STATUTORY RULES OF NORTHERN IRELAND

2009 No. 207

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 2009

Made - - - -	*20th May 2009*
To be laid before Parliament	
Coming into operation	*30th June 2009*

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 2009 and shall come into operation on 30th June 2009.

(2) In these Rules, "the principal Rules" means the Rules of the Supreme Court (Northern Ireland) 1980(**2**) and an Order or Form referred to by a number or an Appendix referred to by letter means the Order or Form so numbered or the Appendix so lettered in the principal Rules.

Arrangement of Orders

2. The Arrangement of Orders at the beginning of the principal Rules is amended by adding, after the entry relating to Order 123, the following—

"**124.** Serious Crime Act 2007 – Serious Crime Prevention Orders.".

Amendments to the principal Rules

3. The principal Rules shall be amended as follows—

(1) in Order 116—,

(a) rule 1—

(**1**) 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).

(**2**) S.R. 1980 No. 346 to which the most recent relevant amendments were made by S.R. 2003 No. 54.

(i) in the definition of "defendant", for "an offence under any of sections 15 to 18 of the Act" substitute "a relevant offence";

(ii) in the definition of "prosecutor", for "an offence under any of the sections 15 to 18 of the Act" substitute "a relevant offence";

(b) in rule 3(2)(a), for "an offence under any of sections 15 to 18 of the Act" substitute "a relevant offence";

(2) in Order 123—

(a) in rule 1, after the definition of "civil recovery proceedings", insert—

""management receiver" means a receiver appointed under section 245E of the Act, or, as the case may be, under Article 150A of the Order in Council;

"management receiving order" means an order made under section 245E of the Act, or, as the case may be, under Article 150A of the Order in Council;";

(b) in Part II, on each occasion where it occurs, for "the Director", substitute "the enforcement authority";

(c) in rule 7—

(i) in the heading—

(aa) for "or", substitute ","; and

(bb) after "interim receiving order", insert "or a management receiving order";

(ii) in sub-paragraph (1)(b), at the end, for "," substitute "; or";

(iii) after sub-paragraph (1)(b), insert—

"(c) a management receiving order,";

(iv) in paragraph (3)—

(aa) after "interim receiving order,", insert "or for a management receiving order,";

(bb) for sub-paragraph (a), substitute—

"(a) specify the person nominated by the enforcement authority ("the nominee") under section 246 of the Act or Article 151 of the Order in Council to act as interim receiver, or, as the case may be, under section 245E of the Act or Article 150A of the Order in Council to act as a management receiver;"; and

(v) in paragraph (4)—

(aa) for "or", substitute ",";

(bb) after "interim receiving order", insert ", or a management receiving order"; and

(cc) for "of", where it occurs for the second time, substitute "on";

(d) in rule 8—

(i) in the heading, delete "Interim";

(ii) after "interim receiver", insert "or a management receiver"; and

(iii) after "interim receiving order", insert "or a management receiving order";

(e) in rule 9—

(i) for paragraph (1) substitute—

3.—"(1) An application for directions as to the exercise of the functions of—

(a) an interim receiver under section 251 of the Act or Article 156 of the Order in Council; or

(b) a management receiver under section 245G of the Act or Article 150C of the Order in Council,

shall be made by way of summons."; and

(ii) in sub-paragraph (2)(a), after "interim receiver", insert "or, as the case may be, the management receiver";

(f) in rule 10—

(i) in the heading—

(aa) after "property freezing order", for "or", substitute ","; and

(bb) after "interim receiving order", insert "or management receiving order";

(ii) in paragraph (1), after "(which may include an application for an exclusion from the order)", insert ", or a management receiving order";

(iii) in sub-paragraph (2)(b), delete "and"; and

(iv) after sub-paragraph (2)(b), insert—

"(ba) in the case of an application to vary or set aside a management receiving order, the management receiver (where he is not the applicant); and";

(g) in rule 19—

(i) in sub-paragraph (2)(d)—

(ii) for "member of staff of the Agency", substitute "appropriate person"; and

(iii) delete "("the named officer")";

(iv) in sub-paragraph (2)(e)—

(aa) for "member of staff of the Agency", substitute "other person";

(bb) for "the Director", substitute "the senior appropriate officer"; and

(cc) for "named officer", substitute "appropriate person";

(h) in rule 20, on each occasion where it occurs, for "the Director", substitute "the relevant authority";

(i) in rule 21, for "the Director", substitute "the appropriate officer";

(j) in rule 22—

(i) in paragraph (1), for "the Director", substitute "an appropriate officer"; and

(ii) in sub paragraph (2)(b), for "member of staff of the Agency", substitute "appropriate officer";

(k) in rules 23, 24, and 25, on each occasion where it occurs, for "the Director", substitute "an appropriate officer";

(l) in rule 26—

(m) in paragraph (2), for "the Director", substitute "the appropriate officer"; and

(n) in paragraph (3), for "the Director", substitute "an appropriate officer";

(3) After Order 123, insert the Order set out in the Schedule to these Rules;

(4) In Appendix A—

(a) in Form 27, for "above-named plaintiff [*or* defendant]", substitute "[plaintiff][defendant] [*(name)*, third party]";

(b) in Form 72, paragraph 2, for "a civil recovery investigation", substitute "[a civil recovery investigation] [a detained cash investigation] (*delete as appropriate*)".

Brian Kerr
Patrick Coghlin
Declan Morgan
John Gillen
Tony Caher

Dated 13th May 2009

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

Bridget Prentice
Parliamentary Under-Secretary of State
Ministry of Justice

Dated 20th May 2009