
STATUTORY INSTRUMENTS

1998 No. 1859

**The Northern Ireland (Sentences) Act 1998
(Sentence Review Commissioners) Rules 1998**

PART III

MAKING AN APPLICATION

Application papers

7.—(1) Applications shall be made by serving on the Commissioner one original and one copy set of application papers comprising the information and documents specified in Schedule 1 to these Rules.

(2) The original set of application papers shall be marked as such and may contain copies (rather than originals) of the documents specified at paragraphs 2 and 3 of Schedule 1 to these Rules.

(3) The copy set of application papers shall be marked as such and, if supplied by the Secretary of State, shall not include any damaging information.

(4) The Commissioners shall, within seven days of receiving the copy set of application papers, serve them on the Respondent.

Response papers

8.—(1) Subject to paragraphs (3) and (4), the Respondent shall, within twenty one days of receiving the copy set of application papers, serve on the Commissioner one original and one copy set of response papers comprising the information and documents specified in Schedule 2 to these Rules.

(2) The original set of response papers shall be marked as such and may contain copies (rather than originals) of the documents specified in paragraph 2 of Schedule 2 and paragraphs 2 and 3 of Part I of Schedule 3 to these Rules.

(3) The copy set of response papers shall be marked as such and, if supplied by the Secretary of State, shall not include any damaging information.

(4) In the case of applications made under section 3(1) of the Act, the Secretary of State shall further include in the response papers:

- (a) the information and documents specified in Part I of Schedule 3 to these Rules; and
- (b) where the person concerned is a life prisoner, the information and documents specified in Part II of Schedule 3 to these Rules.

(5) The Commissioners shall, within seven days of receiving the copy set of response papers, serve them on the Applicant.

Further applications

9.—(1) Subject to paragraph (2), any successive application made under section 3(1) or 8(1) of the Act shall be referred to as a further application.

(2) The Commissioners may only determine a further application if in their view:

- (a) circumstances have changed since the most recent substantive determination was made in respect of the person concerned; or
- (b) reliance is placed in support of the further application on any material information, document or evidence which was not placed before the Commissioner when the most recent substantive determination was made in respect of the person concerned.

(3) For the purposes of these Rules, an application is successive where it is not the first application to have been made under the section of the Act in question by or in respect of the person concerned.

Further papers

10.—(1) Subject to paragraphs (2) and (3), the Applicant may not supplement or add to the application papers, and the Respondent may not supplement or add to the response papers, after these have been served on the Commissioner, without the leave of the Commissioner granted by way of ancillary decision.

(2) Any document required or authorised by these Rules to be served by or on the Applicant shall be appended to and form part of the application papers and any document required or authorised by these Rules to be served by or on the Respondent shall be appended to and form part of the response papers.

(3) In relation to further applications, the parties may make reference to and the Commissioner may have regard to the application papers and response papers served in previous cases relating to the person concerned save that there shall be no disclosure of any damaging information thereby.