—(1) This rule applies to an application by the accused under section 14A(2) or section 15(4).
- (2) An application under section 14A(2) or section 15(4) shall be made by notice in writing to the chief clerk and shall specify the reason why the accused believes the Court should review—
- (a) in an application under section 14A(2), the question mentioned in that section;
 - (b) in an application under section 15(4), the question mentioned in section 15(3).
- (3) The accused shall at the same time serve a copy of the notice referred to in paragraph (2) above on the prosecutor.
- (4) On receipt of an application under section 14A(2), the chief clerk shall refer it to such judge as has been designated by the Lord Chief Justice for the purposes of determining the application.
- (5) On receipt of an application under section 15(4), the chief clerk shall refer it—
- (a) if the trial has started, to the trial judge, or
 - (b) if the application is received before the start of the trial either—
 - (i) to the judge who has been designated to conduct the trial, or
 - (ii) if no judge has been designated for that purpose, to the judge who made the order to which the application relates.
- (6) The judge to whom an application to which this rule applies has been referred in accordance with paragraph (4) or (5) above shall consider whether the application may be determined without a hearing and, subject to paragraph (7) below, may so determine it if he thinks fit.
- (7) No application to which this rule applies shall be determined without a hearing if it appears to the judge that there are grounds on which the Court might conclude that it is in the public interest to disclose material to any extent.
- (8) Subject to paragraphs (9) and (10) below and to rule 6(4), the hearing of an application to which this rule applies shall be *inter partes* and the accused and the prosecutor shall be entitled to make representations to the Court.
- (9) Where after hearing the accused's representations, the prosecutor applies to the Court for leave to make representations in the absence of the accused, the Court may for that purpose sit in the absence of the accused and any legal representative of his.
- (10) Subject to rule 6(4), where the order to which the application relates was made following an application which was made under rule 2(2) as it has effect in accordance with rule 2(4), the hearing shall be *ex parte* and only the prosecutor shall be entitled to make representations to the Court.
- (11) The chief clerk shall give notice in writing to—
- (a) the prosecutor;
 - (b) except where a hearing takes place in accordance with paragraph (10) above, the accused; and

(c) any person claiming to have an interest in the material to which the application relates who has applied under section 16(b) to be heard by the Court, of the date and time when, and place where, the hearing of an application to which this rule applies will take place and of any order which is made by the Court following its determination on the hearing of the application.

(12) Where an application to which this rule applies is determined without a hearing in pursuance of paragraph (6) above, the chief clerk shall give notice in writing to—

- (a) the prosecutor;
 - (b) except where the order to which the application relates was made following an application under rule 2(2) as it has effect in accordance with rule 2(4), the accused; and
 - (c) any person claiming to have an interest in the material to which the application relates who has applied under section 16(b) to be heard by the Court,
- of any order which is made by the Court following its determination of the application.