
EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules make a number of amendments to the Magistrates' Courts Rules (Northern Ireland) 1984 (S.R. 1984 No.225) ("the principal Rules") to allow for:

- domestic and overseas freezing order applications under the Crime (International Co-operation) Act 2003 ("the 2003 Act") to be made to the magistrates' courts;
- the procedure to be followed when making an application to a magistrates' court for a third party witness summons, in criminal proceedings, under new Articles 118A-118E of the Magistrates' Courts (Northern Ireland) Order 1981 (as inserted by the Justice Act (Northern Ireland) 2011 ("the 2011 Act")); and
- the amendments made to Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 ("the 1999 Order") (special provisions relating to child witnesses) by the 2011 Act.

Specifically,

- Rule 2(1) and (2) insert new rules into the principal Rules to prescribe the procedure for dealing with applications in respect of domestic freezing orders and overseas under the 2003 Act;
- Rule 2(3) inserts new rule 149ADA to the principal Rules to provide the procedure for an application to disapply or disapply in part the primary rule in Article 9 of the 1999 Order to take account of amendments made to Article 9 of the 1999 Order by the 2011 Act;
- Rule 2(4) amends rule 149AF of the principal Rules;
- Rule 2(5) inserts new Rules 149J-149N into the principal Rules, setting out the procedure for applications to a magistrates' court in relation to a third party witness summons in criminal proceedings; and
- Rule 2(6) amends forms in Schedule 1 to the principal Rules relating to special measures applications in consequence of rules 2(3) and 2(5) and inserts a new form for an application for a witness summons in criminal proceedings into Schedule 1 in consequence of rule 2(5).