**1965. No. 231** **[C]**

# MAGISTRATES' COURTS RULES

RULES, DATED 8TH NOVEMBER, 1965, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 AND SECTION 8 OF THE BACKING OF WARRANTS (REPUBLIC OF IRELAND) ACT 1965.

I, the Right Honourable Robert William Brian McConnell, 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 section 8 of the Backing of Warrants (Republic of Ireland) Act 1965(**b**), do hereby, upon the recommendation of the Magistrates' Courts Rules Committee appointed under the said section 23 and after consultation with the Lord Chief Justice of Northern Ireland, make the following Rules:—

*Forms*

**1.**—(1) The forms contained in the Schedule to these Rules or forms to the like effect may be used in connection with proceedings in Magistrates' Courts under the Act.

(2) Where a requirement is imposed by the Act for the use of a prescribed form, and an appropriate form is contained in the Schedule to these Rules, that form or a form to the like effect shall be used.

*Consent to surrender earlier than is otherwise permitted*

**2.**—(1) A notice given under section 3(1)(*a*) of the Act (consent to surrender earlier than is otherwise permitted) shall be signed in the presence of a Justice of the Peace or Clerk of Petty Sessions.

(2) Any such notice given by a person in custody shall be delivered to the Governor of the prison in whose custody he is.

(3) If a person on bail gives such notice, he shall deliver it to, or send it by post in a registered letter or by recorded delivery service addressed to, the member of the Royal Ulster Constabulary in charge of the Constabulary Station specified in his recognizance.

(4) Any such notice shall—

(*a*) state that the person giving the notice understands that, unless he consents to earlier removal, he cannot be delivered up into the custody of a member of the police force of the Republic until the expiration of a period of fifteen days beginning with the date on which the court ordered such delivery;

(*b*) be attached to the warrant ordering the surrender of that person.

*Persons remanded on bail*

**3.**—(1) The person taking the recognizance of a person remanded on bail under section 2(1) or 4(3) of the Act shall furnish a copy of the recognizance to the member of the Royal Ulster Constabulary in charge of the Constabulary Station specified in the recognizance and to the person bound thereby.

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(**a**) 1964. c. 21 (N.I.). (**b**) 1965. c. 45.

(2) The Clerk of Petty Sessions for the Petty Sessions District of the Magistrates' Court which ordered a person to be surrendered and remanded him on bail shall deliver to, or send by post in a registered letter or by recorded delivery service addressed to, the member of the Royal Ulster Constabulary in charge of the Constabulary Station specified in the recognizance the warrant ordering the person to be surrendered.

*Disposal of Republic Warrants*

**4.**—(1) The Clerk of Petty Sessions for the Petty Sessions District of the Magistrates' Court which ordered a person to be surrendered shall deliver to, or send by post in a registered letter or by recorded delivery service addressed to,

(*a*) if he is remanded in custody under section 5(1)(*a*) of the Act, the prison Governor to whose custody he is committed,

(*b*) if he is remanded on bail under section 5(1)(*b*) of the Act, the member of the Royal Ulster Constabulary in charge of the Constabulary Station specified in the recognizance,

(*c*) if he is committed to the custody of a constable pending the taking from him of a recognizance under section 5(1) of the Act, the member of the Royal Ulster Constabulary in charge of the Constabulary Station specified in the warrant of commitment,

the warrant of arrest issued by a judicial authority in the Republic and endorsed in accordance with section 1 of the Act.

(2) The Governor or member of the Royal Ulster Constabulary to whom the said warrant of arrest is delivered or sent shall arrange for it to be given to the member of the police force of the Republic into whose custody the person is delivered when the person is so delivered.

*Proof of service*

**5.** A notice of the issue of a summons in the Republic and the copy of the summons which have under section 1(2)(*a*) of the Act to be served personally upon a person who has failed to appear in answer to such summons shall be served by a member of the Royal Ulster Constabulary and proof of service may be given in the same manner as proof of service of a summons issued in Northern Ireland.

*Verification of documents*

**6.**—(1) A document purporting to be a warrant issued by a judicial authority in the Republic shall, for the purposes of section 7(*a*) of the Act, be verified by a certificate purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a warrant and is signed by a judge or justice of a court or peace commissioner.

(2) A document purporting to be a copy of a summons issued by a judicial authority in the Republic shall, for the purposes of the said section 7(*a*), be verified by a certificate purporting to be signed by a judicial authority, a clerk of a court or a member of the police force of the Republic and certifying that the document is a true copy of such a summons.

(3) A deposition purporting to have been made in the Republic, or affidavit or written statement purporting to have been sworn therein, shall, for the purposes of section 7(*c*) of the Act, be verified by a certificate purporting to be signed by the person before whom it was sworn and certifying that it was so sworn.

*Interpretation*

**7.** In these Rules—

"the Act" means the Backing of Warrants (Republic of Ireland) Act 1965;

a reference to a member of the Royal Ulster Constabulary shall include a reference to a member of the Ulster Special Constabulary on duty with the Royal Ulster Constabulary;

a reference to a person ordered to be surrendered means a reference to a person ordered by a Magistrates' Court to be delivered into the custody of a member of the police force of the Republic under section 2(1) of the Act; and cognate expressions shall be construed accordingly;

"the Republic" means the Republic of Ireland.

*Citation and Commencement*

**8.** These Rules may be cited as the Magistrates' Courts (Backing of Warrants from the Republic of Ireland) Rules (Northern Ireland) 1965 and shall come into operation on 15th November, 1965.

Dated 8th November, 1965.

*R. W. B. McConnell,*
Minister of Home Affairs
for Northern Ireland.

SCHEDULE

**Forms**

1

**Endorsement of warrant of arrest (Backing of Warrants (Republic of Ireland) Act 1965, s.1(1).)**

I, the undersigned, a justice of the peace for the County [Borough] of , being satisfied that this Warrant may be endorsed under section 1 of the Backing of Warrants (Republic of Ireland) Act 1965, hereby authorise all members of the Royal Ulster Constabulary to execute this Warrant in Northern Ireland by bringing before a Magistrates' Court for the said County [Borough] the said .

Justice of the Peace for the [County] [Borough] aforesaid.

Dated the day of , 19 .

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2

**Consent to earlier return (Backing of Warrants (Republic of Ireland) Act 1965, s.3(1)(a).)**

Whereas on the day of , 19 , the Magistrates' Court sitting at ordered that I should be delivered into the custody of a member of the police force of the Republic of Ireland:

And whereas I understand that, unless I consent to an earlier removal, I cannot be so delivered until the expiration of the period of fifteen days beginning with the date on which the order was made:

Now, therefore, I give notice that I consent to my earlier removal before the said period of fifteen days has expired.

Signed

This form was signed by the above-mentioned person in my presence on the day of , 19 .

Justice of the Peace for the County [Borough] of
[*or* Clerk of Petty Sessions]

3

**Provisional warrant of arrest (Backing of Warrants (Republic of Ireland) Act 1965, s.4.)**

{ Petty Sessions District of
{ County [Borough] of

Whereas a member of the Royal Ulster Constabulary has stated on oath that he has reason to believe that a Warrant has been issued by a judicial authority in the Republic of Ireland for the arrest of (hereinafter called the Defendant) who is accused [*or* convicted] of an indictable offence against the laws of the Republic but that the Warrant is not yet in his possession; [and the Warrant issued by the said authority in respect of the offence of which the Defendant was convicted was issued to enable him to be [brought before a Court in the said Republic for sentence in respect of the conviction] [taken to a place where he is to undergo imprisonment under a sentence imposed by a Court of the said Republic, not being imprisonment in default of payment of a fine or other sum]] and that he has received a request made on grounds of urgency by a member of the police force of the Republic holding the rank of Inspector or above for the issue in the United Kingdom of a Warrant for the Defendant's arrest; and that he has reason to believe that the Defendant is within the County [Borough] aforesaid:

This is to command you, to whom this Warrant is addressed, to arrest the Defendant within five days after the date of the issue of this Warrant and to bring him/her as soon as practicable before a Magistrates' Court of the said County [Borough].

Justice of the Peace for the said County [Borough].

This day of , 19 .

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant is not authority for the making of an arrest more than five days after the date of its issue.