1991 No. 327

SUPREME COURT, NORTHERN IRELAND

CROWN COURT

The Crown Court (Amendment) Rules (Northern Ireland) 1991

Made . . . . . *25th July 1991*

Coming into operation . . *2nd September 1991*

To be laid before Parliament

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(**a**) and Article 31(6) of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(**b**), hereby with the concurrence of the Lord Chancellor make the following Rules:—

1. These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 1991 and shall come into operation on 2nd September 1991.

2. The Crown Court Rules (Northern Ireland) 1979(**c**) shall be amended by inserting after Rule 50 the new Parts set out in the Schedule.

Dated 25th June 1991

Brian Hutton
Basil Kelly
Robert Porter
A. R. Hart
V. Care
Jimmy Wall
J. O. Brady

I concur, *Mackay of Clashfern*, C.

Dated 25th July 1991

(**a**) 1978 c. 23
(**b**) S.I. 1990/2588 (N.I. 17)
(**c**) S.R. 1979 No. 90; to which there are amendments not relevant to these Rules

SCHEDULE Rule 2

"PART VII — APPLICATIONS UNDER THE CRIMINAL JUSTICE (CONFISCATION) (NORTHERN IRELAND) ORDER 1990

Interpretation

51. In this Part of these Rules:—

"the 1990 Order" means the Criminal Justice (Confiscation) (Northern Ireland) Order 1990(a); an Article referred to by number is a reference to the Article so numbered in the 1990 Order; and expressions which are defined in the 1990 Order have the same meaning as in the 1990 Order.

Statements, etc. relevant to making confiscation orders under the 1990 Order

52.—(1) Where a defendant has been convicted of an offence to which the 1990 Order applies and the prosecutor or the defendant proposes to tender to the Court any statement or other document under Article 9 (statements etc. relevant to making confiscation orders) he shall serve it within such time as the Court may require on the chief clerk and shall at the same time serve a copy thereof on the opposite party.

(2) Any statement tendered to the Court by the prosecutor or the defendant under Article 9 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 tendered and, if different, the name of the person by whom it is made;

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

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

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 paragraph (2) of Article 11 (interest on sums unpaid under confiscation orders).

(2) Notice of application under Article 11(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 of the Court 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;

(*b*) specify the grounds of the application;

(*c*) give details of any enforcement measures taken; and

(*d*) include a copy of the confiscation order.

(4) On receiving a notice under paragraph (2), the chief clerk shall—

(*a*) forthwith send to the defendant a copy of the said notice; and

(*b*) notify in writing the applicant and the defendant of the date, time and place appointed for the hearing of the application.

(a) S.I. 1990/2588 (N.I. 17)