

2011 No. 420

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

**The Crown Court (Amendment No. 2) Rules (Northern Ireland)
2011**

Made - - - - - *9th December 2011*

Coming into operation - - - - - *1st January 2012*

The Crown Court Rules Committee makes the following Rules in exercise of the powers conferred by sections 52(1) and 53A of the Judicature (Northern Ireland) Act 1978(a).

Citation and Commencement

1. These Rules may be cited as the Crown Court (Amendment No. 2) Rules (Northern Ireland) 2011 and shall come into operation on 1st January 2012.

Amendment to the Crown Court Rules (Northern Ireland) 1979

2. The Crown Court Rules (Northern Ireland) 1979(b) are amended as follows—

(1) after rule 44CB (Discharge or variation of a special measures direction), insert—

“Application to disapply or disapply in part the primary rule

44CBA.—(1) An application to disapply or disapply in part the primary rule under Article 9(4)(ba) of the 1999 Order shall be made in writing and shall include such information as the Court requires to make a determination.

(2) An application under paragraph (1) shall be served, by the applicant, on the chief clerk and on each party to the proceedings as soon as reasonably practicable after the witness has expressed that wish.

(3) Paragraphs (6) to (12) of Rule 44B shall apply to an application to disapply or disapply in part the primary rule as they apply to an application for a direction.”; and

(2) in rule 44CD, –

(a) in paragraph (2), omit “Subject to paragraph (3),”; and

(b) omit paragraphs (3) and (4).

(a) 1978 C.23; to which the most recent relevant amendments were made by paragraph 6 of Schedule 17, and paragraphs 14 and 26 of Schedule 18, to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010 No. 976)

(b) S.R. 1979 No. 90; to which the most relevant amendments were made by S.R. 2003 No. 279 and S.R. 2003 No. 471

(3) in the Schedule, in Form 6, in PART 2, after “State why it is believed that this person should accompany the witness” insert “(include the witness’ views)”.

Declan Morgan
A.R.Hart
M.J.Higgins
Pamela Atchison
M.P.Finegan

Dated 9th December 2011

In exercise of the powers conferred by section 55A (3) and (5) of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 9th December 2011



David Ford
Minister of Justice

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make a number of amendments to the Crown Court Rules (Northern Ireland) 1979 (S.R. 1979 No.90) (“the principal Rules”) which take account of the amendments made to Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 (“the 1999 Order”) (special provisions relating to child witnesses) by the Justice Act (Northern Ireland) 2011. Specifically,

- Rule 2(1) inserts new rule 44CBA to the principal Rules to provide the procedure for an application to disapply or disapply in part the primary rule in Article 9 of the 1999 Order.
- Rule 2(2) amends rule 44CD of the principal Rules.
- Rule 2(3) amends Form 6 in the principal Rules to ensure a witness’ views are given when considering the identity of a specified person to accompany the witness while the witness is giving evidence by live link.

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STATUTORY RULES OF NORTHERN IRELAND

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