STATUTORY RULES OF NORTHERN IRELAND

2015 No. 241

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Crown Court (Amendment) Rules (Northern Ireland) 2015

Made - - - -	*1st May 2015*
Coming into operation	*1st June 2015*

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 section 239 of the Proceeds of Crime Act 2002(**2**).

Citation, commencement and interpretation

1. These Rules shall be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2015 and shall come into operation on 1st June 2015.

Amendment to the Crown Court Rules (Northern Ireland) 1979

2. The Crown Court Rules (Northern Ireland) 1979(**3**) shall be amended as follows-

(1) After Rule 76, insert—

"**Application for compliance order**

76A.—(1) Notice of an application under section 163A(3)(b) shall be made to the chief clerk in writing and shall—

(a) state the name and address of the defendant and the Crown Court case number;

(b) give details of the relevant confiscation order, including any variations thereto;

(c) specify the amount outstanding under the confiscation order;

(d) give full particulars of the matters relied upon in support of the application; and

(e) state the date and place of the hearing.

(**1**) 1978 c.23; to which the most recent relevant amendments were made by the Constitutional Reform Act 2005 (c.4); and 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 No. 976).

(**2**) 2002 c.29; to which the most recent relevant amendments were made by the Serious Crime Act 2015 (c. 9).

(**3**) S.R. 1979 No. 90; to which the most recent relevant amendments were made by S.R. 2013 No. 82 and S.R. 2014 No. 219.

(2) Subject to paragraph (3), the prosecutor shall, not less than seven days before the date fixed for hearing, serve a copy of the notice on—

(a) the defendant;

(b) any other person of whom the prosecutor is aware who would be a person affected by the order; and

(c) the receiver, if appointed.

(3) An application under paragraph (1) may be made ex parte if—

(a) it is urgent; or

(b) there are reasonable grounds to believe that the giving of notice would cause a reasonable apprehension of dissipation of the realisable property which is the subject of the relevant confiscation order.

(4) Where the Court makes a compliance order, the chief clerk shall forthwith serve a copy of the order on—

(a) the defendant;

(b) any person affected by the order of whom the prosecutor is aware; and

(c) if appointed, the receiver.

Application for discharge or variation of a compliance order

76B.—(1) Notice of an application under section 163A(5) shall be made to the chief clerk in writing and shall—

(a) state the name and address of the defendant and the Crown Court case number;

(b) give details of the confiscation order and any variations thereto;

(c) give details of the compliance order and any variations thereto;

(d) specify any amount outstanding under the confiscation order; and

(e) give full particulars of the matters relied upon in support of the application.

(2) The applicant shall serve the notice on the receiver, if appointed, and—

(a) the prosecutor;

(b) the defendant; and

(c) any other person affected by the order,

where he is not the applicant.

(3) Any party served with a notice under paragraph (2) may, within seven days of receiving the notice, inform the chief clerk in writing that he wishes to make representations.

(4) After the expiry of the period referred to in paragraph (3), the Court shall determine whether an application under paragraph (1) is to be dealt with—

(a) without a hearing, or

(b) at a hearing at which the parties may be represented,

and the chief clerk shall inform the parties accordingly.

(5) Where the Court makes an order discharging or varying a compliance order, a copy of the order shall be served by the chief clerk on all those who were served with a copy of the application under paragraph (2).”

(2) For Rule 83(2) substitute—