

SCHEDULE 1

Rule 2(3)

“PART VIII

APPLICATIONS UNDER THE CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

Interpretation

55. In this Part of these Rules:

“the Act” means the Crime (International Co-operation) Act 2003(1); a reference to a section or a Schedule by a number is a reference to the section or Schedule so numbered in the Act; and expressions which are defined in the Act have the same meaning as in the Act.

Notice required to accompany process served outside the United Kingdom

56.—(1) The notice which by virtue of section 3(4)(b) shall accompany any process served outside the United Kingdom shall, so far as is reasonably practicable, give the information specified in paragraphs (2) and (4).

(2) The notice shall –

- (a) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and
- (b) give the particulars specified in paragraph (4) about that authority.

(3) The “relevant authority” where the process is served –

- (a) at the request of the prosecuting authority, is that prosecuting authority;
- (b) at the request of the defendant, or of the prosecutor in the case of a private prosecution, is the Court by which the process is served.

(4) The particulars referred to in paragraph (2) are –

- (a) the name and address of the prosecuting authority or, as the case may be, the Court, together with its telephone and fax numbers and e-mail address;
- (b) the name of a person at the prosecuting authority or, as the case may be, the Court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(5) Where section 3(3) applies, the chief clerk shall require any process served outside the United Kingdom to be accompanied by –

- (a) any translation which is provided under section 3(3)(b); and
- (b) any translation of the information required to be given by this rule which is provided to him.

Proof of service outside the United Kingdom

57.—(1) The service on any person under section 4(1) of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1) –

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- (a) that a process has been served;
- (b) of the manner in which service was effected;
- (c) of the date on which a process was served,

shall be admissible as evidence of any facts so stated.

Notice of application for request for assistance

58.—(1) An application under section 7(1) (requests for assistance in obtaining evidence abroad) shall, subject to paragraph (2), be made by giving notice in writing to the chief clerk and shall –

- (a) state the particulars of the offence which it is alleged has been committed or the grounds upon which it is suspected that an offence has been committed;
- (b) state whether proceedings in respect of the offence have been instituted or the offence is being investigated; and
- (c) include particulars of the assistance requested in the form of a draft request for assistance.

(2) The judge may direct that paragraph (1) need not be complied with if he is satisfied that the applicant has good reason to make the application as soon as possible and it is not practicable to comply with that paragraph.

(3) Where the judge makes a request for assistance under section 8(1), the chief clerk shall send a copy of the letter of request to the Secretary of State as soon as is reasonably practicable after the request has been made.

Proceedings before a nominated court

59. In proceedings before a nominated court pursuant to a notice under section 15(1), the Court may –

- (a) determine who may appear or take part in the proceedings under Schedule 1 and whether a party to the proceedings is entitled to be legally represented; and
- (b) if it thinks it necessary to do so in the interests of justice, direct that all or any persons not being members or officers of the Court or parties to the proceedings, their solicitors or counsel, or other persons directly concerned in the proceedings, be excluded from the Court during the proceedings.

Record of proceedings before a nominated court

60.—(1) In proceedings before a court nominated pursuant to a notice under section 15(1), the chief clerk shall make a record of the evidence received by the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is –

- (a) details of the request in respect of which the notice under section 15(1) was given;
- (b) the date on which, and place at which, the proceedings under Schedule 1 in respect of that request took place;
- (c) the name of any witness who gave evidence at the proceedings in question;
- (d) the name of any person who took part in the proceedings as a legal representative or as an interpreter;
- (e) whether a witness was required to give evidence on oath or after making a solemn affirmation; and

(f) whether the opportunity to cross-examine any witness was refused.

(3) When the Court sends the evidence received by it under paragraph 6(1) of Schedule 1 to the court or authority that made the request or to the territorial authority for forwarding to the court or authority that made the request, the chief clerk shall send to the court, authority or, as the case may be, territorial authority a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

Interpreter for the purposes of proceedings involving a television or telephone link

61.—(1) This rule applies where the court nominated under section 30(3) (hearing witnesses in the UK through television links) or section 31(4) (hearing witnesses in the UK by telephone) is a Crown Court.

(2) Where it appears to the chief clerk that the witness to be heard in the proceedings under Part 1 or 2 of Schedule 2 (“the relevant proceedings”) is likely to give evidence in a language other than English, he shall make arrangements for an interpreter to be present at the relevant proceedings to translate what is said into English.

(3) Where it appears to the chief clerk that the witness to be heard in the relevant proceedings is likely to give evidence in a language other than that in which the proceedings of the court referred to in section 30(1) or, as the case may be, section 31(1) (“the external court”) will be conducted, he shall make arrangements for an interpreter to be present at the relevant proceedings to translate what is said into the language in which the proceedings of the external court will be conducted.

(4) Where the evidence in the relevant proceedings is given in a language other than English and is not translated into English by an interpreter, the Court shall adjourn the proceedings until such time as an interpreter can be present to provide a translation into English.

Record of television link before a nominated court

62.—(1) In proceedings before a court nominated pursuant to a notice under section 30(3), the chief clerk shall make a record of the evidence given in the presence of the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is –

- (a) details of the request in respect of which the notice under section 30(3) was given;
- (b) the date on which, and place at which, the proceedings under Part 1 of Schedule 2 in respect of that request took place;
- (c) the technical conditions, such as the type of equipment used, under which the proceedings took place;
- (d) the name of the witness who gave evidence;
- (e) the name of any person who took part in the proceedings as a legal representative or as an interpreter; and
- (f) the language in which the evidence was given.

(3) As soon as is reasonably practicable after the proceedings under Part 1 of Schedule 2, the chief clerk shall send to the external authority that made the request a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

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Record of telephone link before a nominated court

62A.—(1) In proceedings before a court nominated pursuant to a notice under section 31(4), the chief clerk shall make a record of the evidence given in the presence of the Court and the information prescribed in paragraph (2).

(2) The information referred to in paragraph (1) is –

- (a) details of the request in respect of which the notice under section 31(4) was given;
- (b) the date on which, and place at which, the proceedings under Part 2 of Schedule 2 took place;
- (c) the name of the witness who gave evidence;
- (d) the name of any person who took part in the proceedings as a legal representative or as an interpreter; and
- (e) the language in which the evidence was given.

(4) As soon as is reasonably practicable after the proceedings under Part 2 of Schedule 2, the chief clerk shall send to the external authority that made the request a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

Restriction on access to records kept under rules 60, 62 and 62A

62B. The records kept under rules 60, 62 and 62A shall not be open to inspection by any person except –

- (a) as authorised by the Secretary of State; or
- (b) with leave of the Court.”

SCHEDULE 2

Rule 2(4)

FORMS TO BE INSERTED IN THE CROWN COURT RULES (NORTHERN IRELAND) 1979
FORM 7A IN THE CROWN COURT IN NORTHERN IRELAND **Application for a reporting
direction under section 46 of the Youth Justice and Criminal Evidence Act 1999**

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

Rule 44I

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

<i>Details required</i>	<i>Notes</i>
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Date of birth of witness:	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command	
Unit reference number:	
DPP reference number:	
Defendant(s): Surname:	
Forenames:	
The Crown Court at:	The venue of the court hearing the case.
Crown Court Bill Number:	
Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	* Delete as appropriate
Charges	Give brief details of those charges to which this application relates
Details of application	
State the grounds on which the applicant relies in support of the application for a reporting direction:	The statement should make clear why, in the applicant's view, if the direction is not given – (a) the quality of evidence given by the witness, or (b) the level of co-operation given by the witness to any party to the proceedings in

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<i>Details required</i>	<i>Notes</i>
Give a description of evidence submitted in support of this application:	the preparation of that party's case, is likely to be diminished by fear or distress if the witness is identified by members of the public. This requirement is optional. Examples might be – Police report Medical report
Set out the views of the witness for whom the direction is sought on this application:	

Public interest

State why a reporting direction –
(a) is in the interests of justice; and
(b) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

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

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.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7BIN THE CROWN COURT IN NORTHERN IRELAND Application for an excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999

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Rule 44J

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

<i>Details required</i>	<i>Notes</i>
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
The Crown Court at:	
Crown Court Bill Number:	
Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance*	* Delete as appropriate
Charges	Give brief details of those charges to which this application relates
Reference number of reporting direction:	
Court which gave the reporting direction:	
Date on which reporting direction is given:	
Is a copy of the reporting direction attached:	The applicant should attach a copy of the reporting direction if available
Details of application	
State the grounds on which the applicant relies and in particular state why a reporting direction is or would be a substantial and unreasonable restriction on the reporting of the proceedings:	
State why it would be in the public interest to remove or relax reporting restrictions:	

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Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

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

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.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7CIN THE CROWN COURT IN NORTHERN IRELAND Application for [revocation of a reporting direction] [variation of an excepting direction] [revocation of an excepting direction] under section 46 of the Youth Justice and Criminal Evidence Act 1999

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Rule 44K

A copy of this form shall be served on every other party to the proceedings at the same time as it is served on the chief clerk.

<i>Details required</i>	<i>Notes</i>
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Date of birth of witness:	
Case details	
Defendant(s): Surname:	
Forenames:	
The Crown Court at:	
Crown Court Bill Number:	
Date of – committal for trial* giving of notice of transfer* leave given to present indictment* order for retrial* next court appearance* which application is to be heard*	*Delete as appropriate
Charges:	Give brief details of those charges to which this application relates
Reference number of [reporting][excepting] direction:	
Court which gave the [reporting][excepting] direction:	
Date on which [reporting][excepting] direction given:	
Is a copy of the [reporting][excepting] direction attached:	The applicant should attach a copy of the [reporting][excepting] direction if available

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<i>Details required</i>	<i>Notes</i>
Details of application	
The application is for:	*Delete as appropriate
[the revocation of a reporting direction]*	
[the variation of an excepting direction]*	
[the revocation of an excepting direction]*	
The grounds on which the applicant relies are as follows –	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Chief Clerk of the Crown Court sitting at

And to

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

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.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the chief clerk in writing of your opposition stating the reasons for such.

FORM 7DIN THE CROWN COURT IN NORTHERN IRELAND **Notice of decision on application for [reporting direction][excepting direction] [revocation of reporting direction] [variation or revocation of excepting direction] made in accordance with section 46 of the Youth Justice and Criminal Evidence Act 1999**

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Rule 44L

<i>Details required</i>	<i>Notes</i>
Details of applicant	
Name of applicant:	
Name of applicant's solicitor:	
Address of solicitor:	
Reference:	
Details of witness	
Name of witness:	These details need not be given where a notice has been served applying for an order that all or part of the trial be held in camera.
Date of birth of witness:	
Case details	
The Crown Court at:	
Crown Court Bill Number:	
Defendant(s):	
Charges:	
Upon the hearing of an application on (date) at (place) the Court made an order to the following effect, viz:	
Reporting Direction	
<i>If a reporting direction has been given by the Court, give the following details –</i>	
Reference number of reporting direction:	
Court which gave the reporting direction:	
Date on which reporting direction given:	
Give details of restrictions imposed by the direction:	
Excepting Direction	
<i>If an excepting direction has been given by the Court, give the following details –</i>	
Reference number of the excepting direction:	
Court which gave the direction:	

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Details required

Notes

Date on which direction given:

Give details of the exception granted by the Court:

Revocation of a reporting direction

If a reporting direction has been revoked, give the following details –

Reference number of the reporting direction:

Court which gave the reporting direction:

Date on which the reporting direction was given:

Date on which the reporting direction was revoked:

Variation or revocation of an excepting direction

If an excepting direction has been varied or revoked, give the following details –

Reference number of the excepting direction:

Court which gave the excepting direction:

Date on which the excepting direction was given:

Give details of how the excepting direction was varied or revoked:

Dated this day of 20 .

Chief Clerk