1972. No. 91 **[C]**

MAGISTRATES' COURTS

Magistrates' Courts (Postal Service of Summons) Rules

RULES, DATED 28TH MARCH 1972, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, THE RIGHT HONOURABLE BRIAN FAULKNER, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by Section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) and all other powers thereunto enabling do hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the following Rules:—

Citation

1. These Rules may be cited as the Magistrates' Courts (Postal Service of Summons) Rules (Northern Ireland) 1972.

Revocation

2. In Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1965(b) paragraph (2)(*b*) and the words "direction or" are hereby revoked.

Postal service of summonses other than for offences prosecuted by Constabulary

3.—(1) Where a resident magistrate or the clerk of petty sessions is satisfied that it is not reasonably practicable to serve a summons to which paragraph (2) of the said Rule 11 applies in accordance with that Rule, the resident magistrate or clerk of petty sessions may permit the summons server, or such other person as may be permitted under that Rule to serve it, to serve the summons by post in accordance with this Rule.

(2) The summons server of the petty sessions district in which the proceedings are brought or other person permitted by the resident magistrate or clerk of petty sessions to serve the summons by post shall—

(*a*) send by registered post or by the first-class postal recorded delivery service (using the advice of delivery form) a copy of the summons in an envelope addressed to the person to be served at his usual or last-known place of abode or at his place of business; and

(*b*) endorse on the original summons the name of the summons server or other person serving it, the date on which it was posted and the serial number on the envelope and on the Post Office receipt of postage.

(3) Evidence (either oral or by affidavit) of such service shall be given at the hearing of the complaint by the summons server or other person referred to in paragraph (1) who shall produce to the court or, as the case may be, attach to the affidavit the following documents:—

(*a*) the original summons endorsed by him with the particulars referred to in paragraph (2)(*b*);

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