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SCHEDULE

Rule 2(3)

FORMS TO BE INSERTED IN THE MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984
FORM 88AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 (Rules 149AR(1))CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004 (Article 5)**Application for leave to adduce evidence of non-defendant's bad character**

of	}	Petty Sessions District of
Complainant		
of	}	County Court Division of
Defendant		

<i>Details required</i>	<i>Notes</i>
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Details of applicant

Name:

Address:

Case details

Court venue: The venue of the court hearing the case.

Date of next court appearance

Charges: Give brief details (including date and location of offence) of those charges to which this application applies.

Name of the PSNI Central Process Office:

Central Process Office or District Command Unit reference number:

DPP reference number:

Details of the application

Please provide the following details:

- the particulars of the bad character evidence including how it is to be adduced or elicited in the proceedings (including the names of the relevant non-defendant and other relevant witnesses); and *Article 5 of the 2004 Order.*

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<p><i>Details required</i></p> <ul style="list-style-type: none"> the grounds for the admission of evidence of a non-defendant's bad character under Article 5 of the 2004 Order. 	<p><i>Notes</i></p> <p>Please attach any relevant documentation.</p>
<p>Extension of time for service</p> <p>Please indicate whether you are applying for an extension of time for service.</p> <p>If the answer is yes, please state your reasons:</p>	

Dated this day of 20 .

Applicant

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

- This form should be served on the clerk of petty sessions and on every other party to the proceedings –
- within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (*disclosure by the prosecutor*); or
 - as soon as reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant.

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings, and, where known, with the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

Note to party who receives a copy of this application:

If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you, to notify the clerk of petty sessions and every other party to the proceedings, in Form 88B, of your opposition.

FORM 88BMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 (Rule 149AR(3))CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004 (Article 5)Notice of opposition to the admission of evidence of a non-defendant's bad character

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o² }
 Complainant }
 o² }
 Defendant }
 Petty Sessions District of
 County Court Division of

<i>Details required</i>	<i>Notes</i>
Details of party giving notice Name: Address:	State the name and address of the party giving notice of their opposition to the admission of evidence of a non-defendant's bad character. (If in custody give address where detained)
Case details Court venue: Date of next court appearance: Charges: Name of the PSNI Central Process Office Central Process Office or District Command Unit reference number: DPP reference number:	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.
Details of the notice The details of the evidence of the non-defendant's bad character are as follows:	Give brief details of the evidence that you want to oppose the admission of. Specify whether you oppose the admission of all or part of that evidence.

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<i>Details required</i>	<i>Notes</i>
Grounds for opposing the admission of the non-defendant's bad character	Set out the grounds for opposing the admission of the evidence of the non-defendant's bad character. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .
(Signed)

To the Clerk of Petty Sessions for the petty sessions district of

And to

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

NOTE:

This form should be served on the clerk of petty sessions and on every other party to the proceedings within 14 days of the date on which the notice of intention to adduce evidence of a non-defendant's bad character was served.

FORM 88CMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 (Rules 149AR(4) and (6))CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004 (Article 6)**Notice of intention to adduce evidence of defendant's bad character**

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of
 Complainant: } Petty Sessions District of
 of
 Defendant } County Court Division of

<i>Details required</i>	<i>Notes</i>
<p>Details of party giving notice</p> <p>Name:</p> <p>Address:</p> <p>Case details</p> <p>Court venue</p> <p>Date of next court appearance:</p> <p>Charges:</p> <p>Name of the PSNI Central Process Office</p> <p>Central Process Office or District Command Unit reference number:</p> <p>DPP reference number:</p>	<p>The venue of the court hearing the case.</p> <p>Give brief details (including date and location of offence) of those charges to which this application applies.</p>
<p>Details of the notice</p> <p>To the named defendant:</p> <p>You are hereby given notice that bad character evidence, particulars of which are detailed below, is to be adduced or elicited in these proceedings.</p> <p>The particulars of that bad character evidence are as follows:</p>	<p><i>In this section include:</i></p> <p><i>(a) a description of the bad character evidence and how it is to</i></p>

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	<p><i>be adduced or elicited in the proceedings (including the names of any relevant witnesses);</i></p> <p><i>(b) the grounds for the admission of evidence of the defendant's bad character under Article 6 of the 2004 Order;</i></p> <p><i>(c) why the admission of that evidence is in the interests of justice, where Article 13 of the Order applies (evidence of conviction when under 14 used in proceedings for offence committed as an adult).</i></p> <p><i>Please attach any relevant documentation.</i></p>
<p>Extension of time for service</p> <p>Please indicate whether you are applying for an extension of time for service.</p> <p>If the answer is yes, please state your reasons:</p>	

Dated this day of 20 .
Applicant

NOTE:

This form should be served on the clerk of petty sessions and every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (*disclosure by the prosecutor*).

Where the notice is given by a co-defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings, and, where known, with the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

Note to defendant:

An application by a defendant to exclude bad character evidence shall be in Form 88D and shall be served on the clerk of petty sessions and on every other party to the proceedings within 7 days of the date the notice of intention to adduce the evidence of bad character was served on him.

FORM 88DMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 (Rule 149AR(8))CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004 (Article 6)**Application to exclude evidence of defendant's bad character**

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of
Complainant
of
Defendant

}
Petty Sessions District of
County Court Division of

<i>Details required</i>	<i>Notes</i>
Details of the defendant	
Name:	
Address:	
Date of birth:	
If you are in custody, please give your prison number and the address of the establishment in which you are detained:	
Case details	
Court venue:	The venue of the court hearing the case.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies
Name of the PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number:	
Date that you were served with the notice of intention to adduce bad character evidence in these proceedings:	

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<i>Details required</i>	<i>Notes</i>
Details of the application	
Include the following information:	
(a) why the admission of bad character evidence would have such an adverse effect on the fairness of the proceedings that the Court should not admit it.	<i>Note that an application to exclude this evidence under Article 6(3) of the 2004 Order can only be made if you have been notified of a party's intention to adduce this evidence under Article 6(1)(c) (it is relevant to an important matter in issue between the defendant and the prosecution) or Article 6(1)(g) (that the defendant has made an attack on another person's character).</i>
(b) details as to the length of time between the matters to which the bad character evidence relates and the matters which form the subject of the offence charged.	Article 6(4) of the 2004 Order.
(c) if you are applying for the exclusion of this evidence on grounds other than Article 6(3) of the 2004 Order, please set out such objections.	
Extension of time for service	
Please indicate whether you are applying for an extension of time for service.	
If the answer is yes, please state your reasons:	

Dated this day of 20 .

Defendant
[Solicitor for Defendant]

NOTE:

This form should be served on the clerk of petty sessions and on every other party to the proceedings within 7 days of the date on which the notice of intention to adduce evidence of the defendant's bad character was served on the defendant.

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

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of
Complainant
of
Defendant

}
Petty Sessions District of
County Court Division of

<i>Details required</i>	<i>Notes</i>
<p>Details of party giving notice</p> <p>Name:</p> <p>Address:</p>	<p>State the name and address of the party giving notice of hearsay evidence. (If in custody give address where detained)</p>
<p>Case details</p> <p>Court venue:</p> <p>Date of next court appearance:</p> <p>Charges:</p> <p>Name of the PSNI Central Process Office: Central Process Office or District Command Unit reference number: DPP reference number:</p>	<p>The venue of the court hearing the case</p> <p>Give brief details (including date and location of offence) of those charges to which this application applies.</p>
<p>Details of the notice</p> <p>To the named recipient of this notice:</p> <p>I hereby give you notice of my intention to adduce hearsay evidence, details of which are set out below, in these proceedings.</p>	

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<p><i>Details required</i></p> <p>Grounds for admission of hearsay evidence</p> <p>On which of the following grounds do you intend to adduce hearsay evidence?</p> <p>(a) Any statutory provision makes it admissible; <input type="checkbox"/></p> <p>(b) Any rule of law preserved by Article 22, Criminal Justice (Evidence) (Northern Ireland) Order 2001; <input type="checkbox"/></p> <p>(c) All parties to the proceedings agree to it being admissible; or <input type="checkbox"/></p> <p>(d) It is in the interests of justice for it to be admissible. <input type="checkbox"/></p> <p>Further details of grounds:</p>	<p><i>Notes</i></p> <p>Tick as appropriate.</p> <p>Specify which provision of the 2004 Order or other statute, or which rule of law preserved by Article 22 you rely on to adduce the evidence.</p> <p>Where box (d) is ticked, you must specify which of the factors set out in Article 18(2) of the 2004 Order you rely upon and explain how they are relevant.</p>
<p>Details of hearsay evidence</p> <p>The details of the hearsay evidence are as follows:</p>	<p>Give brief details of the evidence that you want to adduce as hearsay evidence.</p> <p>A complete copy of that evidence must be attached to this notice. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.</p>
<p>Extension of time</p> <p>Are you applying for an extension of time within which to give this notice?</p> <p>If the answer is yes, please state your reasons:</p>	

Dated this day of 20 .
Applicant

To the Clerk of Petty Sessions for the petty sessions district of
And to
(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

Where the notice is given by the prosecutor, it shall be served at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (*disclosure by the prosecutor*).

Where the notice is given by a defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings, and, where known, with the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

Note to party who receives a copy of this application:

If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you, to serve notice in Form 881 on the clerk of petty sessions and every other party to the proceedings of your opposition, giving reasons for it.

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FORM 88FMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 (Rule 149AS(6))CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004 (Article 18)**Notice of opposition to the admission of hearsay evidence**

of
Complainant
of
Defendant

}
Petty Sessions District of
County Court Division of

<i>Details required</i>	<i>Notes</i>
Details of party giving notice Name: Address:	State the name and address of the party giving notice of their opposition to the admission of hearsay evidence. (If in custody give address where detained)
Case details Court venue: Date of next court appearance: Charges: Name of the PSNI Central Process Office: Central Process Office or District Command Unit reference number. DPP reference number: Details of the notice The details of the hearsay evidence are as follows:	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies. Give brief details of the evidence that you want to exclude from the proceedings. Specify whether you object to all or part of that evidence
Grounds for excluding hearsay evidence	Set out the grounds for excluding the hearsay evidence that you object to.

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<i>Details required</i>	<i>Notes</i>
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.

Dated this day of 20 .

(Signed)

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

This form should be served on the clerk of petty sessions and every other party to the proceedings within 14 days of the date on which the notice of intention to adduce hearsay evidence was served.