1992 No. 31

MAGISTRATES' COURTS

The Magistrates' Courts (Backing of Warrants from the Republic of Ireland) (Amendment) Rules (Northern Ireland) 1992

Made	*23rd January 1992*
Coming into operation . .	*2nd March 1992*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and sections 2A and 8 of the Backing of Warrants (Republic of Ireland) Act 1965(**b**), 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 (Backing of Warrants from the Republic of Ireland) (Amendment) Rules (Northern Ireland) 1992 and shall come into operation on 2nd March 1992.

2. The Magistrates' Courts (Backing of Warrants from the Republic of Ireland) Rules (Northern Ireland) 1965(**c**) shall be amended by inserting, after Rule 6, the following rules:—

"6A.—(1) Where a court refuses to make an order in relation to a person under section 2 of the Act, any application to the court under section 2A(1) of the Act to state a case for the opinion of the High Court on any question of law arising in the proceedings must be made to the court by the chief constable within the period of 21 days following the day on which the order was refused, unless the court grants a longer period within which the application is to be made.

(2) An application under paragraph (1) shall be made in writing and shall identify the question or questions of law on which the opinion of the High Court is sought.

6B. Within 21 days after receipt of an application to state a case under section 2A(1) of the Act, the clerk of petty sessions shall send a draft case to the applicant or his solicitor and to the person to whom the warrant relates or his solicitor and shall allow each party 21 days within which to

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(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) 1965 c. 45; section 2A was inserted by paragraph 5 of Schedule 1 to the Criminal Justice Act 1988 c. 33 and is saved by virtue of section 37(5) of the Extradition Act 1989 c. 33
(**c**) S.R. 1965 No. 231