STATUTORY RULES OF NORTHERN IRELAND

2016 No. 304

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 2016

Made - - - - 5th July 2016

Coming into operation in accordance with Rule 1

The Magistrates' Courts Rules Committee makes the following rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**).

Citation, commencement and interpretation

1. These rules may be cited as the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 2016 and shall come into operation on the same day as section 1 of the Justice Act (Northern Ireland) 2015(**2**).

2. In these Rules—

(a) "the principal Rules" means the Magistrates' Courts Rules (Northern Ireland) 1984(**3**); and

(b) a reference to a rule, paragraph, Schedule or Form is a reference to that rule, paragraph, Schedule or Form so numbered in the principal Rules.

Amendment to the principal Rules

3. The principal Rules are amended as follows—

(1) In rule 2, above the entry for a chief clerk, insert—

""administrative court division" means such division specified under section 2 of the Justice Act (Northern Ireland) 2015 for any purposes of a county court; ".

(2) In rule 11(2)(a), for "petty sessions district", substitute "administrative court division".

(3) In rule 13(2), for "petty sessions district", substitute "administrative court division".

(**1**) S.I. 1981/1675 (N.I. 26), Article 13 was amended by paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976); paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4) and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**2**) 2015 c.9 (N.I.)

(**3**) S.R. 1984 No. 225 to which the most recent amendment was made by S.R. 2016 No. 94.

(4) Omit rule 14(6).

(5) In rule 20, for paragraph (2), substitute—

"(2) The certificate shall be signed by a district judge (magistrates' courts), a lay magistrate or by the clerk of petty sessions.".

(6) In rule 21, omit "for the district in which the resident magistrate or justice of the peace was sitting or acting".

(7) In rule 28—

(a) for paragraph (1), substitute—

"(1) The clerk of petty sessions, unless the court committing the accused orders otherwise, shall forward to the chief clerk, together with the documents and exhibits specified in paragraph (2), any documents or exhibits produced before the court by a witness whom it has bound over, or directed to be treated as bound over, to attend the trial conditionally."; and

(b) in paragraph (2), omit "for the county court division in which is located the place of trial".

(8) Omit rule 30.

(9) In rule 42(1), omit "for the county court division in which is located the place of trial".

(10) For rule 47, substitute—

"**47.** Where a person charged with an indictable offence has been tried summarily under Article 45 of the Order by a district judge (magistrates' courts), the clerk of petty sessions shall preserve for a period of at least three years such depositions as have been taken.".

(11) In rule 48(4)—

(a) in sub-paragraph (a), omit "for the county court division in which is located the place of trial"; and

(b) in sub-paragraph (b), for "the clerk of the court before which proceedings are pending in respect of the offence", substitute "the clerk of petty sessions".

(12) In rule 54, omit "of the petty sessions district in which a proceeding is brought".

(13) In rule 56, omit "acting for the petty sessions district for which the court in which a proceeding is brought acts".

(14) In rule 59—

(a) in paragraph (1), for " petty sessions district", substitute "administrative court division"; and

(b) in paragraph (2), for "Where in any such district a summons", substitute "Where in any such division a summons server".

(15) In rule 101(1), for "the resident magistrate acting for the petty sessions district in which the hearing is to take place", substitute "a district judge (magistrates' courts)".

(16) In rule 105A, omit paragraphs (1)(c), (3) and (4).

(17) In rule 105B, omit "for the appropriate county court division".

(18) In rule 109(1), omit "specifying the petty sessions district for which he acts as the district in which payment of the sum in question is to be enforceable", and "in his court".

(19) In rule 111(2), omit "for the petty sessions district in which a court of summary jurisdiction was sitting when it made an attachment of earnings order".

(20) In rule 118, for paragraph (3), substitute—

"(3) Where two or more attachment of earnings orders have been made (whether or not they are themselves consolidated attachment orders) a court of summary jurisdiction may,

subject to the provisions of this Rule, discharge the existing order and make a consolidated attachment order in respect of that defendant.".

(21) In rule 122—

(a) in paragraph (1), omit "sitting for the petty sessions district in which the offence is alleged to have been committed";

(b) omit paragraph (4); and

(c) in paragraph (5), omit "for the petty sessions district in which the suspended sentence was passed".

(22) In rule 123—

(a) in paragraph (1)—

(i) omit "for the appropriate county court division"; and

(ii) for "that chief clerk", substitute "the chief clerk"; and

(b) omit paragraph (2).

(23) Omit rule 124(d).

(24) In rule 125—

(a) in paragraph (2), omit "for the petty sessions district in which the order for conditional discharge was made";

(b) omit paragraph (3);

(c) in paragraph (4), omit "for the appropriate county court division"; and

(d) omit paragraphs (5) and (6).

(25) In rule 126—

(a) in paragraph (1), omit sub-paragraph (c); and

(b) omit paragraphs (3) and (4).

(26) In rule 126A, omit "for the appropriate county court division".

(27) In rule 126B—

(a) in paragraph (2), omit "for the appropriate county court division"; and

(b) omit paragraph (3).

(28) In rule 127—

(a) in paragraph (1), omit "if the court which deferred passing sentence on the earlier occasion was another magistrates' court, give notice of the conviction to the clerk of that court and" and "for the appropriate county court division"; and

(b) omit paragraph (2).

(29) In rule 128(1), omit "acting for the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated".

(30) In rule 129 (1), omit "acting for the petty sessions district in which the enforcement order was made or, in the case of an instalment order under the said Article 30, for the district in which the debtor resides or carries on business".

(31) For rule 130(2), substitute—

"(2) A committal process may be served by the summons server of the administrative court division in which the defendant resides or in which any business premises used or occupied by him are situated and such service may be proved by affidavit.".

(32) In rule 147A—

(a) in paragraph (1), omit sub-paragraph (b); and

(b) in paragraph (2), omit "for the petty sessions district concerned".

(33) In rule 149AI(3) in sub-paragraph (b), omit "sitting in the petty sessions district in which the proceedings are to be heard".

(34) For rule 153A(2), substitute—

"(2) The notice under paragraph (1) shall be served by the applicant—

(a) on the clerk of petty sessions, and

(b) on the custody officer for the police station at which the applicant was granted bail or at which the conditions of his bail were varied.".

(35) For rule 153B(2), substitute—

"(2) The notice under paragraph (1) shall be served by the applicant—

(a) on the clerk of petty sessions,

(b) on the person to whom the application relates, and

(c) on any surety specified in the application. ".

(36) In rule 155(1), omit "for the county court division in which the appeal will be heard".

(37) In rule 156(1), omit "for the county court division for which that county court is held".

(38) In rule 157, omit "of the county court division for which that county court is held".

(39) In rule 161, omit "having jurisdiction in the petty sessions district for which the court acted".

(40) In rule 165, omit paragraph (b).

(41) Schedule 1 is amended in accordance with the Schedule.

William A McNally
Ciaran McQuillan
Marc Little
Eoghan McKenna
David Russell

Dated 5th July 2016

In exercise of the powers conferred upon me by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 and after consultation with the Lord Chief Justice, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 19th July 2016

L.S.

Claire Sugden
Minister of Justice

SCHEDULE

Rule 2(41)

1. In Form 1—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of"; and

(2) at the end, omit "in the County Court Division of".

2. In Form 1A, in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of".

3. In Form 1B, in the title, omit "Petty Sessions District of" and "County Court Division of".

4. In Form 2—

(1) omit "in the said petty sessions district and county court division"; and

(2) omit "for the said county court division".

5. In Form 2A—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of";

(2) omit "in the said petty sessions district"; and

(3) omit "for the said petty sessions district".

6. In Form 2C—

(1) in the title, omit "Petty Sessions District of" and "County Court Division of";

(2) omit "in that said petty sessions district"; and

(3) omit "for the said petty sessions district".

7. In Form 3, in the first paragraph, for "for the above mentioned district" substitute "at…".

8. In Form 4, omit "for the above mentioned district at…".

9. In Form 7, omit "for the above mentioned district".

10. Omit Form 8.

11. In Forms 8A to 8D—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of"; and

(2) omit "for the said county court division".

12. In Forms 10C and 11A, in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of".

13. In Forms 14 and 14ZA—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of"; and

(2) omit "for the said district".

14. In Form 14A—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of";

(2) omit "for the petty sessions district of …."; and

(3) at the end, omit "in the County Court Division of".

15. In Form 14B—

(1) in the title, omit the large bracket, "Petty Sessions District of" and "County Court Division of";