STATUTORY RULES OF NORTHERN IRELAND

1997 No. 532

MAGISTRATES' COURTS

The Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997

Made - - - -	*9th December 1997*
Coming into operation	*1st January 1998*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and section 19 of the Criminal Procedure and Investigations Act 1996(**2**) and of all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997 and shall come into operation on 1st January 1998.

(2) In these Rules—

"the applicant" in any Rule means the applicant in relation to an application to which that Rule applies; and

"the prosecutor" means the prosecutor in the proceedings which are referred to in Rule 2(3)(*a*);

"clerk of petty sessions" includes such other member of the Northern Ireland Court Service as may be authorised to act on his behalf for the purpose in question;

and any reference to a section by number is a reference to the section so numbered in the Criminal Procedure and Investigations Act 1996(**3**).

Applications under section 17(4)

2.—(1) This Rule applies to an application under section 17(4).

(**1**) S.I. 1981/1675 (N.I. 26)
(**2**) 1996 c. 25 ; section 19 is modified in its application to Northern Ireland by paragraph 12 of Schedule 4 to the Act
(**3**) 1996 c. 25 ; as modified in its application to Northern Ireland by Schedule 4 to the Act

(2) An application to which this Rule applies shall be made by notice in writing to the clerk of petty sessions for the petty sessions district for which the court of summary jurisdiction sat or is sitting to conduct the proceedings for whose purposes the applicant was given, or allowed to inspect, the object to which this application relates.

(3) The notice of an application to which this Rule applies shall—

(a) specify the object which the applicant seeks to use or disclose and the proceedings for whose purposes he was given or allowed to inspect it;

(b) where the applicant seeks to use or disclose any information recorded in the object specified in pursuance of sub-paragraph (*a*), specify that information;

(c) specify the reason why the applicant seeks permission to use or disclose the object specified in pursuance of sub-paragraph (*a*) or any information specified in pursuance of sub-paragraph (*b*);

(d) describe any proceedings in connection with which the applicant seeks to use or disclose the object or information referred to in sub-paragraph (*c*); and

(e) specify the name and address of any person to whom the applicant seeks to disclose the object or information referred to in sub-paragraph (*c*).

(4) On receipt of an application to which this Rule applies the clerk of petty sessions shall fix a date and time at which the court shall hear the application.

(5) The clerk of petty sessions shall give the applicant and the prosecutor at least 28 days' notice of the date fixed in pursuance of paragraph (4) and shall at the same time send to the prosecutor a copy of the notice given to him in pursuance of paragraph (2).

(6) Where the prosecutor has reason to believe that a person may claim to have an interest in the object specified in a notice of application in pursuance of paragraph (3)(*a*), or in any information so specified in pursuance of paragraph (3)(*b*), he shall, as soon as reasonably practicable after receipt of a copy of that notice under paragraph (5), send a copy of the notice to that person and inform him of the date fixed in pursuance of paragraph (4).

Applications under section 17(6) (b)

3.—(1) This Rule applies to an application under section 17(6)(*b*).

(2) An application to which this Rule applies shall be made by notice in writing to the clerk of petty sessions referred to in Rule 2 not less than 7 days before the date fixed in pursuance of Rule 2(4).

(3) The applicant shall at the same time send to the person whose application under section 17(4) is concerned a copy of the notice given in pursuance of paragraph (2).

Determination of applications under section 17(4)

4.—(1) Where no application to which Rule 3 applies is made in accordance with paragraph (2) of that Rule, the court shall consider whether the application under section 17(4) may be determined without hearing representations from the accused, the prosecutor or any person claiming to have an interest in the object or information to which the application relates, and may so determine it if the court thinks fit.

(2) Where an application to which Rule 2 applies is determined without hearing any such representations, the clerk of petty sessions shall give notice in writing to—

(a) the person who made the application, and

(b) the prosecutor,

of any order made under section 17(4) or, as the case may be, that no such order has been made.