
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 71

The Crown Court (Amendment) Rules (Northern Ireland) 2003

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2003 and, subject to paragraph (2) shall come into operation on 24th March 2003.

(2) Rule 3(d) shall come into operation on the same day as section 156 of the Proceeds of Crime Act 2002 comes into force.

2. In these Rules, references to “the principal Rules” shall mean the Crown Court Rules (Northern Ireland) 1979⁽¹⁾ and a reference to a rule by number shall mean a rule so numbered in the principal Rules.

Amendment to the principal Rules

3.—(1) The principal Rules shall be amended as follows –

(a) by substituting in rule 34 for paragraph (v) the following new paragraph –

“(v) be served on the chief clerk and, subject to rule 36A, at the same time on the accused, together with any accompanying documents.”;

(b) by substituting for rule 36 the following new rule –

“36.—(1) The accused may, within fourteen days of service of the application under rule 34, serve on the chief clerk –

(a) a written submission giving his reasons for opposing the application; or

(b) an application in writing for leave to make oral submissions, and shall at the same time, serve a copy on the opposite party to the proceedings.

(2) An application for leave under paragraph (1)(b) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(3) The chief clerk shall notify all parties of the decision of the court on the application for leave to make oral submissions and, where leave is granted, the notification shall state the time and place at which the submissions will be made.

(4) Notwithstanding paragraph (1), the judge may, if he thinks fit before deciding the application –

(a) require written or oral submissions from the applicant or the accused;

(b) require the attendance of the applicant, the accused or any of the witnesses.

(5) Any application for leave to respond orally or in writing to written submissions made under paragraphs (1) or (4) shall be made in writing, specifying the grounds for the application, and served on the chief clerk within seven days of service of the written

submission and at the same time, a copy thereof shall be served on the opposite party to the proceedings.

(6) An application for leave under paragraph (5) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(7) The chief clerk shall notify all parties of the decision of the court on an application made under paragraph (5) and –

- (a) where leave is granted for oral submissions to be made, the notification shall state the time and place at which the submissions will be made;
- (b) where leave is granted for written submissions to be made, the notification shall state the period within which the written submission shall be lodged with the chief clerk and served on the opposite party.

(8) Where oral submissions are made under paragraphs (1) or (4)(a) or the applicant, accused or any of the witnesses attends under paragraph (4)(b) –

- (a) the attendance before the judge shall not be in open court;
- (b) unless the judge gives a direction to the contrary, the applicant or the accused may attend by a solicitor or by counsel.

(9) Where the application under rule 34 for leave to prefer an indictment is determined otherwise than at an oral hearing, the chief clerk shall forthwith notify the parties of the judge's decision.

(10) The period of 14 days in paragraph (1) or the period of seven days in paragraph (5) or the time period specified in a notice given under paragraph (7)(b) may be extended, either before or after it expires, on an application made in writing specifying the grounds for the application and served on the chief clerk and a copy of the application shall be served by the applicant on every other party to the proceedings.

(11) An application for extension of time under paragraph (10) shall be determined by a judge who may direct a hearing and the chief clerk shall notify the parties of the time and place of any such hearing.

(12) The chief clerk shall notify all the parties of the decision of the court on the application for extension of time.”;

(c) by inserting, after rule 36, the following new rule –

“**36A.**—(1) An application to the judge for leave to dispense with service under rule 34 on the accused shall be made in writing and shall be served on the chief clerk.

(2) Any application made under paragraph (1) shall specify the grounds for the application.”;

(d) by adding after Part X the new Part XI set out in the Schedule to these Rules.

*R. D. Carswell
J. M. Nicholson
A. R. Hart
J. Wilson
Paul Copeland
Barra McGrory*

Dated 5th February 2003.

I concur

Dated 12th February 2003.

Irvine of Lairg, C.