# 2004 No. 324

# MAGISTRATES' COURTS

## The Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004

*Made - - - - - 3rd August 2004*

*Coming into operation in accordance with Rule 1*

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

**Citation, commencement and interpretation**

**1.**—(1) These Rules may be cited as the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004 and shall come into operation on the same day as Article 3 of the Anti-social Behaviour (Northern Ireland) Order 2004(**b**) comes into operation.

(2) In these Rules –

(a) "the 2004 Order" means the Anti-social Behaviour (Northern Ireland) Order 2004 and expressions used in these Rules and in the 2004 Order have the same meaning as in the 2004 Order; and

(b) a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a Form to the like effect.

**Forms**

**2.**—(1) A summons issued on complaint for an anti-social behaviour order under Article 3 of the 2004 Order shall be in Form 1.

(2) An anti-social behaviour order under Article 3 of the 2004 Order shall be in Form 2.

(3) An interim anti-social behaviour order under Article 4 of the 2004 Order shall be in Form 3.

(4) An anti-social behaviour order under Article 6 of the 2004 Order made on conviction in criminal proceedings shall be in Form 4.

**Application for variation or discharge**

**3.**—(1) A summons issued on complaint for the variation or discharge of –

(a) an anti-social behaviour order under Article 3 of the 2004 Order;

(b) an interim anti-social behaviour order under Article 4 of the 2004 Order; or

(c) an anti-social behaviour order under Article 6 of the 2004 Order made on conviction in criminal proceedings,

(**a**) S.I. 1981/1675 (N.I. 26)
(**b**) S.I. 2004/1988 (N.I. 12)

shall be in Form 5, and such proceedings shall be in a magistrates' court acting for the petty sessions district in which the order was made.

**Service of documents**

**4.**—(1) Service of any summons under these Rules may be effected –

(a) by serving a copy of the summons on the person or body to be served in person; or

(b) by sending a copy of the summons by ordinary first class post to the person or body to be served at his last-known address (in which cases the summons shall be deemed to have been received by him in the ordinary course of post, unless he proves that he did not receive it).

(2) As soon as reasonably practicable after the making of:

(a) an anti-social behaviour order under Article 3 of the 2004 Order;

(b) an interim anti-social behaviour order under Article 4 of the 2004 Order; or

(c) an anti-social behaviour order under Article 6 of the 2004 Order made on conviction in criminal proceedings,

the clerk of petty sessions shall serve a copy of that order on the defendant –

(i) where the defendant is present, in person if practicable; or

(ii) by sending it by ordinary first class post to the defendant at his last known address (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(3) Where the court makes an order varying or discharging an order specified in Rule 3, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied or discharged –

(a) where the defendant is present, in person if practicable; or

(b) by sending it by ordinary first class post to the defendant at either his last known address (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it),

and shall send a copy by ordinary first class post to the complainant.

(4) In paragraph (3) references to the complainant and the defendant are references to the complainant and the defendant in the proceedings in which the order was originally made.

Signed by the authority of the Lord Chancellor

*Christopher Leslie*

Parliamentary Under-Secretary of State, Department for Constitutional Affairs

Dated 3rd August 2004

# SCHEDULE

FORM 1

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Article 3, Rule 2(1))

**Summons on complaint for anti-social behaviour order**

of

Complainant

Petty Sessions District of

of

County Court Division of

Defendant

WHEREAS a complaint has been made before me in respect of an application for an anti-social behaviour order under Article 3 of the Anti-social Behaviour (Northern Ireland) Order 2004 to the following effect, viz –

(a) That you, the above-named defendant, on (*specify date(s)*) at (*specify place(s)*) acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as yourself, namely:–

(*provide a short description of the defendant's actions*); and

(b) That an anti-social behaviour order is necessary to protect relevant persons from further anti-social acts by you, and accordingly application is made for an anti-social behaviour order containing the following prohibition(s):–

The complainant has, in accordance with Article 5 of the 2004 Order, consulted with the following relevant authorities, namely –

(*specify relevant authorities consulted with*).

Accordingly application is made for an anti-social behaviour order under Article 3 of the 2004 Order.

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (*place*) on (*date*) at (*time*) before a magistrates' court for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

**Note:**

Where the court is satisfied that this summons was served on you within what appears to the court to be a reasonable time before the hearing or adjourned hearing and you fail to appear, the court may issue a warrant for your arrest or proceed in your absence.

If an anti-social behaviour order is made against you and if, without reasonable excuse, you do anything you are prohibited from doing by such an order, you shall be liable on conviction to imprisonment for a term not exceeding five years, or to a fine, or both.

FORM 2

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Article 3, Rule 2(2))

**Anti-social behaviour order**

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

It is adjudged by a magistrates' court at (*place*) on the (*date*) that the following facts have been made out and therefore the conditions are met for an anti-social behaviour order to be made against the above-named defendant.

1. That the above-named defendant, acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, namely:–

(*short description of acts, including date(s)*); and

2. That an anti-social behaviour order is necessary to protect relevant persons from further anti-social acts by him.

IT IS ORDERED that the defendant is prohibited from:

(*details of prohibition(s)*) until

(*date not less than 2 years from date of order or until further order*).

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

**Note:**

**If, without reasonable excuse, you (the defendant) do anything which you are prohibited from doing by this order, you shall be liable on conviction to imprisonment for a term not exceeding five years, or to a fine, or both.**

You may apply to the court to vary or discharge this order. You should consult a solicitor or the court office to find out how to do this.

FORM 3

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES'COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Article 4, Rule 2(3))

**Interim anti-social behaviour order**

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

An application for an anti-social behaviour order has been made by the complainant and that application has not yet been determined.

The court considers that it is necessary to make an interim anti-social behaviour order because (*specify reasons*):

IT IS ORDERED by a magistrates' court at (*place*) on the (*date*) that the defendant is prohibited from:

(*details of prohibition(s)*).

This order shall remain in force until [ (*specify date*)].

This order shall, if it has not previously ceased to have effect, cease to have effect on the determination of the main application.

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

**Note:**

This is an interim anti-social behaviour order. The court has made it because it considers it necessary to protect people from further anti-social acts by you (the defendant) pending the determination of an application for an anti-social behaviour order. Anti-social behaviour is behaviour which caused or was likely to cause harassment, alarm or distress to people outside your household.

**If, without reasonable excuse, you do anything which you are prohibited from doing by this order, you shall be liable on conviction to imprisonment for a term not exceeding five years, or to a fine, or both.**

The order will end on the date specified in the order unless a further order is made. You may apply to the court to vary or discharge this order. You should consult a solicitor or the court office to find out how to do this.

FORM 4

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Article 6, Rule 2(4))

**Anti-social behaviour order on conviction**

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

The above-named defendant was on the day of 20 , convicted by a magistrates' court at of the following offence:–

(*state shortly particulars of offence*) and the court made an order to the following effect, viz:–

The court also found:

1. That the above-named defendant, acted in an anti-social manner, that is to say, in a manner that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as himself, namely:–

(*short description of acts, including date(s)*); and

2. That an anti-social behaviour order is necessary to protect relevant persons from further anti-social acts by him.

IT IS ORDERED that the defendant is prohibited from: (*details of prohibition(s)*) until (*date not less than 2 years from date of order or until further order*).

[Pursuant to Article 6(7) of the Anti-social Behaviour (Northern Ireland) Order 2004 it is further ordered that the following requirements of this order are suspended until the defendant's release from custody, namely:

.]

This day of 20 .

Resident Magistrate
[Clerk of Petty Sessions]

**Note:**

**If, without reasonable excuse, you (the defendant) do anything which you are prohibited from doing by this order, you shall be liable on conviction to imprisonment for a term not exceeding five years, or to a fine, or both.**

You may apply to the court to vary or discharge this order. You should consult a solicitor or the court office to find out how to do this.

FORM 5

ANTI-SOCIAL BEHAVIOUR (NORTHERN IRELAND) ORDER 2004

MAGISTRATES' COURTS (ANTI-SOCIAL BEHAVIOUR ORDERS) RULES (NORTHERN IRELAND) 2004

(Articles 3(7), 4(5) and 6(9), Rule 3(1))

**Summons on complaint for [variation] [discharge] of [anti-social behaviour order] [interim anti-social behaviour order] [anti-social behaviour order on conviction]**

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

WHEREAS –

[an anti-social behaviour order];

[an interim anti-social behaviour order];

[an anti-social behaviour order on conviction],

(a copy of which is attached to this summons) was made against the defendant mentioned in that order on the day of 20 .

And the complainant, who was the [complainant] [defendant] in those proceedings now applies by complaint for the [variation] [discharge] of the said order on the grounds that (*specify grounds*) –

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said application at (*place*) on (*date*) at (*time*) before a magistrates' court for the said petty sessions district.

This day of 20 .

Justice of the Peace
[Resident Magistrate]

To:

[the defendant]

**Note:**

An application for the variation or discharge of an anti-social behaviour order or an interim anti-social behaviour order may be made by either the relevant authority or the defendant mentioned in that order.

An application for the variation or discharge of an anti-social behaviour order on conviction may be made by the defendant mentioned in that order.

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules prescribe the procedure for applications under the Anti-social Behaviour (Northern Ireland) Order 2004 ("the 2004 Order") relating to –

- anti-social behaviour orders;
- interim anti-social behaviour orders; and
- anti-social behaviour orders made on conviction in criminal proceedings.

Rule 2 prescribes the various forms of applications and orders to be used under these Rules.

Rule 3 prescribes the procedure on an application for the variation or discharge of an order made under the 2004 Order.

Rule 4 prescribes the manner in which a summons or an order required to be served under these Rules may be served.

Printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly

Dd. N1614. C2. 8/04. Gp. 130. 14567.

© Crown Copyright 2004

£3·00

Published by The Stationery Office Limited

ISBN 0-337-95628-6

9 780337 956287