STATUTORY RULES OF NORTHERN IRELAND

2011 No. 230

COURT OF JUDICATURE, NORTHERN IRELAND

PROCEDURE

The Crown Court (Amendment) Rules (Northern Ireland) 2011

Made - - - -	*20th June 2011*
Coming into operation	*25th July 2011*

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 49 of the Crime (International Co-operation) Act 2003(**2**).

Citation and Commencement

1. These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2011 and shall come into operation on 25th July 2011.

Interpretation

2. In these Rules, a reference to a rule, Schedule or Form is a reference to that rule, Schedule or Form so numbered in the Crown Court Rules (Northern Ireland) 1979(**3**).

Amendment to the Crown Court Rules (Northern Ireland) 1979

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

(1) for rule 46, substitute —

"**Manner of application where no other procedure specified**

46. Where no other provision is made in these Rules as to the way in which an application is made to the Court (otherwise than at the trial) under these Rules, the application shall be made in writing and delivered to the chief clerk and a copy thereof given to every other party to the proceedings.";

(**1**) 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).
(**2**) 2003 c.32.
(**3**) S.R. 1979 No.90; to which the most recent amendments were made by S.R. 2008 No. 505 and S.R. 2008 No. 574.

(2) in rule 55, at the end, insert —

""chief clerk" means the chief clerk of the Court at the place where the proceedings under the Crime (International Co-operation) Act 2003 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.";

(3) in rule 58, omit paragraph (3);

(4) after rule 58, insert—

"**Notice of application for a domestic freezing order**

58A.—(1) An application under section 10(1) (domestic freezing orders) shall be made by giving notice in writing to the chief clerk and shall be accompanied by –

(a) the certificate, referred to in section 11, completed by the applicant; and

(b) either the request made under section 7, or an indication of when such a request will be made.

(2) Where the judge makes a domestic freezing order under section 10(1) the chief clerk shall, within 14 days of the date the order was made, send to the Secretary of State –

(a) the domestic freezing order;

(b) the certificate completed by the applicant; and

(c) either the request under section 7, or an indication of when such a request will be made.

Variation or revocation of a domestic freezing order

58B.—(1) An application to vary or revoke a domestic freezing order under section 12 shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the order was made.

(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 change in circumstances occurs.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of application was served on him, notify the applicant and the chief clerk, in writing, of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the Court may -

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the chief clerk in accordance with paragraph (3) of his opposition to the application, the Court may direct a hearing of the application.

(6) Where a hearing of the application is to take place in accordance with paragraphs (4) or (5) the chief clerk shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The chief clerk shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision

(9) Where the judge makes an order to vary or revoke a freezing order under section 12, the chief clerk shall, as soon as reasonably practicable, send a copy of that order to the Secretary of State.";