

**CRIMINAL PROCEDURE, NORTHERN IRELAND****Criminal Appeal (References to the European Court)  
(Northern Ireland) Rules 1972**

We, the Northern Ireland Supreme Court Rules Committee, being the authority having for the time being power under section 7 of the Northern Ireland Act 1962(a) and section 49 of the Criminal Appeal (Northern Ireland) Act 1968(b) to make, amend or revoke rules regulating the practice and procedure of the Court of Criminal Appeal in Northern Ireland, hereby exercise those powers and all other powers enabling us in that behalf as follows:—

*Citation and commencement*

1. These rules may be cited as the Criminal Appeal (References to the European Court) (Northern Ireland) Rules 1972 and shall come into force on 1st February 1973.

*Interpretation*

2.—(1) In these Rules—

“the Act” means the Criminal Appeal (Northern Ireland) Act 1968,

“the Court” means the Court of Criminal Appeal in Northern Ireland,

“the European Court” means the Court of Justice of the European Communities, and

“order” means an order referring a question to the European Court for a preliminary ruling under Article 177 of the Treaty establishing the European Economic Community, Article 150 of the Treaty establishing the European Atomic Energy Community or Article 41 of the Treaty establishing the European Coal and Steel Community.

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

*Making of Order*

3.—(1) An order may be made by the Court, of its own motion or an application, at an time before the determination of an appeal or an application for leave to appeal under Part II of the Act.

(2) An order shall set out in a schedule to the order the request for a preliminary ruling of the European Court, and the Court may give directions as to the manner and form in which the schedule is to be prepared.

*State of proceedings pending ruling*

4. No appeal or application for leave to appeal, in the course of which an order is made, shall, unless the Court otherwise orders, be determined until the European Court has given a preliminary ruling on the question referred to it.

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(a) 10 & 11 Eliz. 2. c. 30.

(b) 1968. c. 21.

(c) 52 & 53 Vict. c. 63.

*Transmission of order to the European Court*

5. The Registrar shall, subject to any directions by the Court, send a copy of any order to the Registrar of the European Court.

Dated 15th December 1972.

(Signed) *Robert Lowry*  
*L. E. Curran*  
*E. W. Jones*  
*A. McGonigal*  
*M. W. Gibson*  
*T. O'Donnell*  
*Donald Murray*  
*E. Malachy Doris*

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**EXPLANATORY NOTE**

*(This note is not part of the Rules, but is intended to indicate their general purport.)*

These Rules regulate the procedure of the Court of Criminal Appeal on references to the European Court for preliminary rulings under Article 177 of the E.E.C. Treaty, Article 150 of the Euratom Treaty and Article 41 of the E.C.S.C. Treaty. Those Articles directly confer a power, and in some cases a duty, on courts to refer certain questions as to the interpretation and validity of Community law to the European Court for a preliminary ruling.

The Rules provide that the Court of Criminal Appeal may order a reference, on application or of its own motion, at any time before determination of the appeal. When made, the order is to set out the request for the European Court's ruling in a schedule. Normally the appeal will not be determined until the European Court has made a ruling. A copy of the order will be transmitted by the Registrar of the Court of Criminal Appeal to the Registrar of the European Court, thus constituting the notice of the reference required by Article 20(1) of the Statute of the European Court. Once received by the Registrar of the European Court, the reference will proceed to the ruling by that court in accordance with its own rules of procedure, after which the case will revert to the Court of Criminal Appeal for decision.