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STATUTORY INSTRUMENTS

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**1998 No. 1859**

**The Northern Ireland (Sentences) Act 1998  
(Sentence Review Commissioners) Rules 1998**

**PART V**

**HEARINGS**

**Listing**

**16.**—(1) The panel shall hold a hearing as soon as is reasonably practicable after the duty to determine an ancillary appeal under rule 13(5), or to make a substantive determination under rule 15(3), has arisen.

(2) After consulting the parties, the Commissioner shall list a hearing by way of a direction specifying the date, time and place of the hearing.

(3) Written notice of this direction shall be served on the parties as soon as practicable in accordance with rule 11(3) and in any event not less than fourteen days before the hearing in the case of an ancillary hearing and not less than twenty one days before the hearing in the case of a substantive hearing.

(4) Subject to paragraph (5), the substantive hearing shall not be listed unless the following conditions are satisfied;

- (a) there are no outstanding ancillary applications or appeals to be determined; and
- (b) the time for bringing an ancillary appeal against any ancillary decision has expired.

(5) Where they consider it appropriate to do so, the Commissioner may list ancillary and substantive hearings together.

(6) Unless the Commissioner decide otherwise, the single Commissioner shall be responsible for listing hearings.

**Location and privacy of hearings**

**17.**—(1) Subject to rule 28(7), hearings shall be held at the prison where the person concerned is detained.

(2) Hearings shall be held in private except in so far as the Commissioner may otherwise direct.

**Ancillary hearings**

**18.** Ancillary hearings are to be conducted in accordance with rule 19 as it applies to substantive hearings, save that where the person concerned is to be represented at the ancillary hearing he shall not be entitled to accompany his representative unless the Commissioner otherwise direct.

### **Substantive hearings**

**19.**—(1) At the beginning of the hearing the Commissioner shall explain the order of proceeding which they propose to adopt.

(2) Subject to this rule, the Commissioner shall conduct the hearing in such manner as they consider most suitable to the clarification of the issues before them and generally to the just handling of the case and they shall, so far as appears to them appropriate, seek to avoid formality in the proceedings.

(3) Subject to paragraphs (4) and (7), the parties shall be entitled to appear and be heard at the hearing and take such part in the proceedings as the Commissioner consider appropriate and the parties may:

- (a) make submissions;
- (b) hear each other's evidence and submissions;
- (c) put questions to each other;
- (d) call any witnesses who the Commissioner have authorised to give evidence in accordance with rule 21; and
- (e) put questions to any witness appearing at the hearing.

(4) Subject to rule 10, the parties may not, without the leave of the Commissioner, make submissions or rely on or refer to documents, information or evidence which do not appear in substance in the application papers or the response papers.

(5) The Commissioners may require any person present at the hearing who is, in their opinion, behaving in a disruptive manner to leave and may permit him to return, if at all, only on such conditions as they may direct.

(6) The Commissioners may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law.

(7) The Commissioners shall require the person concerned, his representative, any witness appearing for him and any other person they think appropriate, to leave the hearing where argument is being heard or evidence is being examined which includes or relates to any damaging information.

(8) Where the person concerned and his representative are required to leave the hearing pursuant to paragraph (7), the Commissioner shall adjourn the proceedings so that consideration can be given to appointing a person to represent the interests of the person concerned in accordance with paragraph 7(2) of Schedule 2 to the Act.

(9) After all the evidence has been heard by the Commissioner, the Commissioner shall allow an opportunity for closing submissions to be made by or on behalf of the parties in the order the Commissioner consider appropriate.

### **Adjournment**

**20.**—(1) The Commissioners may at any time adjourn a hearing by way of direction for any purpose they consider appropriate.

(2) On adjourning any hearing, the Commissioner shall give such directions as they consider appropriate for ensuring the prompt consideration of the case at a resumed hearing.

(3) In any case where a hearing is adjourned without a resumed hearing date having been fixed by way of a direction given under paragraph (2), the resumed hearing date shall be listed in accordance with rule 16.