STATUTORY RULES OF NORTHERN IRELAND

2014 No. 12

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2014

Made - - - -	*17th January 2014*
Coming into operation	*17th February 2014*

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**) after consultation with the Department of Justice and the agreement of the Lord Chief Justice.

Citation and Commencement

1. These Rules shall be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 2014 and shall come into operation on 17th February 2014.

Amendment to the Magistrates' Courts Rules (Northern Ireland) 1984

2. The Magistrates' Courts Rules (Northern Ireland) 1984(**2**) are amended as follows—

(1) In Rule 11(3A) after sub-paragraph (b) insert—

"(c) by sending a copy of the summons by registered post or by the recorded delivery service in an envelope addressed to the person to be served at his usual or last known place of abode."

(2) In Rule 105—

(a) In paragraph (1) for "will result in the issue of-" substitute "may result in a Fine Default Hearing at which the court will consider enforcement of the sum under Article 92 of the Order.";

(b) Omit sub-paragraphs (1)(a) and (b);

(c) For paragraph (2) substitute—

(**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 (2010 No.976); and paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)

(**2**) S.R. 1984 No. 225; to which the most recent relevant amendments were made by S.R. 2008 No. 251, S.R. 2009 No. 310 and S.R. 2012 No. 189

"(2) Where a person has defaulted in paying a sum adjudged to be paid by conviction or any instalment or part of such sum, the clerk of petty sessions may apply to a district judge (magistrates' courts) for the issue of a notice in Form 60C to the defendant notifying him of the date, time and place of the Fine Default Hearing and advising him of his right to attend the hearing, to make representations and to apply for legal aid.";

(d) In paragraph (3)—

(i) For "this Rule" substitute "paragraph (1) and paragraph (2B)"; and

(ii) For "offender" substitute "defendant";

(e) After paragraph (3) insert—

"(4) A district judge (magistrates' courts) may direct that a notice under paragraph (2) may be served by–

(a) delivering a copy to the defendant or by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or his place of business;

(b) sending a copy of the notice by ordinary post in an envelope addressed to the defendant at his usual or last known place of abode; or

(c) sending a copy of the notice by registered post or the recorded delivery service in an envelope addressed to the defendant at his usual or last known place of abode.

(5) A notice under paragraph (2) shall be served a reasonable time before the Fine Default Hearing.

(6) The person who serves the notice under paragraph (2) shall complete and sign the certificate of service on the original notice.

(7) If the defendant fails to appear in person or by his legal representative in response to a notice of a Fine Default Hearing served under sub-paragraph 4(b) or (c), such service shall not be valid unless an acknowledgement of service appearing to be signed by the defendant or his solicitor is produced to the court.

(8) Unless the contrary is proved, the signed acknowledgement of service shall be taken as proof of service and the notice shall be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post."

(3) For Form 60, substitute the new Form 60 set out in the Schedule to these Rules.

(4) After Form 60B insert new Form 60C set out in the Schedule to these Rules.

William A McNally
Marc Little
Eoghan McKenna
Peter Luney

Dated 17th January 2014

SCHEDULE

Rule 2(3)

Form 60

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 91; Rule 105)

Notice to Defendant of Sum Adjudged to be Payable by a Conviction

PLEASE GIVE THIS NOTICE YOUR IMMEDIATE ATTENTION

Name and address of defendant:
Case Ref:
Online Account Reference:

At (name of court) on (date) you were convicted of (an) offence(s) and ordered to pay the following sums on the terms shown below:

Charge	Fine	Offender levy	Extra costs	Other party	Charge total	PAYMENT TERMS
				OVERALL TOTAL		
				Payment received*		

* Any payments made by you at Court may not be reflected on this notice.

METHODS OF PAYMENT

On-line: You can pay online using a credit card. Go to **www.courtsni.gov.uk** and enter your case reference number and your online account reference number (see above).

Telephone: You can pay by telephone using a credit or debit card. Telephone the Customer Service Centre on 028 7126 1329.

By post: You can pay by post using a cheque or postal order. Crossed cheques and postal orders should be made payable to 'Northern Ireland Courts and Tribunals Service' and sent to **CUSTOMER SERVICE CENTRE, PO BOX 256, LONDONDERRY, BT48 4AP.** Your case reference number and name must be quoted on the back of all cheques and postal orders. Cash should not be sent

ENQUIRIES

All enquiries should be made to the **Customer Service Centre** on **028 7126 1329**, quoting your case reference number.

Driving Licence Disqualification/Endorsements (if applicable)

The Court further ordered:

If you did not surrender your driving licence in court you must surrender it to the postal address shown above within 5 days of the date of court. Failure to do this may result in further prosecution.

FURTHER TIME TO PAY

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application. **A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.**

FAILURE TO PAY

If you fail to pay within the time specified by the Court or if you fail to comply with any instalment order, an application may be made to the Court for the order to be enforced by the issue of—

- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the amount owed);
- a warrant committing you to prison for a specified period (see below); or
- a supervised activity order requiring you to perform unpaid work for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

The issue of a warrant may result in you being liable for additional costs which would increase the amount you owe.

Dated this day of 20 .

Clerk of Petty Sessions.