
EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend Part IIA of Order 32 (Appeals from magistrates' courts) of the County Court Rules (Northern Ireland) 1981 and contain provisions relating to Part II (Special measures directions in case of vulnerable and intimidated witnesses), Part III (Protection of witnesses from cross-examination by accused in person) and Part IV (Protection of complainants in proceedings for sexual offences) of the Criminal Evidence (Northern Ireland) Order 1999 (“the 1999 Order”).

Rule 2(1) amends Order 32 Part IIA of the principal Rules by –

- (a) substituting a new sub-paragraph (a) of Rule 6B(7) to prescribe the information to be provided to the court by a person wishing to oppose an application for a special measures direction;
- (b) inserting after Rule 6H(4)(c) a new sub-paragraph (ca), to require an applicant for a special measures direction to admit video recorded evidence in chief to make a statement confirming that each person present during a recording is visible in the recording; and
- (c) inserting after Rule 6I, new Rules 6J to 6N.

New Rule 6J provides for an application by a prosecutor for a direction under Article 24 of the 1999 Order preventing an appellant from cross-examining a witness in person.

New Rule 6K prescribes the time when, and the manner in which, a legal representative is to be appointed to act for the appellant for the purpose of cross-examining any witness whom the appellant is prevented from cross-examining in person by virtue of Article 22, 23 or 24 of the 1999 Order.

New Rule 6L provides for the procedure to be followed when the court appoints a qualified legal representative where the appellant fails to appoint a legal representative to act for him. New Rule 6M details the procedures where the appellant subsequently arranges for a legal representative to act for him.

New Rule 6N provides for the procedure to be followed on an application for leave under Article 28(2) of the 1999 Order, to introduce evidence or to ask questions in cross-examination about the sexual behaviour of the complainant, in criminal proceedings relating to a person charged with a sexual offence.

Rule 2(2) amends Appendix I to the principal Rules, by:

- substituting for Form 137A, the new Form 137A in the Schedule to these Rules; and
- inserting after Form 137B, the new Forms 137C to 137I in the Schedule to these Rules.