STATUTORY RULES OF NORTHERN IRELAND

2006 No. 11

SUPREME COURT, NORTHERN IRELAND

The Criminal Appeal (Retrial for Serious Offences) (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 section 93 of the Criminal Justice Act 2003(**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 (Retrial for Serious Offences) (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on 13th February 2006.

Amendment to the Criminal Appeal (Retrial for Serious Offences) Rules (Northern Ireland) 2005(3)

2.—(1) After rule 8, there shall be inserted the following new rules:

"**Applications which may be heard by the proper officer**

8A.—(1) The following applications may be heard by the proper officer, namely—

(a) an application for an order for the production of any document, exhibit or thing under section 80(6)(a) of the 2003 Act;

(b) an application for an order for any witness who would be a compellable witness in proceedings pursuant to an order or declaration made on the application to attend for examination and be examined before the Court under section 80(6)(b) of the 2003 Act;

(c) an application to extend the time for service of the response by the acquitted person under rule 4(2).

(**1**) 1978 c. 23
(**2**) 2003 c. 44
(**3**) **S.R. 2005 No. 158**

(2) As soon as practicable after the proper officer determines an application referred to in paragraph (1), he shall serve notice of his decision in Form 4A on every party to the section 76 application.

(3) Where the proper officer has refused an application referred to in paragraph (1), the applicant may have the application determined by a single judge of the Court by serving notice of renewal in Form 4A on the proper officer within 14 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.

Applications which may be heard by a single judge

8B.—(1) The following applications may be heard by a single judge of the Court—

(a) an application for an order for the production of any document, exhibit or thing under section 80(6)(a) of the 2003 Act;

(b) an application for an order for any witness who would be a compellable witness in proceedings pursuant to an order or declaration made on the application to attend for examination and be examined before the Court under section 80(6)(b) of the 2003 Act; and

(c) an application to extend the time for service of the response by the acquitted person under rule 4(2); and

(d) an application to delay the requirement for service on the acquitted person of an application for restrictions on publication under rules 7(2) and 8(3).

(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 set out in paragraph (1), the proper officer shall, as soon as practicable, serve notice of the Judge's decision in Form 4A on every party to the section 76 application.

Determination by full Court

8C.—(1) Where a single judge of the Court has refused an application referred to in rule 8B, the applicant may have the application determined by the Court by serving a notice of renewal in Form 4A on the proper officer within 14 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 inserting after Form 4, the new Form 4A in the Schedule to these Rules.

Brian Kerr
J M Nicholson
Anthony Campbell
Paul Girvan

Dated 16th December 2005