STATUTORY RULES OF NORTHERN IRELAND

2003 No. 32

MAGISTRATES' COURTS

Magistrates' Courts (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003

Made - - - -	*18th January 2003*
Coming into operation	*10th February 2003*

The Lord Chancellor, in exercise of the powers conferred on 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 (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 10th February 2003.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999(**2**).

Amendment of the principal Rules

2.—(1) After Rule 3 of the principal Rules, there shall be inserted the following new Rule:

"**Proceedings in respect of interim sex offender order**

3A.—(1) A summons issued on foot of a complaint for an interim sex offender order under Article 6A(2) of the 1998 Order shall be in Form 1 in the Schedule.

(2) An interim sex offender order shall be in Form 4 in the Schedule.

(3) A summons issued on foot of a complaint under Article 6A(6) of the 1998 Order (variation or discharge of interim sex offender order) shall be in Form 3 in the Schedule, and such proceedings shall be in a court of summary jurisdiction acting for the petty sessions district in which the interim sex offender order was made.".

(2) In Rule 4 of the principal Rules, there shall be inserted after the words "a sex offender order", in each of the four places in which they appear, the words "or interim sex offender order".

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.R. 1999 No. 224

(3) For the Schedule to the principal Rules, there shall be substituted the Schedule to these Rules.

Dated 18th January 2003. *Irvine of Lairg,* C.

SCHEDULE

Rule 2(3)

Form 1CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1998MAGISTRATES' COURTS (SEX OFFENDERS ORDERS) RULES (NORTHERN IRELAND) 1999

(Articles 6(2) and 6A(2), Rules 3 and 3A)

Summons on foot of complaint for [sex offender order] [and] [Interim Sex Offender Order]*

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

WHEREAS a complaint has been made before me on (*date*) at (*place*) in respect of an application for [a sex offender order] [and] [an interim sex offender order] against you, the said defendant, to the effect that –

You are a sex offender by virtue of the following, namely –

Offence:

Date of Conviction/finding/caution/punishment

Court [Police Station]*

AND that:

You have acted, since the relevant date, in such a way as to give reasonable cause to believe that [a sex offender order under Article 6] [and] [an interim sex offender order under Article 6A]* of the Criminal Justice (Northern Ireland) Order 1998 is necessary to protect the public in the United Kingdom or any particular members of that public from serious harm from you (*give particulars of the date(s), place(s) and nature of the behaviour in respect of which the complaint is made*).

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said complaint at (*place*) on (*date*) at (*time*) before a court of summary jurisdiction for the said petty sessions district.

This day of 20 .

Signed

Justice of the Peace

[Clerk of Petty Sessions]

To:

[the defendant]

* Delete as appropriate

Note:

Where the court is satisfied that this summons was served on you within what appears to be a reasonable time before the hearing or adjourned hearing it may proceed in your absence to determine the application for a sex offender order.

Where an application for a sex offender order ("the main application") to a court of summary jurisdiction has not been determined, the applicant may apply to the court for an interim sex offender order, pending the determination of the main application.

If a sex offender order or interim sex offender order is made against you, you will be subject to the notification requirements of Part I of the Sex Offenders Act 1997, which oblige you to notify the police of:

- your name, home address and date of birth (within 3 days)
- any changes to your name or home address (within 14 days of the change)
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 14 days within a twelve month period (within 14 days)
- any plans you have to travel abroad for a period of eight days or longer (not less that 48 hours in advance).

If, without a reasonable excuse, you do anything you are prohibited from doing by such an order, or fail to comply with the notification requirements of the Sex Offenders Act 1997 you will have committed an offence and will be liable –

(a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (currently £5,000) or to both;

(b) on conviction on indictment (that is, in the Crown Court) to imprisonment for a term not exceeding 5 years or to a fine or to both.