1976 No. 40

MAGISTRATES' COURTS

Magistrates' Courts (Amendment) Rules (Northern Ireland) 1976

Made . . . . . *9th February* 1976

Coming into operation . . . *1st March* 1976

To be laid before parliament

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b), on the recommendation 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) Rules (Northern Ireland) 1976 and shall come into operation on 1st March 1976.

Amendment of the 1974 *rules*

2. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1974(c) specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Merlyn Rees
One of Her Majesty's Principal Secretaries of State

Northern Ireland Office
9th February 1976

(a) Formerly the Minister of Home Affairs for Northern Ireland: *see* S.I. 1973/2163.
(b) 1964 c. 21 (N.I.)
(c) S.R. 1974 No. 334

SCHEDULE

Amendments to the Magistrates' Courts Rules (Northern Ireland) 1974

Provision amended	*Amendment*
Rule 33	For rule 33 there shall be substituted the following rule: "33. The copy of the said notice, lists and documents referred to in section 2(2) of the Act of 1968 shall be served on the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under paragraphs (1), (2), (4), (5) and (6) of rule 11 and proof of such service shall be given in accordance with paragraph (7) of that rule."
Rule 59	In paragraph (1) after the words "are brought" there shall be inserted the words "or in which the defendant resides."
Rule 85	In paragraphs (3) and (4) for the expression "£50" there shall be substituted the expression "£100".
Rule 135	In paragraph (2) after the words "in prison" there shall be inserted the words "or in a training school or remand home" and at the end there shall be added the words "or the person in charge of the school or home, as the case may be". After paragraph (2) there shall be inserted the following paragraph — "(2A) Where an appellant is in Great Britain, a recognizance under section 149 of the Act may be taken from him by a justice of the peace or clerk to the justices or, as the case may be, sheriff, sheriff depute, sheriff clerk or sheriff clerk depute".
Rule 152	In rule 152 for the words "person against whom it is made" there shall be substituted the words "payer and on the payee under the order".
Schedule 1	In Forms 52, 53, 56, 57, 60 and 61 for the words "fifty-five" there shall be substituted the words "one hundred and ten".
Schedule 3	For Schedule 3 there shall be substituted the following Schedule — "SCHEDULE 3 **FEES PAYABLE FOR SERVICE OF A SUMMONS OR PROCESS** 1.—(1) Subject to sub-paragraph (2), for the service of a summons or process .. .. £1·00 (2) Where service of a summons or process is required to be personal .. .. £1·50 2. For the service of a summons or process where there are two or more defendants or witnesses in the same proceedings there shall be a separate fee for each defendant or witness."