

2009 No.

SUPREME COURT, NORTHERN IRELAND

**The Criminal Appeal (Amendment) (Northern Ireland) Rules
2009**

Made - - - - - ***
Coming into operation - - - - - 30th June 2009
To be laid before Parliament

The Northern Ireland Supreme Court Rules Committee makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978(a) and Article 14 of the Criminal Justice (Northern Ireland) Order 2004(b).

Citation and commencement

1. These Rules may be cited as the Criminal Appeal (Amendment) (Northern Ireland) Rules 2009 and shall come into operation on 30th June 2009.

Amendment of the Criminal Appeal (Northern Ireland) Rules 1968

2. The Schedule to the Criminal Appeal (Northern Ireland) Rules 1968(c) is amended as follows—

(1) in Form 2, in Part 2, for “*Leave to be present at hearing”, substitute the words “*Leave to be present at hearing [through a live link]”;

(2) in Form 6,

(i) in the heading, after “Application for leave to be present”, insert “[through a live link]”; and

(ii) in the body of the form, after “to be present”, insert “[through a live link]”;

(3) in Form 7, after “Do you want a witness order?.....”, insert “Do you seek a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 for the witness to give evidence through a live link?”;

(4) in Form 14, after “to give evidence”, insert “[through a live link]”.

(a) 1978 c.23 to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
(b) S.I. 2004/1500 (N.I. 9).
(c) S.R. 1968 No. 218.

Dated

Signed by the authority of the Lord Chancellor

In exercise of the powers conferred by section 55A(3) of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

Parliamentary Under-Secretary of State
Ministry of Justice

Dated

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules amend the Criminal Appeal (Northern Ireland) Rules 1968 (S.R. 1968 No.218) ('the principal Rules') to take account of Part III of the Criminal Justice (Northern Ireland) Order 2004 ('the 2004 Order'), and Article 83 of the Criminal Justice (Northern Ireland) Order 2008 ('the 2008 Order').

- Part III of the 2004 Order provides for witnesses other than the defendant to give evidence in specified criminal proceedings through a live link.
- Article 83 of the 2008 Order amends the Criminal Appeal (Northern Ireland) Act 1980 to enable the Court of Appeal to give a live link direction that the appellant is to attend proceedings, at which he is expected to be in custody but is entitled to be present, through a live link.
- Rules 2(1) and 2(2) amend Form 2 and Form 6 of the principal Rules respectively to refer to the appellant's presence by a live link;
- Rule 2(3) amends Form 7 of the principal Rules by inserting a question to establish whether a live link direction is sought; and
- Rule 2(4) amends Form 14 of the principal Rules to make reference to a witness' attendance by live link.