

1992 No. 202

**SUPREME COURT, NORTHERN IRELAND
CROWN COURT**

**The Crown Court (Amendment) Rules
(Northern Ireland) 1992**

Made 5th May 1992

Coming into operation 1st June 1992

To be laid before Parliament

We, the Crown Court Rules Committee, in exercise of the powers conferred on us by section 52(1) of the Judicature (Northern Ireland) Act 1978(a), hereby with the concurrence of the Lord Chancellor make the following Rules:—

1. These Rules may be cited as the Crown Court (Amendment) Rules (Northern Ireland) 1992 and shall come into operation on 1st June 1992.

2. The Crown Court Rules (Northern Ireland) 1979(b) shall be amended by inserting, after Rule 62, the new Part set out in the Schedule.

*Brian Hutton
J. M. Nicholson
R. Porter
J. L. Bamford
V. Care
J. O. Brady
R. Appleton
Francis Keenan
James Wall*

Dated 30th March 1992

I concur,

Mackay of Clashfern, C.

Dated 5th May 1992

(a) 1978 c. 23

(b) S.R. 1979 No. 90; to which relevant amendments were made by S.R. 1991 No. 327

“PART IX — APPLICATIONS UNDER PART VII (CONFISCATION OF PROCEEDS OF TERRORIST-RELATED ACTIVITIES) OF THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1991

Interpretation

63. In this Part of these Rules:—

“the 1991 Act” means the Northern Ireland (Emergency Provisions) Act 1991(a); a section or a Schedule referred to by number is a reference to the section or Schedule respectively so numbered in the 1991 Act; and expressions which are defined in the 1991 Act have the same meaning as in the 1991 Act.

Statements, etc. relevant to making confiscation orders under the 1991 Act

64.—(1) Where a defendant has been convicted of a relevant offence under the 1991 Act and the prosecutor or the defendant proposes to tender to the Court any statement or other document under section 52 (Statements, etc. relevant to making confiscation orders) he shall serve it within such time as the Court may require on the chief clerk and shall at the same time serve a copy thereof on the opposite party.

(2) Any statement tendered to the Court by the prosecutor or the defendant under section 52 shall include the following particulars—

- (a) the name of the defendant and the Crown Court case number;
- (b) the name of the person by whom the statement is tendered and, if different, the name of the person by whom it is made;
- (c) the date on which and the place where the conviction for the offence occurred; and
- (d) the facts relied on in support of any allegation made or matter indicated.

Application for increase in term of imprisonment in default of payment

65.—(1) The following provisions of this rule shall have effect for the purposes of applications under paragraph 3(2) of Schedule 4.

(2) Notice of application under paragraph 3(2) of Schedule 4 to increase the term of imprisonment or detention fixed in default of payment of the confiscation order by a person (“the defendant”) shall be made by the prosecutor in writing to the chief clerk of the Court at the place where the confiscation order was made.

(3) The notice under paragraph (2) shall—

- (a) state the name and address of the defendant;
- (b) specify the grounds of the application;
- (c) give details of any enforcement measures taken; and
- (d) include a copy of the confiscation order.

(4) On receiving a notice under paragraph (2), the chief clerk shall—

- (a) forthwith send to the defendant a copy of the said notice; and
- (b) notify in writing the applicant and the defendant of the date, time and place appointed for the hearing of the application.

(5) Where the Court makes an order pursuant to an application under paragraph 3(2) of Schedule 4, the chief clerk shall forthwith send a copy of the order—

- (a) to the applicant;
- (b) to the defendant;
- (c) where the defendant is in custody at the time of the making of the order, to the person having custody of him.”.

EXPLANATORY NOTE

(This note is not part of the Rules.)

The Rules amend the Crown Court Rules (Northern Ireland) 1979 to take account of Part VII of, and Schedule 4 to, the Northern Ireland (Emergency Provisions) Act 1991 which provide for the confiscation of the proceeds of terrorist related activities.

The Rules insert a new Part IX (Rules 63-65) into the 1979 Rules to make provision for:—

- (a) the statements and other documents to be tendered to the court under section 52 (Statements, etc. relevant to making confiscation orders) of the 1991 Act (Rule 64);
- (b) applications under paragraph 3(2) of Schedule 4 to the 1991 Act for the term of imprisonment or detention fixed in default of payment of a confiscation order to be increased to take account of interest due on the unsatisfied order (Rule 65).