STATUTORY RULES OF NORTHERN IRELAND

1999 No. 224

MAGISTRATES' COURTS

Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999

Made - - - -	*12th May 1999*
Coming into operation	*1st June 1999*

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 and commencement

1. These Rules may be cited as the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999 and shall come into operation on 1st June 1999.

Interpretation

2.—(1) In these Rules "the 1998 Order" means the Criminal Justice (Northern Ireland) Order 1998(**2**).

(2) Expressions used in these Rules and in the 1998 Order have the same meanings in these Rules as they have in that Order.

Proceedings in respect of sex offender order

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

(2) A sex offender order shall be in Form 2 in the Schedule.

(3) A summons issued on foot of complaint under Article 6(6) of the 1998 Order (variation or discharge of 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 sex offender order was made.

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) S.I. 1998/2839 (N.I. 20)

Service of documents

4.—(1) Service of a summons may be effected—

(a) by a member of the Royal Ulster Constabulary serving a copy of the summons on the defendant in person;

(b) by sending a copy of the summons 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 I of the Sex Offenders Act 1997(**3**) (in which cases the summons shall be deemed to have been received by him in the ordinary course of post); or

(c) in the case of a summons on foot of a complaint for the variation or discharge of a sex offender order by the defendant mentioned in that order, in accordance with paragraphs (2), (6) and (7) of rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984(**4**) by delivering a copy of the summons to any police station within the petty sessions district in which the proceeding are brought and leaving a copy of it with the officer in charge or any other member of the Royal Ulster Constabulary.

(2) Where the court makes a sex offender order, the clerk of petty sessions shall serve a copy of it on the defendant—

(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 I of the Sex Offenders Act 1997 (in which cases the order shall be deemed to have been received by him in the ordinary course of post),

and shall send a copy of the order by ordinary first class post to the complainant.

(3) Where the court either varies or discharges a sex offender order by a further order, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied or, as the case may be, the order discharging on the sex offender—

(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 I of the Sex Offenders Act 1997 (in which cases the order shall be deemed to have been received by him in the ordinary course of post),

and shall send a copy 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 sex offender order was originally made.

Dated 12th May 1999 *Irvine of Lairg, C.*

(**3**) 1997 c. 51
(**4**) S.R. 1984 No. 225 to which there are relevant amendments in S.R. 1992 No. 541 and S.R. 1997 No. 428

SCHEDULE

Rule 3

FORM 1**Summons on foot of complaint for sex offender order (Criminal Justice (Northern Ireland) Order 1998, Article 6(2))**