STATUTORY RULES OF NORTHERN IRELAND

2018 No. 24

COURT OF JUDICATURE, NORTHERN IRELAND

CROWN COURT

The Crown Court (Amendment) Rules (Northern Ireland) 2018

Made - - - - 29th January 2018

Laid before Parliament 1st February 2018

Coming into operation in accordance with Rule 1

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(**1**) and regulation 61 of the Criminal Justice (European Investigation Order) Regulations 2017(**2**).

Citation, commencement and interpretation

1. These Rules shall be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2018 and shall come into operation on the twenty-first day after the date upon which this instrument is laid before Parliament.

2. In these Rules "the principal Rules" means the Crown Court Rules (Northern Ireland) 1979(**3**), and a reference to a rule is a reference to that rule so numbered in the principal Rules.

Amendment to the Principal Rules

3. In the principal Rules, after Rule 62B, insert the new Part VIIIA set out in the Schedule to these Rules.

(**1**) 1978 c.23, to which the most recent relevant amendments were made by paragraphs 26 and 28 of the Constitutional Reform Act 2005 (c.4); paragraph 6 of Schedule 17 to, and paragraphs 14 and 26 of Schedule 18 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976); and paragraph 2 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**2**) S.I. 2017/730.

(**3**) S.R. 1979 No. 90, to which the most recent relevant amendments were made by S.R. 2004 No. 233, S.R. 2010 No. 133 and S.R. 2011 No. 230.

Declan Morgan
Seamus Treacy
Brian Archer
Joseph O'Keefe
Martin Rodgers

Dated 18th August 2017

In exercise of the powers conferred upon me by section 53A of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

David Gauke
Lord Chancellor
Ministry of Justice

Date 29th January 2018

SCHEDULE 1 Rule 3

"PART VIIIA

APPLICATIONS UNDER THE CRIMINAL JUSTICE (EUROPEAN INVESTIGATION ORDER) REGULATIONS 2017

Interpretation

62C. In this Part of these Rules—

"business day" means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971;

"chief clerk" means the chief clerk of the Court at the place where the proceedings under the Criminal Justice (European Investigation Order) Regulations 2017 are to be heard and includes such other civil servant in the Department of Justice as may be authorised to act on his behalf for the purpose in question;

"the Directive" means Directive 2014/41/EU of the European Parliament and of the Council regarding the European Investigation Order in criminal matters;

"the Regulations" means the Criminal Justice (European Investigation Order) Regulations 2017, a reference to a regulation, Part or Schedule by number is a reference to the regulation, Part or Schedule so numbered in the Regulations; and

expressions which are defined in the Regulations have the same meaning as in the Regulations.

Application for European investigation order

62D.—(1) This Rule applies to an application under regulation 6 for a European investigation order.

(2) Subject to paragraph (7), the application shall be made by giving notice in writing to the chief clerk and shall state—

(a) the particulars of the alleged offence or the grounds for suspecting that an offence has been committed;

(b) whether proceedings in respect of the alleged offence have been instituted or that the alleged offence is being investigated;

(c) the investigative measure or measures in respect of which the order is sought;

(d) the participating State; and

(e) the grounds for the application.

(3) The application shall be supported by an affidavit—

(a) stating the particulars of the alleged offence or the grounds for suspecting that an offence has been committed;

(b) stating whether proceedings in respect of the alleged offences have been instituted or that the alleged offence is being investigated;

(c) stating, in respect of each investigative measure sought, the grounds for the deponent's belief that—

(i) such measure is necessary and proportionate for the purposes of the investigation or proceedings in question; and