1980 No. 373

MAGISTRATES' COURTS

Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1980

Made . . . . . *20th October 1980*

Coming into operation . . . *1st December 1980*

The Lord Chancellor in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and section 40 of and Schedule 7 to the Criminal Law Act 1977(**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 (Amendment No. 3) Rules (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

Interpretation

2. In these rules—

"the Rules of 1974" means the Magistrates' Courts Rules (Northern Ireland) 1974(**c**) and any reference to a rule by number is a reference to that rule as numbered in the Rules of 1974;

"the Act" means the Magistrates' Courts Act (Northern Ireland) 1964;

Transfer of fine orders

3. After rule 107A there shall be inserted the following rules:

"TRANSFER OF FINE ORDERS

Transfer of fine order sent to England and Wales or Scotland

107B. Where the court makes a transfer of fine order under section 104A of the Act (including section 104A as applied by section 104B of the Act), the clerk of petty sessions shall send to the clerk to the justices for the petty sessions area in England and Wales or to the sheriff or sheriff clerk of the court of summary jurisdiction in Scotland in or by which, under the order, payment of a sum adjudged to be paid is to be enforceable, a copy of the order in Form 88J or 88K, as the case may be, in the schedule to these rules with a statement of the offence and the steps, if any, taken to recover the sum and with such further information as is available and is, in the opinion of the clerk of petty sessions, likely to assist enforcement.

Transfer of fine order sent from England and Wales or Scotland

107C.—(1) Where the clerk of petty sessions receives a copy of a transfer of fine order made in England and Wales or Scotland specifying the petty sessions district for which he acts as the district in which payment of the sum in question is to be enforceable, he shall register the order in his court by means of an entry

(**a**) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(**b**) 1977 c. 45
(**c**) S.R. 1974 No. 334 (II, p. 1541) as amended by S.R. 1976 No. 120 (I, p. 490) and S.R. 1977 No. 171 (II, p. 1001)

made and signed by him in the Order Book and shall serve a notice in Form 88L in the Schedule to these rules on the offender.

(2) Such notice may be served in the same manner as a summons alleging a summary offence prosecuted by a member of the Royal Ulster Constabulary and service of the notice may be proved in the same manner as service of such summons is proved under rule 11.

(3) Where after fourteen days from service of such notice or the expiration of the period within which the sum is payable under the order, whichever is the later, the offender has failed to pay or has failed to apply for time or further time to pay or for payment by instalments, as required by that notice the court may exercise its functions under Part X of the Act in enforcing payment of the sum.

(4) Where the sum adjudged to be paid and due under the transfer of fine order—

(*a*) is paid, the clerk of petty sessions shall send it to the clerk of the court which made the order;

(*b*) is not paid, the clerk of petty sessions shall inform the clerk of that court of the manner in which the adjudication is satisfied or that the sum, or any balance thereof, appears to be irrecoverable''.

4. After Form 88I in the Rules of 1974 there shall be inserted Forms 88J, 88K and 88L in the Schedule to these rules.

Dated 20th October 1980.

Hailsham of St. Marylebone, C.

FORM 88J

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(SECTION 104A: RULE 107B)

Transfer of Fine Order

of Complainant } Petty Sessions District of

of Defendant } County Court Division of

The above-named defendant was on the day of 19 convicted by a magistrates' court for the above mentioned petty sessions district sitting at of the following offences:—

(state shortly particulars of offence)
and was adjudged to pay a fine of £ [and £ for compensation] [and £ for costs] [by weekly [or monthly] instalments of £ ,] the first instalment of the said sum(s) to be paid forthwith [or not later than the day of 19] [and the court fixed the term of imprisonment in default as [weeks] [months];]

And the Defendant has [paid £ in part payment, but has] made default in payment [of a balance of £];

[And the time for payment has not yet expired;]

And it appears that the Defendant is residing at *(state address)* within [the petty sessions area of] [or the jurisdiction of the court of summary jurisdiction in Scotland];

[And no term of imprisonment has been fixed in the event of a future default in paying the sum(s) in question;].

A transfer of fine order is hereby made in pursuance of section 104A of the Magistrates' Courts Act (Northern Ireland) 1964 that payment of the sum(s) be enforceable [in the petty sessions area] [or, by the Court] [to the extent of that balance.]

Dated this day of 19 .

Clerk of Petty Sessions

Steps taken to recover the sum:

Other information likely to assist enforcement:

Note: To be entered on the copy sent to the clerk of the court for enforcement.