

## SUPREME COURT RULES COMMITTEE

### SUMMARY MINUTES OF THE MEETING HELD ON MONDAY 14 MARCH 2005 IN THE JUDGES' ASSEMBLY ROOM, ROYAL COURTS OF JUSTICE

Present: The Rt Hon The Lord Chief Justice (Chairman)  
The Rt Hon Lord Justice Nicholson  
The Rt Hon Lord Justice Campbell  
The Hon Mr Justice Girvan  
The Hon Mr Justice Coghlin  
Mr McCloskey QC  
Mr Horner QC  
Mr Caher  
Ms McGonagle

In attendance: Master Wilson  
Master Ellison  
Master Redpath  
Master McCorry  
Master Napier

Ms Fee ) Joint Secretaries  
Mr Rogers)

Mr Luney  
Ms McGrath  
Ms McConnell

Apologies: Master Hall

1. A couple of minor amendments were made to the minutes of the meeting held on 11 December 2003 and they were then signed by the Lord Chief Justice.
2. The draft Criminal Appeal (Re-trial for Serious Offences) Rules (Northern Ireland) 2005 were considered with the amended version of Rule 3 being approved.
3. The Lord Chief Justice queried a couple of points with reference to Rule 3 and he was assured that the points would be sufficient to cover policing by the judiciary.
4. Several minor adjustments were then made and the Rules were then approved.

5. The Committee considered the draft Criminal Appeal (Prosecution Appeals) Rules (NI) 2005. It was noted that the NIO are to include a provision to supply the vires in a forthcoming Criminal Justice (Miscellaneous Provisions) Order. Until then, applications should be made to the full Court of Appeal.
6. On the Rules themselves, several small adjustments were made and the Rules were then approved.
7. The Committee then considered the Criminal Appeal (Amendment) (Northern Ireland) Rules 2005. It was agreed that no changes would be made at this time regarding the production of evidence about the bad character of a non-defendant. It was also agreed that the reference to Court of Appeal in the forms should be deleted and the Rules were then approved.
8. The Committee approved the draft Criminal Appeal (Amendment) (NI) Rules 2005 without amendment.
9. The Committee approved the Supreme Court (Amendment) Rules (NI) 2005 without amendment.
10. The Committee considered the Report of the Law Reform Advisory Committee on Third Party Discovery. It was noted that the Law Reform Advisory Committee have advised that primary legislation is needed to make provision for a general power to make discovery orders against third parties.
11. It was suggested and agreed that a Practice Direction should be prepared regarding Khanna subpoenas and prescribed forms should include notice of the recipient's right to apply to have the subpoena set aside.
12. There being no other business, the meeting concluded with the date of the next meeting to be arranged.