

This Statutory Rule has been made in part to correct errors in [S.R.2021/16](#) and is being issued free of charge to all known recipients of that Statutory Rule.

STATUTORY RULES OF NORTHERN IRELAND

2023 No. 68

COURT OF JUDICATURE, NORTHERN IRELAND

CROWN COURT

The Crown Court (Amendment) Rules (Northern Ireland) 2023

Made - - - - 27 February 2023

Laid before Parliament 26 April 2023

Coming into operation in accordance with Rule 1

The Crown Court Rules Committee makes the following Rules in exercise of the powers conferred by sections 52(1) and 53A of the Judicature (Northern Ireland) Act 1978(1), and section 11(1) of the Crime (Overseas Production Orders) Act 2019(2).

Citation and commencement

1. These Rules shall be cited as the Crown Court (Amendment) Rules (Northern Ireland) 2023 and shall come into operation on the twenty-first day after the date upon which this instrument is laid before Parliament.

Amendment to the Crown Court Rules (Northern Ireland) 1979

2. The Crown Court Rules (Northern Ireland) 1979(3) are amended as follows:

(1) In rule 62O(4), after “Secretary of State” insert “, or on a prescribed person,”.

(2) In rule 62P—

(a) in sub-paragraph (3), omit “Subject to rule 62Q(7)(c),”;

(b) in sub-paragraph (3)(a), before “apply” insert “subject to rule 62Q(7)(c),”;

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- (1) [1978 c.23](#), to which the most recent relevant amendments were made by paragraphs 26 and 28 of the Constitutional Reform Act 2005 (c.4); paragraph 6 of Schedule 17 to, and paragraphs 14 and 26 of Schedule 18 to, the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976); and paragraph 2 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).
- (2) [2019 c.5](#), to which relevant amendments were made by section 51 of, and Schedule 5 to, the Police, Crime, Sentencing and Courts Act 2022 (c.32).
- (3) [S.R. 1979 No. 90](#), to which the most recent relevant amendments were made by [S.R. 2010 No. 133](#), [S.R. 2011 No. 230](#), [S.R. 2016 No. 297](#), [S.R. 2018 No. 24](#), [S.I. 2019/908](#) and [S.R. 2021 No. 16](#).

- (c) in sub-paragraph (3)(b), before “include” insert “subject to rule 62Q(7)(c),”;
- (d) in sub-paragraph (3)(c), before “serve” insert “subject to rule 62Q(7)(b),”;
- (e) after sub-paragraph (6), insert—

“(7) The chief clerk must as soon as practicable serve on the applicant for the overseas production order under rule 62O any order made on an application under this rule, and—

- (a) in the event that the Court varies the overseas production order, the applicant under rule 62O must serve the order as varied on the Secretary of State, or on a prescribed person, for service on the respondent on whom the overseas production order first was served;
- (b) in any other event, the applicant under rule 62O must serve the order made on the application under this rule on every other person served under paragraph 3(c).”.

(3) In rule 62Q—

- (a) in sub-paragraph (3)(b)(iii), after “present;” omit “or”;
- (b) in sub-paragraph (3)(b)(iv), for “the absentee has waived the opportunity to attend”, substitute “it would prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend; or”; and
- (c) after sub-paragraph 3(b)(iv), insert—
 - “(v) the absentee has waived the opportunity to attend.”.

*Siobhan Keegan
S Treacy
J O’Neill
Gavan Duffy
M Agnew
John O’Hara*

Dated 27th February 2023

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

Mike Freer
Parliamentary Undersecretary of State
Ministry of Justice

Dated 19 April 2023

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules (Northern Ireland) 1979 ([S.R. 1979 No. 90](#)) to:

- take account of amendments to section 9 of The Crime (Overseas Production Orders) Act 2019 ([2019 c.5](#)) made by section 51 of, and paragraph 4 of Schedule 5 to, the Police, Crime, Sentencing and Courts Act 2022 ([2022 c.32](#)) which provide that an overseas production order shall be served on the Secretary of State or on a prescribed person (rule 2(1));
- amend rule 62P(3) (requirement for service) so that it is subject to rule 62Q(7)(c) (which grants the court a discretion to waive requirements for service) (rule 2(2)(a) – (d));
- provide for service of a varied overseas production order (rule 2(2)(e)); and
- provide that a Court may determine an application for an overseas production order in the absence of any respondent or other person affected if it would prejudice the investigation to adjourn or postpone the application so as to allow the absentee to attend (rule 2(3)).