STATUTORY RULES OF NORTHERN IRELAND

2004 No. 204

MAGISTRATES' COURTS

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2004

Made - - - -	*27th April 2004*
Coming into operation	*17th May 2004*

The Lord Chancellor in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and section 3(4)(b) and 49 of the Crime (International Co-operation) Act 2003(**2**) 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 (Amendment) Rules (Northern Ireland) 2004 and shall come into operation on 17th May 2004.

(2) In these Rules, a reference to a Rule by number means the Rule so numbered in the Magistrates' Courts Rules (Northern Ireland) 1984(**3**).

Amendment to the principal Rules

2. After Rule 52C, there shall be inserted the following new Rules: –

"J. CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

Service of United Kingdom process abroad

52D. In this Rule and Rules 52E and 52F –

(a) "the Act" means the Crime (International Co-operation) Act 2003; and

(b) "process" has the same meaning as in section 51(3) of the Act.

(**1**) S.I. 1981/1675 (N.I. 26)
(**2**) 2003 c. 32
(**3**) S.R. 1984 No. 225; to which the most recent relevant amendments were made by S.R. 2003 No. 477 and S.R. 2003 No. 296

Notice required to accompany process served outside the United Kingdom

52E.—(1) The notice which by virtue of section 3(4)(b) of the Act shall accompany any process served outside the United Kingdom shall give the information specified in paragraphs (2) and (4).

(2) The notice shall –

(a) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and

(b) give the particulars specified in paragraph (4) about that authority.

(3) The "relevant authority" where the process is served –

(a) at the request of the prosecuting authority, is that prosecuting authority;

(b) at the request of the defendant, or of the prosecutor in the case of a private prosecution, is the court by which the process is served.

(4) The particulars referred to in paragraph (2) are –

(a) the name and address of the prosecuting authority or, as the case may be, the court, together with its telephone and fax numbers and e-mail address;

(b) the name of a person at the prosecuting authority or, as the case may be, the court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(5) Where section 3(3) of the Act applies, the clerk of petty sessions shall require any process served outside the United Kingdom to be accompanied by –

(a) any translation which is provided under section 3(3)(b) of the Act; and

(b) any translation of the information required to be given by this Rule which is provided to him.

Proof of service outside the United Kingdom

52F.—(1) The service on any person under section 4(1) of the Act of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1) –

(a) that a process has been served;

(b) of the manner in which service was effected;

(c) of the date on which a process was served,

shall be admissible as evidence of any facts so stated."