1979 No. 90

SUPREME COURT, NORTHERN IRELAND

CROWN COURT

The Crown Court Rules (Northern Ireland) 1979

Made . . . . . *22nd March* 1979
Coming into operation . . . *18th April* 1979
To be laid before Parliament

ARRANGEMENT OF RULES

PART I

INTRODUCTION

1. Citation and commencement
2. Interpretation

PART II

COSTS BETWEEN PARTIES IN CROWN COURT

3. Taxation of Costs
4. Review by Taxing Master
5. Appeal to High Court Judge
6. Supplementary Provisions

PART III

BAIL

7. Interpretation
8. Applications in relation to bail
9. Admission to bail
10. Security instead of recognizances
11. Persons to take recognizances
12. Manner in which recognizance is to be entered into
13. Estreat of recognizance
14. Forfeiture of security
15. Procedure for estreat or forfeiture
16. Recommittal
17. Variation of order admitting to bail
18. Postponement of taking recognizances

PART IV

INDICTMENTS

19. Material, etc. for indictments
20. Form of an indictment
21. Joining of charges in one indictment
22. Mode in which offences are to be charged
23. Provisions as to statutory offences
24. Description of property
25. Description of persons
26. Description of document
27. General rule as to description
28. Statement of intent
29. Averment of previous conviction
30. Saving for section 33(3) of the Children and Young Persons Act (Northern Ireland) 1968
31. Presentment of an indictment
32. Time for presentment
33. Substitution or amendment of an indictment
34. 35. 36. 37. Procedure on applications under section 2(2)(*e*) of the Grand Jury (Abolition) Act (Northern Ireland) 1969
38. Duty to furnish copy of indictment

PART V

REFERENCES TO THE EUROPEAN COURT

39. Interpretation
40. Orders of the Court
41. Transmission of the order to the European Court
42. Adjournment pending ruling

PART VI

MISCELLANEOUS

43. Special directions pursuant to section 47(2)
44. Time limits for beginning of trials
45. Variation or rescission of sentence or order under section 49
46. Manner of application
47. Service of documents
48. Amendment
49. Annulment of Indictments Rules (Northern Ireland) 1977
50. Repeal

WE, the Crown Court Rules Committee, in exercise of the powers conferred upon us by sections 48(5), 51(5) and 52(1) of the Judicature (Northern Ireland)Act 1978(a) and section 7 of the Costs in Criminal Cases Act (Northern Ireland) 1968(b), hereby with the concurrence of the Lord Chancellor make the following Rules:—

PART I

INTRODUCTION

Citation and Commencement

1. These Rules may be cited as the Crown Court Rules (Northern Ireland) 1979 and shall come into operation on 18th April 1979.

Interpretation

2.—(1) In these Rules, unless the context otherwise requires,—

"chief clerk" means the chief clerk of the Court at the place where a person is to be tried and includes such other member of the Court Service as may be authorised to act on his behalf for the purpose in question;

"committal proceedings" means proceedings before a magistrates' court conducting a preliminary investigation or preliminary enquiry;

"Court" means the Crown Court;

"depositions" means depositions taken before a magistrates' court and includes written statements tendered in evidence under section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968(c), any document exhibited to such depositions or statements and the statement of the accused;

"judge" means a judge of the High Court or a county court judge;

"magistrates' court" means a court under the Magistrates' Courts Act (Northern Ireland) 1964(d) or the Children and Young Persons Act (Northern Ireland) 1968(e);

"prosecutor" means the Director of Public Prosecutions when the prosecution is being carried on by him;

"Taxing Master" means the Master (Taxing Office) or such other person as may be designated or appointed to exercise jurisdiction under section 60(1) of the Act.

(2) In these Rules any reference to a rule or schedule shall be construed as a reference to a rule contained in these Rules or, as the case may be, to a schedule thereto; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

(3) The forms in the schedule shall be used where applicable with such variations as the circumstances of the particular case require.

(a) 1978 c. 23
(b) 1968 c. 10 (N.I.)
(c) 1968 c. 32 (N.I.)
(d) 1964 c. 21 (N.I.)
(e) 1968 c. 34 (N.I.)

PART II

COSTS BETWEEN PARTIES IN CROWN COURT

Taxation of costs

3.—(1) Where under these Rules the Court has made an order for the costs of any proceedings to be paid by a party and the Court has not fixed a sum, the amount of the costs to be paid shall be ascertained as soon as practicable by the Taxing Master.

(2) On taxation there shall be allowed such sum as is reasonably sufficient to compensate the party for the expenses properly incurred by him.

Review by Taxing Master

4.—(1) Any party dissatisfied with the taxation of any costs by the Taxing Master under rule 3 may apply to him to review his decision.

(2) The application shall be made by giving notice to the Taxing Master and to any other party to the taxation within 14 days of the taxation specifying the items in respect of which the application is made and the grounds of objection.

(3) Any party to whom notice is given under the preceding paragraph may within 14 days of the service of the notice deliver to the Taxing Master answers in writing to the objections specified in that notice and, if he does, shall send copies to the applicant for the review and to any other party to the taxation.

(4) The Taxing Master shall reconsider his taxation in the light of the objections and answers, if any, of the parties and any oral representations made by them or on their behalf and shall notify them of the result of his review.

(5) Before reaching his decision the Taxing Master may consult the judge who made the order for costs.

Appeal to High Court Judge

5.—(1) Any party dissatisfied with the result of a review of taxation under rule 4 may, within 14 days of receiving notification thereof, request the Taxing Master to supply him with reasons in writing for his decision and may within 14 days of the receipt of such reasons appeal to the High Court.

(2) On the hearing of the appeal the High Court may reverse, affirm or amend the decision appealed against or make such other order as it thinks appropriate.

(3) Unless the High Court otherwise directs, no further evidence shall be received on the hearing of the appeal; and no ground of objection shall be valid which was not raised on the review under rule 4.

Supplementary provisions

6.—(1) On a review or an appeal to the High Court the Taxing Master or that Court may make such order as seems just in respect of the costs of the hearing of the review or the appeal, as the case may be.

(2) Any time prescribed by rule 4 or 5 may be extended by the Taxing Master or the High Court on such terms as seem just.

PART III

BAIL

Interpretation

7. In this Part, save where the context otherwise requires,—

"application" means an application to the Court in relation to bail;

"surrender to custody" means, in relation to a person released on bail, surrendering himself into the custody of the Court or other proper authority (according to the requirements of the order admitting him to bail) at the time and place appointed for him to do so.

Applications in relation to bail

8.—(1) Every application, other than an application during a trial before the Court, shall be made by delivering to the office of the chief clerk at Belfast a notice setting out the grounds of the application and referring to any earlier application to the Court, the High Court or a magistrates' court in the same proceedings.

(2) An application by a defendant shall be in Form 1 in the schedule and an application by any other person shall be in Form 1A.

(3) The chief clerk on receiving the notice shall—

(*a*) give a copy thereof to the prosecutor, unless he is the applicant, and at the same time inform him by telephone of the terms of the notice;

(*b*) where the application has been made by the prosecutor or a surety in respect of a defendant who is on bail, give a copy of the notice to that defendant; and

(*c*) subject to any direction of the Court, list the application for hearing for a time not later than 7 days from the date on which he received the notice and inform the defendant and the prosecutor and, where he is the applicant, the surety of the time and place of the hearing.

(4) The hearing shall be at Belfast unless the chief clerk at Belfast, subject to and in accordance with directions of a judge, arranges otherwise.

Admission to bail

9.—(1) Where a defendant is admitted to bail under rule 8, the chief clerk shall forthwith file the order admitting the defendant to bail, and such order shall be in Form 2 in the schedule.

(2) The chief clerk shall give a copy of the order to the defendant by handing it to the person having custody of him.

Security instead of recognizances

10. The Court may, instead of requiring a person to enter into a recognizance, consent to his giving other security, and such security may be given by that person or on his behalf.

Persons to take recognizances

11.—(1) The Court may direct that a recognizance shall be entered into or other security given before—

(*a*) a magistrates' court;

(*b*) a clerk of petty sessions;