1980 No. 137

JUDICATURE, NORTHERN IRELAND MAGISTRATES' COURTS

Magistrates' Courts (Amendment) Rules (Northern Ireland) 1980

Made	*17th April 1980*
Coming into operation . . .	*12th May 1980*

The Lord Chancellor in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(**a**) and section 39(2) of the Criminal Law Act 1977(**b**) on the recommendation 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) Rules (Northern Ireland) 1980 and shall come into operation on 12th May 1980.

Interpretation

2. In these rules "the Rules of 1974" 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 in the Rules of 1974.

Amendments to the Rules of 1974

3.—(1) In rule 11(1) after the word "shall" there shall be inserted the words, "subject to rule 11A".

(2) In rule 11(2) after the word "shall" there shall be inserted the words, "subject to the rule 11A".

(3) After rule 11 there shall be inserted the following rule:

"*Service of a summons in England and Wales or Scotland*

11A.—(1) A summons requiring a person in England and Wales or Scotland charged with an offence to appear before a Magistrates' Court in Northern Ireland may, subject to paragraph (4), be served by any member of a home police force within the meaning of the Police Act 1969(**d**) or by a person employed by the chief officer of police or the police authority for the area in which the summons is to be served who is authorised by the chief officer of police to serve summonses.

(2) Service of the summons may be proved by an affidavit in Form 164A sworn in England and Wales before a justice of the peace or clerk to the justices or in Scotland before a sheriff, justice of the peace or sheriff clerk.

(3) The summonses shall be served by delivering a copy to the person charged at least 14 days before the date of the hearing.

(**a**) 1964 c. 21 (N.I.) as modified by S.I. 1973/2163 (1973 III, p. 7541)
(**b**) 1977 c. 45
(**c**) S.R. 1974 No. 334 (II p. 1541) as amended by S.R. 1976 No. 120 and S.R. 1977 No. 171
(**d**) 1969 c. 63

(4) Where the summone is to be served on a corporate body in England and Wales or Scotland, paragraph (5) of rule 11 shall have effect as if the words "in Northern Ireland" were omitted.

(5) Paragraphs (4) and (6) of rule 11 shall not apply to the service of a summons under this rule."

(4) After Form 164 in Schedule 1 to the Rules of 1974 there shall be inserted the Form 164A in the Schedule to these rules.

Dated 17th April 1980.

Hailsham of St. Marylebone, C

SCHEDULE

Form to be inserted in Schedule 1 to the Rules of 1974

FORM 164A

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(SECTIONS 37(3) AND 127; RULE 11A)

Affidavit of Service of Summons for Offence where Summons served in England and Wales or Scotland

of — Complainant — Petty Sessions District of

County Court Division of

of — Defendant

I, [(rank), a member of the Constabulary] [or a person authorised by the chief officer of police to serve summonses] make oath and say that I did serve the summons in this matter on the above-named Defendant at the time and place and in the manner endorsed by me on the original summons.

Sworn before me this day of 19 at

in the County of

Deponent

Justice of the Peace
[or Clerk to the Justices]
[or Sheriff]
[or Sheriff Clerk]

EXPLANATORY NOTE

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

These rules amend the Magistrates' Court Rules (Northern Ireland) 1974 to provide for the manner of and proof of service of a summons in England and Wales or Scotland under section 39(2) of the Criminal Law Act 1977.