**1980 No. 409**

## MAGISTRATES' COURTS

### Magistrates' Courts (Amendment No. 4) Rules (Northern Ireland) 1980

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| *Made* . . . . . | *7th November 1980* |
| *Coming into operation* . . . | *1st December 1980* |

The Lord Chancellor, in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and Article 41(6) of the Domestic Proceedings (Northern Ireland) Order 1980(**b**), 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. 4) Rules (Northern Ireland) 1980 and shall come into operation on 1st December 1980.

*Interpretation*

**2.** In these rules—

"the Rules" means the Magistrates' Courts Rules (Northern Ireland) 1974(**c**) and any reference to a rule by number is a reference to that rule as numbered therein;

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

*Review of commitals*

**3.** After rule 132 there shall be inserted the following rule:

"*Application for review of warrant of commitment*

**132A.** A person imprisoned under a warrant of commitment issued by a magistrates' court under section 114 of the Act who is not detained otherwise than under that section may make an application by way of complaint in Form 183 to a resident magistrate requesting that the warrant be cancelled and stating the grounds of the application."

**4.** After Form 182 there shall be inserted Form 183 in the Schedule to these rules.

Dated 7th November 1980.

*Hailsham of St. Marylebone, C.*

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(**a**) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(**b**) S.I. 1980/563 (N.I. 5)
(**c**) S.R. 1974 No. 334 (II, p. 1541) as amended by S.R. 1976 No. 120 (I, p. 490) and S.R. 1977 No. 171 (II, p. 1001)

SCHEDULE

FORM 183

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 114A: Rule 132A)

**Application requesting that warrant of commitment be cancelled.**

| | | |
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| of | Complainant | Petty Sessions District of |
| of | Defendant | County Court Division of |

I, hereby request that the warrant of commitment under which I am for the time being imprisoned [or otherwise detained] be cancelled.

The grounds of my request are as follows:—

Dated this day of 1980.

Signed:

Defendant

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## EXPLANATORY NOTE

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

These rules amend the Magistrates' Courts Rules (Northern Ireland) 1974 by inserting rule 132A and by adding Form 183 to Schedule 1. These additions to the Rules lay down a procedure under which a person imprisoned under a warrant of commitment issued under section 114 of the Magistrates' Courts Act (Northern Ireland) 1964 (and who is not detained otherwise) may apply, in accordance with section 114A of that Act, for cancellation of the warrant.