STATUTORY RULES OF NORTHERN IRELAND

2004 No. 203

MAGISTRATES' COURTS

The Magistrates' Courts (Sexual Offences Act 2003) Rules (Northern Ireland) 2004

Made - - - -	*28th 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 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 (Sexual Offences Act 2003) Rules (Northern Ireland) 2004 and shall come into operation on 17th May 2004.

(2) In these Rules –

(a) "the Act" means the Sexual Offences Act 2003(**2**) and a reference to a section by number means the section so numbered in the Act and expressions used have the same meaning as in the Act; 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.

Revocation

2. The following Rules are hereby revoked –

(a) the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999(**3**); and

(b) the Magistrates' Courts (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003(**4**).

(**1**) S.I. 1981/1675 (N.I. 26)
(**2**) 2003 (c. 42)
(**3**) S.R. 1999 No. 224
(**4**) S.R. 2003 No. 32

Notification orders and interim notification orders

3.—(1) A summons issued on foot of a complaint for –

(a) a notification order under section 97 of the Act; or

(b) an interim notification order under section 100 of the Act,

shall be in Form 1.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the matter is to be heard, serve notice under section 99(3) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A notification order shall be in Form 2.

(4) An interim notification order shall be in Form 3.

Sexual offences prevention orders and interim sexual offences prevention orders

4.—(1) A summons issued on foot of a complaint for –

(a) a sexual offences prevention order under section 104 of the Act; or

(b) an interim sexual offences prevention order under section 109 of the Act,

shall be in Form 4.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the matter is to be heard, serve notice under section 106(11) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A sexual offences prevention order shall be in Form 5.

(4) An interim sexual offences prevention order shall be in Form 6.

Foreign travel orders

5.—(1) A summons issued on foot of a complaint for a foreign travel order under section 114 of the Act shall be in Form 7.

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date on which the matter is to be heard, serve notice under section 116(6) of the Act on the complainant and, at the same time, shall serve a copy thereof on the clerk of petty sessions.

(3) A foreign travel order shall be in Form 8.

Risk of sexual harm orders and interim risk of sexual harm orders

6.—(1) A summons issued on foot of a complaint for –

(a) a risk of sexual harm order under section 123 of the Act; or

(b) an interim risk of sexual harm order under section 126 of the Act,

shall be in Form 9.

(2) A risk of sexual harm order shall be in Form 10.

(3) An interim risk of sexual harm order shall be in Form 11.

Application for variation, renewal or discharge

7. A summons issued on foot of a complaint for the variation, renewal or discharge of –

(a) an interim notification order under section 100(7) of the Act;

(b) a sexual offences prevention order under section 108 of the Act;

(c) an interim sexual offences prevention order under section 109(6) of the Act;

(d) a foreign travel order under section 118 of the Act;

(e) a risk of sexual harm order under section 125 of the Act; or

(f) an interim risk of sexual harm order under section 126(5) of the Act;

shall be made in Form 12, and such proceedings shall be in a court of summary jurisdiction acting for the petty sessions district in which the order was made.

Service of documents

8.—(1) Subject to paragraph (2), service of a summons under these Rules may be effected –

(a) by a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or

(b) by sending a copy of the summons by ordinary first class post to the defendant 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 the defendant proves that he did not receive it).

(2) In the case of a summons on foot of a complaint for the variation, renewal or discharge of an order specified in Rule 7 issued by the defendant mentioned in that order, service shall be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984(**5**) by delivering a copy of the summons to any police station within the petty sessions district in which the proceedings are brought and leaving a copy with the officer in charge or any other constable.

(3) Where the court makes:

(a) a notification order or interim notification order;

(b) a sexual offences prevention order or an interim sexual offences prevention order;

(c) a foreign travel order; or

(d) a risk of sexual harm order or interim risk of sexual harm order,

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 either his last known address or any address which is currently notified by him under Part 2 of the Sexual Offences Act 2003 (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) Where the court makes an order varying, renewing or discharging an order specified in Rule 7, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed 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 or any address which is currently notified by him under Part 2 of the Sexual Offences

(**5**) S.R. 1984 No. 225
, to which the most recent relevant amendment was made by
S.R. 2003 No. 477

Act 2003 (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.

(5) In paragraph (4) 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

Lord Filkin
Parliamentary Under Secretary of State,
Department for Constitutional Affairs

Dated 28th April 2004

SCHEDULE

FORM 1SEXUAL OFFENCES ACT 2003MAGISTRATES' COURTS (SEXUAL OFFENCES ACT 2003) RULES (NORTHERN IRELAND) 2004