1985 No. 269

MAGISTRATES' COURTS

Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1985

Made . . . . . *25th September 1985*

Coming into operation . . . *1st November 1985*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1985 and shall come into operation on 1st November 1985.

Interpretation

2. In these Rules "the Principal Rules" means the Magistrates' Courts Rules (Northern Ireland) 1984(**b**) and a Rule or Form referred to by number means a Rule or Form so numbered in the Principal Rules.

Amendment of the Principal Rules

3.—(1) In Rule 13—

(*a*) for paragraph (1) there shall be substituted the following paragraph—

"(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 Rule 11 applies in accordance with that Rule, the resident magistrate or clerk of petty sessions may give permission by an endorsement signed by him on the original summons for service to be effected by post in accordance with paragraph (2)(*a*).";

(*b*) in paragraph (11) for the expression "9(*a*) to (*e*)" there shall be substituted the expression "8(*a*) to (*e*)".

(2) In Rule 105(1) the words "or for an order for remission of the sum in whole or in part" shall be omitted.

(3) In Forms 68 and 69 in the fourth recital after the words "[a young offenders centre]" there shall be inserted the words "and that there is no such record as is mentioned in Article 3(7) of the Treatment of Offenders (Northern Ireland) Order 1976".

Dated 25th September 1985 *Hailsham of St. Marylebone, C.*

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) S.R. 1984 No. 225

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules make minor amendments to the Magistrates' Courts Rules (Northern Ireland) 1984. Rule 13(1) is amended to require a resident magistrate or the clerk of petty sessions to endorse and sign on an original summons his permission for service to be effected by post. Rule 13(11) is amended to correct a misprint. Rule 105(1) is amended to correct the impression that a defendant has the right to apply for an order for remission whereas in fact the court has power to remit of its own motion under Article 91(5) of the Magistrates' Courts (Northern Ireland) Order 1981. Forms 68 and 69 are amended to emphasise the fact that a person discharged from prison or a young offenders' centre under Article 3(1)(*a*) of the Treatment of Offenders (Northern Ireland) Order 1976 (early release) and subsequently convicted of another offence has not been dealt with by the subsequent court in relation to his return to prison or a young offenders centre on foot of the original sentence.

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These Orders have been exempted from printing by the Statutory Rules (Northern Ireland) Order 1979. Summaries are given in the List of Statutory Rules of a Local Character under the heading ROADS.