STATUTORY RULES OF NORTHERN IRELAND

2004 No. 324

MAGISTRATES' COURTS

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

Made - - - - 3rd August 2004

Coming into operation in accordance with Rule 1

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004 and shall come into operation on the same day as Article 3 of the Anti-social Behaviour (Northern Ireland) Order 2004(**2**) comes into operation.

(2) In these Rules –

(a) "the 2004 Order" means the Anti-social Behaviour (Northern Ireland) Order 2004 and expressions used in these Rules and in the 2004 Order have the same meaning as in the 2004 Order; and

(b) a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a Form to the like effect.

Forms

2.—(1) A summons issued on complaint for an anti-social behaviour order under Article 3 of the 2004 Order shall be in Form 1.

(2) An anti-social behaviour order under Article 3 of the 2004 Order shall be in Form 2.

(3) An interim anti-social behaviour order under Article 4 of the 2004 Order shall be in Form 3.

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

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.I. 2004/1988 (N.I. 12)

Application for variation or discharge

3.—(1) A summons issued on complaint for the variation or discharge of –

(a) an anti-social behaviour order under Article 3 of the 2004 Order;

(b) an interim anti-social behaviour order under Article 4 of the 2004 Order; or

(c) an anti-social behaviour order under Article 6 of the 2004 Order made on conviction in criminal proceedings,

shall be in Form 5, and such proceedings shall be in a magistrates' court acting for the petty sessions district in which the order was made.

Service of documents

4.—(1) Service of any summons under these Rules may be effected –

(a) by serving a copy of the summons on the person or body to be served in person; or

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

(2) As soon as reasonably practicable after the making of:

(a) an anti-social behaviour order under Article 3 of the 2004 Order;

(b) an interim anti-social behaviour order under Article 4 of the 2004 Order; or

(c) an anti-social behaviour order under Article 6 of the 2004 Order made on conviction in criminal proceedings,

the clerk of petty sessions shall serve a copy of that order on the defendant –

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

(ii) by sending it by ordinary first class post to the defendant at his last known address (in which cases the order shall 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.

(3) Where the court makes an order varying or discharging an order specified in Rule 3, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied 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 (in which cases the order shall 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.

(4) In paragraph (3) 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.

Signed by the authority of the Lord Chancellor

Christopher Leslie
Parliamentary Under-Secretary of State,
Department for Constitutional Affairs

Dated 3rd August 2004

SCHEDULE

FORM 1ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Article 3, Rule 2(1))

Summons on complaint for anti-social behaviour order

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

WHEREAS a complaint has been made before me in respect of an application for an anti-social behaviour order under Article 3 of the Anti-social Behaviour (Northern Ireland) Order 2004 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 complainant has, in accordance with Article 5 of the 2004 Order, consulted with the following relevant authorities, namely –

(*specify relevant authorities consulted with*).

Accordingly application is made for an anti-social behaviour order under Article 3 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 20 .

Justice of the Peace
[Resident Magistrate]

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 an 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.