
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 158

The Criminal Appeal (Retrial for Serious Offences) Rules (Northern Ireland) 2005

Examination of witnesses or evidence by the Court

5.—(1) Prior to the hearing of a section 76 application, a party to that application may apply to the Court for an order under section 80(6) of the 2003 Act for –

- (a) the production of any document, exhibit or other thing; or
- (b) a witness to attend for examination and to be examined before the Court.

(2) An application under paragraph (1) shall –

- (a) be in Form 3 and shall be served on the proper officer, and at the same time a copy thereof shall be served, by the applicant, on every other party to the section 76 application; and
- (b) set out the reasons why the order was not sought from the Court when –
 - (i) the notice was served on the proper officer under rule 3, if the application is made by the prosecutor; or
 - (ii) the response was served on the proper officer under rule 4, if the application is made by the acquitted person; and

(c) be made not less than 14 days before the date set for the hearing of the section 76 application.

(3) Where the Court makes an order under section 80(6) of the 2003 Act of its own motion or on the application of the prosecutor, the proper officer shall notify every party to the section 76 application of the order and the reasons for it.