1972. No. 354 **[NC]**

CRIMINAL PROCEDURE, NORTHERN IRELAND

Criminal Appeal (References to the European Court) (Northern Ireland) Rules 1972

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) and section 49 of the Criminal Appeal (Northern Ireland) Act 1968(b) to make, amend or revoke rules regulating the practice and procedure of the Court of Criminal Appeal in Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

Citation and commencement

1. These rules may be cited as the Criminal Appeal (References to the European Court) (Northern Ireland) Rules 1972 and shall come into force on 1st February 1973.

Interpretation

2.—(1) In these Rules—

"the Act" means the Criminal Appeal (Northern Ireland) Act 1968,

"the Court" means the Court of Criminal Appeal in Northern Ireland,

"the European Court" means the Court of Justice of the European Communities, and

"order" means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

Making of Order

3.—(1) An order may be made by the Court, of its own motion or an application, at an time before the determination of an appeal or an application for leave to appeal under Part II of the Act.

(2) An order shall set out in a schedule to the order the request for a preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

State of proceedings pending ruling

4. No appeal or application for leave to appeal, in the course of which an order is made, shall, unless the Court otherwise orders, be determined until the European Court has given a preliminary ruling on the question referred to it.

(a) 10 & 11 Eliz. 2. c. 30.
(b) 1968. c. 21.
(c) 52 & 53 Vict. c. 63.