

2009 No.

SUPREME COURT, NORTHERN IRELAND

PROCEDURE

The Criminal Appeal (Offenders Assisting Investigations and Prosecutions) (Amendment) Rules (Northern Ireland) 2009

Made - - - - 2009

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).

Citation and commencement

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

Amendments

2. The Schedule to the Criminal Appeal (Offenders Assisting Investigations and Prosecutions) Rules (Northern Ireland) 2008(b) shall be amended by substituting for Form 4, the new Form 4 set out in the Schedule to these Rules.

(a) 1978 c.23. to which the most recent relevant amendment was made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
(b) S.R. 2008 No.23.

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

SCHEDULE

Rule 2

“FORM 4

Rule 9

PART A

DETERMINATION BY A SINGLE JUDGE

(Section 74(8) of the Serious Organised Crime and Police Act 2005)

(Article 31 of the Serious Organised Crime and Police Act 2005 (Appeals under section 74) Order 2006)

<i>Details Required</i>	<i>Notes</i>
<p>1. Details of the applicant:</p> <p>Name:</p> <p>Address:</p>	<p><i>In the case of a defendant in custody, the prison number and address of the establishment in which the defendant is detained.</i></p>
<p>2. Application considered by single judge:</p> <p><input type="checkbox"/> Application for leave to appeal;</p> <p><input type="checkbox"/> Application for extension of time for service of notice of application for leave to appeal;</p> <p><input type="checkbox"/> Application for an order to allow the offender to be present at the proceedings;</p> <p><input type="checkbox"/> Application for an order that a witness attend for examination;</p> <p><input type="checkbox"/> Application to the Court to exercise powers conferred by Article 25 (bail);</p> <p><input type="checkbox"/> Application for an order for the production of documents etc under Article 28(1)(a);</p> <p><input type="checkbox"/> Application for directions under Article 30(1) (effect of appeal on sentence);</p> <p><input type="checkbox"/> Application to grant legal aid.</p> <p><i>(tick where appropriate)</i></p>	

3. Decision

If an application has been determined by a Judge, an aggrieved party may have the application determined by the Court by filling in Part B of this form and returning the form to the Master.

Dated this day of 20 .

Master (High Court)

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Appeal (Offenders Assisting Investigations and Prosecutions) (Amendment) Rules (Northern Ireland) 2008 (S.R. 2008 No.23) by substituting Form 4 of the Rules. Part A of the substituted Form prescribes the form of notification of a determination by a single judge, of an application relating to the discounting of sentences of offenders offering assistance to prosecutors. Part B of the Form prescribes the form of application for determination by the Court of Appeal by parties aggrieved by the decision of a single judge.