EXPLANATORY NOTE

(This note is not part of the regulations, but is intended to indicate their general purport.)

These regulations amend the Supplementary Benefit (General) Regulations (Northern Ireland) 1966. They enable the Supplementary Benefits Commission to review a determination of a person's entitlement to a supplementary pension or allowance solely for the purpose of giving effect to subsequent changes in the statutory amounts taken to be his requirements or in his national insurance benefit and analogous payments.

1967. No. 207 **[C]**

MAGISTRATES' COURTS RULES

RULES, DATED 3RD AUGUST 1967, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, the Right Honourable William Craig, 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) 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.

Dated this 3rd day of August 1967.

Wm. Craig,
Minister of Home Affairs
for Northern Ireland.

The Ministry of Finance concurs in the provisions of the Schedule which alter the scale of fees denoted by stamps on documents issued in proceedings to which reference is made in the Schedule.

Sealed with the Official Seal of the Ministry of Finance this 3rd day of August 1967.

(L.S.)

Signed: *R. R. Butler,*
Assistant Secretary.

(a) 1964, c. 21 (N.I.).

Citation

1. These Rules may be cited as the Magistrates' Courts Rules (Amendment) Rules (Northern Ireland) 1967.

Interpretation

2. In these Rules—

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

"the principal Rules" means the Magistrates' Courts Rules (Northern Ireland) 1965(**a**).

Commencement

3. These Rules shall come into force on 29th August 1967.

Schedule of amendments of the principal Rules

4. The Rules specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Adjournments in proceedings upon summons etc. where date of resumption thereof to be fixed

5.—(1) Where proceedings commenced by summons upon complaint are adjourned and the defendant is not remanded in custody or upon bail and the time and place at which the proceedings are to be resumed are, in accordance with section 162(2) of the Act, left to be determined later by the court, the original summons shall be returned by the clerk of petty sessions to the complainant.

(2) Where the court has determined such time and place, the clerk of petty sessions shall serve notice thereof upon the complainant and the defendant and the complainant shall relodge the original summons with the said clerk a reasonable time before the time specified in the notice.

(3) Without prejudice to the provisions of section 24 of the Interpretation Act (Northern Ireland) 1954 as to the manner in which any document may be served, such notice may be served in any manner directed by a resident magistrate (including service thereof upon a solicitor representing that he is authorised to accept service on behalf of the defendant) and the court before which the proceedings are resumed may declare the service of the notice, however effected, sufficient.

(4) This rule shall, subject to any direction of the court, apply also to proceedings before a magistrates' court commenced by notice of application or notice of appeal as though for reference to the original summons or the defendant there were inserted a reference to such notice of appeal or application or the respondent, as the case may be.

Amendment

6. In Rule 30 of the Summary Jurisdiction (Children and Young Persons) Rules (Northern Ireland) 1950(**b**) for the words "in the same manner" to "the Summary Jurisdiction Acts (Northern Ireland)" there shall be substituted the words "in accordance with Magistrates' Courts Rules".

(a) S.R. & O. (N.I.) 1965, No. 206. (b) S.R. & O. (N.I.) 1950, No. 56.

SCHEDULE

Amendments to the Magistrates' Courts Rules (Northern Ireland) 1965

Provision of Rules amended	*Amendment*
RULE 7	For paragraph (2) there shall be substituted the following paragraphs— "(2) Any document which would otherwise in any such proceedings as are referred to in paragraph (2A) be required to be stamped in accordance with paragraph (1) by a complainant, plaintiff, applicant or appellant need not be so stamped; but such document shall for the purposes of this Rule be deemed to have been so stamped and any reference in the Act or these Rules to the recovery of fees or costs shall have effect as though the document had been duly stamped by the complainant, plaintiff, applicant or appellant. (2A) The proceedings to which paragraph (2) applies are any proceedings (including proceedings on appeal) brought by or on behalf of— (*a*) the Attorney General; (*b*) any Minister of the Crown; (*c*) a member of the Royal Ulster Constabulary acting as such; (*d*) any department of the Government of the United Kingdom; (*e*) any department of the Government of Northern Ireland; or (*f*) the Supplementary Benefits Commission for Northern Ireland.". In paragraph (3) after the words "justice of the peace" there shall be inserted the words "or clerk of petty sessions".
RULE 8	In paragraph (2) before the words "Where it is intended that" there shall be inserted the words "Subject to any enactment". In paragraph (6) after the words "Rule 26(2)" there shall be inserted the words "or Rule 120(1)".
RULE 9	In paragraph (4) after the words "and shall have effect" there shall be inserted the words "(except for the purposes of paragraph 1 of Schedule 2 or for the purposes of Schedule 3)".
RULE 11	For paragraph (2)(*c*) there shall be substituted the following— "(*c*) any other person who has received permission from a resident magistrate or other justice of the peace or from the clerk of petty sessions to serve the summons,". In paragraph (4) after the word "where" there shall be inserted the words "he is a child or young person within the meaning of Part III of the Children and Young Persons Act (Northern Ireland) 1950 or a parent of such child or young person summoned in connection with proceedings against such child or young person or where".

Provision of Rules amended	*Amendment*
RULE 14	Before "Where" in paragraph (1) there shall be inserted the words "Subject to paragraphs (1A) and (1B)" and after paragraph (1) there shall be inserted the following paragraphs— "(1A) Where the court in imposing more than one sentence of imprisonment upon any person orders that the sentences are to run concurrently— (*a*) a warrant of commitment need not, unless under special circumstances the governor of the prison to which such person is committed otherwise requests, be issued in respect of a sentence which will expire before or on the expiration of any such sentence in respect of which a warrant of commitment has been issued; and (*b*) where only one warrant of commitment is issued under this paragraph the clerk of petty sessions shall send to the said governor, together with the warrant, particulars of the sentences which are not specified in the warrant. (1B) Where the court orders a person convicted of more than one offence at the same time to be sent for Borstal training or to a training school or commits a child or young person to a remand home in accordance with section 56 of the Children and Young Persons Act (Northern Ireland) 1950 only one warrant need be issued for the purpose of giving effect to such order and the clerk of petty sessions shall send particulars of any conviction not specified in the warrant to the person in charge of the Borstal Institution, training school or remand home, as the case may be.".
RULE 15	In paragraph (1) at the end of the paragraph insert "and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions". In paragraph (3) for the words beginning with "when the necessary recognizance" to the end of the paragraph there shall be substituted the words "issue a warrant for his discharge from prison to take effect from the completion of the necessary recognizance".
RULE 18	In paragraph (1) at the end thereof there shall be inserted the following words— "and such particulars may, subject to any directions given by a resident magistrate or by the Ministry of Home Affairs, be entered by reference to any other proceedings, particulars of which have previously been fully so entered". In paragraph (7)(*a*) after the word "accused" there shall be inserted the words "appearing in person".
RULE 23	In paragraph (1) and paragraph (2) after the word "accused" where it firstly appears there shall be inserted the words "appearing in person".
RULE 30	For Rule 30 there shall be substituted the following Rule— *"Conditions to be complied with before preliminary investigation* 30. Where an adult is charged with an indictable offence specified in Schedule 3 to the Act, a justice of the

Provision of Rules amended	*Amendment*
	peace (other than a resident magistrate) shall not proceed to conduct a preliminary investigation unless he is informed that— (*a*) the prosecutor will not in any event consent to summary trial of the charge under section 52 of the Act; or (*b*) a resident magistrate has decided that it is not expedient to deal with the charge summarily.".
RULE 31	For paragraph (2) there shall be substituted the following paragraph— "(2) Where the prosecutor informs the court that he does not object to the charge being dealt with summarily the court shall not deal summarily with any offence specified in Schedule 3 to the Act until the expiration of 24 hours after the notice under section 52(1) of the Act is given to the accused, unless a written waiver such as is referred to in section 52(1) of the Act waiving the requirement of the twenty-four hours' notice under said section 52(1) has been signed by the accused and handed to the court and the court is satisfied in accordance with Rule 32(4) and (5) that the accused understands that he has the right to be tried by a jury and appreciates the meaning of such right". After paragraph (2) there shall be added the following paragraph— "(3) Where the prosecutor informs a resident magistrate or a justice of the peace having jurisdiction to conduct a preliminary investigation, that the proceedings against the accused are to be taken on indictment, nothing in this Rule or Rule 30 shall operate so as to require proof that the said notice has been given to the accused.".
RULE 32	For paragraph (5) there shall be substituted the following paragraph— "(5) The resident magistrate shall next address the accused as follows:— "Do you wish to be tried by a jury, or do you consent to the case being dealt with summarily?" and if the accused consents to be dealt with summarily, the resident magistrate shall ask him "Do you plead guilty or not guilty?".". After paragraph (5) there shall be inserted the following paragraph— "(6) The resident magistrate may instead of giving the explanation required by paragraph (4) or addressing the accused, as would otherwise be required by paragraph (5), cause such explanation to be given or the accused to be addressed in open court in the appropriate manner by an official of the court and that course shall be sufficient compliance with this Rule.".
RULE 35	In paragraph (1) after the word "served" there shall be inserted the words "in such manner as he may direct".