

SCHEDULE

Rule 2(4)

FORMS TO BE SUBSTITUTED AND INSERTED IN THE
COUNTY COURT RULES (NORTHERN IRELAND) 1981
FORM 137A FORM OF APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER
ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999 Order 32:
Part IIA: Rule 6B

An application must be made within 14 days from the date of service of notice of appeal.

This form may also be used where an extension of time has been granted for the making of this application.

A copy of this form must be served at the same time on every other party to the appeal.

PART I

To be completed by all applicants

<i>Details required</i>	<i>Notes</i>
Details of witness	An application by the appellant for evidence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996.
Name of Witness:	
Date of birth of witness:	
If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application:	
If the applicant is the prosecutor, give the name of the witness (otherwise leave blank).	
Case details	
Name of PSNI Central Process Office:	
Central Process Office or District Command Unit reference number:	
DPP reference number:	
Appellant(s): Surname:	
Forenames:	
Court venue:	The venue of the court hearing the appeal.
Date of next court appearance:	
Charges	Give brief details (including date and location of offence) of those charges to which this application applies.

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Details required

Notes

Details of application

Specify the special measures being sought:

State the grounds on which the witness relies in support of the application for a special measures direction:

Give a description of evidence submitted in support of this application:

This requirement is optional.
Examples of evidence might be:
birth certificate;
medical report;
expert evidence;
police report.

Arrangements which may be available

Give a description of the arrangements relevant to the measures applied for, which may be made available in the area in which it is likely the hearing will take place:

Reasons for application

Give the grounds for believing the special measures being sought in this application will increase the quality of the witness's evidence:

Give the views of the witness as to why the measures sought in this application are required:

Material change of circumstances

Give a description of any material change of circumstances relied upon to support this application:

This requirement applies only where

(a) a special measures direction is already in force and application is being made to discharge or vary the direction, or

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<i>Details required</i>	<i>Notes</i>
	(b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.

PART 2

To be completed if the application is for evidence to be given through a live link

<i>Details required</i>	<i>Notes</i>
Details of application	
Give –	
(a) the address of any venue from which the witness will give evidence if the court's own live link is not used;	An application by the appellant need not disclose the name of the person proposed to accompany the witness if disclosure could lead to the identification of the witness.
(b) the name of the person who it is proposed will accompany the witness;	
(c) the occupation of this person;	
(d) the relationship (if any) of this person to the witness;	

Grounds

State why it is believed that this person should accompany the witness:

PART 3

To be completed if the application is to tender in evidence a video recording under Article 15 of the Criminal Evidence (Northern Ireland) Order 1999

<i>Details required</i>	<i>Notes</i>
Video recording(s)	
Statement as to circumstances in which video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself.
Date(s) of video recording(s):	
Time(s) of video recording(s):	Give the times at which recording began and finished, including details of any interruptions.
Location and normal function of premises where video recording made:	Give address of premises where recording made and state the usual function of those premises.
Details of those present while recording made	
Give details of each person present at any point during the recording:	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the appellant.

Equipment used

Give a description of the equipment used for the recording:	The description must include the following information: – number and type of cameras used (fixed or mobile); the number
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<i>Details required</i>	<i>Notes</i>
	actual location of microphones; the video format used; and whether it offered single or multiple recording facilities and if it did which were used.

Recordings of part only of an interview

State whether the video recording contains part only of the interview with the witness:

A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.

Details of copy

State in respect of each video recording whether it is a copy, and give the following details in respect of each copy

Name and address of person who has the master/tape:

When, and by whom, the copy was made:

Attendance and supply of copies

Is the witness willing and able to attend the appeal for cross-examination?

Have copies of the video recording(s) to which this application relates been disclosed to the other parties?

Where the application is by the appellant, the video recording(s) do not have to be served on the prosecution until the close of the prosecution case at the hearing of the appeal.

Has a copy of this notice and the video recording(s) to which it relates been served on each party to the appeal?

Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

In the Court Clerk of the County Court division of

And to

(insert names and addresses of each of the other parties to the appeal)

NOTE:

The notice served on the chief clerk shall be enclosed with the date upon which and the manner in which notice was served on each of the other parties to the appeal.

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FORM 137B NOTICE OF DECISION ON APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999 Order 32: Part IIA: Rule 6B(12)

of
Appellant
of
Respondent

}
Petty Sessions District of
County Court Division of

Upon the hearing of an application by (*name of applicant*), on
(*date application heard*) under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 for a special measures direction, the court made an order to the following effect, viz: –

Special measures direction under Article [11] [12] [13] [14] [15] [18] granted*/refused subject to the following conditions*/refused on the following grounds –

This day of 20 .

Chief Clerk