

SCHEDULE 1

Rule 2(6)(a)(ii)

“PART 4

**To be completed if the application is to allow the examination of a witness through an intermediary**

<i>Details required</i>	<i>Notes</i>
<p><b>Details of the application -</b></p> <p>(a) what is the name of the proposed intermediary:</p> <p>(b) what is the occupation of this person:</p> <p>(c) list any relevant skills or professional qualifications:</p> <p>(d) what is the relationship (if any) of this person to the witness:</p> <p>(e) is the proposed intermediary registered with the Department of Justice:</p> <p>(f) describe the witness’ communication needs, and the proposed arrangements for questioning the witness. Attach any relevant report, including an intermediary’s assessment. Ground rules for questioning may be discussed between the court, the legal representatives and the intermediary before the witness gives evidence to establish (a) how questions should be put to help the witness understand them and (b) how the proposed intermediary will alert the court if the witness has not understood or needs a break.</p> <p>(g) has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made.</p> <p>(h) has an intermediary been used in any other part of the investigation or pre-trial preparation, including a video-recorded interview:</p>	<p>An application by the defence need not disclose the name of the intermediary if disclosure could lead to the identification of the witness.</p>
<p>(i) if an intermediary was used in a video-recorded interview, is it intended that an application will be made to have the video-recording admitted as evidence in chief:</p>	
<p>(ii) was that intermediary used in any other part of the investigation, pre-trial preparation</p>	

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<p>or video-recorded interview, the person named above (if no, please give the details sought in this Part in respect of that intermediary);</p> <p>(iii) did that intermediary make a declaration before acting? If yes, please attach a copy.”</p>
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SCHEDULE 2

Rule 2(6)(c)

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<b>Rules 44S(1) and 44U(1)</b>	
<b>Form 7N</b>	
<b>IN THE CROWN COURT IN NORTHERN IRELAND</b>	
<b>APPLICATION FOR LIVE LINK DIRECTION UNDER ARTICLE 21A OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999</b>	
<b>APPLICATION FOR THE EXAMINATION OF AN ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BA OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999</b>	
An application should be made within 28 days from the date—	
(a) of the committal of the defendant; or	
(b) on which the 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) 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) 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.	
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.	
<b>PART A – TO BE COMPLETED FOR AN APPLICATION FOR A LIVE LINK DIRECTION <u>OR</u> AN APPLICATION FOR A DIRECTION FOR THE EXAMINATION OF AN ACCUSED THROUGH AN INTERMEDIARY</b>	
Details required	Notes
<b>Details of applicant:</b>	
Name:	
Address:	

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<b>Case Details:</b> PFSNI reference number:  The Crown Court at:  Crown Court Bill number:  ICOS number (if known):	
<b>Name of defendant:</b>  Charges:  Date of – committal for trial*  giving of notice of transfer*  leave to present an indictment*  order for retrial*  plea*  next court appearance* * delete as appropriate	

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<b>PART B – TO BE COMPLETED WHERE AN APPLICATION FOR A LIVE LINK DIRECTION IS BEING MADE</b>	
<p><b>Details of application</b></p> <p>State the conditions under which Article 21A(4) or (5) upon which this application is based:</p> <p>Give a description of the evidence submitted in support of this application:</p> <p><b>Arrangements available</b></p> <p>Give a description of the live link facilities which are available in the area in which it is likely the hearing will take place:</p> <p><b>Reasons for application</b></p> <p>Give the grounds for believing the live link direction being sought in this application will enable the accused to participate more effectively in the proceedings as a whole:</p> <p>Give the views of the accused as to why the live link direction sought in this application is required:</p> <p><b>Details of live link</b></p> <p>Give –</p> <p>(a) the address of any venue from which the accused will give evidence if the Court’s own live link is not used:</p> <p>(b) the name of the person who it is proposed will accompany the accused:</p> <p>(c) the occupation of this person:</p> <p>(d) the relationship (if any) of this person to the accused:</p>	<p>This requirement is optional. Examples of evidence might be birth certificate, medical report.</p>

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<p><b>Grounds</b></p> <p>State why it is believed that this person should accompany the accused:</p> <p><b>Extension/abridgment of time for service</b></p> <p>Please indicate whether you are applying for an extension or an abridgement of time for service.</p> <p>If the answer is yes, please state your reasons:</p>	
<p><b>PART C – TO BE COMPLETED WHERE AN APPLICATION FOR THE EXAMINATION OF THE ACCUSED THROUGH AN INTERMEDIARY IS BEING MADE</b></p>	
<p><b>Details of application</b></p> <p>(a) State the conditions under which Article 21BA(5) or (6) upon which this application is based:</p> <p>(b) Give the grounds for believing that the use of an intermediary will enable the accused to participate more effectively in the proceedings as a witness giving oral evidence:</p> <p>(c) Give a description of the evidence on which the application is based:</p> <p>(d) What is the name of the proposed intermediary:</p> <p>(e) What is the occupation of this person:</p>	

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<p>(f) List any relevant skills or professional qualifications:</p> <p>(g) What is the relationship (if any) of this person to the accused:</p> <p>(h) Is the proposed intermediary registered with the Department of Justice:</p> <p>(i) Has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made:</p> <p>(j) Describe the accused's communication needs and the proposed arrangements for questioning the witness. Attach any relevant report including an intermediary's assessment. Ground rules for questioning may be discussed between the Court, the legal representatives and the intermediary before the accused gives evidence to establish (a) how questions should be put to help the accused understand them and (b) how the proposed intermediary will alert the Court if the witness has not understood or needs a break:</p> <p>(k) Has an intermediary been used in any other part of the investigation:</p> <p>(i) Was that intermediary the person named above (if no, please give the details sought in this Part in respect of that intermediary):</p> <p>(ii) Did that intermediary make a declaration before acting? If yes, please attach a copy of it:</p> <p>(l) Give a description of any other evidence submitted in support of this application:</p>	<p>This requirement is optional Examples of other types of evidence might be birth certificate; medical report.</p>
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<p><b>Extension/abridgment of time for service</b></p> <p>Please indicate whether you are applying for an extension or an abridgement of time for service.</p> <p>If the answer is yes, please state your reasons.</p>	
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Dated this      day of      20   .

Applicant

[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

(insert names and addresses of each of the 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.

Any party who wishes to oppose the application shall, within 14 days of the date on which notice of the application was served on him, notify the chief clerk and every other party to the proceedings, in writing, of his opposition, giving reasons for it.

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SCHEDULE 3

Rule 2(6)(d)

Rule 44U(11)

Form 7P

IN THE CROWN COURT IN NORTHERN IRELAND

**NOTICE OF DECISION ON APPLICATION FOR EXAMINATION OF ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BA OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999**

**NOTICE OF DECISION ON APPLICATION TO VARY OR DISCHARGE A DIRECTION ALLOWING THE EXAMINATION OF ACCUSED THROUGH AN INTERMEDIARY UNDER ARTICLE 21BB OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999**

Case Details

PPSNI reference number:

The Crown Court at:

Crown Court Bill Number:

ICOS number (if known):

Defendant(s): Surname:

Upon hearing an application by the defendant, on (date application heard) under Article 21BA for a direction to allow the examination of the accused through an intermediary/under Article 21BB for the variation/discharge\* of a direction allowing the examination of the accused through an intermediary, the Court made an order to the following effect, viz:-

*(please specify the name of the intermediary)*

Direction allowing the examination of the accused through an intermediary given/refused/discharged/varied/discharged refused/variation refused\*

Please state the reasons for that decision –

This day of 20 .

Chief Clerk of the Crown Court

\* Delete as appropriate

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Rules 44B(2)(c),  
44CE(4)(c)(iv)  
44U(1) and 44W

Form 7Q

**IN THE CROWN COURT IN NORTHERN IRELAND**

**DECLARATION FOR AN INTERMEDIARY UNDER ARTICLE 17(5) OR  
ARTICLE 21BA(9) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND)  
ORDER 1999**

I (insert name) solemnly, sincerely and truly declare (or I swear by Almighty God) that I will well and faithfully communicate questions and answers and make a true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.

Signed:

(Intermediary)

Dated:

To the Chief Clerk of the Crown Court sitting at

And to

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

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