
STATUTORY RULES OF NORTHERN IRELAND

2018 No. 25

**The Magistrates' Courts (Amendment)
Rules (Northern Ireland) 2018**

Amendment to the principal Rules

3. In the principal Rules, after Rule 52N, insert—

*“L. THE CRIMINAL JUSTICE (EUROPEAN
INVESTIGATION ORDER) REGULATIONS 2017*

Interpretation

52O. In this Rule and Rules 52P and 52Q—

- (a) “the Directive” means [Directive 2014/41/EU](#) of the European Parliament and of the Council regarding the European Investigation Order in criminal matters⁽¹⁾;
- (b) “the Regulations” means the Criminal Justice (European Investigation Order) Regulations 2017, a reference to a regulation, Part or Schedule by number is a reference to the regulation, Part or Schedule so numbered in the Regulations; and
- (c) expressions which are defined in the Regulations have the same meaning as in the Regulations.

Application for European investigation order

52P.—(1) An application under regulation 6 for a European investigation order shall, subject to paragraph (92), be made by giving notice in writing to the clerk of petty sessions and shall state—

- (a) the particulars of the alleged offence or the grounds for suspecting that an offence has been committed;
- (b) whether proceedings in respect of the alleged offence have been instituted or the alleged offence is being investigated;
- (c) the investigative measure or measures in respect of which the order is sought;
- (d) the participating State; and
- (e) the grounds for the application including those which set out, in respect of each investigative measure sought,—
 - (i) why such measure is necessary and proportionate for the purposes of the investigation or proceedings in question; and
 - (ii) how such measure could lawfully be ordered or undertaken under the same conditions in a similar domestic case, having regard to regulation 11.

(2) The application shall be accompanied by a draft of the order sought in the form set out in Annex A to the Directive.

(3) The court may direct that paragraph (1) need not be complied with if it is satisfied that the applicant has good reason to make the application as soon as possible and that it is not practicable to comply with that paragraph.

(4) The court may deal with the application ex parte.

Variation or revocation of a European investigation order

52Q.—(1) An application under regulation 10 to vary or revoke a European investigation order shall be made in writing, giving full particulars of the matters relied upon in support of the application.

(2) The application shall be served by the applicant on the clerk of petty sessions and on each party to the proceedings.

(3) The application 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 other party to the proceedings.

(4) Where the application is for variation of a European investigation order, the application shall be accompanied by a draft of the order sought in the form set out in Annex A to the Directive.

(5) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition to give reasons for it.

(6) Except where notice is received in accordance with paragraph (5), the court may—

- (a) determine the application in favour of the applicant without a hearing; or
- (b) direct a hearing.

(7) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (5) of his opposition to the applicant, the court may direct a hearing of the application.

(8) Where a hearing of the application is to take place in accordance with paragraphs (6) or (7), the clerk of petty sessions shall notify the applicant or any other person served with the application of the time and place of the hearing.

(9) A person notified in accordance with paragraph (8) may be present at the hearing and may be heard.

(10) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of the application, notify all parties of the decision.

(11) Where the court makes an order to vary or revoke a European investigation order, the clerk of petty sessions shall, as soon as reasonably practicable, send a copy of that order to the central authority or, as the case may be, the appropriate executing authority of the executing State, as so directed by the court.”