STATUTORY RULES OF NORTHERN IRELAND

2002 No. 15

SUPREME COURT, NORTHERN IRELAND PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment) 2002

To be laid before Parliament

Made - - - -	*22nd January 2002*
Coming into operation	*15th February 2002*

We, the Northern Ireland Supreme Court Rules Committee being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**1**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers as follows:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment) 2002 and shall come into operation on 15th February 2002.

(2) In these Rules, the principal rules means the Rules of the Supreme Court (Northern Ireland) 1980(**2**) and an Order referred to by number means the Order so numbered in the principal rules.

Arrangement of Orders

2. The Arrangement of Orders at the beginning of the principal rules shall be amended by substituting for the entry relating to Order 116, the following new entry—

> "**116.** Terrorism Act 2000 and Confiscation and Forfeiture in connection with criminal proceedings".

Amendment of the principal rules

3. Order 116 shall be amended as follows—

(**1**) 1978 c. 23
(**2**) S.R. 1980 No. 346

(a) by substituting for the title of the Order, the title "TERRORISM ACT 2000(**3**) AND CONFISCATION AND FORFEITURE IN CONNECTION WITH CRIMINAL PROCEEDINGS";

(b) by substituting for the title to Part I of the Order, the title "Terrorism Act 2000";

(c) by substituting for rule 1, the following new rule—

"**1.** In this Part of this Order—

"the Act" means the Terrorism Act 2000 and a section or Schedule referred to by a number means the section or Schedule so numbered in the Act;

"defendant" includes a person charged with an offence under any of sections 15 to 18 of the Act and a person who is the subject of a criminal investigation which is being conducted with a view to it being ascertained whether a person should be charged with such an offence;

expressions used have the same meanings as in Part III of and Schedule 4 to the Act;

"Master" means the Master (Queen's Bench and Appeals);

"prosecutor" means the person with conduct of proceedings which have been instituted in Northern Ireland for an offence under any of the sections 15 to 18 of the Act, or the person who the High Court is satisfied will have the conduct of any proceedings for such an offence.";

(d) by substituting for rule 3, the following new rule—

"**3.**—(1) An application for a restraint order under paragraphs 33 and 34 of Schedule 4 may be made by the prosecutor ex parte by originating summons in Form No. 8 in Appendix A.

(2) An application under paragraph (1) shall be supported by an affidavit, which shall:—

(a) state, as the case may be, either that—

(i) proceedings have been instituted against a person for an offence under any of sections 15 to 18 of the Act and that they have not been concluded; or

(ii) a criminal investigation has been started in Northern Ireland with regard to such an offence;

and, in either case, give details of the alleged or suspected offence and of the defendant's involvement;

(b) where proceedings have been instituted, state, as the case may be, that a forfeiture order has been made in the proceedings or the grounds for believing that such an order may be made;

(c) where proceedings have not been instituted—

(i) indicate the state of progress of the investigation and when it is anticipated that a decision will be taken on whether to institute proceedings against the defendant;

(ii) state the grounds for believing that a forfeiture order may be made in any proceedings against the defendant; and

(iii) verify that the prosecutor is to have conduct of any such proceedings;

(**3**) 2000 c. 11