
STATUTORY RULES OF NORTHERN IRELAND

2002 No. 15

**The Rules of the Supreme Court
(Northern Ireland) (Amendment) 2002**

Amendment of the principal rules

3. Order 116 shall be amended as follows—

- (a) by substituting for the title of the Order, the title “TERRORISM ACT 2000(1) AND CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS”;
- (b) by substituting for the title to Part I of the Order, the title “Terrorism Act 2000”;
- (c) by substituting for rule 1, the following new rule—

“1. In this Part of this Order—

“the Act” means the Terrorism Act 2000 and a section or Schedule referred to by a number means the section or Schedule so numbered in the Act;

“defendant” includes a person charged with an offence under any of sections 15 to 18 of the Act and a person who is the subject of a criminal investigation which is being conducted with a view to it being ascertained whether a person should be charged with such an offence;

expressions used have the same meanings as in Part III of and Schedule 4 to the Act;

“Master” means the Master (Queen’s Bench and Appeals);

“prosecutor” means the person with conduct of proceedings which have been instituted in Northern Ireland for an offence under any of the sections 15 to 18 of the Act, or the person who the High Court is satisfied will have the conduct of any proceedings for such an offence.”;

- (d) by substituting for rule 3, the following new rule—

“3.—(1) An application for a restraint order under paragraphs 33 and 34 of Schedule 4 may be made by the prosecutor ex parte by originating summons in Form No. 8 in Appendix A.

(2) An application under paragraph (1) shall be supported by an affidavit, which shall:

- (a) state, as the case may be, either that—

- (i) proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or
- (ii) a criminal investigation has been started in Northern Ireland with regard to such an offence;

and, in either case, give details of the alleged or suspected offence and of the defendant's involvement;

- (b) where proceedings have been instituted, state, as the case may be, that a forfeiture order has been made in the proceedings or the grounds for believing that such an order may be made;
- (c) where proceedings have not been instituted—
 - (i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;
 - (ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and
 - (iii) verify that the prosecutor is to have conduct of any such proceedings;
- (d) to the best of the deponent's ability, give full particulars of the property in respect of which the order is sought and specify the person or persons holding such property and any other persons having an interest in it.

(3) An originating summons under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.”;

- (e) in rule 4(3), after “the applicant shall”, insert “, unless the court directs otherwise,”;
- (f) in rule 5, by revoking paragraph (3);
- (g) by substituting for rule 7, the following new rule—

“7.—(1) An application for an order under paragraph 39 of Schedule 4 shall be made by summons, which shall be served, with any supporting evidence, on the person alleged to be in default (where known) and on the appropriate body mentioned in paragraph 39(6).

(2) An application for an order under paragraph 40 of Schedule 4 shall be made by summons, which shall be served, with any supporting evidence, on the Secretary of State.”;

- (h) by substituting for rule 8, the following new rule—

“Exercise of powers under Schedule 4, paragraph 43

8. Notwithstanding the provisions of Order 32, rule 11(1)(a), the powers conferred on the High Court by paragraph 43 of Schedule 4 may be exercised by a judge in chambers or the Master.”;

- (i) in rule 16, by substituting for the words “paragraph 30 of Schedule 4” in each of the places they appear, the words “paragraph 44 of Schedule 4”.