

Status: This is the original version (as it was originally made).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

SCHEDULE

Rule 3

Form 5 In the Crown Court in Northern Ireland

Rule 44B

Application under Article 81(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 for leave to use television link where witness will not give evidence otherwise through fear or is a child or is to be cross-examined after admission of video recording.

- An application should be made within 28 days from-
 - (a) the date of committal of the defendant; or
 - (b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995, was given; or
 - (c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or
 - (d) the date on which an order for retrial is made.
- This form may also be used where an extension of time has been granted for the making of this application.
- A copy of this form must be served at the same time on every other party to the proceedings.

Case Details

The Crown Court at

Crown Court Case Number:

*Delete as appropriate

Date of: committal for trial*;
 giving of Notice of Transfer*
 leave given to present
 indictment*;
 order for retrial*;

State the names of the defendant(s) to whom this application relates

Defendant(s): surname:
 forenames:

Application

Name of applicant:

Name of applicant's solicitor:

Address of solicitor:

Reference:

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Give brief details of those charges to which this application relates

Charges

Note
An application by the defence for evidence to be given through live television link need not disclose who that witness is except to the extent that disclosure is required by section 1 Evidence of Alibi Act (Northern Ireland) 1972 nor need it disclose the name of the person proposed to accompany the witness if this could lead to the identification of the witness.

Witness — Please read the Note beside this section before completing it.

Date of Birth
If an application has been made to tender in evidence a video recording of testimony from the witness, state the date and (if known) result of that application.
If the Applicant is the prosecutor enter the name of witness or (as the case may be) the letter under which he is designated in the proceedings.
If the Applicant is the defendant enter name of witness (but only if disclosure is already required by section 1 of the Evidence of Alibi Act (Northern Ireland) 1972);

State the name of the person who will accompany a witness where the witness comes within rule 44B(1)(b)

Grounds for applying for evidence to be given by television link

Name of the person who is proposed to accompany the witness:
Occupation of this person:
Relation to the witness of this person (if any):

Grounds for believing this person should accompany the witness:

Signature of applicant or applicant's solicitor

.....
Date.....

Note to party who receives a copy of this notice
If you wish to oppose this application you are required within 14 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

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Rule 44C

Notice of Application for leave to tender in evidence a video recording under Article 81A of the Police and Criminal Evidence (Northern Ireland) Order 1989.

- An application should be made within 28 days from—
 - (a) the date of committal of the defendant; or
 - (b) the date on which Notice of Transfer under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or
 - (c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or
 - (d) the date on which an order for retrial is made.
- If made after the expiry of this period, this notice can be used but should be accompanied by a statement giving good reasons why the application was not made within it.
- A copy of this form and any video recording(s) to which it relates must be sent at the same time to the other party or parties to the case. Where a defendant is unrepresented, a copy of the video recording should not be sent, but must be made available for viewing by him.

Case Details

The Crown Court at:

Crown Court Case Number:

*Delete as appropriate

Date of: committal for trial*;
 consent given to present
 indictment*
 notice of transfer served*
 notice of appeal served*

Defendant(s): surname:
 forenames:

Application

Name of applicant:

Name of applicant's solicitor:

Address of solicitor:

Reference:

Give brief details of those charges to which this application relates

Charges

Witness

Name:

Date of Birth:

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These details need be completed only to the extent that the information is not contained in the video recording itself

Video recording(s)

Statement as to circumstances in which video recording made

Date(s) of video recording(s):

State times at which recording began and finished including any interruptions

Time(s) of video recording(s):

Give address and description of premises where recording made

Location and normal function of premises where video recording made:

Include name, age and occupation of anyone present; time for which present, relationship (if any) to witness and defendant

Details of those present while recording made

Include number, and type of cameras (fixed or mobile), number and location of microphones, video format and whether single or multiple recording facilities used

Equipment used

State name and address of keeper of mastertape

Location of mastertape

State when and by whom each copy accompanying this notice was made

Details of copy

[Note A copy of any video recordings of other parts of the interview with the witness which is *not* proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.]

Grounds for application

I confirm that

- (a) I believe the witness is willing and able to attend the trial for cross-examination;
- (b) The details given in the statement of the circumstances in which the video recording was made above are correct;
- (c) Copies of the video recording(s) to which this application relates have been disclosed to the other parties and their agreement to them being tendered has been sought;
- (d) A copy of this notice and the video recording(s) to which it relates have been served on each party to the proceedings.

Signature of applicant or applicant's Solicitor;

Date:

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Rule 44C

Notice of decision on application to tender in evidence a video recording under Article 81A of the Police and Criminal Evidence (Northern Ireland) Order 1989

Case Details

The Crown Court at:

Crown Court Case Number:

Defendant(s): Surname:

Forenames:

Application

Name of Applicant:

Name of Applicant's Solicitor:

Address of Solicitor:

Reference:

Date of Application:

Witness's name:

Date of videotape:

Result

**Delete as appropriate*

Leave to tender the video recording accompanying

Leave to tender the video recording accompanying this application is refused on the following grounds*/granted*/granted subject to the following conditions* (state details of any editing of the recording required or of any additional material disclosed to be added)

Signed..... Date.....
(an Officer of the Court)