1989 No. 288

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 1989

Made	*21st July 1989*
Coming into operation . .	*1st September 1989*
To be laid before Parliament	

We, the Northern Ireland Supreme Court Rules Committee being the authority having for the time being power under section 55 of the Judicature (Northern Ireland) Act 1978(**a**) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby, with the concurrence of the Lord Chancellor, exercise those powers and all other powers enabling us in that behalf as follows:

Citation and commencement

1.—(1) These Rules may be cited as the Rules of the Supreme Court (Northern Ireland) (Amendment No. 4) 1989 and shall come into operation on 1st September 1989.

Amendment of Principal Rules

2. After Order 115 of the Rules of the Supreme Court (Northern Ireland) 1980(**b**) there shall be inserted the Order set out in the Schedule to these Rules.

Dated 21st June 1989.

Brian Hutton
Donald Murray
J. P. Higgins
Brian Kerr

(a) 1978 c. 23
(b) S.R. 1980 No. 346

I concur, *Mackay of Clashfern*, C.

Dated 21st July 1989.

SCHEDULE Rule 2

ORDER 116

PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989

Interpretation

1. In this Order—

"the Act" means the Prevention of Terrorism (Temporary Provisions) Act 1989 and a section or Schedule referred to by number means the section or Schedule so numbered in the Act;

"defendant" includes a person charged with an offence under Part III of the Act and a person who is to be charged with such an offence;

expressions used have the same meanings as in Part III of and Schedule 4 to the Act;

"Master" means the Master (Queen's Bench and Appeals).

Assignment of proceedings

2. The jurisdiction of the High Court under the Act shall be assigned to the Queen's Bench Division and, subject to Rule 8, shall be exercised by a judge in chambers.

Application for restraint order

3.—(1) An application for a restraint order under paragraphs 23 and 24 of Schedule 4 may be made by the prosecution ex parte by originating summons in Form No. 8 in Appendix A.

(2) An application under paragraph (1) shall be supported by an affidavit, which shall:—

(*a*) state either that proceedings have been instituted against a person for an offence under Part III of the Act and that they have not been concluded or that, whether by the laying of a complaint or otherwise, a person is to be charged with such an offence, as the case may be;

(*b*) give particulars of the said offence;

(*c*) state either that a forfeiture order has been made or the grounds for believing that such an order may be made, as the case may be;

(*d*) to the best of the deponent's ability, give full particulars of the property in respect of which the order is sought and specify the person or persons holding such property;

(*e*) where proceedings have not been instituted, verify that the applicant is to have the conduct of the proposed proceedings;

(*f*) where proceedings have not been instituted, indicate when it is intended that they should be instituted.

(3) An originating summons under paragraph (1) shall be entitled in the matter of the defendant, naming him, and in the matter of the Act, and all subsequent documents in the matter shall be so entitled.

(4) Unless the Court otherwise directs, an affidavit under paragraph (2) may contain statments of information or belief with the sources and grounds thereof.

Restraint order

4.—(1) A restraint order may be made subject to conditions and exceptions, including but not limited to conditions relating to the indemnifying of third parties