STATUTORY RULES OF NORTHERN IRELAND

2008 No. 251

MAGISTRATES' COURTS

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2008

Made - - - - 16th June 2008

Coming into operation in accordance with Rule 1

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

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 2008 and, subject to paragraphs (2) to (8), shall come into operation on the 16th July 2008.

(2) Rules 2(8), (9) and (18)(k) shall come into operation on the same day as Article 45 of the Criminal Justice (Northern Ireland) Order 2008(**b**) comes into operation.

(3) Rules 2(10) to (12), (17) and (18)(d) shall come into operation on the same day as Article 9 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

(4) Rules 2(13), (14), (18)(c) and 18(l) to (t) shall come into operation on the same day as Article 47 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

(5) Rule 2(15) shall come into operation on the same day as Article 23 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

(6) Rules 2(16) and (18)(u) shall come into operation on the same day as Article 87 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

(7) Rules 2(18)(a) and (b) shall come into operation on the same day as Article 92 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

(8) Rules 2(18)(e) and (f) shall come into operation on the same day as Article 34 of the Criminal Justice (Northern Ireland) Order 2008 comes into operation.

Amendments to the Magistrates' Courts Rules (Northern Ireland) 1984

2. The Magistrates' Courts Rules (Northern Ireland) 1984(**c**) are amended as follows:—

(1) Rule 2(3)(b) is omitted.

(2) In Rule 24—

(a) in paragraph (1), omit "(other than a scheduled offence)";

(**a**) S.I.1981/1675 (N.I.26);Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)
(**b**) S.I.2008/1216 (N.I. 1)
(**c**) S.R.1984 No.225 to which the most recent relevant amendments were made by S.R.2006 No.413.

(b) in paragraph (1)(a), for "by jury" substitute "in the Crown Court sitting with a jury. In certain circumstances a trial in the Crown Court may be heard by a judge sitting without a jury";

(c) in paragraph (1)(c), for "by a jury" substitute "in the Crown Court";

(d) in paragraph (2)(a), for "by a jury" substitute "in the Crown Court sitting with a jury. In certain circumstances a trial in the Crown Court may be heard by a judge sitting without a jury";

(e) in paragraph 2(c), for "by a jury" substitute "in the Crown Court";

(f) in paragraph 2(d), for "by a jury" substitute "in the Crown Court"; and

(g) paragraph (3) is omitted.

(3) Rule 31(1)(c) is omitted.

(4) In Rule 32(2), for "section 1 of the Act of 1978" substitute "section 3 of the Justice and Security (Northern Ireland) Act 2007".

(5) In Rule 34, for "section 1 of the Act of 1978", in each place that it occurs, substitute "section 3 of the Justice and Security (Northern Ireland) Act 2007".

(6) In Rule 44(2), for "by a jury and appreciates the meaning of such right; or, in relation to a scheduled offence, the court is satisfied in accordance with Rule 45(6) and (7) that the accused understands that he has a right to be tried at the Crown Court sitting in Belfast without a jury, or, if the Attorney General certifies that the offence is not to be treated as a scheduled offence, at the Crown Court with a jury, and appreciates the meaning of such right" substitute "by a jury at the Crown Court and appreciates the meaning of such right including the circumstances in which a trial at the Crown Court may be heard by a judge sitting without a jury".

(7) In Rule 45—

(a) for paragraph (4), substitute—

"(4) The district judge (magistrates' court) shall, after deciding that it is expedient to deal with the case summarily, cause the charge to be read to the accused and, if he considers it desirable, explain the meaning of the case being dealt with summarily and of committing an accused for trial by jury at the Crown Court. Such explanations shall include a statement as to the Crown Court at which the accused may be tried and the circumstances in which a trial at the Crown Court may be heard by a judge sitting without a jury.";

(b) for paragraph (5), substitute—

"(5) The district judge (magistrate's court) shall next address the accused as follows—

"Do you wish to be tried at the Crown Court, or do you consent to the case being dealt with summarily?

and if the accused consents to be dealt with summarily, the district judge (magistrate's court) shall ask him "Do you plead guilty or not guilty?";

(c) paragraph (6) is omitted;

(d) paragraph (7) is omitted;

(e) in paragraph (8), for "paragraph (4) or (6)" substitute "paragraph (4)"; and

(f) in paragraph (8), for "paragraph (5) or (7)" substitute "paragraph (5)".

(8) In Rule 105—

(a) in paragraph (1), for "will result in" to the end, substitute—

"will result in the issue of—

(a) a warrant committing him to prison, and additional costs attendant upon such issue; or

(b) a supervised activity order requiring him to attend at a place of supervision for a period specified in the order and engage, during that period, in activities in accordance with instructions given by the supervising officer."; and

(b) In paragraph (2), after "or commitment", insert "or a supervised activity order".

(9) After Rule 105 insert—

"*Supervised activity orders*

105A.—(1) Where a magistrates' court makes a supervised activity order under Article 45 of the Criminal Justice (Northern Ireland) Order 2008, any entry in the Order Book required to be made under Rule 19(1) shall include details of the following—

(a) the duration of the order;

(b) any conditions and requirements of the order;

(c) the petty sessions district in which the offender resides or will reside.

(2) Where a magistrates' court amends, extends or revokes a supervised activity order, it shall cause an entry to that effect to be made in the Order Book, opposite the entry relating to the making of the order.

(3) Where a magistrates' court amends, extends or revokes a supervised activity order which was not made by that court, the clerk of petty sessions shall send a copy of the relevant entry of the Order Book to the clerk of petty sessions for the district in which the order was made.

(4) The clerk of petty sessions to whom notice under paragraph 3 is given, shall note the details given in the Order Book, opposite the entry relating to the making of the order.

(5) Any complaint made in respect of a breach of a requirement of a supervised activity order and any application to revoke, extend or amend a supervised activity order under Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008, shall be accompanied by a copy of the order to which the complaint or the application relates.

Committal to Crown Court

105B. Where a magistrates' court commits an offender to the Crown Court under paragraph 5(3) of Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008, the clerk of petty sessions shall notify the chief clerk for the appropriate county court division by sending to him—

(a) where an offender is released on bail, a copy of any recognizance entered into; and

(b) a certificate of the order made by the magistrates' court.".

(10) In the heading of Section F of Part VII after "CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996" insert "AND CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008".

(11) After Rule 124(a), insert—

"(aa) "the 2008 Order" means the Criminal Justice (Northern Ireland) Order 2008;".

(12) In Rule 125A—

(a) "20(3)(a); 21(2);" is omitted; and

(b) after "the 1996 Order", insert "or Article 9(3) of the 2008 Order".

(13) Rule 126(3)(b) is omitted.

(14) In Rule 126A, for "paragraph 3(3), paragraph 7(2)(b)" substitute "paragraph 2(4)".

(15) After Rule 126B, insert the following new Rules—

"*Recommended licence conditions for sentences of 12 months or more*

126C. Where a court, when passing a determinate custodial sentence of 12 months or more, recommends under Article 23(1) of the 2008 Order particular conditions which in its view should be included in any licence granted under Article 17 or 19 of the 2008 Order, it shall send notice of its order to the Secretary of State in Form 106.

Licence conditions for sentences of less than 12 months

126D. Where a court, when passing a determinate custodial sentence of less than 12 months, under Article 24(2)(a) of the 2008 Order requires particular conditions to be included in any licence granted under Article 17 or 19 of the 2008 Order, it shall send notice of its order to the Secretary of State in Form 106.

Conviction while licence remains in force

126E. Where it appears to the court by or before which a person is convicted of an offence that the offence was committed while the person was on licence and that the person has not been recalled to prison, the court shall inform the Secretary of State of the conviction in Form 106.".

(16) In Rule 153A(1), after "Article 132A of the Order" insert "or under Article 48(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989".

(17) In Rule 155(1)(d), after "the Criminal Justice (Northern Ireland) Order 1996," insert "or the Criminal Justice (Northern Ireland) Order 2008".

(18) In Schedule 1—

(a) for Form 8, substitute the new Form 8 as set out in the Schedule to these Rules;

(b) after Form 8A, insert the new Form 8B as set out in the Schedule to these Rules;

(c) in the heading of Form 11A, for "paragraphs 3(3), 7(2)(b)" substitute "paragraphs 2(4)";

(d) after Form 14, insert the new Form 14ZA as set out in the Schedule to these Rules;

(e) in Form 14D—

(i) in the title, for "recalled" substitute "returned";

(ii) in the first paragraph, "[Crown Court]" is omitted; and

(iii) in the fifth paragraph, for "the licence be suspended and the defendant be recalled to prison [Young Offenders Centre] for (state period)" substitute—

"[the licence be revoked and the defendant be returned to prison/young offenders centre (delete as appropriate)]

[the licence be suspended and the defendant be returned to prison/young offenders centre (delete as appropriate) for (state period)]";

(f) after Form 14D, insert the new Form 14DA as set out in the Schedule to these Rules;

(g) in Form 21, for "NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978 (Section 1) substitute "JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007 (Section 3)";

(h) Form 30A is omitted;

(i) Form 31A is omitted;

(j) Form 32A is omitted;

(k) after Form 62A, insert new Forms 62B – 62L as set out in the Schedule to these Rules;

(l) in Form 69D "[Crown Court]" is omitted;

(m) in Form 69E "[Crown Court]" is omitted;

(n) in Form 69F "[Crown Court]" is omitted;

(o) in Form 69G "[Crown Court]" is omitted;

(p) in Form 69H "[Crown Court]" is omitted;

(q) in Form 69I "[Crown Court]" is omitted;

(r) in Form 69J "[Crown Court]" is omitted;

(s) for Form 69N, substitute the new Form 69N as set out in the Schedule to these Rules;

(t) in Form 69O, in the heading, for "paragraphs 7(2)(b) and 9(2)(b)" substitute "paragraph 9(2)(b)"; and

(u) for Forms 91A and 91B substitute new Forms 91A and 91B as set out in the Schedule to these Rules.

Saving

3. Nothing in these Rules shall affect any proceedings which are pending immediately before these Rules come into operation and the Rules in operation before that date shall continue to apply to those proceedings.

George Conner
W A McNally
Nigel Broderick
John Rea
John P B Maxwell

Dated 16th June 2008

SCHEDULE 1

Rule 2(18)(a)

"Form 8

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 20(3), (4) and (5) and 25); (Rules 14 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2003
(Article 6)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Article 92)

Warrant of Arrest

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

WHEREAS a complaint has been made [on oath and in writing] [and substantiated on oath] that

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest and bring the said defendant before a magistrates' court in accordance with Article 92 of the Criminal Justice (Northern Ireland) Order 2008.

This day of

District Judge (Magistrates' Court)
[Lay Magistrate]

To the District Commander of the Police Service of Northern Ireland at

Note: This form may be endorsed for bail as on Form 9."

Rule 2(18)(b)

"Form 8B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 118)

(Rules 14 and 143)

Warrant of Arrest for Witness

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

WHEREAS a complaint has been made [on oath and in writing] [and substantiated on oath] that

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest and bring the said defendant before a magistrates' court for the said county court division.

This day of

District Judge (Magistrates' Court)
[Lay Magistrate]

To the District Commander of the Police Service of Northern Ireland at

Note: This form may be endorsed for bail as on Form 9."

Rule 2(18)(d)

"Form 14ZA

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 125A and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Articles 5 and 9)

Warrant of Commitment on Determinate Custodial Sentence

of]]] Petty Sessions District of]] Complainant]

of]] County Court Division of] Defendant]

WHEREAS upon the hearing of a complaint that
the defendant was convicted by a magistrates' court sitting at *(place)* on *(date)* of the following offence(s):
(state shortly particulars of offence(s))

which[is][are] punishable with:
(a) a sentence of imprisonment; or
(b) a sentence of detention in a young offenders centre.
AND the court [having considered a pre-sentence report] [is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that only such a sentence can be justified for the offence because *(state reason)*

]
[proposed a community sentence that requires the consent of the defendant, and the defendant refused to give that consent].

AN ORDER WAS MADE on the *(date)* , by a magistrates' court for the said district against the defendant to the following effect, viz:-

(here insert order of the court)

[being a determinate custodial sentence of 12 months or more, the court recommended the following licence conditions under Article 23 of the Criminal Justice (Northern Ireland) Order 2008] [being a determinate custodial sentence of less than 12 months, the court required the following licence conditions under Article 24 of the Criminal Justice (Northern Ireland) Order 2008]-

(*here insert licence conditions*)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] to be detained there for the period of [ ]

AND for this the present warrant shall be a sufficient authority to all whom it may concern.

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

To the District Commander of the Police Service for Northern Ireland at"

Rule 2(18)(f)

"Form 14DA

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14, 15 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 27)

Warrant of Commitment to the Crown Court under Article 27(3) of the Criminal Justice (Northern Ireland) Order 1996

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

WHEREAS it appears that the defendant was on the *(date)*
convicted by the Crown Court sitting at *(place)*
of the following offence(s): *(state shortly particulars of offence(s))*

AND WHEREAS on the *(date)* the said court ordered that the defendant be imprisoned [detained] for year(s) AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND WHEREAS it appears that the defendant was on the *(date)* discharged from HM Prison [Young Offenders Centre] at and was on that date serving the above sentence of imprisonment [period of detention] which but for his discharge pursuant to prison rules would have expired on the *(date)*

Having been arrested by virtue of a warrant issued under Article 27(1)(b) of the Criminal Justice (Northern Ireland) Order 1996, AND having been brought before a magistrates' court pursuant to Article 27(2) of the said Order, the court ordered that the defendant be committed to custody until the defendant can be brought before the Crown Court sitting at .

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at in order that the defendant may be brought before the Crown Court sitting at *(place)*

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

To the District Commander of the Police Service of Northern Ireland at

Note: This warrant may be endorsed for bail as on Form 11A."

Rule 2(18)(k)

"Form 62B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Article 45)

Supervised Activity Order

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

WHEREAS it appears that the defendant being aged 18 or over, was on the *(date)* convicted by a magistrates' court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the court ordered the defendant to pay the following sum:-
£
AND the court [allowed the defendant until *(date)* , to pay the said sum] [ordered the defendant to pay the said sum by instalments of £ per commencing on *(date)*].

AND WHEREAS the defendant has not paid the sum as ordered.

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of shall, during the period of 12 months beginning with the date of this order, be required to attend at *(place)* for the period of hours, and shall comply with the following requirements:

1. That the defendant shall report to the supervising officer and notify the officer without delay of any change of address or in the times (if any) at which the defendant usually works or attends a school or other educational establishment;

2. That the defendant shall attend at a place of supervision specified in this order and engage in activities in accordance with such instructions as may be given by the supervising officer for the period specified in this order.

[The court directs that the requirements of this order shall be [concurrent with] [additional to] the requirements specified in the supervised activity order(s) made on *(date)* for hours activity [respectively]].

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

Rule2(18)(k)

Form 62C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 7, 17 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 5)

Complaint for failure to comply with requirement(s) of supervised activity order

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

I, of,
say on oath that the above-named defendant was on the *(date)*
convicted by a court of summary jurisdiction for the petty sessions district of *(place)*
of
the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order requiring the said defendant to *(here set out requirement which is contravened)*

AND the said defendant did on *(date)* fail to comply with the requirements [in as much as *(here set out particulars of breach)*

].
Complainant
[for Complainant]

Taken before me this day of in the County Court Division of .

Lay Magistrate

Rule 2(18)(k)

Form 62D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 8 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 5)

Summons to Defendant for failure to comply with requirement(s) of supervised activity order

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

WHEREAS a complaint has been made before me by of that on *(date)* , you, the said defendant, were convicted by a court of summary jurisdiction for the petty sessions district of *(place)* of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order requiring you to *(here set out requirement(s) contravened)*

and by the said complaint, it is further alleged that you did on *(date)* fail to comply with the requirements of the said order [in as much as you *(here set out particulars of breach)*

].

THIS IS TO COMMAND YOU, to appear on the hearing of the above complaint at *(place*) on *(date)* at (*time*) o'clock in the forenoon, before a court of summary jurisdiction sitting for the petty sessions district of .

Dated this day of

Lay Magistrate
[Clerk of Petty Sessions]

To you the said defendant

Rule 2(18)(k)

Form 62E

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 5)

Warrant for arrest on failure to comply with requirement(s) of supervised activity order

of] Petty Sessions District of
Complainant]

of] County Court Division of
Defendant]

WHEREAS a complaint has been made in writing and on oath that on *(date)* , the defendant was convicted by a court of summary jurisdiction for the petty sessions district of *(place)* of the following offence(s): *(state shortly particulars of offence(s))*:

AND that on the *(date)* the said court made a supervised activity order requiring the said defendant to *(here set out requirement which is contravened)*

and by the said complaint, it is further alleged that the defendant did on *(date)* fail to comply with the requirements of the said order [in as much as *(here set out particulars of breach)*].

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest and bring the said defendant before a court of summary jurisdiction sitting for the petty sessions district of sitting at *(place)* to answer to the said complaint.

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]

To the District Commander of the Police Service of Northern Ireland at

Note: This form may be endorsed for bail as on Form 9.

Rule 2(18)(k)

Form 62F

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 5)

Order on failure to comply with requirement(s) of supervised activity order

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

WHEREAS a court of summary jurisdiction for the petty sessions district of *(place*) on *(date)* convicted the defendant of the following offence(s); *(state shortly particulars of offence(s))*:

AND that on the *(date)* the said court made a supervised activity order which required the defendant to *(here set out requirement which is contravened)*

and by the said complaint, it is further alleged that you did on *(date)* fail to comply with the requirements of the said order [in as much as you *(here set out particulars of breach)*

].

AND WHEREAS on the *(date)* , a court of summary jurisdiction sitting for the petty sessions district of sitting at *(place)* being satisfied that the defendant has failed without reasonable excuse to comply with the requirements of the said order, ORDERED [that the defendant *(here state particulars of decision)*][that the order should be revoked and that –]

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

Rule 2(18)(k)

Form 62G

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 6)

Notice of Application for [Amendment] [Extension] [Revocation] of supervised activity order

		]
of		]
		] Petty Sessions District of
		]
		]
	Applicant	]
		] County Court Division of
of		]
	Respondent	]

WHEREAS a court of summary jurisdiction for the petty sessions district of *(place*) on *(date)* convicted [me] [the respondent] of the following offence(s); *(state shortly particulars of offence(s))*:

AND that on the *(date)* the said court made a supervised activity order.

[AND having regard to the circumstances which have arisen since the order was made, namely:]

TAKE NOTICE that I intend to apply to a court of summary jurisdiction sitting for the petty sessions district of sitting at *(place)* on the *(date)* , that the said order be [amended] [extended] [revoked] [revoked and a period of imprisonment be imposed].

Dated this day of

Applicant

To:

Rule 2(18)(k)

Form 62H

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 8 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 6)

Summons to Defendant to [Amend] [Extend] [Revoke] a supervised activity order

]
of]
] Petty Sessions District of
]
Complainant]
[Applicant]]

of
] County Court Division of
]
Defendant]

WHEREAS an application has been made by
of that on *(date)* , you the defendant were convicted by a court of summary jurisdiction for the petty sessions district of *(place*) , of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order.

AND, whereas by the said application *(name of applicant)*
has applied that the said order be [amended] [extended] [revoked] [revoked and a period of imprisonment be imposed].

THIS IS TO COMMAND YOU, to appear as a defendant on *(date)* at (*time*) o'clock in the forenoon, before a court of summary jurisdiction for the petty sessions district of sitting at *(place)*
in answer to the said application.

Dated this day of

Lay Magistrate
[Clerk of Petty Sessions]

To you the said defendant

Rule 2(18)(k)

Form 62I

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14, 105A and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 6)

Warrant for Arrest of Defendant on failure to appear in answer to summons to [Amend] [Extend] [Revoke] a supervised activity order

of]]] Petty Sessions District of]] Complainant]

of]]] County Court Division of] Defendant]

WHEREAS an application has been made that the defendant was convicted by a [court of summary jurisdiction for the petty sessions district of][Crown Court] sitting at *(place)* of the following offence(s):
(state shortly particulars of offence(s))

AND that on the *(date)* the said court made a supervised activity order.

AND a summons to [amend] [extend] [revoke] the said order was duly served on the defendant requiring him to appear before a court of summary jurisdiction sitting at *(place)* on the *(date)*.

AND the defendant failed to appear at the said court in answer to the summons.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said defendant and bring the defendant before a court of summary jurisdiction for the petty sessions district of sitting at *(place)* to answer to the said application.

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]

To the District Commander of the Police Service of Northern Ireland at

Note: This form may be endorsed for bail as on Form 9.

Rule 2(18)(k)

Form 62J

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 6)

Order to [Amend] [Extend] [Revoke] a supervised activity order

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

WHEREAS a court of summary jurisdiction for the petty sessions district of sitting at *(place)* , on *(date)* convicted the defendant of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order.

AND WHEREAS has applied that the order should be [amended] [extended] [revoked] [revoked and a period of imprisonment be imposed] on the ground that:

[AND the court is satisfied that the offender proposes to reside in another petty sessions district] [a change of residence has taken place] [AND the court having been notified that arrangements exist for persons residing in that petty sessions district to carry out instructions under supervised activity orders]

[AND IT APPEARS to the court that provision may be made under those arrangements for the offender to carry out instructions under the order]

IT IS ORDERED that the said order should be [amended] [extended] [revoked] [revoked and a period of imprisonment of days be imposed] *(insert details as appropriate)*

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

Rule 2(18)(k)

Form 62K

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraphs 5 and 6)

Warrant of Commitment on [failure to comply with requirement(s)] [revocation] of a supervised activity order

of] Petty Sessions District of
Complainant

of] County Court Division of
Defendant

WHEREAS it appears that the defendant was on the *(date)* convicted by a magistrates' court sitting at *(place)*
of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order [which required the defendant to *(here set out requirement which is contravened)*].

AND WHEREAS on the *(date)* a court of summary jurisdiction sitting at *(place)* being satisfied that [the defendant failed without reasonable excuse to comply with the requirements of the said order] [the order should be revoked and the court should impose a period of imprisonment].

THE COURT ORDERED THAT the said order be revoked and that for the said office, the defendant be [imprisoned][detained] in the [Prison][Young Offenders Centre] for the period of .

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] to be detained there for the period of .

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

To the District Commander of the Police Service of Northern Ireland at

Rule 2(18)(k)

Form 62L

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 105, 105A and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008
(Schedule 3, paragraph 5(3))

Warrant of commitment to the Crown Court on failure to comply with requirement of a supervised activity order

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

WHEREAS it appears that the defendant was on the *(date)*
convicted by the Crown Court sitting at *(place)*
of the following offence(s): *(state shortly particulars of offence(s))*

AND that on the *(date)* the said court made a supervised activity order which required him to *(here set out requirement which is contravened)*.

AND WHEREAS THE defendant has been arrested on foot of a warrant issued under paragraph 5(1)(b) of Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008.

AND WHEREAS on the *(date)* a court of summary jurisdiction sitting at *(place)* ORDERED that the defendant be committed to custody under paragraph 5(3) of Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008 until the defendant can be brought before the Crown Court sitting at .

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that the defendant may be brought before the Crown Court sitting at *(place*)

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

To the District Commander of the Police Service of Northern Ireland at

Note: This warrant may be endorsed for bail as on Form 11."

Rule 2(18)(s)

"Form 69N

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14, 15 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Schedule 2, paragraph 2(2))

Warrant of Commitment to the Crown Court on failure to comply with requirement of a [probation] [community service] [combination] order

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

WHEREAS it appears that the defendant was on the *(date)*
convicted by the Crown Court sitting at *(place)*
of the following offence(s): *(state shortly particulars of offence(s))*

AND WHEREAS on the *(date)* the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996] which required the defendant to *(here set out requirement which is contravened)*.

Having been arrested by virtue of a warrant issued under paragraph 2(3) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996, AND having been brought before a magistrates' court pursuant to paragraph 2(3) of Schedule 2 to the said Order, the court ordered that the defendant be committed to custody until the defendant can be brought before the Crown Court sitting at .

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that the defendant may be brought before the Crown Court sitting at *(place*) .

Dated this day of

District Judge (Magistrates' Court)
[Lay Magistrate]
[Clerk of Petty Sessions]

To the District Commander of the Police Service of Northern Ireland at

Note: This warrant may be endorsed for bail as on Form 11A."

Rule 2(18)(u)

"Form 91A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 132A and Rule 153A)

POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989
(Article 48(4))

Application for bail following grant of conditional police bail

		]
of		]
		] Petty Sessions District of
		]
		]
	Applicant	]
		] County Court Division of
of		]
	Respondent	]

TAKE NOTICE that I, the undersigned, intend to apply under [Article 132A of the Magistrates' Courts (Northern Ireland) Order 1981][Article 48(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989] to a magistrates' court for the above-named petty sessions district for an order varying the conditions of bail granted to me under Part V of the Police and Criminal Evidence (Northern Ireland) Order 1989 on the *(insert date bail was granted or varied)* by the custody officer at *(insert name of police station)* .

The grounds upon which the application is made are as follows –

The offence(s) in connection with which I was released on bail [is][are] as follows –

The reasons given by the custody officer for [imposing] [varying] the conditions of bail are [attached] [set out below] –

The name and address of any surety provided by me before my release on bail [is] [are] as follows–

This day of

Applicant
[Solicitor for Applicant]

To the custody officer at .

And to the Clerk of Petty Sessions for the above-named petty sessions district.

NOTE:
The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on the other party to the proceedings.

The time fixed for the hearing of this application shall not be later than 72 hours after it is received by the clerk of petty sessions (excluding weekends, Christmas Day, Good Friday and any bank holiday). You will be notified by the clerk of petty sessions of the date, time and place for the hearing of the application.

Rule 2(18)(u)

Form 91B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 132A, Rule 153A)

POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989
(Article 48(4))

Notice of decision on application for bail following grant of conditional police bail

		]
of		]
		] Petty Sessions District of
		]
		]
	Applicant	]
		] County Court Division of
of		]
	Respondent	]

UPON THE HEARING of an application by *(name of applicant)*, on *(date application heard)* under [Article 132A of the Magistrates' Courts (Northern Ireland) Order 1981][Article 48(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989] for an order varying the conditions of bail granted to the applicant by a custody officer under Part V of the Police and Criminal Evidence (Northern Ireland) Order 1989, the court made an order to the following effect, viz:–

[The court granted bail to the applicant and imposed the following conditions, namely –

].

[The court withheld bail].

Dated this day of

Clerk of Petty Sessions

To the applicant (and to any surety specified in the application)"

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1984 [S.R. 1984 No.225] ('the principal Rules') in consequence of the lapsing of Part 7 of the Terrorism Act 2000, and to take account of the provisions of the Criminal Justice (Northern Ireland) Order 2008 ('the 2008 Order').

— Rules 2(1) – (7) amend the principal Rules so as to omit obsolete references to scheduled offences and to make a number of consequential amendments to take account of the non-jury trial arrangements under sections 1-9 of the Justice and Security (Northern Ireland) Act 2007.

— Rule 2(8) amends Rule 105 of the principal Rules to provide that, where appropriate, a notice issued under that Rule shall advise the defendant that failure to pay a sum adjudged or to make an appropriate application within the time allowed may result in the coming into operation of a supervised activity order.

— Rule 2(9) inserts new Rules 105A and 105B into the principal Rules to prescribe the procedure to be followed on the making of a supervised activity order in the magistrates' court.

— Rules 2(10) and (11) insert references to the 2008 Order into Part VII, Section F of the principal Rules.

— Rule 2(12) amends Rule 125A of the principal Rules to reflect the revocations to the Criminal Justice (Northern Ireland) Order 1996 made by the 2008 Order, and inserts references to the equivalent new provisions of the 2008 Order.

— Rules 2(13) and (14) provide for an adjustment to the procedure for dealing with breaches of community orders whereby the magistrates' court will no longer deal with applications relating to community orders made by the Crown Court.

— Rule 2(15) inserts new Rules 126C-126E into the principal Rules to provide that the court shall send a copy of the certificate of conviction or order to the Secretary of State in order to discharge its duties under Articles 23 and 31 of the 2008 Order.

— Rule 2(16) amends Rule 153A of the principal Rules to provide that an application for the variation of conditions of pre-charge bail shall be made in accordance with that Rule.

— Rule 2(17) amends Rule 155(1)(d) to ensure that pre-sentence reports and medical reports obtained under the 2008 Order will be forwarded to the chief clerk on appeal.

— Rule 2(18) amends a number of Forms in Schedule 1 to the principal Rules and inserts a number of new Forms to take account of changes made by the 2008 Order.

— Rule 3 contains a saving provision.

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