STATUTORY RULES OF NORTHERN IRELAND

1996 No. 281

SUPREME COURT, NORTHERN IRELAND CROWN COURT

The Crown Court (Amendment No. 2) Rules (Northern Ireland) 1996

Made - - - -	*10th July 1996*
To be laid before Parliament	
Coming into operation	*25th August 1996*

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**) and Article 50(7) of the Proceeds of Crime (Northern Ireland) Order 1996(**2**), 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 No. 2) Rules (Northern Ireland) 1996 and shall come into operation on 25th August 1996.

(2) In these Rules "the principal Rules" shall mean the Crown Court Rules (Northern Ireland) 1979(**3**).

Amendments to the principal Rules

2. The principal Rules shall be amended as follows—

(a) by substituting, for rule 46, the following rule:

> "**Manner of application**
>
> **46.** Where no other provision is made in these Rules as to the way in which an application is made to the Court (otherwise than at the trial) by the defendant or the prosecutor under these Rules, the application shall be made in writing and delivered to the chief clerk and a copy thereof given to the opposite party.";

(**1**) 1978 c. 23
(**2**) S.I.1996/1299 (N.I. 9)
(**3**) S.R. 1979 No. 90; to which the most recent relevant amendments were made by S.R. 1991 No. 327 and S.R. 1992 No. 202

(b) by substituting, for Part VII, the new Part set out in the Schedule; and

(c) by deleting Part IX.

Transitional provisions and savings

3.—(1) Rule 2(*b*) shall not apply to any proceedings to which the Proceeds of Crime (Northern Ireland) Order 1996 does not apply.

(2) Part VII of the principal Rules shall continue to apply to such proceedings as if rule 2(*b*) had not been made.

Amendment to the Crown Court (Amendment) Rules 1996

4. In Rule 1(1) of the Crown Court (Amendment) Rules 1996(**4**) after the words "Rules" in the second place where it occurs, there shall be inserted the words "(Northern Ireland)".

Brian Hutton
R. D. Carswell
J. M. Nicholson
J. F. B. Russell
A. R. Hart
R. Appleton
J. W. Wilson
Patrick Lynch
Dated 24th June 1996 *Francis Keenan*

I concur,

Dated 10th July 1996. *Mackay of Clashfern,* C.

(**4**) S.R. 1996 No. 71

SCHEDULE Rule 2(*b*).

"Part VII

Applications under the Proceeds of Crime (Northern Ireland) Order 1996

Interpretation

51. In this Part of these Rules:—

"the 1996 Order" means the Proceeds of Crime (Northern Ireland) Order 1996(**5**); an Article referred to by number is a reference to the Article so numbered in the 1996 Order; and expressions which are defined in the 1996 Order have the same meaning as in the 1996 Order.

Statements, etc in connection with the making of confiscation orders under the 1996 Order

52.—(1) Where a defendant has been convicted of an offence to which the 1996 Order applies and the prosecutor or the defendant is required, or proposes, to give to the Court any statement or other document under Article 15 (Provision of information by the prosecution) or Article 16 (Provision of information by the defendant) he shall serve it within such time as the Court may direct on the chief clerk and at the same time serve a copy thereof on the opposite party.

(2) Any statement given to the Court by the prosecutor or the defendant under Article 15 or 16 shall include the following particulars—

(a) the name of the defendant and the Crown Court case number;

(b) the name of the person by whom the statement is given and, if different, the name of the person by whom it is made;

(c) the date on which the conviction for the offence occurred; and

(d) the facts relied on in support of any allegation made or matter indicated.

(3) Where in accordance with Article 15(3) the defendant is required to indicate the extent to which he accepts any allegation contained within a statement given by the prosecutor, he must indicate so in writing to the chief clerk, and at the same time serve a copy on the prosecutor.

(4) Where the prosecutor intends to indicate the extent to which he accepts any allegation contained within a statement given by the defendant under Article 15 or 16, he must indicate so in writing to the chief clerk, and at the same time serve a copy on the defendant.

Application for increase in term of imprisonment in default of payment

53.—(1) The following provisions of this rule shall have effect for the purposes of applications under Article 14(2).

(2) Notice of application under Article 14(2) to increase the term of imprisonment or detention fixed in default of payment of the confiscation order by a person ("the defendant") shall be made by the prosecutor in writing to the chief clerk at the place where the confiscation order was made.

(3) The notice under paragraph (2) shall—

(a) state the name and address of the defendant;

(**5**) S.I. 1996/1299 (N.I. 9)