

SCHEDULE

Rule 2(3)

FORMS TO BE INSERTED IN THE CROWN COURT RULES (NORTHERN IRELAND) 1979  
FORM 7E IN THE CROWN COURT IN NORTHERN IRELAND **Application for leave to adduce  
evidence of non-defendant's bad character** (Article 5 of the Criminal Justice (Evidence) (Northern  
Ireland) Order 2004)

**Status:** This is the original version (as it was originally made).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

Rule 44N(1)

This form should be served on the chief clerk, and at the same time a copy thereof shall be served on every other party to the proceedings:

- within 14 days from the date on which the prosecutor has complied or purported to comply with section 7 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor); or
- as soon as reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant.

*Details required*

*Notes*

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**Details of applicant**

Name:

Address:

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**Case details**

The Crown Court at

Crown Court Bill Number:

Name of defendant(s):

Charges:

Date of: committal for trial\*  
 giving of notice of transfer\*  
 leave given to present indictment\*  
 order for retrial\*  
 next court appearance\*

\* delete as appropriate

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**Details of the application**

Please provide the following details:

- \* the particulars of the bad character evidence including how it is to be adduced or elicited in the proceedings (including the names of the relevant non-defendant and other relevant witnesses); and
- \* the grounds for the admission of evidence of a non-defendant's bad character under Article 5 of the 2004 Order

Article 5 of the 2004 Order.

Please attach any relevant documentation.

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**Extension of time for service**

Please indicate whether you are applying for an extension of time for service

If the answer is yes, please provide details:

Dated this      day of                      20      .

Applicant

**Status:** This is the original version (as it was originally made).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

To the Chief Clerk of the Crown Court sitting at

And to

*(insert names and addresses of each of the other parties to the proceedings)*

**NOTE:**

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

**Note to party who receives a copy of this application:**

If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you, to notify the chief clerk and every other party to the proceedings, in writing, of your opposition, giving reasons for it.

FORM 7FIN THE CROWN COURT IN NORTHERN IRELAND **Notice of intention to adduce evidence of defendant's bad character**(Article 6 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

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

Rules 44N(4) and (6)

This form should be served on the chief clerk, and at the same time a copy thereof shall be served on every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served within 14 days from –

- (a) the date of the 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)(c) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or
- (d) the date on which an order for retrial is made.

Where the notice is given by a co-defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (*disclosure by the prosecutor*).

<i>Details required</i>	<i>Notes</i>
<b>Details of party giving notice</b>	
Name:	
Address:	
<b>Case details</b>	
The Crown Court at:	
Crown Court Bill Number:	
Name of defendant(s):	
Charges:	
Date of –	
committal for trial*	
giving of notice of transfer*	* delete as appropriate
leave given to present indictment*	
order for retrial*	
next court appearance*	

<b>Details of the notice</b>	
To the named defendant:	
You are hereby given notice that bad character evidence, particulars of which are detailed below, is to be adduced or elicited in these proceedings.	
The particulars of that bad character evidence are as follows:	
	In this section include:
	(a) a description of the bad character evidence and how it is to be adduced or elicited in the proceedings (including the names of any relevant witnesses);
	(b) the grounds for the admission of evidence of the defendant’s bad character under Article 6 of the 2004 Order;

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*Details required*

*Notes*

10) why the admission of that evidence is in the interests of justice, where Article 13 of the Order applies (evidence of conviction when under 14 used in proceedings for offence committed as an adult).  
Please attach any relevant documentation.

**Extension of time for service**

Please indicate whether you are applying for an extension of time for service.

If the answer is yes, please provide Details:

Dated this      day of                      20      .

Applicant

**NOTE:**

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

**Note to defendant:**

An application by a defendant to exclude bad character evidence shall be in Form 7G and shall be served on the chief clerk and on every other party to the proceedings within 7 days of the date the notice of intention to adduce the evidence of bad character was served on him.

FORM 7G IN THE CROWN COURT IN NORTHERN IRELAND **Application to exclude evidence of defendant's bad character** (Articles 6 and 13 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

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

Rule 44N(8)

This form should be served on the chief clerk and on every other party to the proceedings within 7 days of the date on which the notice of intention to adduce evidence of the defendant's bad character was served on the defendant.

<i>Details required</i>	<i>Notes</i>
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**Details of the defendant(s)**

Name:

Address:

Date of birth:

If you are in custody, please give your prison number and the address of the establishment in which you are detained:

**Case details**

The Crown Court at:

Crown Court Bill Number:

Charges:

- Date of – committal for trial\*
- pump of review of transfer<sup>9</sup>
- leave given to present indictment\*
- order for retrial<sup>8</sup>
- next court appearance<sup>6</sup>

\* delete as appropriate

Date on which you were served with notice of intention to adduce evidence of bad character in these proceedings:

**Details of the application**

Include the following information:

- (a) why the admission of bad character evidence would have such an adverse effect on the fairness of the proceedings that the Court should not admit it.
- (b) details as to the length of time between the matters to which the bad character evidence relates and the matters which form the subject of the offence charged
- (c) if you are applying for the exclusion of this evidence on grounds other than Article 6(3) of the 2004 Order, please set out such objections

Note that an application to exclude this evidence under Article 6(3) of the 2004 Order can only be made if you have been notified of a party's intention to adduce this evidence under Article 6(1)(d) (it is relevant to an important matter in issue between the defendant and the prosecutor) or Article 6(1)(g) (that the defendant has made an attack on another person's character). Article 6(4) of the 2004 Order.

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*Details required*

*Notes*

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**Offences committed by the defendant when a child**

If you are applying to exclude evidence of a previous conviction for an offence when under the age of 14, state

Article 13(1) of the 2004 Order

- (a) whether the offence for which you received a conviction when under the age of 14 was an offence triable only on indictment; and
- (b) why it would not be in the interests of justice for that evidence to be admitted.

**Extension of time for service**

Please indicate whether you are applying for an extension of time for service.

If the answer is yes, state your reasons:

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Dated this      day of                      20      .

Applicant  
[Solicitor for Defendant]

**NOTE:**

The notice served on the chief clerk's will be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

FORM 7HIN THE CROWN COURT IN NORTHERN IRELAND **Notice of intention to adduce hearsay evidence**(Article 18 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

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

Rules 44O(2) and (4)

This form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served not more than 14 days after –

- (a) the committal of the defendant;
- (b) the service of a notice of transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 (serious fraud cases) or under Article 4 of the Children’s Evidence (Northern Ireland) Order 1995 (certain cases involving children); or
- (c) the grant of leave to present an indictment under section 2(2)(c) of the Grand Jury (Abolition) Act (Northern Ireland) 1969; or
- (d) the making of an order for retrial.

Where the notice is given by a defendant, it shall be served not more than 14 days after the prosecutor has complied with or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by prosecutor).

<i>Details required</i>	<i>Notes</i>
<b>Case details</b>	
The Crown Court at:	
Crown Court Bill Number	
Name of defendant(s).	
Charges	
Date of – committal for trial*	* Delete as appropriate
giving of notice of transfer*	
leave given to present indictment*	
order for retrial*	
next court appearance*	

<b>Details of party giving notice:</b>	<i>Note: the name and address of the party giving notice of hearsay evidence. (If in custody give address where detained)</i>
Surname:	
Forename:	
Address:	

**Details of the notice:**  
 To the named recipient of the notice:  
 I hereby give you notice of my intention to adduce hearsay evidence, details of which are set out below, in these proceedings.



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

*Details required*

*Notes*

**Grounds for adducing hearsay evidence**

On which of the following grounds do you intend to adduce hearsay evidence?

- (a) Any statutory provision makes it admissible.
- (b) Any rule of law preserved by Article 22, Criminal Justice (Evidence) (Northern Ireland) Order 2004:
- (c) All parties to the proceedings agree to it being admissible; or
- (d) It is in the interests of justice for it to be admissible.

Tick as appropriate. Specify which provision of the 2004 Order or other statute, or which rule of law preserved by Article 22 you rely on to adduce the evidence.

Where box (d) is ticked, you must specify which of the factors set out in Article 18(2) of the 2004 Order and explain how they are relevant.

Further details of grounds:

**Details of hearsay evidence**

The details of the hearsay evidence are as follows:

Give brief details of the evidence that you want to adduce as hearsay evidence.

A complete copy of that evidence must be attached to this notice, if it has not already been served on the other parties.

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**Extension of time**

Are you applying for an extension of time within which to give this notice?

If yes, state your reasons:

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Dated this      day of                      20      .

Applicant

To the Chief Clerk of the Crown Court sitting at

And to:

*(insert names and addresses of each of the other parties to the proceedings)*

**NOTE:**

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

**Note to party who receives a copy of this application:**

If you wish to oppose the admission of hearsay evidence, you are required, within 14 days of the date the notice was served on you, to serve notice of your opposition in Form 71 on the chief clerk and every other party to the proceedings.

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

FORM 7IIN THE CROWN COURT IN NORTHERN IRELAND **Notice of opposition to the admission of hearsay evidence**(Article 18 of the Criminal Justice (Evidence) (Northern Ireland) Order 2004)

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

Rule 440(6)

This form should be served on the chief clerk and at the same time a copy thereof shall be served on every other party to the proceedings within 14 days of the date on which the notice of intention to adduce hearsay evidence was served

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*Details required* *Notes*

**Case details**

The Crown Court at:

Crown Court Bill Number:

Name of defendant(s):

Charges:

Date of committal for trial\*  
giving of notice of transfer\*  
leave given to present indictment\*  
order for retrial\*  
next court appearance\*

\* Delete as appropriate

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**Details of party giving notice**

Surname:

Forename:

Address:

State the name and address of the party giving notice of hearsay evidence. (If in custody give address where detained)

**Details of the notice**

The details of the hearsay evidence are as follows:

Give brief details of the evidence that you want to exclude from the proceedings. Specify whether you object to all or part of that evidence.

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**Grounds for excluding hearsay evidence**

Set out the grounds for excluding the hearsay evidence that you object to.  
  
Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.

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**Extension of time**

Are you applying for an extension of time within which to give this notice?

If yes, state your reasons:

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Dated this     day of                     20     .

Applicant

To the Chief Clerk of the Crown Court sitting at

And to

*(insert names and addresses of each of the other parties to the proceedings)*

**NOTES:**

The notice served on the chief clerk shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings