

EXPLANATORY MEMORANDUM TO

The Crown Court (Amendment) Rules (Northern Ireland) 2019

S.R. 2019 No. 233

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under sections 52 and 53A of the Judicature (Northern Ireland) Act 1978 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The draft Rules amend the Crown Court Rules (Northern Ireland) 1979 to remove provisions which relate to the process for referral to the Court of Justice of the European Union which will no longer be applicable in the event the UK exits the European Union without a withdrawal agreement.

3. Background

- 3.1. Article 267 of the Treaty on the Functioning of the European Union allows courts to request the Court of Justice of the European Union to give a preliminary ruling concerning the interpretation of EU treaties and the validity or interpretation of acts of EU bodies. This instrument omits from the Crown Court Rules the provisions governing requests to the Court of Justice that will not be possible after exit day.

4. Consultation

- 4.1. The relevant Rules Committee, which is comprised of representatives from the Judiciary, the legal professions and Northern Ireland Courts and Tribunals Service were consulted prior to their making of the Rule.

5. Equality Impact

- 5.1. Given the technical and purely consequential nature of these amendments, no assessment under section 75 of the Northern Ireland Act 1998 was considered necessary.

6. Regulatory Impact

- 6.1. No Regulatory Impact Assessment was considered necessary. There is no, or no significant, impact on business, charities, voluntary bodies or the public sector.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Department has considered its obligations under section 24 of the Northern Ireland Act 1998 and is satisfied that the Rules are compliant.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. There are similar amendments to court rules in the other legal jurisdictions in the UK.

11. Additional Information

11.1. Not applicable.