

SCHEDULE

Rule 2(5)

**FORMS TO BE SUBSTITUTED OR INSERTED IN THE
MAGISTRATES COURTS RULES (NORTHERN IRELAND) 1984**

FORM 15A Magistrates' Courts (Northern Ireland) Order 1981 (Rule 149A) Police and Criminal Evidence (Northern Ireland) Order 1989 (Article 81(2)) APPLICATION UNDER ARTICLE 81(2) OF THE POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989 FOR LEAVE TO USE TELEVISION LINK WHERE WITNESS WILL NOT GIVE EVIDENCE OTHERWISE THROUGH FEAR AT A PRELIMINARY INVESTIGATION OR PRELIMINARY INQUIRY INTO AN INDICTABLE OFFENCE

An application shall be made not less than 14 days before the date fixed for the commencement of a preliminary investigation or preliminary inquiry (other than the taking of a deposition relating to the arrest or, where directed by the court, the remand of the defendant)

This form may also be used where an abridgement of time has been granted for the making of this application.

A copy of this form shall be served at the same time on every other party to the proceedings.

Details required

Notes

Case details

Complainant:

Peity Sessions
District of:

Defendant:

County Court
Division of:

The name of the defendant to whom this application relates:

Date fixed for commencement of preliminary investigation:

Application

Name of applicant:

Name of applicant's solicitor:

Address of solicitor:

Reference

Charges

Give brief details of those charges to which this application relates.

Details of witness

Name of Witness:

Date of birth of witness:

If the applicant is the prosecutor, give the name of the witness

An application by the defence for evidence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the

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<i>Details required</i>	<i>Notes</i>
or (as the case may be) the letter under which he is designated: If the applicant is the defendant, enter name of witness (but only if disclosure is already required by section 5(7) of the Criminal Procedure and Investigations Act 1996);	Criminal Procedure and Investigations Act 1996.
Grounds for applying for evidence to be given by television link	

Dated this day of 20 .

Applicant
| Solicitor for Applicant |

To the Clerk of Petty Sessions for the petty sessions district of .
And to
(insert names and addresses of each of the other parties to the proceedings)

NOTE:

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Note to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days (or such other period as may be specified by the court under Rule 149A(12)) to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.

FORM 15B Magistrates' Courts (Northern Ireland) Order 1981 (Rule 149AA) Criminal Evidence (Northern Ireland) Order 1999 (Article 7) FORM OF APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

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An application shall be made

- (a) subject to paragraph (b), not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates
- (b) In the application of sub-paragraph (a) to preliminary investigations, "the proceedings" does not include the taking of a deposition relating to the arrest, or where directed by the court, the removal of the defendant.

A copy of this form shall be given at the same time to the other party or parties to the case.

PART 1

To be completed by all applicants

<i>Details required</i>	<i>Notes</i>
<p>Case details</p> <p>Complainant:</p> <p style="padding-left: 40px;">Petty Sessions District of:</p> <p>Defendant:</p> <p style="padding-left: 40px;">County Court Division of:</p> <p>The name of the defendant to whom this application relates:</p> <p>Court venue:</p> <p>Date of next court appearance:</p> <p>Charges:</p> <p>Name of PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number:</p>	<p>The venue of the court hearing the case.</p> <p>Give brief details (including date and location of offence) of those charges to which this application applies.</p>
<p>Details of witness</p> <p>Name of Witness:</p> <p>Date of birth of witness</p> <p>If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) the result of that application:</p> <p>If the applicant is the prosecutor, give the name of the witness (otherwise leave blank):</p>	<p>An application by the defence for evidence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (ubby)</p>

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PART 2

To be completed if the application is for evidence to be given through a live link

<i>Details required</i>	<i>Notes</i>
<p>Details of application</p> <p>Give</p> <p>(a) the address of any venue from which the witness will give evidence if the court's own live link is not used;</p> <p>(b) the name of the person who it is proposed will accompany the witness;</p> <p>(c) the occupation of this person;</p> <p>(d) the relationship (if any) of this person to the witness:</p> <p>Grounds</p> <p>State why it is believed that this person should accompany the witness:</p>	<p>An application by the defence need not disclose the name of the person proposed to accompany the witness if disclosure could lead to the identification of the witness.</p>

PART 3

To be completed if the application is to tender in evidence a video recording under Article 15 of the Criminal Evidence (Northern Ireland) Order 1999

<i>Details required</i>	<i>Notes</i>
<p>Video recording(s)</p> <p>Statement as to circumstances in which video recording made:</p> <p>Date(s) of video recording(s):</p> <p>Time(s) of video recording(s):</p> <p>Location and normal function of premises where video recording made:</p> <p>Statement as to whether, and if so at what point in the video recording, an oath was administered to, or a solemn declaration made by, the witness:</p>	<p>These details need to be completed only to the extent that the information is not contained in the video recording itself.</p> <p>Give the times at which recording began and finished, including details of any interruptions.</p> <p>Give address of premises where recording made and state the usual function of those premises.</p>
<p>Details of those present while recording made</p> <p>Give details of each person present at any point during the recording:</p>	<p>Include name, age and occupation of anyone present; time at which present; relationship (if any) to witness and to the defendant.</p>
<p>Equipment used</p> <p>Give a description of the equipment used for the recording:</p>	<p>The description must include the following information: number and type of cameras used (fixed or mobile); the number and location of microphones; the video format used, and whether it offered single or multiple recording facilities and if it did which were used.</p>

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<i>Details required</i>	<i>Notes</i>
<p>Recordings of part only of an interview</p> <p>State whether the video recording contains part only of the interview with the witness:</p> <p>Details of copy</p> <p>State in respect of each video recording whether it is a copy, and give the following details in respect of each copy</p> <p>Name and address of person who has the mastertape</p> <p>When, and by whom, the copy was made:</p>	<p>A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.</p>
<p>Attendance and supply of copies</p> <p>Is the witness willing and able to attend the trial for cross-examination?</p> <p>Have copies of the video recording(s) to which this application relates been disclosed to the other parties?</p> <p>Has a copy of this notice and the video recording(s) to which it relates been served on each party to the proceedings?</p> <p>Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?</p>	<p>Where the application is by the defendant, the video recording(s) do not have to be served on the prosecution until the close of the prosecution case at the trial.</p>

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of .

And to

(insert names and addresses of each of the other parties to the proceedings)

NOTE:

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

Note to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days (or such other period as may be specified by the court under Rule 149A(4)) to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.

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FORM 15C Magistrates' Courts (Northern Ireland) Order 1981 (Rule 149AA) Criminal Evidence (Northern Ireland) Order 1999 (Article 7) NOTICE OF DECISION ON APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

Upon the hearing of an application by (*name of applicant*), on (*date application heard*) under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 for a special measures direction, the court made an order to the following effect, viz: -

Special measures direction under Article [11] [12] [13] [14] [15] [18] granted*/granted subject to the following conditions*/refused on the following grounds -

his day of 20

Clerk of Petty Sessions