1989 No. 293

MAGISTRATES' COURTS

The Magistrates' Courts (Serious Fraud) (Notices of Transfer) Rules (Northern Ireland) 1989

Made	*25th July 1989*
Coming into operation . .	*1st September 1989*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and of 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 (Serious Fraud) (Notices of Transfer) Rules (Northern Ireland) 1989 and shall come into operation on 1st September 1989.

Interpretation

2.—(1) In these Rules

"the Order" means the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988(**b**), and a reference to an Article by number is a reference to the Article so numbered in the Order;

"notice of transfer" means a notice referred to in Article 3(1)(*c*).

(2) Any reference in these Rules to a form by number is a reference to that form so numbered in the Schedule to these Rules.

Transfer in custody

3. Where a magistrates' court, in exercise of the power conferred by Article 4(3), orders a person to be kept in custody, a warrant of commitment in Form 1 shall be issued.

Notification of enlargement of recognizance

4. Where a magistrates' court, in exercise of the power conferred by Article 4(6)(*b*), enlarges, in a surety's absence, a recognizance conditioned in accordance with Article 47(1)(*b*) or 48 of the Magistrates' Courts (Northern Ireland) Order 1981, the clerk of petty sessions shall notify the surety of the decision of the court and inform him that he is bound to secure that the person charged appears before the Crown Court.

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) S.I. 1988/1846 (N.I. 16)

Documents to be sent to Crown Court

5. As soon as practicable and in any event within seven days after a magistrates' court to which a notice of transfer has been given has discharged the functions reserved to it under Article 3(1) of the Order, the clerk of petty sessions shall send to the chief clerk of the Crown Court—

(*a*) the complaint, if it is in writing;

(*b*) any recognizance entered into by any person in connection with the proceedings, together with a note of any enlargement thereof;

(*c*) any documents or exhibits produced in evidence before the court which have been retained by him;

(*d*) a copy of any criminal aid certificate granted by the court;

(*e*) a copy of any statement of means furnished under Article 32 of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981(**a**).

Dated 25th July 1989. *Mackay of Clashfern,* C.

(a) S.I. 1981/228 (N.I. 8)