

1979 No. 90

SUPREME COURT, NORTHERN IRELAND**CROWN COURT****The Crown Court Rules (Northern Ireland) 1979***Made 22nd March 1979**Coming into operation 18th April 1979**To be laid before Parliament***ARRANGEMENT OF RULES****PART I****INTRODUCTION**

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WE, the Crown Court Rules Committee, in exercise of the powers conferred upon us by sections 48(5), 51(5) and 52(1) of the Judicature (Northern Ireland) Act 1978(a) and section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(b), hereby with the concurrence of the Lord Chancellor make the following Rules:—

PART I

INTRODUCTION

Citation and Commencement

1. These Rules may be cited as the Crown Court Rules (Northern Ireland) 1979 and shall come into operation on 18th April 1979.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires,—

“chief clerk” means the chief clerk of the Court at the place where a person is to be tried and includes such other member of the Court Service as may be authorised to act on his behalf for the purpose in question;

“committal proceedings” means proceedings before a magistrates’ court conducting a preliminary investigation or preliminary enquiry;

“Court” means the Crown Court;

“depositions” means depositions taken before a magistrates’ court and includes written statements tendered in evidence under section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968(c), any document exhibited to such depositions or statements and the statement of the accused;

“judge” means a judge of the High Court or a county court judge;

“magistrates’ court” means a court under the Magistrates’ Courts Act (Northern Ireland) 1964(d) or the Children and Young Persons Act (Northern Ireland) 1968(e);

“prosecutor” means the Director of Public Prosecutions when the prosecution is being carried on by him;

“Taxing Master” means the Master (Taxing Office) or such other person as may be designated or appointed to exercise jurisdiction under section 60(1) of the Act.

(2) In these Rules any reference to a rule or schedule shall be construed as a reference to a rule contained in these Rules or, as the case may be, to a schedule thereto; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

(3) The forms in the schedule shall be used where applicable with such variations as the circumstances of the particular case require.

(a) 1978 c. 23
(b) 1968 c. 10 (N.I.)
(c) 1968 c. 32 (N.I.)

(d) 1964 c. 21 (N.I.)
(e) 1968 c. 34 (N.I.)

PART II

COSTS BETWEEN PARTIES IN CROWN COURT

Taxation of costs

3.—(1) Where under these Rules the Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as practicable by the Taxing Master.

(2) On taxation there shall be allowed such sum as is reasonably sufficient to compensate the party for the expenses properly incurred by him.

Review by Taxing Master

4.—(1) Any party dissatisfied with the taxation of any costs by the Taxing Master under rule 3 may apply to him to review his decision.

(2) The application shall be made by giving notice to the Taxing Master and to any other party to the taxation within 14 days of the taxation specifying the items in respect of which the application is made and the grounds of objection.

(3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the Taxing Master answers in writing to the objections specified in that notice and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.

(4) The Taxing Master shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by them or on their behalf and shall notify them of the result of his review.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs.

Appeal to High Court Judge

5.—(1) Any party dissatisfied with the result of a review of taxation under rule 4 may, within 14 days of receiving notification thereof, request the Taxing Master to supply him with reasons in writing for his decision and may within 14 days of the receipt of such reasons appeal to the High Court.

(2) On the hearing of the appeal the High Court may reverse, affirm or amend the decision appealed against or make such other order as it thinks appropriate.

(3) Unless the High Court otherwise directs, no further evidence shall be received on the hearing of the appeal; and no ground of objection shall be valid which was not raised on the review under rule 4.

Supplementary provisions

6.—(1) On a review or an appeal to the High Court the Taxing Master or that Court may make such order as seems just in respect of the costs of the hearing of the review or the appeal, as the case may be.

(2) Any time prescribed by rule 4 or 5 may be extended by the Taxing Master or the High Court on such terms as seem just.

PART III

BAIL

Interpretation

7. In this Part, save where the context otherwise requires,—

“application” means an application to the Court in relation to bail;

“surrender to custody” means, in relation to a person released on bail, surrendering himself into the custody of the Court or other proper authority (according to the requirements of the order admitting him to bail) at the time and place appointed for him to do so.

Applications in relation to bail

8.—(1) Every application, other than an application during a trial before the Court, shall be made by delivering to the office of the chief clerk at Belfast a notice setting out the grounds of the application and referring to any earlier application to the Court, the High Court or a magistrates’ court in the same proceedings.

(2) An application by a defendant shall be in Form 1 in the schedule and an application by any other person shall be in Form 1A.

(3) The chief clerk on receiving the notice shall—

- (a) give a copy thereof to the prosecutor, unless he is the applicant, and at the same time inform him by telephone of the terms of the notice;
- (b) where the application has been made by the prosecutor or a surety in respect of a defendant who is on bail, give a copy of the notice to that defendant; and
- (c) subject to any direction of the Court, list the application for hearing for a time not later than 7 days from the date on which he received the notice and inform the defendant and the prosecutor and, where he is the applicant, the surety of the time and place of the hearing.

(4) The hearing shall be at Belfast unless the chief clerk at Belfast, subject to and in accordance with directions of a judge, arranges otherwise.

Admission to bail

9.—(1) Where a defendant is admitted to bail under rule 8, the chief clerk shall forthwith file the order admitting the defendant to bail, and such order shall be in Form 2 in the schedule.

(2) The chief clerk shall give a copy of the order to the defendant by handing it to the person having custody of him.

Security instead of recognizances

10. The Court may, instead of requiring a person to enter into a recognizance, consent to his giving other security, and such security may be given by that person or on his behalf.

Persons to take recognizances

11.—(1) The Court may direct that a recognizance shall be entered into or other security given before—

- (a) a magistrates’ court;
- (b) a clerk of petty sessions;

- (c) an officer of the Court;
- (d) in cases to which section 51(7)(a) of the Act applies, the officer in charge of the police station to which a defendant is taken or a police officer of the rank of inspector or above; or
- (e) where the person admitted to bail is in a prison or other place of detention, the governor or keeper of that place.

(2) Where the Court gives no direction under paragraph (1), a recognizance may, where the statutory conditions are satisfied, be entered into before any of the persons specified in that paragraph.

Manner in which recognizance is to be entered into

12.—(1) A recognizance may be entered into or security given before a person specified in rule 11(1) on the production to him of a copy of the order admitting the defendant to bail with or without sureties of such number and amount as the Court may direct.

(2) Where, in pursuance of an order of the Court, a recognizance is entered into or other security given before any person, it shall be his duty to cause the recognizance or, as the case may be, a statement of the other security given to be transmitted forthwith to the chief clerk; and a copy of the recognizance or statement shall at the same time be sent to the governor or keeper of the prison or other place of detention in which the person named in the order was detained, unless the recognizance was entered into or other security given before such governor or keeper.

Estreat of recognizance

13. Where a recognizance has been entered into by or in respect of a defendant admitted to bail to appear before the Court and it appears to the Court that default has been made in performing the conditions of the recognizance, the Court may either of its own motion or on the application of the prosecutor order the recognizance to be estreated in any such sum not exceeding the amount of the recognizance as it thinks fit to order.

Forfeiture of security

14.—(1) Where security has been given by or on behalf of a defendant for his surrender to custody and the Court is satisfied that he failed to surrender to custody, then, unless it appears to the Court that he had reasonable cause for his failure, the Court may either of its own motion or on the application of the prosecutor order the forfeiture of the security in any such sum not exceeding the value thereof as it thinks fit to order.

(2) A security which has been ordered to be forfeited under paragraph (1) shall to the extent of the forfeiture—

- (a) if it consists of money, be accounted for and paid in the same manner as a fine imposed by the Court would be; and
- (b) if it does not consist of money, be enforced by such magistrates' court as may be specified in the order.

Procedure for estreat or forfeiture

15. Where the Court is to consider making an order under rule 13 or 14, the chief clerk shall give notice to that effect to the person by whom the recognizance was entered into or security given, indicating the time and place at which the matter will be considered, and no such order shall be made before the expiration of 7 days after the notice required by this paragraph has been given.

Recommittal

16. If a defendant has been released on bail and, on the application of the prosecutor or a surety, it appears to the Court that—

- (a) he has failed to surrender to custody;
- (b) he is in breach of any condition of his bail; or
- (c) he is unlikely to surrender to custody,

the Court may order that he be recommitted to custody and issue a warrant for his arrest.

Variation of order admitting to bail

17. Where the Court has admitted a defendant to bail, it may, on application by the defendant or the prosecutor or a surety,—

- (a) vary or dispense with any conditions of bail or impose conditions in respect of bail to which the defendant has been admitted unconditionally;
- (b) increase or reduce the amount in which the defendant or any surety is bound; or
- (c) require sureties or additional sureties or dispense with any surety.

Postponement of taking recognizances

18. The Court may, on making an order admitting to bail, direct that the taking of recognizances be postponed for such period as the Court thinks fit.

PART IV

INDICTMENTS

Material, etc, for indictments

19.—(1) An indictment shall be on durable paper, and may be produced by one of the following means, that is to say, printing, writing (which must be clear and legible) and typewriting otherwise than by means of a carbon, and may be produced partly by one of those means and partly by another or others of them.

(2) Each sheet on which an indictment is set out shall be 297 millimetres long and 210 millimetres wide, and if more than one sheet is required, the sheets shall be fastened together in book form.

(3) A proper margin not less than 25 millimetres wide shall be kept on the left-hand side of each sheet.

(4) An indictment shall not be open to objection by reason only of any failure to comply with this rule.

Form of an indictment

20. An indictment shall be in Form 3 in the schedule.

Joining of charges in one indictment

21. Charges for any offences may be joined in the same indictment if those charges are founded on the same facts or form or are a part of a series of offences of the same or a similar character.

Mode in which offences are to be charged

22.—(1) A description of the offence charged in an indictment or, where more than one offence is charged in an indictment, of each offence so charged shall be set out in the indictment in a separate paragraph called a count.

(2) A count of an indictment shall commence with a statement of the offence charged, called the statement of offence.

(3) The statement of offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.

(4) After the statement of the offence, particulars of such offence shall be set out in ordinary language, in which the use of technical terms shall not be necessary:

Provided that where any rule of law or any statute limits the particulars of an offence which are required to be given in an indictment, nothing in this rule shall require any more particulars to be given than those so required.

(5) Where an indictment contains more than one count, the counts shall be numbered consecutively.

Provisions as to statutory offences

23.—(1) Where an enactment constituting an offence states the offence to be the doing or the omission to do any one of any different acts in the alternative, or the doing or the omission to do any act in any one of any different capacities, or with any one of any different intentions, or states any part of the offence in the alternative, the acts, omissions, capacities, or intentions or other matters stated in the alternative in the enactment may be stated in the alternative in the count charging the offence.

(2) It shall not be necessary, in any count charging a statutory offence, to negative any exception or exemption from or qualification to the operation of the statute creating the offence.

Description of property

24.—(1) The description of property in a count in an indictment shall be in ordinary language and such as to indicate with reasonable clearness the property referred to, and if the property is so described it shall not be necessary (except when required for the purpose of describing an offence depending on any special ownership of property or special value of property) to name the person to whom the property belongs or state the value of the property.

(2) Where property is vested in more than one person and the owners of the property are referred to in an indictment, it shall be sufficient to describe the property as owned by one of those persons by name with others, and if the persons owning the property are a body of persons with a collective name, such as "Trustees", "Commissioners", or "Club" or other such name, it shall be sufficient to use the collective name without naming any individual.

Description of persons

25. The description or designation in an indictment of the accused person or any other person to whom reference is made therein, shall be such as is reasonably sufficient to identify him, without necessarily stating his correct name or his abode, style, degree or occupation; and if, owing to the name of the person not being known, or for any other reason, it is impracticable or undesirable to give such a description or designation such description or designation shall be given as is reasonable in the circumstances, or such person may be described as "a person unknown".

Description of document

26. Where it is necessary to refer any document or instrument in an indictment, it shall be sufficient to describe it by any name or designation by which it is usually known, or by the purport thereof, without setting out any copy thereof.

General rule as to description

27.—(1) Subject to any other provisions of these Rules, it shall be sufficient to describe in ordinary language any place, time, thing, matter, act or omission whatsoever to which it is necessary to refer in any indictment in such a manner as to indicate with reasonable clearness the place, time, thing, matter, act or omission referred to.

(2) Figures shall and abbreviations may be used in an indictment for expressing anything which is commonly expressed thereby.

Statement of intent

28. It shall not be necessary in stating any intent to defraud, deceive or injure to state an intent to defraud, deceive or injure any particular person where the statute creating the offence does not make an intent to defraud, deceive or injure a particular person an essential ingredient of the offence.

Averment of previous conviction

29. Any averment of a previous conviction of an offence shall be made at the end of the indictment by means of a statement that the person accused has been previously convicted of an offence at a certain time and place without stating the particulars of the offence.

Saving for section 33(3) of the Children and Young Persons Act (Northern Ireland) 1968

30. Nothing in these Rules shall affect the provisions of subsection (3) of section 3 of the Children and Young Persons Act (Northern Ireland) 1968(f).

Presentment of an indictment

31. An indictment shall be deemed to have been presented when it has been received in the office of the chief clerk.

Time for presentment

32.—(1) Subject to paragraph 2 of this rule, an indictment shall be presented not later than 11 a.m. on the day prior to the arraignment of the person accused therein.

(2) The requirement contained in paragraph (1) of this rule may be waived if—

- (i) the accused consents to this course; and
- (ii) the court gives leave.

Substitution or amendment of an indictment

33. Subject to section 5 of the Indictments Act (Northern Ireland) 1945(g), no substituted or amended indictment shall be presented without prior leave of the court.

Procedure on application under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969

34. Every application to a judge under paragraph (e) of section 2(2) of the Grand Jury (Abolition) Act (Northern Ireland) 1969(h) for leave to present an indictment shall—

- (i) be in writing and signed by the applicant or his solicitor;
- (ii) be accompanied by the indictment which it is proposed to present;
- (iii) unless the application is made by or on behalf of the Director of Public Prosecutions for Northern Ireland, be accompanied by an affidavit by the applicant, or, if the applicant is a corporation, by an affidavit by a director or officer of the corporation, that the statements contained in the application are, to the best of the deponent's knowledge, information and belief, true;
- (iv) state whether or not any application has previously been made, whether there have been any committal proceedings, and the result of any such application or proceedings; and

(f) 1968 c. 34 (N.I.)
(g) 1945 c. 16 (N.I.)

(h) 1969 c. 15 (N.I.)

- (v) be lodged in the office of the chief clerk eight days before the indictment is intended to be presented.

35.—(1) Where there have been no committal proceedings, the application shall—

- (a) state why it is desired to present an indictment without such proceedings;
- (b) be accompanied by copies of the statements of the witnesses intended to be examined on behalf of the prosecution; and
- (c) state that the evidence shown by these statements will be available at the trial and that the case disclosed by the statements, is to the best of the applicant's knowledge, information and belief, a true case.

(2) Where there have been committal proceedings and the magistrates' court has refused to commit the accused for trial, the application shall be accompanied by—

- (a) a copy of the depositions; and
- (b) the statements of any witnesses whom it is proposed to call so far as their evidence is not contained in the depositions;

and the application shall state that the evidence shown by the statements and (except so far as may be expressly stated to the contrary in the application) the evidence shown by the depositions will be available at the trial and that the case disclosed by the depositions and statements is, to the best of the applicant's knowledge, information and belief, a true case.

(3) Where the accused has been committed for trial, the application shall state why the application is made and shall be accompanied by copies of the statements of the witnesses intended to be examined on behalf of the prosecution, so far as the evidence shown in those statements is not contained in the depositions, and, unless the depositions have already been transmitted to the judge to whom the application is made, shall also be accompanied by a copy of the depositions; and the application shall state that the evidence shown by the said statements will be available at the trial and that the case disclosed by the depositions and the statements is, to the best of the applicant's knowledge, information and belief, a true case.

(4) Any requirement of this rule that an application should be accompanied by a copy of any depositions shall, as respects documents exhibited to those depositions, be satisfied if a copy of such parts only of the exhibits as are, in the opinion of the applicant, material accompanies the application and the application contains an express statement to that effect.

36.—(1) Unless the judge otherwise directs in any particular case, his decision on the application shall be signified in writing on the application without requiring the attendance before him of the applicant or any of the witnesses, and, if the judge thinks fit to require the attendance of the applicant or any of the witnesses, this attendance shall not be in open court.

(2) Unless the judge gives a direction to the contrary, where an applicant is required to attend as aforesaid, he may attend by a solicitor or by counsel.

37. It shall be the duty of any person having custody of any depositions to give to any person desiring to make an application for leave to present a bill of indictment against the person who was accused when those depositions were taken a reasonable opportunity to inspect the depositions and, if so required by him, to supply him, on payment of the appropriate fee, with copies of the depositions or any part thereof.

Duty to furnish copy of indictment

38.—(1) A person charged on indictment shall be supplied before arraignment by the chief clerk with a copy of the indictment free of charge.

(2) The cost of supplying a person charged on indictment with a copy of the indictment shall for the purposes of section 1 but not of section 2 of the Costs in Criminal Cases Act (Northern Ireland) 1968(i) be treated as part of the costs of the prosecution.

(i) 1968 c. 10 (N.I.)

PART V

REFERENCES TO THE EUROPEAN COURT

Interpretation

39. In this Part, unless the context otherwise requires,—

“the European Court” means the Court of Justice of the European Communities; and

“order” means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

Orders of the Court

40.—(1) An order may be made before or at the trial by the Court either of its own motion or on the application of the defendant or the prosecutor.

(2) An order, which shall be in Form 4 in the schedule, shall set out in a schedule thereto the request for the preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

Transmission of the order to the European Court

41. When an order has been made, a copy shall be sent to the Master (Queen’s Bench and Appeals) who shall send it to the Registrar of the European Court.

Adjournment pending ruling

42.—(1) The proceedings in which an order is made shall, unless the Court otherwise orders, be adjourned until the European Court has given a preliminary ruling on the question referred to it.

(2) Nothing in paragraph (1) shall be taken as preventing the Court from deciding any preliminary or incidental question which may arise in the proceedings after an order is made and before a preliminary ruling is given by the European Court.

PART VI

MISCELLANEOUS

Special directions pursuant to section 47(2)

43.—(1) Where directions under section 47(2) of the Act confer power on the Lord Chief Justice to give special directions in regard to particular cases, he may give such directions either of his own motion or on the application of the defendant or the prosecutor.

(2) Any such application must be in writing and state the grounds of the application.

(3) With a view to giving any special directions the Lord Chief Justice may, if he considers it necessary, direct the parties to appear before him.

Time limits for beginning of trials

44. The periods specified for the purposes of paragraphs (a) and (b) of section 48(5) of the Act shall be 8 days and 14 weeks respectively, and accordingly the trial of a person committed by a magistrates' court—

(a) shall not begin until the expiration of 8 days beginning with the date of his committal, except with his consent and the consent of the prosecutor, and

(b) shall, unless the Court has otherwise ordered, begin not later than the expiration of 14 weeks beginning with the date of his committal.

Variation or rescission of sentence or order under section 49

45. Where a judge considers pursuant to section 49 of the Act whether a sentence or other order should be varied or rescinded, he shall do so in open court.

Manner of application

46. Subject and without prejudice to rules 8 and 34, every application to the Court by the defendant or the prosecutor under these Rules, otherwise than at the trial, must be in writing and be delivered or sent to the chief clerk, and a copy thereof must be given to the opposite party.

Service of documents

47. Any notice or other document which is required by these Rules to be given to any person may be served personally on, or sent by post to, that person or his solicitor.

Amendment

48. Section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(j) shall have effect with the insertion after the word "payment" of the words "or the taxation".

Annulment of Indictments Rules (Northern Ireland) 1977

49. The Indictments Rules (Northern Ireland) 1977(k) are hereby annulled.

(j) 1968 c. 10 (N.I.)

(k) S.R. 1977 No. 191

Repeal

50. Upon the coming into force of these Rules sections 1 and 2 of the Indictments Act (Northern Ireland) 1945⁽¹⁾ and in section 7 of that Act the words "or the rules made thereunder" shall cease to have effect.

Robert Lowry
Turlough O'Donnell
Basil Kelly
R. R. Chambers
R. Porter
J. G. Fox
R. Appleton
Denis Synge Stephens
James Oliver Brady
James G. Doran
G. B. Turkington

Dated 22nd March 1979.

I concur

Elwyn-Jones C.

Dated 26th March 1979.

SCHEDULE

FORM 1

Rule 8(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of application in relation to bail

IN THE MATTER of⁽¹⁾

of⁽²⁾

who has been committed for trial to the Crown Court at⁽³⁾



TAKE NOTICE THAT⁽¹⁾

at present [detained in]⁽⁴⁾
 or [on bail] hereby applies to the Crown Court for an order that he will be released
 from custody pending his trial upon such terms and conditions as the Court may
 think just—or [for the following order—]⁽⁵⁾

The grounds on which this application is made are as follows⁽⁶⁾⁽⁷⁾

Previous applications for bail⁽⁸⁾

In the event of the applicant being admitted to bail the following persons
 would be willing to stand as sureties for the due surrender of the applicant to his
 bail:

Name⁽⁹⁾

Address

Occupation

Name⁽⁹⁾

Address

Occupation

Dated19....

Signed

⁽¹⁰⁾Applicant or Solicitor for the
 Applicant.

To the Crown Court at Belfast.

NOTES

- (1) Insert full name of applicant.
- (2) Here state home address of applicant.
- (3) Court to which committed.
- (4) Here state place in which he is confined.
- (5) Delete whichever is not applicable and insert alternative order if required.
- (6) Set out the grounds on which the application is made.
- (7) No affidavit is required in support of this application.
- (8) Details of any previous applications.
- (9) The names of a surety or sureties may be inserted here. It is not necessary to give the names of sureties at this stage, but giving their names will facilitate the release of the applicant if the application is successful.
- (10) Where the applicant is not represented by a solicitor, the applicant must sign the notice.
- (11) Two copies of this Form must be completed. Where completed by the applicant in person they must, if the applicant is in custody, be sent to the Crown Court by the Governor of the prison or other place where the applicant is detained.

FOR USE BY GOVERNOR OF PRISON OR BORSTAL OR SOLICITOR FOR THE APPLICANT

Name of Applicant

Has the applicant engaged a solicitor for this application?

If so, state name and address of solicitor

.....

Offence

Court and date of committal

Court to which committed⁽³⁾

Name of Police Officer in charge of case

FORM 1A

Rule 8(2)

IN THE CROWN COURT IN NORTHERN IRELAND

Notice of application in relation to bail

IN THE MATTER of(1)
of(2)
who has been committed for trial to the Crown Court at(3)



TAKE NOTICE THAT(4)
of
hereby applies to the Crown Court for an order(5)—

The ground on which this application is made are as follows(6)(7)

Dated19.... Signed

(8)Applicant or Solicitor for the Applicant.

To the Crown Court at Belfast.

NOTES

- (1) Insert full name of defendant.
(2) Here state home address of defendant.
(3) Court to which committed.
(4) Prosecutor or surety.
(5) State order applied for.
(6) Set out the grounds on which the application is made.
(7) No affidavit is required in support of this application.
(8) Where the applicant is not represented by a solicitor, the applicant must sign the notice.
(9) Two copies of this Form must be completed.

FORM 2

Rule 9(1)

Order for admission to bail

IN THE CROWN COURT IN NORTHERN IRELAND

THE QUEEN v. A.B.

, the day of , 19 .

Before the Crown Court at

IN THE MATTER OF

An applicant for bail.

UPON APPLICATION by the above named applicant

IT IS ORDERED that be admitted to bail in the sum of £ , with sufficient

AND IT IS ORDERED that bail is granted to the applicant subject to the condition that

AND IT IS ORDERED that upon the applicant and entering into recognizances in Form 132 of the Magistrates' Courts Rules (Northern Ireland) 1974, in the above mentioned sums, this order shall be sufficient authority for the person for the time being in charge of to release the applicant unless is in custody for some other cause.

AND IT IS ORDERED that the prosecutor or a surety may at any time in the interests of justice or for the prevention of crime apply to the Court to have this order reviewed.

Form of Indictment

THE QUEEN v. A.B.

COURT OF TRIAL: The Crown Court at

DATE: [i.e. date on which the indictment is to be presented.]

CHARGE[S]:—

A.B. is charged with the following offence[s]:—

FIRST COUNT

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

SECOND COUNT

STATEMENT OF OFFENCE

PARTICULARS OF OFFENCE

[and so on, stating the offence and particulars thereof for each count charged in the indictment]

FORM 4

Rule 40(2)

Order for reference to the European Court

IN THE CROWN COURT IN NORTHERN IRELAND

THE QUEEN v. A.B.

IT IS ORDERED that the question[s] set out in the Schedule hereto concerning the interpretation [or validity] of [specify Treaty provision or Community instrument or act concerned] be referred to the Court of Justice of the European Communities for a preliminary ruling in accordance with Article 177 of the Treaty establishing the European Economic Community [or Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community, as the case may be].

AND IT IS FURTHER ORDERED that the proceedings be adjourned until the said Court of Justice has given its ruling on the said question[s] or until further order.

EXPLANATORY NOTE

(This note is not part of the Rules but is intended to indicate their general purport.)

The Judicature (Northern Ireland) Act 1978 provides for the establishment of a new court, the Crown Court in Northern Ireland, to conduct criminal trials on indictment and in that respect to exercise jurisdiction formerly vested in the High Court and the county court. These Rules regulate the procedure and practice of the Crown Court with regard to the matters specified in the Rules and also supersede the Indictments Rules made under the Indictments Act (Northern Ireland) 1945.