
STATUTORY RULES OF NORTHERN IRELAND

2001 No. 317

The Life Sentence Review Commissioners' Rules 2001

Part III

Hearings

Oral hearing

7.—(1) Except in so far as both parties and the chairman of the panel agree otherwise, there shall be an oral hearing of the prisoner's case.

(2) The prisoner shall, within 5 weeks of the case being listed, notify the Commissioners and the Secretary of State whether he wishes to attend the hearing.

Notice of hearing

8.—(1) When finalising the date for hearing the Commissioners shall consult the parties.

(2) The Commissioners shall give the parties at least 3 weeks notice of the date, time and place scheduled for hearing or such shorter notice to which the parties may consent.

Location and privacy of hearings

9.—(1) Subject to rule 11(9), hearings shall be held at the prison or other place of detention where the prisoner is detained.

(2) Hearings shall be held in private except in so far as the chairman of the panel otherwise directs.

(3) Information about the proceedings and the names of any persons concerned in the proceedings shall not be made public.

(4) The chairman of the panel may admit to the hearing such persons on such terms and conditions as he considers appropriate.

Hearing procedure

10.—(1) At the beginning of the hearing the chairman of the panel shall explain the order of proceedings which the panel proposes to adopt.

(2) Subject to this rule, the panel 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 (5), (7) and (8) the parties shall be entitled to appear and be heard at the hearing and take such part in the proceedings as the panel considers 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 Commissioners have authorised to give evidence in accordance with rule 19; and
- (e) put questions to any witness appearing at the hearing.

(4) Subject to rule 18 the parties may not, without leave of the panel, make submissions or rely on or refer to documents, information or evidence which do not appear in substance in the case papers.

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

(6) The panel may receive in evidence any document or information notwithstanding that such document or information would be inadmissible in a court of law but no person shall be compelled to give evidence or produce any document which he could not be compelled to give or produce on the trial of an action in the High Court.

(7) The panel shall require the prisoner, 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 information or reports withheld from the prisoner or others under rule 14(2).

(8) The panel shall require the prisoner, 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 confidential information which has not been made available to the prisoner or any other person under rule 15.

(9) After all the evidence has been heard, the prisoner shall be given a further opportunity to address the panel.

Directions

11.—(1) Subject to paragraph (2), the chairman of the panel may give, vary or revoke directions for the conduct of the case allocated to his panel, including directions in respect of matters such as:—

- (a) the timetable for the case;
- (b) the varying of the time within which or by which an act, required or authorised by these rules, be done;
- (c) the service of documents;
- (d) the submission and production of evidence;
- (e) the curing or waiving of irregularities;
- (f) the listing, location and adjournment of hearings, including preliminary hearings;
- (g) the calling of witnesses;
- (h) the appointment of a special advocate and his conduct of a case under rule 16;
- (i) the granting of consent in accordance with rule 5(2);

and following his appointment under rule 3, the chairman of the panel shall consider whether such directions need to be given at any time.

(2) Directions under paragraph (1) may be given, varied or revoked either:—

- (a) of the chairman of the panel's own motion; or
- (b) on the written application of a party to the Commissioners which has been served on the other party and which specifies the direction which is sought.

(3) Within 7 days of making a direction under paragraph (2) the chairman of the panel shall serve on the parties such direction which shall be recorded in writing with reasons and dated and signed by him.

(4) Within 14 days of being notified of a direction given under paragraph (3) either party may appeal to the panel by serving a written notice of appeal on both the panel and the other party stating the grounds of the appeal.

(5) Within 7 days of being served with a notice of appeal under paragraph (4) the other party may in reply make written representations on the appeal which shall be served on the panel and the party moving the appeal.

(6) The panel shall consider the written representations of the parties.

(7) After considering the written representations made under paragraph (6) the panel may make a direction:—

(a) upon the basis of the written representations; or

(b) where it thinks it necessary before making a direction after hearing oral submissions by the parties at a preliminary hearing conducted in accordance with paragraph (8); and it shall give the parties at least 14 days' notice of the time and place fixed for the preliminary hearing.

(8) Subject to paragraph (9), a preliminary hearing shall be conducted in accordance with rule 9.

(9) The panel may hold the preliminary hearing in the absence of the prisoner at a location other than the prison or other place of detention where the prisoner is detained.

(10) The direction of the panel made under paragraph (7) shall be final and shall be recorded in writing with reasons, dated and signed by the chairman of the panel, and served on the parties not more than 7 days after the date of the making of the direction.

Adjournment

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

(2) On adjourning any hearing, the panel 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 panel shall give the parties not less than 14 days notice, or such shorter notice to which all parties may consent, of the date, time and place of the resumed hearing.

The decision

13.—(1) Any decision of the majority of the panel shall be the decision of the panel.

(2) The decision of the panel shall be recorded in writing with reasons, dated and signed by the chairman of the panel, and communicated in writing to the parties not more than 7 days after the end of the hearing.