STATUTORY RULES OF NORTHERN IRELAND

1997 No. 519

SUPREME COURT, NORTHERN IRELAND CROWN COURT

The Crown Court (Criminal Procedure and Investigations Act 1996) (Confidentiality) Rules (Northern Ireland) 1997

Made - - - -	*1st December 1997*
To be laid before Parliament	
Coming into operation	*1st January 1998*

We, the Crown Court Rules Committee, in exercise of the powers conferred upon us by section 52(1) of the Judicature (Northern Ireland) Act 1978(**1**) and section 19 of the Criminal Procedure and Investigations Act 1996(**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 (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*);

"chief clerk" 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**) 1978 c. 23
(**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 chief clerk of the Crown Court at the place the Crown Court 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*) above, 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*) above or any information specified in pursuance of sub-paragraph (*b*) above;

(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*) above; 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*) above.

(4) On receipt of an application to which this rule applies the chief clerk shall fix a date and time for the hearing of the application.

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

(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*) above, or in any information so specified in pursuance of paragraph (3)(*b*) above, he shall, as soon as reasonably practicable after receipt of a copy of that notice under paragraph (5) above, send a copy of the notice to that person and inform him of the date fixed in pursuance of paragraph (4) above.

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 chief clerk 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) above.

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 a hearing and may so determine it if the Court thinks fit.

(2) Where an application to which rule 2 applies is determined without a hearing, the chief clerk 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.

Proceedings for contempt of court under section 18

5.—(1) This rule applies to proceedings in the Crown Court to deal with a contempt of court under section 18.

(2) An application for an order of committal or for the imposition of a fine in proceedings to which this rule applies, by—

(a) the prosecutor; or

(b) any other person claiming to have an interest in the object or in any information recorded in an object, the use or disclosure of which is alleged to contravene section 17,

shall be made by notice in writing to the chief clerk of the Crown Court at the place that Court sat or is sitting to conduct the proceedings for whose purposes the object mentioned in sub-paragraph (*b*) above was given or inspected.

(3) The notice referred to in paragraph (2) above shall set out—

(a) the name, description and address of the person sought to be committed or fined; and

(b) the grounds on which his committal or the imposition of a fine is sought;

and shall be supported by an affidavit verifying the facts.

(4) Subject to paragraph (5) below, the notice referred to in paragraph (2) above, accompanied by a copy of the affidavit in support of the application, shall be served personally on the person sought to be committed or fined.

(5) The Court may dispense with service of the notice under this rule if it is of the opinion that it is necessary to do so in order to protect the applicant or for another purpose identified by the Court.

(6) Nothing in the foregoing provisions of this rule shall be taken as affecting the power of the Crown Court to make an order of committal or impose a fine of its own motion against a person guilty of contempt under section 18.

(7) Subject to paragraph (8) below, proceedings to which this rule applies shall be heard in open court.

(8) Proceedings to which this rule applies may be heard in private where—

(a) the object, the use or disclosure of which is alleged to contravene section 17, is; or

(b) the information, the use or disclosure of which is alleged to contravene that section is recorded in,

an object which is, or forms part of, material in respect of which an application was made under section 3(6), 7(5), 8(5) or 9(8), whether or not the Court made an order that the material not be disclosed:

Provided that where the Court hears the proceedings in private it shall nevertheless, if it commits any person to custody or imposes a fine on him in pursuance of section 18(3), state in open court the name of that person, the period specified in the order of committal or, as the case may be, the amount of the fine imposed, or both such period and such amount where both are ordered.

(9) Except with the leave of the Court hearing an application for an order of committal or for the imposition of a fine, no grounds shall be relied upon at the hearing except the grounds set out in the notice referred to in paragraph (3) above.

(10) If on the hearing of the application the person sought to be committed or fined expresses a wish to give oral evidence on his own behalf, he shall be entitled to do so.

(11) The Court by whom an order of committal is made may by order direct that the execution of the order shall be suspended for such period or on such terms and conditions as it may specify.

(12) Where execution of an order of committal is suspended by an order under paragraph (11) above, the applicant for the order of committal must, unless the Court otherwise directs, serve on