STATUTORY RULES OF NORTHERN IRELAND

2008 No. 253

MAGISTRATES' COURTS

The Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2008

Made - - - -	*16th June 2008*
Coming into operation	*16th July 2008*

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**) and Article 6C(4) of the Anti-social Behaviour (Northern Ireland) Order 2004(**2**) after consultation with the Lord Chancellor and with the agreement of the Lord Chief Justice—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on the 16th July 2008.

Amendment of the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004

2. The Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004(**3**) are amended as follows:—

(1) In Rule 2(1), after "Article 3", insert "or an interim anti-social behaviour order under Article 4".

(2) After Rule 4, insert the following new Rule—

"**Special measures for witnesses**

5. Rules 149AA to 149AH (*special measures for vulnerable or intimidated witnesses*) of the Magistrates' Courts Rules (Northern Ireland) 1984 shall apply in relation to proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order as they apply in relation to criminal proceedings, subject to the following omissions and modifications—

(**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**) S.I. 2004/1988 (N.I. 12) as inserted by the Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005 No. 1965 (N.I. 15)). Article 6C(4) was amended by Article 94 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008 No.1216 (N.I. 1)).
(**3**) S.R. 2004 No. 324

(a) in Rule 149AA(1), for "criminal proceedings", substitute "proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order under the Anti-social Behaviour (Northern Ireland) Order 2004";

(b) Rule 149AA(3)(b) is omitted;

(c) in Rule 149AA, any reference to Form 15B shall be construed as a reference to Form 6 in the Schedule;

(d) in Rule 149AC(1)(a), for "the trial", substitute "the hearing of any proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order under the Anti-social Behaviour (Northern Ireland) Order 2004";

(e) in Rule 149AC(3)(a), after "proceedings", insert "and, were appropriate, any specified authority";

(f) Rule 149AF(3) is omitted;

(g) in Rule 149AG(2)(a), "the offence charged" is omitted; and

(h) Rules 149AG(6) to (13) are omitted.".

(3) In the Schedule—

(a) for Form 1, substitute the new Form 1 set out in the Schedule to these Rules; and

(b) after Form 5, insert the new Form 6 set out in the Schedule to these Rules.

George Conner
W A McNally
Nigel Broderick
John Rea
Dated 16th June 2008 *John P B Maxwell*

SCHEDULE

Rule 2(3)(a)

"FORM 1

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Articles 3 and 4, Rule 2(1))

Summons on complaint for [anti-social behaviour order] [and] [interim anti-social behaviour order]

of

] Petty Sessions District of

Complainant]

of

] County Court Division of

Defendant]

WHEREAS a complaint has been made before me in respect of an application for an anti-social behaviour order under Article 3 [and] [an interim anti-social behaviour order under Article 4] of the Anti-social Behaviour (Northern Ireland) Order 2004 ("the 2004 Order")to the following effect viz—

(a) That you, the above-named defendant, on *(specify date(s))* at *(specify place(s))* acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as yourself, namely:-

(provide a short description of the defendant's actions); and

(b) That an anti-social behaviour order is necessary to protect relevant persons from further anti-social acts by you, and accordingly application is made for an anti-social behaviour order containing the following prohibition(s)—

The complaint has, in accordance with Article 5 of the 2004 Order; consulted with the following relevant authorities, namely—

(specify relevant authorities consulted with).

[The Complainant applies for an interim anti-social behaviour order under Article 4 of the 2004 Order on the following grounds –]

[The Complainant applies for the application under Article 4 of the 2004 Order to be heard without notice being given to the defendant on the following grounds –

[Where application is made for interim order only, specify the date of the application for anti-social behaviour order –]

Accordingly application is made for an anti-social behaviour order under Article 3 [and] [an interim anti-social behaviour order under Article 4] of the 2004 Order.

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 magistrates' court for the said petty sessions district.

This day of .

Lay Magistrate
[District Judge (Magistrates' Court]

To:

[the defendant]

Note:

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing and you fail to appear, the court may issue a warrant for your arrest or proceed in your absence.

If any anti-social behaviour order is made against you and if, without reasonable excuse, you do anything you are prohibited from doing by such an order, you shall be liable on conviction to imprisonment for a term not exceeding five years, or to a fine, or both."

Rule 2(3)(b)

FORM 6

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AA)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 7)

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004
(Article 6C)

Form of application for a Special Measures Direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 in relation to Anti-social Behaviour Order Proceedings

An application shall be made not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates.

A copy of this form shall be given at the same time to the other party or parties to the case.

PART 1

TO BE COMPLETED BY ALL APPLICANTS

Details required	*Notes*
Case details Complainant: Petty Sessions District of: Defendant: County Court Division of: The name of the defendant to whom this application relates Court venue:	The venue of the court hearing the case.
Date of next court appearance: Details of proceedings to which this application relates:	
Details of witness Name of witness: Date of birth of witness:	