STATUTORY RULES OF NORTHERN IRELAND

2001 No. 253

SUPREME COURT, NORTHERN IRELAND
CROWN COURT

The Crown Court (Amendment) Rules (Northern Ireland) 2001

Made - - - - 23rd June 2001

To be laid before Parliament

Coming into operation in accordance with Rule 1

We, the Crown Court Rules Committee, in exercise of the powers conferred upon us by sections 52(1) of the Judicature (Northern Ireland) Act 1978(**1**), Articles 26(6) and (7) and 39(1) of the Criminal Evidence (Northern Ireland) Order 1999(**2**) and of all other powers enabling us in that behalf, hereby with the concurrence of the Lord Chancellor make the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2001.

(2) Rule 2(*a*) shall come into operation on the same day as Article 26 of the Criminal Evidence (Northern Ireland) Order 1999 comes into operation.

(3) Rule 2(*b*) shall come into operation on the same day as Article 4 of the Financial Investigations (Northern Ireland) Order 2001(**3**) comes into operation.

(4) In these Rules, "the principal Rules" shall mean the Crown Court Rules (Northern Ireland) 1979(**4**) and a reference to a rule by number shall mean a rule so numbered in the principal Rules.

Amendment to the principal Rules

2. The principal Rules shall be amended by—

(a) adding after rule 44D, the following new rules:

(**1**) 1978 c. 23
(**2**) S.I. 1999 No. 2789 (N.I. 8)
(**3**) S.I. 2001 No. 1866(N.I. 1)
(**4**) S.R. 1979 No. 90; to which the most recent relevant amendments were made by S.R. 1996 No. 71, S.R. 1996 No. 281 and S.R. 2000 No. 227

"**Restrictions on cross-examination of witness**

44E.—(1) This rule and rules 44F and 44G apply where a defendant is prevented from cross-examining a witness in person by virtue of Article 22 or 23 of the 1999 Order.

(2) The Court shall as early in the proceedings and is reasonably practicable—

(a) explain to the defendant that he is prevented from cross-examining a witness in person; and

(b) invite him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

(3) The defendant shall within 7 days of the Court giving its explanation, or within such other period as the Court may in any particular case allow, give notice to the chief clerk as to whether or not he has arranged for a legal representative to act on his behalf.

(4) Where the defendant has arranged for a legal representative to act for him, notice under paragraph (3) above shall include details of the name and address of the representative.

(5) The chief clerk shall notify all other parties to the proceedings of the name and address of any person appointed by the defendant to act on his behalf.

(6) Where the Court gives its explanation under paragraph (2) above to the defendant—

(a) within 7 days of the date set for the commencement of any hearing at which a witness in respect of whom a prohibition under Article 22 or 23 of the 1999 Order applies may be cross-examined, or

(b) after such a hearing has commenced;

the period of 7 days within which the defendant is required to give notice under paragraph (3) above shall be reduced in accordance with any direction issued by the Court.

(7) Where at the end of the period of 7 days or such other period as the Court has allowed, the Court has not received notice from the defendant under paragraph (3) above, it may grant the defendant an extension of time, whether of its own motion or on the application of the defendant.

(8) Before granting an extension of time, the Court may hold a hearing at which all the parties to the proceedings may attend and be heard.

(9) Any extension of time shall be for such period as the Court considers appropriate in the circumstances of the case.

(10) The decision of the Court as to whether to grant the defendant an extension of time shall be notified to all parties to the proceedings by the chief clerk.

Appointment by the Court

44F.—(1) Where the Court decides, in accordance with Article 26(4) of the 1999 Order, to appoint a qualified legal representative, the chief clerk shall notify all parties to the proceedings of the name and address of that representative.

(2) An appointment made by the Court under Articles 26(4) of the 1999 Order shall, except to such extent as the Court may in any particular case determine,