

**2014 No. 220**

**COURT OF JUDICATURE, NORTHERN IRELAND**

**PROCEDURE**

**The Rules of the Court of Judicature (Northern Ireland)  
(Amendment) 2014**

*Made* - - - - - *4th August 2014*

*Coming into operation* - *5th September 2014*

The Northern Ireland Court of Judicature Rules Committee<sup>(a)</sup> makes the following Rules in exercise of the powers conferred by sections 55 and 55A of the Judicature (Northern Ireland) Act 1978<sup>(b)</sup>.

**Citation, commencement and interpretation**

1.—(1) These rules shall be cited as the Rules of the Court of Judicature (Northern Ireland) (Amendment) 2014 and shall come into operation on 5th September 2014.

(2) In these Rules, ‘the principal Rules’ means the Rules of the Court of Judicature (Northern Ireland) 1980<sup>(c)</sup> and an Order, rule or Form referred to by number or an Appendix referred to by a letter means the Order, rule or Form so numbered or the Appendix so lettered in the principal Rules.

**Amendments to the principal Rules**

2. The principal Rules shall be amended as follows—

(1) In the Arrangement of Orders –

(a) omit the entry for Order 60; and

(b) after the entry relating to Order 126, insert “127. Interpretation and Translation in Criminal Causes and Matters”.

(2) Order 60 shall be omitted.

(3) In Order 107 —

(a) In rule 2(1)(b) for “magistrates” substitute “District Judges (Magistrates’ Courts)”; and

(b) In rule 9(1), for “magistrates” substitute “District Judges (Magistrates’ Courts)”.

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(a) The Northern Ireland Supreme Court Rules Committee was renamed the Northern Ireland Court of Judicature Rules Committee in accordance with section 59(3) of the Constitutional Reform Act 2005 (c.4)

(b) 1978 c.23; to which the most recent relevant amendments were made by paragraphs 29 and 30 of Schedule 5 to the Constitutional Reform Act 2005 (c.4) and paragraph 6 of Schedule 17, and paragraph 15 of Schedule 18, to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order (S.I. 2010 No. 976)

(c) S.R. 1980 No. 346; The Rules of the Supreme Court (Northern Ireland) 1980 were renamed in accordance with paragraph 3 of Schedule 11 to the Constitutional Reform Act 2005 (c.4). The most recent relevant amendments were made by S.R. 2013 No. 175 and S.R. 2013 No. 202.

- (4) In Order 121, rule 5(1)(e), the words “or Order 60” shall be omitted;
- (5) After Order 126, insert Order 127 (Interpretation and Translation in Criminal Causes and Matters) as set out in the Schedule to these Rules.
- (6) In Appendix A, in Form 54, for “magistrates” substitute “District Judges (Magistrates’ Courts)”.

*Declan Morgan  
John Gillen  
Mark Horner  
Ian Wimpres*

Dated 1st July 2014

In exercise of the powers conferred upon me by section 53A of the Judicature (Northern Ireland) Act 1978, I allow these Rules.

Sealed with the Official Seal of the Department of Justice on 4th August 2014.



*David Ford*  
Minister of Justice

## SCHEDULE

Rule 2(5)

### “ORDER 127

#### **Interpretation and Translation in Criminal Causes and Matters**

1. This Order has effect in relation to proceedings in criminal causes or matters to which these Rules apply.

2. In this Order—

- (a) references to a person who needs interpretation mean—
  - (i) a party to the proceedings who needs interpretation because he does not speak or understand English; or
  - (ii) a party to the proceedings who needs assistance because he has a speech or hearing impediment;
- (b) where a person who needs interpretation has a hearing or speech impediment, references to an interpreter include a person appointed—
  - (i) to communicate to the person who needs interpretation anything said at the hearing and explain it so far as is necessary for him to understand it; or
  - (ii) to communicate any answers given by the person who needs interpretation, and any other matters that he seeks to convey, and explain them so far as is necessary to enable the court and others at the hearing to understand them,and references to interpretation shall be construed accordingly;
- (c) references to acting at a hearing include assisting the person who needs interpretation to communicate with his legal representative during the hearing and in relation to such assistance, rule 2(b)(ii) has effect as if the reference to the court and others present at the hearing were to the legal representative.

3. Where a person who needs interpretation is due to be present at any hearing of, or relating to, the proceedings, the proper officer shall appoint an interpreter to act at the hearing.

4. Before an interpreter begins to act at a hearing, an oath or affirmation shall be administered to the interpreter.

5. Before an interpreter is sworn or makes his affirmation, the interpreter’s name shall be read out, and any party to the proceedings may object to the interpreter on any reasonable ground.

6. If the court upholds an objection made under rule 5, the interpreter shall not be sworn or make his affirmation and the proper officer shall appoint another interpreter.

7. Where, on application or of its own motion, the court is satisfied that a document is essential, it shall order that a written translation of the document, or a relevant passage thereof, is provided to a person who needs interpretation unless—

- (a) the person unequivocally and voluntarily waives his right to translation and has had legal advice or otherwise has full knowledge of the consequences of such a waiver; or
- (b) provision of an oral translation or oral summary of the document, or the passage thereof, would not prejudice the fairness of the proceedings.

8. On application, the court may give any direction which it considers appropriate where—

- (a) no interpreter has been appointed by the proper officer;
- (b) on a previous application under rule 7, the court determined that there was no need for translation of the document, or a passage thereof, specified in the application;  
or
- (c) the person who needs interpretation submits that the quality of interpretation or translation is not sufficient to safeguard the fairness of the proceedings.

**9.** The proper officer shall record—

- (a) the identity of any interpreter appointed to act at a hearing;
- (b) any decision to provide an oral translation or oral summary of an essential document or a passage thereof;
- (c) any waiver of his right to translation by a person who needs interpretation; and
- (d) any direction given under rule 8.”

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Rules of the Court of Judicature (Northern Ireland) 1980 (S.R. 1980 No. 346) to—

- repeal Order 60 (Appeals to the Court of Appeal from the Restrictive Practices Court) and make minor consequential amendments arising from the repeal of the Restrictive Trade Practices Court Act 1976;
- make minor amendments to Order 107 (Commissioners for oaths and notaries public) and Form 54 to update references to “magistrates” to “District Judges (Magistrates’ Courts)”;
- insert a new Order 127 to give effect to Directive 2010/64/EU of the European Parliament and of the Council of 20th October 2010 on the right to interpretation and translation in criminal proceedings. Order 127 makes provision for interpretation and translation services, where necessary, for parties to proceedings in criminal cases or matters dealt with under the Rules.

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STATUTORY RULES OF NORTHERN IRELAND

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