STATUTORY RULES OF NORTHERN IRELAND

2010 No. 13

MAGISTRATES' COURTS

The Magistrates' Courts (Counter Terrorism Act 2008) (Foreign Travel Restriction Orders) Rules (Northern Ireland) 2010

Made - - - - *26th January 2010*

Coming into operation *1st March 2010*

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 Lord Chancellor and with the agreement of the Lord Chief Justice.

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Counter Terrorism Act 2008) (Foreign Travel Restriction Orders) Rules (Northern Ireland) 2010 and shall come into operation on 1st March 2010.

(2) In these Rules, "foreign travel restriction order" means an order under Schedule 5 to the Counter Terrorism Act 2008(**2**).

Foreign Travel Restriction Orders

2.—(1) A summons issued on foot of a complaint for a foreign travel restriction order shall be in Form 1.

(2) A foreign travel restriction order shall be in Form 2.

(3) A summons issued on foot of a complaint for the variation, renewal or discharge of a foreign travel restriction order shall be made in Form 3, and such proceedings shall be before a court of summary jurisdiction acting for the petty sessions district which includes the area where the person subject to the order resides.

(4) Subject to paragraph (5), service of a summons under these Rules may be effected by—

(a) a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or

(**1**) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).
(**2**) 2008 c.28.

(b) by sending a copy of the summons by ordinary first class post to the defendant at his last known address (in which cases the summons shall be deemed to have been received in the ordinary course of post, unless the defendant proves that he did not receive it).

(5) In the case of a summons on foot of a complaint for the variation or discharge of a foreign travel restriction order issued by the defendant mentioned in that order, service may be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts (Northern Ireland) Rules 1984 by delivering a copy of the summons to any police station within the petty sessions district in which the proceedings are brought and leaving a copy with the officer in charge or any other constable.

(6) Where the court makes a foreign travel restriction order, the clerk of petty sessions shall serve a copy of the order on the defendant—

(a) where the defendant is present, in person, if practicable; or

(b) by sending it by ordinary first class post to the defendant at either his last known address or any address which is currently notified by him under Part 4 of the Counter Terrorism Act 2008 (in which cases the order will be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(7) Where the court makes an order varying, renewing or discharging a foreign travel restriction order the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed or discharged—

(a) where the defendant is present, in person, if practicable; or

(b) by sending it by ordinary first class post to the defendant at either his last known address or any address which is currently notified by him under Part 4 of the Counter Terrorism Act 2008 (in which cases the order will be deemed to have been received by him in the ordinary course of post unless the defendant proves he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(8) In paragraphs (6) and (7), references to the complainant and the defendant are references to the complainant and the defendant in the proceedings in which the order was originally made.

George Conner
John Rea
Peter Luney
John P B Maxwell
N Broderick

Dated 26th January 2010

SCHEDULE Rule 2(1)

Form 1

COUNTER TERRORISM ACT 2008

MAGISTRATES' COURTS (COUNTER TERRORISM ACT 2008) (FOREIGN TRAVEL RESTRICTION ORDERS) RULES 2010

SUMMONS ON FOOT OF A COMPLAINT FOR A FOREIGN TRAVEL RESTRICTION ORDER

of

Complainant

Petty Sessions District of

of

County Court Division of

Defendant

WHEREAS a complaint has been made before me in respect of an application for a foreign travel restriction order to the following effect, viz —

That you, the above named defendant, are subject to the notification requirements in Part IV of the Counter Terrorism Act 2008 by virtue of the following facts —

Details of the offence by virtue of which the notification requirements apply:

[If committed abroad, and the defendant is subject to the notification requirements by virtue of a notification order under Schedule 4 to the Counter Terrorism Act 2008, the corresponding offence this would have constituted had the act been done in the United Kingdom]:

Date of conviction for offence by virtue of which the notification requirements apply:

Details of the court:

And it is alleged that you have since the date of the above conviction acted in such a way as to give reasonable cause to believe that a foreign travel restriction order under Schedule 5 to the Counter Terrorism Act 2008 is necessary to prevent you from taking part in terrorism activity outside the United Kingdom.

Short description of the acts, including date(s) and further comments:

Accordingly, application is made for a foreign travel restriction order prohibiting travel to [the country/countries outside the United Kingdom specified below] [any country outside the United Kingdom other than those specified below] [any country outside the United Kingdom].

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

This day of 20 .

Lay Magistrate
[District Judge (Magistrates' Courts)]

To:

[the defendant]

Note:
Where the court is satisfied that this summons was served on you within what appears to be a reasonable time before the hearing or adjourned hearing, it may, if you do not attend, proceed in your absence.

If a foreign travel order is made against you, you will be subject to prohibitions made in it. Except where you are prohibited from travelling to any country outside the United Kingdom, you will remain subject to the regulations made under sections 52 and 96(2) of the Counter Terrorism Act 2008 which oblige you to notify the police of any plans you have to travel abroad for a period of 3 days or longer. If details are known to you 7 days before you travel you must inform the police 7 days before you travel. Otherwise you must inform the police no less than 24 hours in advance of travel.

Where a foreign travel restriction order prohibits you from travelling to any country outside the United Kingdom, you must surrender all passports held in your name to a police station within the period specified in the order.