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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 531**

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

**Disclosure: application by accused and order of court**

7.—(1) This Rule applies to an application by the accused under section 8(2).

(2) An application to which this Rule applies shall be made by notice in writing to the clerk of petty sessions and shall specify—

- (a) the material to which the application relates;
- (b) that the material has not been disclosed to the accused;
- (c) the reason why the material might be expected to assist the applicant's defence as disclosed by the defence statement given under section 6; and
- (d) the date of service of a copy of the notice on the prosecutor in accordance with paragraph (3).

(3) A copy of the notice referred to in paragraph (2) shall be served on the prosecutor at the same time as it is sent to the clerk of petty sessions.

(4) The prosecutor shall give notice in writing to the clerk of petty sessions within 14 days of service of a notice under paragraph (3) that—

- (a) he wishes to make representations to the court concerning the material to which the application relates; or
- (b) if he does not so wish, that he is willing to disclose that material;

and a notice under sub-paragraph (a) shall specify the substance of the representations he wishes to make.

(5) Subject to paragraphs (6) and (7)—

- (a) the clerk of petty sessions shall give notice in writing to the prosecutor and the accused of the date and time when, and the place where, the hearing will take place;
- (b) the hearing shall be *inter partes*;
- (c) the prosecutor and the accused shall be entitled to make representations to the court.

(6) The court may determine the application without hearing representations from the accused or the prosecutor unless—

- (a) the prosecutor has given notice under paragraph (4)(a) and the court considers that the representations should be made at a hearing; or
- (b) the court considers it necessary to hear representations from the accused or the prosecutor in the interests of justice for the purpose of determining the application.

(7) 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.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(8) The clerk of petty sessions shall serve a copy of any order under section 8(2) on the prosecutor and the accused.