1972. No. 173 [C]

MAGISTRATES' COURTS RULES

RULES, DATED 30TH JUNE 1972, MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, THE RIGHT HONOURABLE WILLIAM WHITELAW, M.C., M.P., in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**), section 1(1) of the Northern Ireland (Temporary Provisions) Act 1972(**b**) and all other powers me enabling in that behalf do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1972 and shall come into operation on 17th July 1972.

Amendment of Principal Rules

2. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1965(**c**) specified in column 1 of Schedule 1 are amended to the extent specified in the second column thereof.

Amendment of the Magistrates' Courts (Preliminary Enquiry) Rules

3. The provisions of the Magistrates' Courts (Preliminary Enquiry) Rules (Northern Ireland) 1969(**d**) specified in column 1 of Schedule 2 are amended to the extent specified in the second column thereof.

Dated this 30th day of June 1972.

W. Whitelaw,
One of Her Majesty's Principal Secretaries of State.

(a) 1964. c. 21 (N.I.)
(b) 1972. c. 22.
(c) S.R. & O. (N.I.) 1965, No. 206.
(d) S.R. & O. (N.I.) 1969, No. 69.

SCHEDULE 1

AMENDMENT OF THE MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1965

Provision amended	Amendment
Rule 23A	Under the heading "C. PRELIMINARY INVESTIGATIONS" there shall be inserted the following Rule:— *"Service of statement of complaint before preliminary investigation* **23A.**—(1) The prosecutor shall, as soon as practicable, before the commencement of a preliminary investigation cause to be served on the clerk of petty sessions a written statement setting out each complaint in numerical order (in these Rules referred to as "the statement of complaint") and a copy thereof on the accused. (2) The copy of the statement of complaint 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 Rule 11."
Rule 24	In Rule 24 after paragraph (1) there shall be inserted the following paragraph:— "(1A) Where there is more than one charge and the court is satisfied that the accused can read and will not be prejudiced, the court may instead of causing each charge to be read to the accused, draw the attention of the accused to the statement of complaint and then— (*a*) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged: (*b*) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the copy of the statement of complaint in his possession. The presiding resident magistrate or justice of the peace may at any time cause any charge to be read or read again to the accused." In Rule 24 in paragraph (6) after the words "be again read to the accused" there shall be inserted the words "or, as the case may be, be drawn to the attention of the accused by reference to the charges as numbered in the statement of complaint".

Provision amended	Amendment
Rule 24 (*contd.*)	In Rule 24(7) and (8) any reference to the charge shall, where there is more than one charge, include a reference to the charges.
Rule 26	In Rule 26(2) after sub-paragraph (*a*) there shall be inserted the following sub-paragraph:— "(*aa*) the statement of complaint;"
Schedule 1	After Form 15 there shall be inserted the following Form:—

"FORM 15A

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(*Section* 42; *Rule* 23A)

Statement of Complaint (Preliminary Investigation)

of

Complainant

of

Defendant

Petty Sessions District

of

County [Borough]

of

The following is a statement of the complaint(s) served on the Clerk of Petty Sessions and on the accused under Rule 23A of the Magistrates' Courts Rules (N.I.) 1965:—

Signed:

Complainant/On behalf of Complainant"

Provision amended	Amendment
Schedule 1 (*contd.*)	For Form 16 there shall be substituted the following Form:—

"FORM 16

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(*Section* 42; *Rule* 24)

Statement of the Accused

of

Complainant

of

Petty Sessions District of

County [Borough] of

Defendant

A charge/charges having been made against the above defendant (hereinafter called "the Accused") before the undersigned Justice as set out in the statement of complaint and numbered .

And the witnesses for the prosecution having been severally examined in the presence of the Accused;

And the said charge(s) [having been read or put to the Accused by reference to the charges as numbered in the Statement of Complaint] [being read] and where necessary its/their nature explained in ordinary language to the Accused;

And the Accused being informed of h right, if h so desired, to give evidence on h own behalf and to call witnesses:

The Accused w then addressed as follows:—

"You are not obliged to say anything in answer to the charge(s) unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge(s)?"

Whereupon the Accused in reply said:—

Provision amended	Amendment
Schedule 1 (*contd.*)	The Accused, having [made the statement above set out] [not made any statement] in answer to the charge(s) w then asked whether h desired to give evidence on h own behalf and whether h desired to call witnesses; The Accused, having been informed that h w not obliged to give evidence or to call witnesses and that anyone giving evidence was liable to be cross-examined, in reply said:— Taken before me this day of 19 , at Resident Magistrate [*or* Justice of the Peace]" For Form 17 there shall be substituted the following Form:— "FORM 17 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (*Sections* 42 *and* 167 *and Schedule* 5; *Rule* 24) **Statement of an Accused Corporation** of Complainant of Defendant Petty Sessions District of County [Borough] of A charge/charges having been made against (hereinafter called "the Accused Corporation") before the undersigned Justice as set out in the Statement of Complaint and numbered .