1976 No. 138

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

Extra-territorial Offences (Northern Ireland) Rules 1976

Made . . . . . 23rd April 1976

Coming into operation on appointed day specified in rule 1.

To be laid before Parliament

WE, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) to make, amend or revoke rules regulating the practice and procedure of the Supreme Court of Judicature of Northern Ireland, hereby exercise the powers conferred on us by the said section 7, by section 49 of the Criminal Appeal (Northern Ireland) Act 1968(b) and by paragraph 4(2) of Schedule 3 and paragraph 8 of Schedule 4 to the Criminal Jurisdiction Act 1975(c) and all other powers enabling us in that behalf, as follows:

PART I

Citation, commencement and interpretation

1. These rules may be cited as the Extra-territorial Offences (Northern Ireland) Rules 1976 and shall come into operation on the same day as that appointed for the coming into force of Schedules 3 and 4 to the Criminal Jurisdiction Act 1975.

2.—(1) In these rules—

"the Act" means the Criminal Jurisdiction Act 1975;

"an extra-territorial offence" has the same meaning as in section 1(3) of the Act;

"Judge" means a Judge of the High Court of Justice in Northern Ireland;

"an officer of the Commissioner" means a person so designated by the Lord Chief Justice of Northern Ireland.

(2) A reference to a form by number is a reference to that form as numbered in the Schedule to these rules and any such form may be used with such variations as the circumstances may require.

PART II

Application to a Judge by person accused of extra-territorial offence

3.—(1) Where a person charged with an extra-territorial offence wishes to make a request for an order under paragraph 2(1) or paragraph 3(1) of Schedule 3 to the Act, he may apply to a Judge at any time before the entry of his plea on arraignment on indictment for that offence.

(a) 1962 c. 30
(b) 1968 c. 21
(c) 1975 c. 59

(2) The application shall be made by summons and shall be heard in chambers unless the Judge otherwise directs.

4. The summons shall be supported by affidavit setting out the grounds upon which the request is made and the summons and the supporting affidavit shall be served upon the Director of Public Prosecutions at his office in Belfast not less than seven days before the day named in the summons for hearing and service may be effected by delivery or by post.

5. Where the application is made under paragraph 2(1) of the said Schedule 3, the summons shall be in Form 1 and where the application is made under paragraph 3(1) thereof the summons shall be in Form 2.

PART III

Examination in Northern Ireland to assist Court in Republic of Ireland

6.—(1) The Commissioner before whom evidence is taken in accordance with Part I of Schedule 4 to the Act may require the attendance of any witness before him in like manner as a witness is required to attend and give evidence at a trial of a person on indictment.

(2) The Commissioner may, subject to the Act, require any witness to answer any question or to produce any document or thing in his power or control.

(3) A person required to attend as a witness before the Commissioner shall be entitled to the like conduct money and payment for his expenses and loss of time as in proceedings upon a trial of a person on indictment.

7. An officer of the Commissioner may administer an oath.

8. On the taking of evidence pursuant to Schedule 4 to the Act the parties to the proceedings shall have a right to be represented by counsel or a solicitor including (whether or not he has apart from this rule a right of audience in Northern Ireland) a counsel or a solicitor entitled to practise in the Republic of Ireland.

9.—(1) The Commissioner shall cause a verbatim record to be made of the evidence of every witness given before him, and at the conclusion of the evidence shall, where he is satisfied that the record is a true and accurate statement of that evidence, sign a certificate to that effect.

(2) The Commissioner shall send the record and certificate together with any exhibits or other documents clearly marked for identification to the Registrar of the Supreme Court of Judicature of Northern Ireland for transmission to the court which issued the letter of request.

PART IV

Examination in Republic of Ireland to assist Court in Northern Ireland

10. A letter of request issued under paragraph 5 of Schedule 4 to the Act shall be in Form 3 and an application therefor shall be made to the court of trial or to the Court of Criminal Appeal, as the case may be, and shall be heard in chambers, unless the trial judge or a single judge of the Court of Criminal Appeal respectively shall otherwise direct.

11. When the court which issued the letter of request receives the statement of evidence referred to in paragraph 6(1) of Schedule 4, certified as described in paragraph 6(2)(*b*) thereof, the Clerk of the Crown and peace or the Registrar of the Court of Criminal Appeal, as the case may be, shall furnish to the parties to the proceedings a copy of the statement and certificate.

(Signed) *Robert Lowry*
E. W. Jones
Maurice W. Gibson
Donald Murray
J. B. E. Hutton

Dated 23rd April, 1976.