STATUTORY RULES OF NORTHERN IRELAND

2021 No. 51

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2021

Made - - - - *3rd March 2021*

Laid before Parliament *8th March 2021*

Coming into operation in accordance with Rule 1

The Magistrates' Courts Rules Committee makes and the Lord Chancellor, after consultation with the Lord Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) and section 49 of the Crime (International Co-Operation) Act 2003(**b**).

Citation and Commencement

1.—(1) These Rules shall be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 2021.

(2) These Rules shall come into operation on the twenty-first day after the date upon which this instrument is laid before Parliament.

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

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

(1) In Rule 52D—

(a) in sub-paragraph (c), after "Part 1" insert "or Part 2"; and

(b) in sub-paragraph (d), after "section 30" insert "or 31".

(2) After Rule 52K, insert—

"**Record of proceedings by telephone link before a nominated court**

52L.—(1) In proceedings before a court nominated pursuant to a notice under section 31(4), the court shall make a record of the evidence given in the presence of the court and the information prescribed in paragraph (2).

(**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); paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976) and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(**b**) 2003 c.32; to which there have been no recent relevant amendments.

(**c**) S.R. 1984 No. 225, to which the most recent relevant amendments were made by S.I. 2019/908.

(2) The information referred to in paragraph (1) is—

(a) details of the request in respect of which the notice under section 31(4) was given;

(b) the date on which, and place at which, the proceedings under Part 2 of Schedule 2 took place;

(c) the names of the witnesses who gave evidence;

(d) the name of any person who took part in the proceedings as a legal representative or as an interpreter; and

(e) the language in which the evidence was given.

(3) As soon as is reasonably practicable after the proceedings under Part 2 of Schedule 2, the clerk of petty sessions shall send to the external authority that made the request a copy of an extract of so much of the record as relates to the proceedings in respect of that request.

(4) Proceedings before a court nominated pursuant to a notice under section 31(4) shall be heard at an appropriately equipped venue to allow for the recording of evidence."

(3) In Rule 52M—

(a) for the title, substitute "Restriction on access to records kept under Rules 52I, 52K and 52L"; and

(b) in sub-paragraph (1), for "52I and 52K", substitute "52I, 52K and 52L".

Nigel Broderick
Ciaran McQuillan
Debbie Maclam
Eoghan McKenna
Michael Forde

Dated 12th February 2021

Signed by the authority of the Lord Chancellor

In exercise of the powers conferred on me by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981, I allow these Rules.

Alex Chalk MP
Parliamentary Under Secretary of State
Ministry of Justice

Dated 3rd March 2021

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) to insert rules relating to hearing evidence by telephone under The Crime (International Co-Operation) Act 2003 (2003 c. 32).

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