SCHEDULE 2 Rule 2(4)(c)

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Form 88K

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149H(1) and 149O(1))

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Articles 21A and 21BA)

Form of application for a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999

Form of application for the examination of an accused through an intermediary under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999

PART A – TO BE COMPLETED FOR AN APPLICATION FOR A LIVE LINK DIRECTION OR AN APPLICATION FOR A DIRECTION FOR THE EXAMINATION OF ACCUSED THROUGH INTERMEDIARY

Details required	*Notes*
Case details: Complainant: ……..Petty Sessions ……..District of: Defendant: ……..County Court ……..Division of:	
Court Venue	The venue of the court hearing the case.
Date of next court appearance:	Give brief details (including date and location of the offence) of those charges to which this application applies.
Charges: PPSNI reference number: ICOS number (if known):	

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Details of accused: Name of accused: Date of birth of accused:	
PART B – TO BE COMPLETED WHERE AN APPLICATION FOR A LIVE LINK DIRECTION IS BEING MADE	
Details of application State the conditions under which Article 21A(4) or (5) upon which this application is based: Give a description of the evidence submitted in support of this application: **Arrangements available** Give a description of the live link facilities which are available in the area in which it is likely the hearing will take place: **Reasons for application** Give the grounds for believing the live link direction being sought in this application will enable the accused to participate more effectively in the proceedings as a whole: Give the views of the accused as to why the live link direction sought in this application is required: **Details of live link** Give – (a) the address of any venue from which the accused will give evidence if the Court's own live link is not used: (b) the name of the person who it is proposed will accompany the accused: (c) the occupation of this person: (d) the relationship (if any) of this person to the accused: **Grounds** State why it is believed that this person should accompany the accused	This requirement is optional. Examples of evidence might be birth certificate; medical report.

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PART C – TO BE COMPLETED WHERE AN APPLICATION FOR THE EXAMINATION OF THE ACCUSED THROUGH AN INTERMEDIARY IS BEING MADE	
Details of application (a) State the conditions under which Article 21A(5) or (6) upon which this application is based: (b) Give the grounds for believing that the use of an intermediary will enable the accused to participate more effectively in the proceedings as a witness giving oral evidence: (c) Give a description of the evidence on which the application is based: (d) what is the name of the proposed intermediary: (e) What is the occupation of this person: (f) List any relevant skills or professional qualification: (g) What is the relationship (if any) of this person to the accused: (h) Is the proposed intermediary registered with the Department of Justice: (i) Has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made: (j) Describe the accused's communication needs and the proposed arrangements for questioning the witness. Attach any relevant report including an intermediary's assessment. Ground rules for questioning may be discussed between the Court, the legal representatives and the intermediary before the accused gives evidence to establish (a) how questions should be put to help the accused understand them and (b) how the proposed intermediary will alert the Court if the witness has not understood or needs a break:	This requirement is optional. Examples of evidence might be birth certificate; medical report.

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(k) Has an intermediary been used in any other part of the investigation: (i) Was that intermediary the person named above (if no, please give the details sought in this Part in respect of that intermediary): (ii) Did that intermediary make a declaration before acting? If yes, please attach a copy of it: (l) Give a description of any other evidence submitted in support of this application: **Extension/abridgment of time for service** Please indicate whether you are applying for an extension or an abridgement of time for service. If the answer is yes, please state your reasons.	This requirement is optional Examples of other types of evidence might be birth certificate; medical report.

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to

(insert names and addresses of each of the parties to the proceedings)

Note:

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Note to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days (or such other period as may be specified by the court) to notify the applicant and the clerk of petty sessions in writing of your opposition, stating the reasons for such..

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