1984 No. 225

MAGISTRATES' COURTS

Magistrates' Courts Rules (Northern Ireland) 1984

Made . . . . . *26th June 1984*

Coming into operation . . . . *3rd September 1984*

RULES, DATED 26th JUNE 1984 MADE BY THE LORD CHANCELLOR UNDER ARTICLE 13 OF THE MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981.

ARRANGEMENT OF RULES

PART I

CITATION, INTERPRETATION AND COMMENCEMENT, ETC.

Rule

1 Citation
2 Interpretation
3 Commencement
4 Revocation of existing rules
5 Saving for the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969

PART II

DOCUMENTS

6 Wording, etc., of documents
7 Form of complaint
8 Form of summons
9 Preparation of summons
10 Plea of guilty by post
11 Service of summons
12 Service of a summons in England and Wales or Scotland
13 Postal service of summonses other than for offences prosecuted by the Royal Ulster Constabulary
14 Form of warrant or order
15 Separate warrants to be issued for each sentence imposed
16 Endorsement of warrants of commitment as to release on bail
17 Binding over complainant to prosecute or give evidence upon issue of warrant
18 Withdrawal of warrants
19 The Order Book
20 Certificate of conviction or order
21 Documents taken by or made before resident magistrates or justices of the peace sitting out of petty sessions
22 Signing of documents on behalf of clerk of petty sessions

PART III

CRIMINAL PROCEEDINGS

A. *Summary trial*

Rule

23 Order of proceedings on the hearing of a complaint charging a summary offence

B. *Right to claim trial by jury for certain summary offences*

24 Procedure in relation to certain offences to which Article 29 of the Order applies

C. *Preliminary investigations*

25 Service of statement of complaint before preliminary investigation
26 Proceedings at a preliminary investigation
27 Procedure for binding witnesses and prosecutor over to attend trial
28 Documents and exhibits to be sent to the court of trial
29 Supply of depositions and complaint to accused
30 Adjourned preliminary investigation

D. *Preliminary inquiries*

31 Interpretation of Rules 32 to 42
32 Service on clerk of petty sessions of notice of intention by prosecutor to request court to hold preliminary inquiry
33 Service on accused of copy of notice and documents referred to in Article 32(1) of the Order
34 Objection to preliminary inquiry
35 Conduct of preliminary inquiry
36 Modification of Rules where accused is a corporation
37 Court may address accused through court official
38 Proof by formal admission
39 Written statement of evidence to be in prescribed form and exhibits to be properly identified
40 Procedure where court decides not to admit statement or part thereof as evidence
41 Authentication of statements, depositions or admissions
42 Documents and exhibits referred to, etc., at preliminary inquiry to be sent to the court of trial

E. *Indictable offences dealt with summarily*

43 Conditions to be complied with before preliminary investigation or preliminary inquiry
44 Written notice under Article 45(1) of the Order
45 Procedure where court decides to deal with an indictable offence summarily under Article 45 of the Order
46 Conviction of offence other than that charged where indictable offence dealt with summarily
47 Preservation of depositions where indictable offence is dealt with summarily

F. *Depositions of sick or dying persons*

48 Taking of depositions under Article 28 or 41 of the Order

G. *Remands*

Rule

49 Remand for inquiry into physical or mental condition
50 Remand on bail under Article 47(4) of the Order for longer than eight or, as the case may be, fourteen days where sureties have not entered recognizances
51 Accused to be told of his right to apply to High Court or Crown Court for bail

H. *Formal admissions*

52 Formal admissions under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

PART IV

DEBT AND EJECTMENT PROCEEDINGS

A. *Rules applicable to both debt and ejectment proceedings*

53 Definitions
54 Time of issue of process
55 Signature on process
56 Times of hearing of processes
57 Costs of process to be stated
58 Modes of service of process
59 Persons entitled to serve processes
60 Special mode of service
61 Time for service
62 Summons server's Process Book
63 Person other than summons server to prove service
64 Service deemed good
65 Process Register and extract therefrom
66 Entry of process
67 Re-entry of process where hearing adjourned
68 Striking out of proceeding
69 Withdrawal of proceeding
70 Order on consent where defendant appears
71 Order on written consent
72 Undefended proceedings
73 Order where more than one defendant
74 Dismiss
75 Procedure where previous dismiss is produced
76 Where process not entered by plaintiff it may be entered on application of defendant
77 Preparation of forms in debt or ejectment proceedings
78 Disposal of process
79 Signing of formal orders in debt or ejectment proceedings
80 Transfer of proceedings to county court
81 Enlargement or abridgement of times
82 Effect of non-compliance with Rules
83 Claims for rent joined under Article 72(3) of the Order with claims in ejectment

B. *Rules applicable to debt proceedings*

84 Contents of process in debt proceedings
85 Set-off or counterclaim
86 Details of claim, set-off or counterclaim may be demanded

Rule
87 Order where debt paid before hearing
88 Order where payments made on account before hearing
89 Dismiss on proof of set-off or counterclaim
90 Tender
91 Issue of decree after postponement subject to payment by instalments
92 Costs in debt proceedings
93 Interest on amount awarded
94 Postponement of issue of decree to be stay of enforcement for purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981

C. *Rules applicable to ejectment proceedings*

95 Contents of process in ejectment proceedings
96 Costs in ejectment proceedings

PART V

APPEALS OR APPLICATIONS COMMENCED BY NOTICE UNDER PART VII OF THE ORDER

97 Signature on notice
98 Time of service of notice
99 Copy of decision or determination appealed from to be lodged
100 Manner of service of notice
101 Times of hearing of appeals or applications

PART VI

PROCEEDINGS UPON A COMPLAINT IN A CIVIL MATTER

102 Order of Proceedings at the hearing of a complaint in a civil matter
103 Entries in Order Book
104 Method of making periodical payments

PART VII

SATISFACTION AND ENFORCEMENT OF ORDERS

A. *Sums adjudged to be payable*

105 Notice to defendant of sum adjudged to be payable by a conviction
106 Orders for supervision

B. *Financial penalty enforcement orders*

107 Financial penalty enforcement orders

C. *Transfer of Fine Orders*

108 Transfer of Fine Order sent to England and Wales or Scotland
109 Transfer of Fine Order sent from England and Wales or Scotland

D. *Attachment of earnings*

110 Interpretation of Rules 111 to 121
111 Attachment of earnings order
112 Service of orders and notices

Rule
113 Particulars of defendant
114 Notice of application for appropriate variation order
115 Variation of attachment of earnings order on change of employment
116 Variation or discharge of attachment of earnings order by court of its own motion
117 Temporary variation of protected earnings rate
118 Consolidated attachment orders
119 Disposal of sums paid under consolidated attachment orders
120 Method of making payment under attachment of earnings order
121 Enforcement of Judgments Office records

E. *Suspended sentences*

122 Suspended sentences to be dealt with only in petty sessions
123 Evidence of conviction to be sent to the Crown Court

F. *Probation and absolute or conditional discharge*

124 Entry of probation order, absolute or conditional discharge
125 Entry of order made under section 4 or 6 of Probation Act (Northern Ireland) 1950 upon breach of probation order or commission of further offence
126 Notification of discharge, etc., of probation orders, etc.

G. *Deferment of sentence*

127 Notification of conviction before expiration of period of deferment

H. *Enforcement of orders made in debt proceedings*

128 Enforcement process and order
129 Committal process and order
130 Service of process issued under Rule 128 or 129

I. *Enforcement of orders made in ejectment proceedings*

131 Postponement of issue of decree for possession and application for the issue of the decree
132 Signature on notice of application for the issue of decree for possession
133 Service and lodgment of notice of application
134 Entry of minute of order on application under Rule 131

J. *Other provisions as to the enforcement of orders in debt or ejectment proceedings*

135 Duration of committal orders
136 Duplicate orders

K. *Other matters in relation to the enforcement of orders*

137 Order allowing time for payment or for payment by instalments in proceedings upon complaint
138 Application for further time to pay or for payment to be by instalments in proceedings upon complaint
139 Direction that money found on defaulter shall not be applied in satisfaction of sum adjudged to be paid by a conviction or in proceedings under Article 98 of the Order
140 To whom payments of sums ordered to be paid in proceedings upon complaint are to be made