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STATUTORY INSTRUMENTS

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**1998 No. 1859**

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

**PART VI**

**EVIDENCE AND INFORMATION**

**Witnesses**

**21.** Where an party wishes to call one or more witnesses at a hearing, he shall apply by way of ancillary application for leave to do so giving the name, address and occupation of each witness he wishes to call and the substance of the evidence he proposes to adduce.

**Non-disclosure of damaging information**

**22.—(1)** This rule applies where the Secretary of State certifies as “damaging information” any information, document or evidence which, in his opinion, would if disclosed to the person concerned or any other person be likely to:

- (a) adversely affect the health, welfare or safety of the person concerned or any other person;
- (b) result in the commission of an offence;
- (c) facilitate an escape from lawful custody or the doing of any act prejudicial to the safe keeping of persons in such custody;
- (d) impede the prevention or detection of offences or the apprehension or prosecution of suspected offenders;
- (e) be contrary to the interests of national security; or
- (f) otherwise cause substantial harm to the public interest;

and any such information, document or evidence is referred to in these Rules as “damaging information”.

(2) The Commissioners shall not in any circumstances disclose to or serve on the person concerned, his representative or any witness appearing for him any damaging information and shall not allow the person concerned, his representative or any witness appearing for him to hear argument or the examination of evidence which relates to any damaging information.

(3) Where the Secretary of State has certified information as damaging he shall within seven days of doing so serve on the person concerned and on the Commissioner, whether by way of inclusion with the application or response papers or otherwise, written notice of this stating, so far as he considers it possible to do so without causing damage of the kind referred to in paragraph (1), the gist of the information he has thus withheld and his reasons.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**Further evidence and information**

**23.**—(1) Following receipt of the response papers the Commissioner may give a direction requesting either party to produce further evidence or information on any topic and may adjourn the progress of the case until a response to this request has been received.

(2) Subject to rule 22, any response to a direction given in accordance with paragraph (1) shall be served, by the party responding, on the Commissioner and on the other party.