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SCHEDULE

FORM 1 NOTICE OF A SECTION 76 APPLICATION (Section 80(1) of the Criminal Justice Act 2003)

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Rule 3(1)

**To the Master (Queen’s Bench and Appeals) (the proper officer),
Appeals and Lists Office,
Royal Courts of Justice,
Belfast
BT1 3JF**

<i>Details required</i>	<i>Notes</i>
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1. Case details

Name of the acquitted person(s):

Date of the acquittal:

Charges on the original indictment:

Qualifying offence:

Qualifying offence is defined in section 75(8) of the 2003 Act and means an offence listed in Part 2 of Schedule 5 to that Act.

Verdict, finding or other order of the court in relation to each charge on the original indictment:

2. Details of the application

Are you applying for: *(tick as appropriate)*

an order of the Court quashing a person’s acquittal and an order for a retrial for a qualifying offence, or

Section 76(1) of the 2003 Act.

a determination of the Court, in the case of a person acquitted elsewhere than in the United Kingdom, whether the acquittal is a bar to the person being tried in Northern Ireland for the qualifying offence and if it is, an order that the acquittal is not to be a bar.

Section 76(2) of the 2003 Act.

3. Production of evidence and examination of witnesses

Please indicate whether you are also seeking an order for the production of any document exhibit or filing of a witness to attend for examination before the Court.

Section 80(6) of the 2003 Act.

If the answer is yes, please:

- (a) provide details of the document, exhibit or other thing to be produced or the witness to attend for examination; and
- (b) state why it would be necessary or expedient in the interests of justice for the court to make such an order.

4. Grounds of the application

Summarise the arguments you intend to put to the Court, specifying any authorities to be cited.

Addresses the requirements in section 78 (new and compelling evidence) and section 79 (interests of justice) of the 2003 Act.

Please tick as appropriate the documents which accompany this application:

- relevant witness statements which are relied upon as forming new and compelling evidence of guilt of the acquitted person;
- relevant witness statements from the original trial;

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<i>Details required</i>	<i>Notes</i>
<input type="checkbox"/> any unused statement which might reasonably be considered capable of undermining the section 76 application or of assisting an acquitted person's application to oppose under rule 4.	
<input type="checkbox"/> copy of the indictment and paper exhibits from the original trial;	
<input type="checkbox"/> copies of the transcript of the summing up and any other relevant transcripts from the original trial;	
<input type="checkbox"/> any other documents relied upon to support the section 76 application.	
5. Written consent of the Director of Public Prosecutions	
Please provide the written personal consent of the Director of Public Prosecutions.	<i>The Director of Public Prosecutions may give his consent only if satisfied that –</i> <i>(a) there is evidence in respects which the requirements of section 76 appear to be met;</i> <i>(b) it is in the public interest for the application to proceed; and</i> <i>(c) any trial pursuant to an order on the application would not be inconsistent with obligations of the United Kingdom under Article 31 or 34 of the Treaty on European Union relating to the principle of ne bis in idem.</i>
6. Extension of time for service	<i>Section 80(3) of the 2003 Act.</i>
If you are also applying to the Court to make an order extending the time for service of notice on the acquitted person(s), please provide the following information: <input type="checkbox"/> (a) details of the location of the acquitted person; and <input type="checkbox"/> (b) indication of the period of time that it will take to serve the acquitted person.	<i>If you are not applying for an extension, notice of the application must be served on the acquitted person(s) within two days beginning with the day on which this notice is given to the proper officer.</i> <i>An extension will only be granted if the Court considers it necessary to do so because of the acquitted person's absence from the United Kingdom (section 80(3) of the 2003 Act).</i>
Name of prosecutor:	
Name of prosecuting agency:	
Address:	
Signature of prosecutor:	
Date:	

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FORM 2 RESPONSE OF THE ACQUITTED PERSON (Section 80 of the Criminal Justice Act 2003)

Rule 4(1)

**To the Master (Queen's Bench and Appeals) (the proper officer),
Appeals and Lists Office,
Royal Courts of Justice,
Belfast
BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p>1. Details of the acquitted person</p> <p>Name:</p> <p>Address:</p> <p>Date of birth:</p> <p>If you are in custody, please give your prison no. and address where detained.</p> <p>2. Case details</p> <p>Date of the acquittal:</p> <p>Charges on the original indictment:</p> <p>Verdict, finding or other order of the court in relation to each charge on the original indictment:</p> <p>4. Grounds</p> <p>Summarise the arguments you intend to put to the Court, specifying any authorities to be cited.</p>	<p><i>Address the requirements in section 78 (new and compelling evidence) and section 79 (interests of justice) of the 2003 Act.</i></p>
<p>5. Ancillary applications</p> <p>State whether you are applying for (<i>tick where appropriate</i>):</p> <p><input type="checkbox"/> an extension of time in which to serve notice under rule 4(2);</p> <p><input type="checkbox"/> an order for the production of the production of any document, exhibit or thing or a witness to attend for examination and to be examined by the Court. If so, please state why it would be necessary or expedient in the interests of justice for the court to make such an order.</p> <p>Signature of acquitted person:</p> <p>Date:</p> <p>Details of any person signing on behalf of the acquitted person:</p> <p>Name:</p> <p>Address:</p> <p>Solicitors reference:</p>	<p><i>Rule 4(2).</i></p> <p><i>Section 50(6) of the 2003 Act</i></p>

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FORM 3 APPLICATION FOR AN ORDER FOR THE EXAMINATION OF WITNESSES OR EVIDENCE BY THE COURT(Section 80(6) of the Criminal Justice Act 2003)

Rule 5(2)

**To the Master (Queen’s Bench and Appeals) (the proper officer),
 Appeals and Lists Office,
 Royal Courts of Justice,
 Belfast
 BT1 3JF**

<i>Details required</i>	<i>Notes</i>	
<p>1. Details of the applicant</p> <p>Name:</p> <p>Address:</p>		
<p>2. Reason for delay</p> <p>Please provide details why this Order was not sought from the Court when:</p> <p><input type="checkbox"/> if you are the prosecutor, the notice under rule 3 was served on the proper officer.</p> <p><input type="checkbox"/> if you are an acquitted person, the notice under rule 4 was served on the proper officer.</p>	<p><i>Rule 5(2)(b).</i></p>	
<p>3. Details of application</p> <p>Please indicate whether you are applying for an order for:</p> <p>(a) the production of any document, exhibit or other thing, the production of which you consider necessary for the determination of the application and/or</p> <p>(b) any witness who would be a compellable witness in proceedings pursuant to an order or declaration made on the application to attend for examination and be examined before the court.</p> <p>Please give reasons why such an order would be in the necessary or expedient in the interests of justice.</p> <p>Please provide names and addresses of witnesses (where relevant).</p> <p>Signed:</p> <p>Date:</p> <p>Address and status of person signing on the applicant’s behalf:</p>		<p><i>Section 80(6) of the 2003 Act.</i></p>

FORM 4 APPLICATION FOR RESTRICTIONS ON PUBLICATION(Section 82 of the Criminal Justice Act 2003)

**To the Master (Queen's Bench and Appeals) (the proper officer),
Appeals and Lists Office,
Royal Courts of Justice,
Belfast
BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p>1. Case details</p> <p>Name of the acquitted person(s):</p> <p>Date of the acquittal:</p> <p>Charges on the original indictment:</p> <p>Verdict, finding or other order of the court in relation to each charge on the original indictment:</p> <p>2. Details of application</p> <p>Give details of the application. In particular provide details:</p> <p>(a) why the inclusion of any matter in a publication would give rise to a substantial risk of prejudice to the administration of justice in a retrial; and</p> <p>(b) why it is necessary in the interests of justice to make an order for restrictions on publication.</p>	<p><i>Section 82(1) of the 2003 Act.</i></p> <p><i>Section 82(3) of the 2003 Act.</i></p>
<p>3. Time for restrictions on publication</p> <p>Please indicate whether a section 76 application has been served on the proper officer under section 80(1) of the Act or under section 83(1) of the Criminal Justice Act 2003.</p> <p><u>If that application has been served:</u></p> <p>please indicate whether there is a specified time when an order for restrictions on publication (if made) should cease to have effect</p> <p><u>If that application has not been served:</u></p> <p>— indicate the date on which the investigation of the commission by the acquitted person of the qualifying offence has been commenced by officers.</p> <p>— indicate whether there is a specified time when such an order (if made) should cease to have effect (in accordance with section 82(8) of that Act).</p> <p>— Are you applying for an order that service on the acquitted person is not to be effected until notice of a section 76 application is served on that person? If so, provide details of your reasons.</p> <p>Signature of the Director of Public Prosecutions:</p> <p>Date:</p>	<p><i>Section 82(8) of the 2003 Act.</i></p> <p><i>Section 82(6) of the 2003 Act.</i></p> <p><i>Section 82(8) of the 2003 Act.</i></p> <p><i>Rule 7(2).</i></p>

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FORM 5 NOTICE OF APPLICATION TO ARRAIGN/SET ASIDE THE ORDER FOR RETRIAL(Section 84 of the Criminal Justice Act 2003)

Rules 11 and 12

**To the Master (Queen’s Bench and Appeals) (the proper officer),
 Appeals and Lists Office,
 Royal Courts of Justice,
 Belfast
 BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p>1. Details of the applicant</p> <p>Name of the applicant:</p> <p>Address of the applicant:</p>	
<p>2. Case details</p> <p>Name of the person ordered to be retried:</p> <p>Date of the order made under section 77 of the 2003 Act:</p>	
<p>3. Grounds of application</p> <p>Are you seeking (<i>tick where appropriate</i>)</p> <p><input type="checkbox"/> An order from the Court for leave to arraign.</p> <p><input type="checkbox"/> An order from the Court to set aside the order for retrial.</p> <p>Signed:</p> <p>Date:</p> <p>Address and status of person signing on the applicant’s behalf:</p>	<p><i>Section 84(2) of the 2003 Act.</i></p> <p><i>Where leave to arraign is sought, reasons must be given for the failure to arraign within two months of the date of the order for retrial. You must specify that the prosecutor has acted with due expedition and that there is a good and sufficient cause for trial despite the lapse of time since the order under section 77 of the 2003 Act. (Section 84(3) of the 2003 Act.)</i></p> <p><i>Section 84(1) of the 2003 Act.</i></p>

FORM 6 NOTICE OF ABANDONMENT OF PROCEEDINGS(Criminal Justice Act 2003)

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Rule 13(2)

**To the Master (Queen's Bench and Appeals) (the proper officer),
Appeals and Lists Office,
Royal Courts of Justice,
Belfast
BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p>1. Case details</p> <p>Name of the acquitted person(s):</p> <p>Date of the acquittal:</p> <p>Charges on the original indictment:</p> <p>Verdict, finding or other order of the court in relation to each charge on the original indictment:</p> <p>Qualifying offence:</p> <p>Date that section 76 application was served on the proper officer:</p>	
<p>2. Abandonment of proceedings</p>	
<p>I, _____ (insert name), a person conducting a prosecution, abandon these proceedings instituted under Part 10 of the Criminal Justice Act 2003 for the retrial of the acquitted person(s) for the qualifying offence(s) listed above.</p>	
<p>Name of prosecutor:</p>	
<p>Address of prosecutor:</p>	
<p>Signature of prosecutor:</p>	
<p>Date:</p>	