SCHEDULE Rule 3(7)

FORMS TO BE SUBSTITUTED IN THE CROWN COURT RULES (NORTHERN IRELAND) 1979

FORM 6IN THE CROWN COURT IN NORTHERN IRELANDFORM OF APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Rule 44B

An application should be made within 28 days from -

- (a) the date of the committal of the defendant; or
- (b) the date on which Notice of Transfer under Article 3 of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988 or under Article 4 of the Children's Evidence (Northern Ireland) Order 1995 was given; or
- (c) the date on which leave to present an indictment under section 2(2)(e) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 was given; or
- (d) the date on which an order for retrial is made.

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

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

Details required	Notes
Details of 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
Name of witness:	
Date of birth of witness:	to the extent that the disclosure is
If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application:	required by section 5(7) of the Criminal Procedure and Investigations Act 1996.
If the applicant is the prosecutor, give the name of the witness (otherwise leave blank):	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command Unit reference number:	
DPP reference number:	
Defendant(s): Surname:	
Forenames:	
Court venue:	The venue of the Court hearing the case.
Date of next Court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.

Details required	Notes
Details of application	
Specify the special measures being sought:	
State the grounds on which the witness relies in support of the application for a special measures direction:	The statement should make clear whether the applicant seeks automatic eligibility or whether the applicant alleges that the quality of the evidence will be reduced unless a direction is given. In the latter case, the grounds on which the applicant alleges that the quality of the witness's evidence is likely to be diminished in terms of completeness, coherence and accuracy should be clearly stated.
Give a description of evidence submitted in support of this application:	This requirement is optional. Examples of evidence might be: birth certificate; medical report; expert evidence; police report.
Arrangements which may be available	
Give a description of the arrangements relevant to the measures applied for, which may be made available in the area in which it is likely the hearing will take place:	
Reasons for application	
Give the grounds for believing the special measures being sought in this application will increase the quality of the witness's evidence:	
Give the views of the witness as to why the measures sought in this application are required:	
Material change of circumstances	
Give a description of any material change of circumstances relied upon to support this application:	This requirement applies only where – (a) a special measures direction is already in force and application is being made to discharge or vary the direction, or (b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.
PART 2	

TO BE COMPLETED IF THE APPLICATION IS FOR EVIDENCE TO BE GIVEN THROUGH A LIVE LINK

Details required	Notes
Details of application	
Give – (a) the address of any venue from which the witness will give evidence if the Court's own live link is not used:	An application by the defence need not disclose the name of the person proposed to accompany the witness if disclosure

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

Details required	Notes
(b) the name of the person who it is proposed will accompany the witness:	could lead to the identification of the witness.
(c) the occupation of this person:	
(d) the relationship (if any) of this person to the witness:	
Grounds	
State why it is believed that this person should accompany the witness:	

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

Details required	Notes
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Video recording(s)	
Statement as to circumstances in which video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself.
Date(s) of video recording(s):	
Time(s) of video recording(s):	Give the times at which recording began and finished, including details of any interruptions.
Location and normal function of premises where video recording made:	Give address of premises where recording made and state the usual function of those premises.
Details of those present while recording made	
Give details of each person present at any point during the recording:	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the defendant.
In relation to each person present at any point during the recording, a statement confirming that the person is visible in the recording when present:	
Equipment used	
Give a description of the equipment used for the recording:	The description shall 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.
Recordings of part only of an interview	
State whether the video recording contains part only of the interview with the witness:	A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence shall also be provided to the Court and the other parties. The details of each such recording shall be given as above. Use separate sheets where necessary.

Details required	Notes
Details of copy	
State in respect of each video recording whether it is a copy, and give the following details in respect of each copy –	
Name and address of person who has the mastertape:	
When, and by whom, the copy was made:	
Attendance and supply of copies	
Is the witness willing and able to attend the trial for cross-examination?	
Have copies of the video recording(s) to which this application relates been disclosed to the other parties?	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.
Has a copy of this notice and the video recording(s) to which it relates been served on each party to the proceedings?	
Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?	

day of

To the Chief Clerk of the Crown Court sitting at

And to

Dated this

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

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NOTE:

The notice served on the Chief Clerk 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.

Applicant

[Solicitor for Applicant]