STATUTORY RULES OF NORTHERN IRELAND

2006 No. 414

MAGISTRATES' COURT

The Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2006

Made - - - -	*17th October 2006*
Coming into operation	*15th November 2006*

The Magistrates' Court 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. These Rules may be cited as the Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on the 15th November 2006.

Amendment of the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004(2)

2.—(1) After Rule 2(4), there shall be inserted the following new paragraph—

"(5) An interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings shall be in Form 4A.".

(2) Rule 3 is amended as follows—

(a) at the end of sub-paragraph (1)(b) the word "or" shall be omitted;

(b) at the end of sub-paragraph (1)(c) for ",", there shall be substituted "; or"; and

(c) after sub-paragraph (1)(c), there shall be inserted the following new sub-paragraph—

"(d) an interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings,".

(3) Rule 4 is amended as follows—

(a) after paragraph (1), there shall be inserted the following new paragraph—

(**1**) S.I. 1981/1675 (N.I. 26) to which the most recent amendments were made by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).

(**2**) **S.R. 2004 No. 324.**

"(1A) Any summons issued in accordance with paragraph (1) may be served by—

(a) the complainant or employee of the complainant;

(b) the summons server of the petty sessions district in which the proceedings are brought or in which the defendant or witness resides; or

(c) any person who has received permission from a resident magistrate or lay magistrate or from the clerk of petty sessions to serve the summons;

and any such permission shall be endorsed on the original summons and signed by the person giving it.".

(b) at the end of sub-paragraph (2)(b) the word "or" shall be omitted;

(c) at the end of sub-paragraph (2)(c) for ",", there shall be substituted "; or";

(d) after sub-paragraph (2)(c) there shall be inserted the following new sub-paragraph—

"an interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings,"; and

(e) in paragraph (3) for "complainant", there shall be inserted "complainant or, where appropriate, other specified authority".

(4) The Schedule shall be amended as follows:

(a) by inserting after Form 4, the new Form 4A in the Schedule to these Rules; and

(b) by substituting for Form 5, the new Form 5 in the Schedule to these Rules.

George Conner
Nigel Broderick
John Rea
Sean McCann
John P. B. Maxwell
Mandy Kilpatrick

Dated 17th October 2006

SCHEDULE Rule 2(4)

Forms to be substituted or inserted in the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004

Form 4A

Anti-social Behaviour (Northern Ireland) Order 2004

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

(Article 6A, Rule 2(5))

Interim anti-social behaviour order on conviction

Of

Petty Sessions District of

Complainant

Of

County Court Division of

Defendant

The above-named defendant was on the day of 20 , convicted by a magistrates' court at of the following offence:—

(*state shortly particulars of offence*) and the court made an order to the following effect, viz:—

Before determining whether to make an anti-social behaviour on conviction, the court considers that it is just to make an interim anti-social behaviour order because (*specify reasons*):

IT IS ORDERED by a magistrates' court at (place) on the (date) that the defendant is prohibited from:

(*details of prohibition(s)*).

[The following body/bodies is/are specified authority/authorities for the purpose of this order:-

]

This order shall remain in force until [(*specify date*)].