STATUTORY RULES OF NORTHERN IRELAND

2009 No. 47

MAGISTRATES' COURTS

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2009

Made - - - - 13th February 2009

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 Lord Chancellor 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) 2009 and shall come into operation in accordance with paragraphs (2) and (3).

(2) Rules 1, 2(2), (6)(a) to (d) shall come into operation on 9th March 2009.

(3) Rules 2(1), (3), (4), (5) and 6(e) shall come into operation on 10th April 2009.

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

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

(1) in Rule 2(3), by inserting after the definition of "a chief clerk", the following definitions—

"(aa) "criminal justice organisation" means any one of the following organisations—

(i) Northern Ireland Court Service;

(ii) Police Service of Northern Ireland; or

(iii) Public Prosecution Service for Northern Ireland;

(ab) "data sharing mechanism" is an electronic mechanism which allows criminal justice organisations to share information with each other electronically;

(ac) "electronic report" means a report generated by the computer system of a criminal justice organisation which is shared with other criminal justice organisations

(**1**) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of the Constitutional Reform Act 2005 (c.4); Article 126 was amended by S.I. 1989/1341, and paragraph 31 of Schedule 4 to the Justice (Northern Ireland) Act 2002 c.26.

(**2**) S.R. 1984 No.225 to which the most recent relevant amendments were made by S.R 1997 No 428 and S.R. 2005 No. 162.

through a data sharing mechanism and which shall contain information as prescribed in Rule 11(7A)(b);";

(2) in Rule 10(1) for "Article 24(1)(i)", substitute "Article 24(1A)";

(3) in Rule 11, paragraph 7 for the words "In every case", substitute "Subject to paragraph 7A";

(4) in Rule 11, after paragraph (7), insert the following new paragraphs—

"(7A) Where a member of the Police Service of Northern Ireland serves a summons and the accompanying documents, service may be proved—

(a) by an affidavit or certificate of service in Form 110A; or

(b) by an electronic report which shall contain the following information:—

(i) the name and the police service number of the person who served the summons;

(ii) the date of service;

(iii) the place of service; and

(iv) the manner of service.

(7B) Where service is to be proved by an affidavit or certificate of service or by an electronic report the court may require the person who served the summons and any accompanying documents to attend court at the hearing of the complaint and depose, if necessary, to such service.";

(5) for Rule 12B, by substituting the following new Rule—

"**Receipt of certificate or electronic report in evidence**

12B. Any document purporting to be given as a certificate in Form 109A, Form 109B, Form 109C or Form 110A, or any information or documentation provided by means of an electronic report, shall be received in evidence and shall be deemed to be duly made until the contrary is shown.";

(6) in Schedule 1—

(a) in Form 3—

(i) in the title to the form, for "Article 24(1)(i)", substitute "Article 24(1A)(a)";

(ii) after "The evidence to be given at the hearing is that contained in", insert "/attached to";

(iii) at the end of the form, insert "*delete as appropriate";

(b) in Form 4—

(i) in the title to the form—

(aa) for "Article 24(1)(ii)", substitute "Article 24(1A)(b)";

(bb) after "Statement of Facts", insert "/Full Written Statement(s) of Evidence";

(ii) after "the following statement of facts", insert "/attached full written statement(s) of evidence*";

(iii) at the end of the form insert,"*delete as appropriate";

(c) in Form 6—

(i) after the words "the statement of facts" in each place where those words occur, insert "/full written statement(s) of evidence*";

(ii) at the end of the form, insert "*delete as appropriate";

(d) in Form 6A—