STATUTORY RULES OF NORTHERN IRELAND

1999 No. 491

SUPREME COURT, NORTHERN IRELAND CROWN COURT

The Crown Court (Amendment No. 2) Rules (Northern Ireland) 1999

To be laid before Parliament

Made - - - -	*10th December 1999*
Coming into operation	*17th January 2000*

We, the Crown Court Rules Committee, in exercise of the powers conferred on us by section 52(1) of the Judicature (Northern Ireland) Act 1978(**1**), of paragraph 38 of Schedule 10 to the Northern Ireland Act 1998(**2**) and of all other powers enabling us in that behalf, with the concurrence of the Lord Chancellor, hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Crown Court (Amendment No. 2) Rules (Northern Ireland) 1999 and shall come into operation on 17th January 2000.

Devolution issues

2.—(1) After rule 65 of the Crown Court Rules (Northern Ireland) 1979(**3**) ("the principal Rules") there shall be added the following new Part(**4**)—

"Part IX

Devolution Issues under Schedule 10 to the Northern Ireland Act 1998

Interpretation

66.—(1) In this Part—

(**1**) 1978 c. 23
(**2**) 1998 c. 47
(**3**) S.R. 1979 No. 90
(**4**) Parts VII and VIII were added by S.R. 1991 No. 327; there is an amendment which is not relevant

"the appropriate Minister or department" means—

(a) the First Minister and the Deputy First Minister acting jointly; or

(b) where they, acting jointly, determine under paragraph 36 of Schedule 10 that any power conferred on them by that Schedule in relation to any specified proceedings may be exercised by a specified Minister or Northern Ireland department, that minister or department; and for this purpose "specified" means specified in a determination under that paragraph;

"devolution issue" means a devolution issue within the meaning of Schedule 10;

"the Judicial Committee" means the Judicial Committee of the Privy Council;

"Schedule 10" means Schedule 10 to the Northern Ireland Act 1998(**5**).

Raising of devolution issue on trial on indictment

67.—(1) Where the party to a trial on indictment proposes to raise a devolution issue, he shall lodge a notice in Form 8 with the chief clerk and serve it on each of the other parties to the proceedings setting out the facts and circumstances and points of law on the basis of which it is alleged that the devolution issue arises in sufficient detail to enable the Court to determine whether such an issue arises in the proceedings.

(2) In paragraph (1) "a party to a trial on indictment" means the prosecutor or the defendant in proceedings in the Court whether before or after arraignment.

(3) Where a devolution issue has been raised in accordance with paragraph (1), the chief clerk shall as soon as practicable cause the matter to be drawn to the attention of the Court for the making of an order under paragraph 5 of Schedule 10 requiring notice of the devolution issue to be given to the Attorney General, the Attorney General for Northern Ireland and the appropriate Minister or department.

(4) If the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department wishes to become a party to the proceedings so far they relate to the devolution issue as mentioned in paragraph 6 of Schedule 10, he or it shall, within 7 days after receipt of the notice, or such longer period as the Court may direct, give notice in Form 9 to the chief clerk; and a copy of such notice shall be sent to each of the other parties.

Reference of devolution issue to Court of Appeal

68.—(1) Where the Court decides to refer a devolution issue to the Court of Appeal under paragraph 7 of Schedule 10, it shall make an order so referring the issue.

(2) An order under paragraph (1) shall be in Form 10 and the Court may give directions to the parties as to the manner and form of the schedule to that order, but it shall be settled by the Court.

(3) The chief clerk shall send the order to the Master (Queen's Bench and Appeals).

Reference of devolution issue to Judicial Committee

69.—(1) Where the Court is required by the Attorney General, the Attorney General for Northern Ireland or the appropriate Minister or department as mentioned in paragraph 33 of Schedule 10 to refer a devolution issue to the Judicial Committee, it shall make an order in Form 11 referring the issue to the Judicial Committee.

(2) The Court may give directions to the parties as to the manner and form in which the reference, in the Schedule to the order, is to be drafted.

(**5**) 1998 c. 47