STATUTORY RULES OF NORTHERN IRELAND

2012 No. 189

MAGISTRATES' COURTS

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2012

Made - - - - 16th May 2012

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

Citation and Commencement

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 2012 and, subject to paragraph (2), shall come into operation on the 6th June 2012.

(2) Rule 2(6) shall come into operation on 11th June 2012.

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

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

(1) after Rule 12D, insert—

"**Proof of service of notice of registration under the Justice Act (**Northern **Ireland) 2011**

12E. Service of notice of registration under section 67(2) of the Justice Act (Northern Ireland) 2011 may be proved in any proceedings by a certificate of service in Form 109E.";

(2) after Rule 13B, insert –

"**Declarations under the Justice Act (**Northern **Ireland) 2011**

13C.—(1) A statutory declaration under section 68 of the Justice Act (Northern Ireland) 2011 shall be made in Form 110E.

(**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. 1997 No.428 and S.R. 2004 No.299

(2) Where the clerk of petty sessions or the court accepts service of such a statutory declaration the clerk of petty sessions shall –

(a) record the receipt of the statutory declaration in the Order Book against the relevant entry or registration of the sum as a fine; and

(b) notify the Chief Constable that the statutory declaration has been received.";

(3) in Rule 14—

(a) in paragraph (1), for "paragraphs (2) and (2A)", substitute "paragraphs (2), (2A) and (2B);

(b) after paragraph (2A), insert—

"(2B) A warrant issued under the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 shall be signed by a district judge (magistrates' courts) or a lay magistrate but shall not in any case be signed by the clerk of petty sessions."; and

(c) in paragraph (6)(a), after "the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997" insert "or Regulation 4(2)(b) or 6(5) of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012.";

(4) in Rule 105, after each reference to "the Road Traffic Offenders (Northern Ireland) Order 1996", insert "or section 67 of the Justice Act (Northern Ireland) 2011";

(5) in Rule 150, in paragraph (2A), after "the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997" insert "or the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012.";

(6) after rule 153B, insert —

"**153C.**—(1) An application for compassionate bail under section 91 of the Justice Act (Northern Ireland) Act 2011 shall be made by giving notice in Form 96A.

(2) The notice under paragraph (1) must be served by the applicant on the clerk of petty sessions and the Director of Public Prosecutions for Northern Ireland.

(3) An application under paragraph (1) must be listed by the clerk of petty sessions not later than 72 hours after receipt of the application by the clerk of petty sessions, excluding weekends, Christmas Day, Good Friday and any bank holiday.

(4) The clerk of petty sessions must inform the defendant, the Director of Public Prosecutions for Northern Ireland and the governor of the prison or other place in which the defendant is being detained of the time and place of the hearing.

(5) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of the application under paragraph (1), notify the defendant, the Director of Public Prosecutions and the governor of the prison or other place in which the defendant is being detained of the decision of the court in Form 96B."; and

(7) in Schedule 1 —

(a) after Form 1A, insert Form 1B;

(b) after Form 2B, insert Form 2C;

(c) after Form 8C, insert Form 8D;

(d) in Form 60, in the list of sums ordered to be paid, between "Fine … £" and "Compensations, etc. … £", insert "Offender Levy … £";

(e) after Form 60A, insert Form 60B;

(f) in Form 61,

(i) after "ordered to pay for fine the sum of £ ", insert , "for offender levy the sum of £ ", and

(ii) in the list between "Fine … £" and "Compensation … £", insert "Offender Levy … £ ";

(g) in Form 62,

(i) after "ordered to pay for fine the sum of £ ", insert "for offender levy the sum of £ ", and

(ii) in the list between "Fine … £ " and "Compensation … £ ", insert "Offender Levy … £ ";

(iii) after Form 62L, insert Form 62M;

(h) in Form 70, after "was adjudged to pay a fine of £ ", insert "[and offender levy of £]";

(i) in Form 71, after "was adjudged to pay a fine of £ ", insert "[and offender levy of £]";

(j) after Form 89A, insert Form 89B;

(k) after Form 96, insert Form 96A and Form 96B;

(l) after Form 109C, insert Form 109D and Form 109E; and

(m) after Form 110D, insert Form 110E.

W.A.McNally
Peter Luney
John Rea
Dated 16th May 2012 *Nigel Broderick*

SCHEDULE 1 Rule 2(7)(a)

Form 1B

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012; Regulation 4 (Rules 7 and 17)

Complaint

of

Petty Sessions District of

Complainant

County Court Division of

of

Defendant

I, of
say on oath that

[And the complainant prays that a [warrant in Form 8D may issue for the arrest of the defendant][summons in Form 2C may issue for the attendance of the defendant on the hearing of the complaint]

[And the undersigned binds himself to attend when and where called on to prosecute or to give evidence against the defendant for the said offence or otherwise to forfeit to the Crown the sum of £].

Complainant
[for Complainant]

Taken and sworn before me this day of 20 .

District Judge (Magistrates' Courts)
[Lay Magistrate].

Rule 2(7)(b)

Form 2C

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;
Regulation 4
(Rule 8)

Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court

of

Petty Sessions District of

Complainant

County Court Division of

of

Defendant

WHEREAS a complaint has been made before me that on the (date)
at (place)
in that said petty sessions district the sum of £ was registered against you in respect of Penalty Notice No. as a sum adjudged to be paid by a conviction under section 67 of the Justice Act (Northern Ireland) 2011 and whereas a Notice of Registration as a fine was served on you under section 67(2) of that Act and whereas you have defaulted on payment of that fine.

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at (place) on (date)
at (time)
before a magistrates' court for the said petty sessions district.

WARNING
The court may order you to be committed to prison in default of payment of the fine.

This day of 20 .

District Judge (Magistrates' Courts)
[Lay Magistrate]

To the said Defendant.