STATUTORY RULES OF NORTHERN IRELAND

2006 No. 12

SUPREME COURT, NORTHERN IRELAND

The Criminal Appeal (Prosecution Appeals) (Amendment) Rules (Northern Ireland) 2006

Made - - - -	*19th January 2006*
To be laid before Parliament	
Coming into operation	*13th February 2006*

The Northern Ireland Supreme Court Rules Committee makes the following Rules in exercise of the powers conferred by section 55 of the Judicature (Northern Ireland) Act 1978(**1**) and Article 32 of the Criminal Justice (Northern Ireland) Order 2004(**2**). The Lord Chancellor has concurred in the making of these Rules.

Citation and commencement

1. These Rules may be cited as the Criminal Appeal (Prosecution Appeals) (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on 13th February 2006.

Amendment to the Criminal Appeal (Prosecution Appeals) Rules (Northern Ireland) 2005(3)

2.—(1) After rule 10, there shall be inserted the following new rules:

"**Applications which may be heard by a single judge**

10A.—(1) The following applications may be heard by a single judge of the Court—

(a) an application for leave to appeal under Article 16(4) of the 2004 Order;

(b) an application to reverse a decision of a judge of the Crown Court that an appeal should be expedited under Article 18(4) of the 2004 Order;

(c) an application to extend the time for service of the notice of appeal or of an application for leave to appeal under rule 3(3);

(d) an application to extend the time for service of the response by the defendant under rule 4(3);

(**1**) 1978 c. 23
(**2**) S.I.2004/1500 (N.I. 9)
(**3**) **S.R. 2005 No. 159**

(e) an application for a direction that the defendant in custody be present in person at the hearing of the appeal or application for leave to appeal under rule 6(1); and

(f) an application for an order acquitting the defendant and, where appropriate, directing his release from custody and ordering payment of the defendant's costs where the prosecution has served a notice of abandonment under rule 9.

(2) A single judge of the Court shall, for the purpose of hearing any of the applications referred to in paragraph (1), sit in such place as he appoints and may sit otherwise than in open court.

(3) Where a single judge of the Court determines an application referred to in paragraph (1), the proper officer shall, as soon as practicable, serve notice of the Judge's decision in Form 4 on—

(a) the prosecution;

(b) the defendant;

(c) any interested party; and

(d) the chief clerk.

Determination by full Court

10B.—(1) Where a single judge of the Court has refused an application referred to in Rule 10A, the party making the application may have the application determined by the Court by serving a notice of renewal in Form 4 on the proper officer within seven business days from the date on which notice of the refusal was served on him, or such longer period as the single judge of the Court may fix.

(2) If an application under paragraph (1) is not served within the prescribed period, or such extended period as the single judge of the Court has allowed, the application shall be treated as having been refused by the Court."

(2) The Schedule shall be amended by substituting for Form 4, the new Form 4 in the Schedule to these Rules.

Brian Kerr
J M Nicholson
Anthony Campbell
Paul Girvan

Dated 16th December 2005

Signed by authority of the Lord Chancellor
I concur

Bridget Prentice
Parliamentary Under-Secretary of State,
Department for Constitutional Affairs

Dated 19th January 2006