STATUTORY RULES OF NORTHERN IRELAND

2014 No. 222

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Criminal Appeal (Amendment) (Northern Ireland) Rules 2014

Made - - - -	*4th August 2014*
Coming into operation	*5th September 2014*

The Northern Ireland Court of Judicature Rules Committee(**1**) makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(**2**).

Citation, commencement and interpretation

1. These Rules shall be cited as the Criminal Appeal (Amendment) (Northern Ireland) Rules 2014 and shall come into operation on 5th September 2014.

2. In these Rules, "the principal Rules" shall mean the Criminal Appeal (Northern Ireland) Rules 1968(**3**), and a reference to a rule or a Form by number means the rule or Form so numbered in the principal Rules.

Amendment to the principal Rules

3. The principal Rules shall be amended as follows—

(1) After Rule 20E, insert the following new rule—

"**Assistance with communication for an appellant who does not speak English or who has a hearing or speech impediment**

20F.—(1) In this Rule—

(a) references to an appellant who needs interpretation mean—

(**1**) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4).

(**2**) 1978 c.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4) and paragraph 6 of Schedule 17, and paragraph 15 of Schedule 18, to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order (S.I. 2010 No. 976).

(**3**) 1968 S.R. 218; to which the most recent relevant amendments were made by S.R. 2005 No. 157 and S.R. 2009 No. 210.

(i) an appellant who needs interpretation because he does not speak or understand English; or

(ii) an appellant who needs assistance because he has a speech or hearing impediment;

(b) where an appellant has a hearing or speech impediment, references to an interpreter include a person appointed—

(i) to communicate to the appellant anything said at the hearing and explain it so far as is necessary for the appellant to understand it; or

(ii) to communicate any answers given by the appellant, and any other matters that the appellant seeks to convey, and explain them so far as is necessary to enable the court and others present at the hearing to understand them,

and references to interpretation shall be construed accordingly;

(c) references to acting at a hearing include assisting the appellant to communicate with his legal representative during the hearing and in relation to such assistance, paragraph (1)(b)(ii) has effect as if the reference to the court and others present at the hearing were to the legal representative.

(2) Where an appellant who needs interpretation is due to be present at the hearing of his appeal or at the hearing of any application relating to his appeal, the proper officer shall appoint an interpreter to act at the hearing.

(3) Before an interpreter begins to act at a hearing, an oath or affirmation shall be administered to the interpreter.

(4) Before an interpreter is sworn or makes his affirmation, the interpreter's name shall be read out, and any party to the proceedings may object to the interpreter on any reasonable ground.

(5) If the court upholds an objection made under paragraph (4), the interpreter shall not be sworn or make his affirmation and the proper officer shall appoint another interpreter.

(6) Where, on application or of its own motion, the court is satisfied that a document is essential, it shall order that a written translation of the document, or a relevant passage thereof, is provided to an appellant who needs interpretation unless –

(a) the appellant unequivocally and voluntarily waives his right to translation and has had legal advice or otherwise has full knowledge of the consequences of such a waiver; or

(b) provision of an oral translation or oral summary of the document, or the passage thereof, would not prejudice the fairness of the proceedings.

(7) On application, the court may give any direction which it considers appropriate where—

(a) no interpreter has been appointed by the proper officer;

(b) on a previous application under paragraph (6), the court determined that there was no need for translation of the document, or a passage thereof, specified in the application; or

(c) the appellant submits that the quality of interpretation or translation is not sufficient to safeguard the fairness of the proceedings.

(8) The proper officer shall record—

(a) the identity of any interpreter appointed to act at a hearing;

(b) any decision to provide an oral translation or oral summary of an essential document or a passage thereof;