1974. No. 112

MAGISTRATES' COURTS

Magistrates' Courts (Amendment) (No. 2) Rules (Northern Ireland) 1974

Made . . . . . *6th June* 1974

Coming into operation . . . *1st August* 1974

To be laid before Parliament

RULES, DATED 6TH DAY OF JUNE 1974, MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

In pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a), on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, I hereby make the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Amendment) (No. 2) Rules (Northern Ireland) 1974 and shall come into operation on 1st August 1974.

Amendment of Principal Rules

2. The Magistrates' Courts Rules (Northern Ireland) 1965(b) are amended to the extent specified in the Schedule.

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

Northern Ireland Office.
6th June 1974.

(a) 1964. c. 21 (N.I.). (b) S.R. & O. (N.I.) 1965. No. 206.

SCHEDULE

Amendment of the Magistrates' Courts Rules (Northern Ireland) 1965

Provision of Principal Rules amended	*Amendment*
New Rule (87A) added	After Rule 87 there shall be inserted the following Rule:— *"Service of copy of order to which section 110 of Act applies* **87A.** Where the court makes, revokes, discharges, revives or varies an order to which section 110 of the Act applies, the court shall cause a copy of its order to be served on the person against whom it is made by delivering it to him or by sending it by ordinary post in an envelope addressed to him at his last known or usual place of abode."
Rule 127	At the end of Rule 127 there shall be added the words "and shall notify the parties to the proceedings in writing of any direction made by the Court of Appeal for the continuance of the hearing by a magistrates' court and the date of such hearing."
Schedule 1 New Form (74AA) added	After Form 74A* in Schedule 1 to the said Rules of 1965 there shall be inserted the following Form:—

"FORM 74AA

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 115; Rules 13, 14, 90A and 111)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 19(1)(*a*) or (*b*))

Warrant of commitment on commission of further offence during operational period of suspended sentence imposed by county court on appeal

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant was on the day of 19 , convicted by a Magistrates' Court sitting at for the above-named petty sessions district of the said County [Borough] of the following offence:—

and the Court ordered that:

* See S.R. & O. (N.I.) 1969, No. 68, inserting Form 74A.

Provision of Principal Rules amended	*Amendment*
	On appeal to the County Court for the Division of from his [sentence] [conviction] for the said offence, the County Court on the day of 19 substituted for the said order an order that he be sentenced for the said offence to imprisonment for (*state period*) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of years from that day the Defendant committed in Northern Ireland another offence punishable with imprisonment; [AND WHEREAS the said period during which the said sentence should not take effect was by [a Court of Assize for the County [Borough] of] [*or* a County Court for the County Court Division of] [*or* a Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough]] sitting at on the day of 19 , varied so as to expire on the day of 19 ;] AND WHEREAS the Defendant was on the day of 19 , convicted by [a Court of Assize for the County [Borough] of] [*or* a County Court for the County Court Division of] [*or* a Magistrates' Court for [the petty sessions district of and the County [Borough] of] [the above-named petty sessions district and County [Borough] sitting at]] of the following offence:— (*state shortly particulars of offence*) being an offence punishable with imprisonment committed by the Defendant on the day of 19 , during the said period [as so varied], a Court of Summary Jurisdiction sitting at for the above-named petty sessions district and County [Borough] on the day of 19 , ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment of for the original term]: THIS IS TO COMMAND YOU, to whom this Warrant is addressed to execute the last-mentioned Order as follows: To lodge the Defendant in the Prison at to be imprisoned there for the period of [to commence on the expiration of the term of imprisonment (*give particulars of any term of imprisonment to which the Defendant is liable where the term specified in the present Warrant is ordered to run consecutively to any term imposed by this or any other Court.*)]

Provision of Principal Rules amended	*Amendment*
	And for this the Present Warrant shall be a sufficient Authority to all whom it may concern. Resident Magistrate [*or* Clerk of Petty Sessions] This day of 19 . To the [Chief] Superintendent commanding the Constabulary Division. "
New Form (74BB) added	After Form 74B there shall be inserted the following Form:— "FORM 74BB MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 8) TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968 (Section 21) **Complaint that offender has committed offence punishable with imprisonment during operational period of suspended sentence imposed by county court on appeal** of Complainant } Petty Sessions District of of Defendant } County [Borough] of I of say [on oath] that the Defendant was convicted by a Magistrates' Court sitting at for the above-named petty sessions district of the said County [Borough] of the following offence:— and the Court ordered that: On appeal to the County Court for the Division of from his [sentence] [conviction] for the said offence, the County Court on the day of 19 substituted for the said order an order that he be sentenced for the said offence to imprisonment for (*state period*) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of years from that day the defendant committed in Northern Ireland another offence punishable with imprisonment; (*continue as in Form* 74B)."

Provision of Principal Rules amended	*Amendment*
New Form (74CC) added	After Form 74C there shall be inserted the following Form:—

"FORM. 74CC

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 9)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Sections 20(5) and 21)

Summons on complaint for appearance before Magistrates' Court where suspended sentence imposed on appeal to county court

of
Complainant } Petty Sessions District of

of
Defendant } County [Borough] of

WHEREAS a complaint has been made before me that on the day of 19 , you the said Defendant were convicted by a Magistrates' Court sitting at for the above-named petty sessions district of the said County [Borough] of the following offence:—

and the Court ordered that:

On appeal to the County Court for the Division of from your [sentence] [conviction] for the said offence the County Court on the day of 19 substituted for the said Order an order that you be sentenced for the said offence to imprisonment for (*state period*) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of years from that day you committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS the said period during which the said sentence should not take effect was by [a Court of Assize for the County [Borough] of] [*or* a County Court for the County Court Division of] [*or* a Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough]] sitting at on the day of 19 , varied so as to expire on the day of 19 ;]