

1989 No. 1103 (L.13)

SUPREME COURT OF ENGLAND AND WALES

The Crown Court (Amendment) (No. 2) Rules 1989

Made - - - - - 29th June 1989

Laid before Parliament 3rd July 1989

Coming into force 31st July 1989

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and 86 of the Supreme Court Act 1981(a) and section 159(6) of the Criminal Justice Act 1988(b), hereby make the following Rules:-

1. These Rules may be cited as the Crown Court (Amendment) (No. 2) Rules 1989 and shall come into force on 31st July 1989.

2. The Crown Court Rules 1982(c) shall be amended by inserting, after rule 24, the following new rule-

“Hearings in camera

24A.—(1) Where a prosecutor or a defendant intends to apply for an order that all or part of a trial be held in camera for reasons of national security or for the protection of the identity of a witness or any other person, he shall not less than 7 days before the date on which the trial is expected to begin serve a notice in writing to that effect on the appropriate officer of the Crown Court and the prosecutor or the defendant as the case may be.

(2) On receiving such notice, the appropriate officer shall forthwith cause a copy thereof to be displayed in a prominent place within the precincts of the Court.

(3) An application by a prosecutor or a defendant who has served such a notice for an order that all or part of a trial be heard in camera shall, unless the Court orders otherwise, be made in camera, after the defendant has been arraigned but before the jury has been sworn and, if such an order is made, the trial shall be adjourned until whichever of the following shall be appropriate-

- (a) 24 hours after the making of the order, where no application for leave to appeal from the order is made, or
- (b) after the determination of an application for leave to appeal, where the application is dismissed, or
- (c) after the determination of the appeal, where leave to appeal is granted.”.

*Mackay of Clashfern, C.
Lane, CJ.
Stephen Brown, P.
R. Lowry
M. McKenzie*

*M. J. Langton
D. A. Jeffreys
M. D. L. Kalisher
Miss L. Naylor*

29th June 1989

(a) 1981 c.54.

(b) 1988 c.33.

(c) S.I. 1982/1109, to which there are no amendments relevant to these Rules.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Crown Court Rules 1982 so as to provide, pursuant to section 159 of the Criminal Justice Act 1988, for applications for orders restricting access to Crown Court proceedings and applications for leave to appeal against such orders. Section 159 of the Criminal Justice Act 1988 comes into force on 31st July 1989 (S.I. 1989/1085).

50p net

ISBN 0 11 097103 5