
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 531

The Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Disclosure) Rules (Northern Ireland) 1997

Public interest: hearing of application by the prosecutor

3.—(1) This Rule applies to the hearing of an application by the prosecutor under section 3(6), 7(5), 8(5) or 9(8) where Part I applies by virtue of section 1(1).

(2) Subject to Rule 6(4), where a copy of the notice of application has been served on the accused in accordance with Rule 2(3)—

(a) the clerk of petty sessions shall give notice to—

(i) the prosecutor;

(ii) the accused;

(iii) any person claiming to have an interest in the material to which the application relates who has applied under section 16(b) to be heard by the court,

of the date and time when and the place where, the hearing will take place and, unless the court orders otherwise, such notice shall be given in writing;

(b) the hearing shall be *inter partes*; and

(c) the prosecutor and the accused shall be entitled to make representations to the court.

(3) Where the prosecutor applies to the court for leave to make representations in the absence of the accused, the court may for that purpose sit in the absence of the accused and any legal representative of his.

(4) Where a copy of the notice of application has not been served on the accused in accordance with Rule 2(3), the clerk of petty sessions shall give notice to—

(a) the prosecutor;

(b) any person claiming to have an interest in the material to which the application relates who has applied under section 16(6) to be heard by the court,

of the date and time when, and the place where, the hearing will take place and unless the court orders otherwise, such notice shall be given in writing;

(c) the hearing shall be *ex parte*;

(d) subject to Rule 6(4) only the prosecutor shall be entitled to make representations to the court.