Magistrates' Courts Rules (Northern Ireland) 1984

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MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

SUPPLEMENT No. 26

April 2016

Before commencing, please ensure Supplement 25 (and all previous Supplements) have been properly filed.

This supplement contains amendments to the Magistrates' Courts Rules (Northern Ireland) 1984 ("the principal Rules") incorporating amendments made in December 2011, May and November 2012, March 2013, January and August 2014 and March 2016.

Where the supplement makes an amendment to the principal Rules, every effort has been taken to correct typographical errors, apply changes to the construction of enactments made by the District Judge (Magistrates' Courts) Order (Northern Ireland) 2008 (S.R. 2008 No. 154) and the Northern Ireland Court Service (Abolition and Transfer of Functions) Order (Northern Ireland) 2010 (S.R. 2010 No. 133), on the relevant pages being amended.

Finally, this supplement also incorporates amendments made by S.R. 2008 No. 251 to take account of the coming into operation of Article 45 of and Schedule 3 to the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216(N.I. 1) which has been commenced by (S.R. 2011 No. 371 (C.27).

The supplement inserts/replaces/omits (as appropriate) the following pages:

Section	Pages	Comment
Arrangement of Rules III to XI	Pages 3 to 6B	Pages 3 to 18A inclusive are to be substituted. The last amendment on page 18A being to Rule 26(4)(b) ending with the words "and adding such" The Rule continues on page 19 with the continuation of Rule 26(4)(b) starting with the words "other particulars as,…".
Rule 1 to Rule 26(4)(b)	Pages 7 to 18A	
Rule 28(3) to Rule 66(1)	Pages 21 to 32	-
Rule 97 to Rule 110	Pages 39 to 42B	Substitute pages 39 to 42A
Rule 123(2) definition paragraph for "appropriate county court division" to Rule 129(2)	Pages 47 to 48A	
Rule 147 (part) to Rule 149AA(3)(a)	Pages 53 to 53A	
Rule 149ADA	Page 54A	New sheet to be inserted after page 54 (ending with Rules 149AD(4)). No sheet to be removed.

Rule 149AE(1) to 149AG(6)	Pages 55 to 55A	1 double sided page replacing current double sided page
Rule 149AM(2)(d) to Rule 149AO(7)	Pages 55F to 55FA	
Rule 149AR(10) to Rule 174	Pages 55FD to 58B	End of Rules
Schedule 1 – Forms – List of Forms – Criminal Proceedings	Pages 59 to 64F	Replace the whole list of Forms.
Form 1 to Form 3	Pages 65 to 67AA	
Form 8C to Form 10C	Pages 73B to 75A	Form 10C continues on page 75B.
Form 12 to Form 14A	Pages 77 to 78B	
Form 14D to Form 14DA	Pages 78E to 78FA	
Form 15 to Form 15C	Pages 79 to 79G	
Form 15L to Form 15M	Page 79R to 79S	Includes first page of Form 15M.
Form 15P to Form 16	Page 79Z to 80	Includes last page of Form 15P.
Form 20 to Form 22	Page 85 to 88	Includes last page of Form 20 and first page of Form 22.
Form 30 to Form 33	Page 97 to 102	
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Form 84 to Form 85A	Page 153 to 154A	
Form 88E	Page 158K to 158L	Second and third (last) page of Form 88E.
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Form 92 to Form 93	Page 163 to 164	Second (last) page of Form 92
Form 96 to Form 96B	Page 168 to 168B	Second (last) page of Form 96
Form 109A to Form 111A	Page 180A to 182	

Form 121 to Schedule 3	Page 189 to 190(a)	Second (last) page of Form 121. The last Form is now 128.

The supplement incorporates amendments made by the following Statutory Rules:

The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2011 (S.R. 2011 No. 418);

The effect of these Rules is to amend the principal Rules to:–

- allow domestic and overseas freezing order applications under the Crime (International Co-operation) Act 2003 to be made to the magistrates' courts;
- prescribe the procedure when making an application to a magistrates' court for a third party witness summons, in criminal proceedings, under new Articles 118A-118E of the Magistrates' Courts (Northern Ireland) Order 1981 (as inserted by the Justice Act (Northern Ireland) 2011 ("the 2011 Act")); and
- allow for amendments made to Article 9 of the Criminal Evidence (Northern Ireland) Order 1999 (special provisions relating to child witnesses) by the 2011 Act.

In particular the Rules:–

- amend Rule 149AF;
- insert new rules 52GA-52GB, 52IA-52IB, 149ADA, 149J-149N; and
- amend Schedule 1 by amending Forms 15B and 85, and inserting new Form 85A.

These amendments came into operation on 1st January 2012.

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2012 (S.R. 2012 No. 189)

These Rules amend the principal Rules to-

- provide the procedure for proceedings in respect of enforcement of a Penalty Notice under Part 6, Chapter 1 of the Justice Act (Northern Ireland) 2011 [2011 c.24] ("the 2011 Act"). Part 6, Chapter 1 of the 2011 Act allows the police to issue a Penalty Notice to an offender in respect of certain offences, such as criminal damage or indecent behaviour;
- prescribe the procedure for making an application for compassionate bail under section 91 of the 2011 Act; and
- take account of the creation of the offender levy by the 2011 Act.

These amendments came into operation on the 6th June 2012 however the insertion of rule 153C came into operation on 11th June 2012.

The Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2012 (S.R. 2012 No. 415)

These Rules amend the principal Rules to prescribe the procedure to be followed when making an application for a closure order, or an application for the consideration and extension of a closure order, under the Registration of Clubs (Northern Ireland) Order 1996 or the Licensing (Northern Ireland) Order 1996.

These amendments came into operation on 20th December 2012.

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2013 (S.R. 2013 No. 89)

These Rules amend the principal Rules to prescribe the procedure for making an

application for the examination of a witness through an intermediary under Article 17 of the Criminal Evidence (Northern Ireland) Order 1999 ("the 1999 Order") and the examination of the accused through an intermediary under Article 21BA of the 1999 Order.

These amendments come into operation on the day after Articles 17, 21BA and 21BB of the Criminal Evidence (Northern Ireland) Order 1999 come into operation.

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2014 (S.R. 2014 No. 12)

These Rules amend the principal Rules to prescribe a procedure for notifying a person of a Fine Default Hearing at which the court will consider the exercise of its powers under Article 92 of the Magistrates' Courts (Northern Ireland) Order 1981 in respect of the enforcement of a sum adjudged to be paid on conviction.

These amendments came into operation on 17th February 2014.

The Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 2014 (S.R. 2014 No. 221)

These Rules amend the principal Rules to—

- give effect to Directive 2010/64/EU of the European Parliament and of the Council of 20th October 2010 on the right to interpretation and translation in criminal proceedings. They make provision for interpretation and translation services for defendants, including defendants with hearing or speech impediments; and
- provide that rule 149K(2), which provides that an application for a third party witness summons in criminal proceedings is to be made in writing, is subject to paragraphs (8) to (10) of rule 149K, which allow such applications to be made orally in certain circumstances.

These amendments came into operation on 5th September 2014.

The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2016 (S.R. 2016 No. 93)

These Rules amend the principal Rules to —

- prescribe the process for the defence to bring an application for an order for access to premises under section 94(1) of the Justice Act (Northern Ireland) 2015; and
- to substitute an amended form of summons (Form 2) to take account of the power of a Public Prosecutor to issue a summons in accordance with section 93 of the Justice Act (Northern Ireland) 2015.
- These amendments came into operation on 1st April 2016 except for the substitution of Form 2 which shall come into operation on the same date as section 93 of the Justice Act (Northern Ireland) 2015.

Substituted or added words or figures are printed between square brackets.

Footnotes show the authority for them. Deletions are indicated by [...] with a footnote showing the authority for them.

STATUTORY RULES OF NORTHERN IRELAND

1984 No. 225

MAGISTRATES' COURTS

Magistrates' Courts Rules (Northern Ireland) 1984

Made . . . . . *26th June 1984*

Coming into operation . . *3rd September 1984*

RULES, DATED 26TH JUNE 1984 MADE BY THE LORD CHANCELLOR UNDER ARTICLE 13 OF THE MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

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(a) Rules inserted by S.R. 1992 No. 541 with effect from 1.2.93. Heading substituted by S.R. 2003 No. 477 with effect from 1.12.03
(b) Rules inserted by S.R. 1997 No. 428 with effect from 14.10.97
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(**c**) Words substituted by S.R. 2010 No. 12 with effect from 1.3.10
(**d**) Rules 52GA-52GB inserted by S.R. 2011 No. 418 with effect from 1.1.12
(**e**) Rules 52IA-52IB inserted by S.R. 2011 No. 418 with effect from 1.1.12
(**f**) Rules 52G-52M inserted by S.R. 2010 No. 12 with effect from 1.3.10

[*Suppl. No. 7 (November 1994)*]

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(**a**) Rule 97A inserted by S.R. 2010 No. 12 with effect from 1.3.10

(**b**) Rules 105A and 105B inserted by S.R. 2008 No. 251 with effect from 1.1.12

(**c**) Words inserted by S.R. 2010 No. 12 with effect from 1.3.10

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[149B Admissibility of records as evidence under Article 16(5) of the Road Traffic Offenders (Northern Ireland) Order 1996(**g**)]
[149C Evidence by live link where witness is outside the United Kingdom
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149E Form of Notice (**h**)]
[(**i**)149F Evidence by live link by witness (other than the defendant)
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(**a**) Rule 149A revoked by S.R. 2003 No. 477 with effect from 1.12.03
(**b**) Rule 149AA substituted by S.R. 2003 No. 296 with effect from 30.6.03
(**c**) Rules 149AB-149AH inserted by S.R. 2003 No. 296 with effect from 30.6.03
(**d**) Rule 149ADA inserted by S.R. 2011 No. 418 with effect from 1.1.12
(**e**) Rules 149AI-149AO inserted by S.R. 2003 No. 477 with effect from 1.12.03
(**f**) Rules 149AR and 149AS inserted by S.R. 2003 No. 477 with effect from 18.04.05
(**g**) Rule 149B inserted by S.R. 1997 No. 418 with effect from 14.10.97
(**h**) Rules 149C – 149E inserted by S.R. 2006 No. 413 with effect from 15.11.06
(**i**) Rules 149F – 149I inserted by S.R. 2008 No. 361 with effect from 02.02.09
(**j**) Rules 149J- 149N inserted by S.R. 2011 No. 418 with effect from 1.1.12

Rule

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(**a**) Rules 153A and 153B inserted by S.R. 2004 No. 299 with effect from 26.07.04

(**b**) Rule 159A inserted by S.R. 2010 No. 12 with effect from 1.3.10

(**c**) Rule inserted by S.R. 2004 No. 433 with effect from 29.10.04

(**d**) Rules 165-170 inserted by S.R. 2011 No. 59 with effect from 25.03.11

SCHEDULES

[*Supplt. No. 23 (April 2009)*]

SCHEDULE 1 FORMS
SCHEDULE 2 SOLICITORS' COSTS AND COUNSELS' FEES IN DEBT PROCEEDINGS
SCHEDULE 3 SOLICITORS' COSTS AND COUNSELS' FEES IN EJECTMENT PROCEEDINGS

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

PART I

CITATION, INTERPRETATION AND COMMENCEMENT, ETC.

Citation

1. These rules may be cited as the Magistrates' Court Rules (Northern Ireland) 1984

Interpretation

2.—(1) In these Rules "the Order" means the Magistrates' Courts (Northern Ireland) Order 1981.

(2) Any reference in these Rules to members of the Police Service of Northern Ireland shall include a reference to members of the Reserve on duty with the Police Service of Northern Ireland.

(3) In these Rules:—

(a) "a chief clerk" has the meaning assigned to it by Article 2(2) of the County Courts (Northern Ireland) Order 1980(**c**); and

[(**d**) (aa) "criminal justice organisation" means any one of the following organisations—

(i) Northern Ireland Courts and Tribunals Service;

(ii) Police Service of Northern Ireland; or

(iii) Public Prosecution Service for Northern Ireland;

(ab) "data sharing mechanism" is an electronic mechanism which allows criminal justice organisations to share information with each other electronically;

(ac) "electronic report" means a report generated by the computer system of a criminal justice organisation which is shared with other criminal justice organisations through a data sharing mechanism and which shall contain information as prescribed in Rule 11(7A)(b);]

(b) [(**e**) ...];

[(c) "the 1999 Order" means the Criminal Evidence (Northern Ireland) Order 1999(**f**)].

[(d) "the 1999 Act" means the Youth Justice and Criminal Evidence Act 1999(**g**)].

[(e) "the 2004 Order" means the Criminal Justice (Evidence) (Northern Ireland) Order 2004(**h**)].

(**a**) Formerly the Secretary of State for Northern Ireland, see 1978 c. 23

(**b**) S.I. 1981/1675 (N.I.26)

(**c**) S.I. 1980/397 (N.I. 3)

(**d**) Inserted by S.R. 2009 No. 47 with effect from 10.4.09

(**e**) Rule 2(3)(b) omitted by S.R. 2008 No. 251 with effect from 16.07.08

(**f**) Inserted by S.R. 2003 No. 296 with effect from 30.6.03

(**g**) Inserted by S.R. 2004 No. 299 with effect from 26.7.04

(**h**) Inserted by S.R. 2005 No. 162 with effect from 18.04.05

[*Supplt. No. 12 (January 1999)*]

(4) Any reference in the Rules to a Form by number is a reference to that Form so numbered in Schedule 1.

Commencement

3. These Rules shall come into force on 3rd September 1984.

Revocation of existing rules

4. The following Rules are hereby revoked as from the coming into force of these Rules:—

the Magistrates' Courts Rules (Northern Ireland) 1974 (**a**);

the Magistrates' Courts (Emergency Provisions) Rules (Northern Ireland) 1976(**b**);

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1976(**c**);

the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1976(**d**);

the Magistrates' Courts (Extra-territorial Offences) Rules (Northern Ireland) 1976(**e**);

the Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1976(**f**);

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1977(**g**);

the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1977(**h**);

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1978(**i**)

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1979(**j**)

the Magistrates' Courts (Attachment of Earnings) Rules (Northern Ireland) 1980(**k**)

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1980(**l**)

the Magistrates' Courts (Criminal Justice) (Amendment) Rules (Northern Ireland) 1980(**m**)

the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1980(**n**)

the Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1980(**o**)

the Magistrates' Courts (Amendment No. 4) Rules (Northern Ireland) 1980(**p**)

Saving for the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969

[(**q**) 5. Subject to the Children and Young Persons Act (Northern Ireland) 1968(**r**) and the Criminal Justice (Children) (Northern Ireland) Order 1998(**s**), nothing in these Rules shall affect the operation of the Magistrates' Courts (Criminal Justice (Children)) Rules (Northern Ireland) 1999(**t**).]

PART II

DOCUMENTS

Wording, etc., of documents

6.—(1) Every complaint, summons, warrant or other document made or issued for the purpose of, or in connection with, any proceedings before a magistrates' court for an offence shall be sufficient if it describes the specific offence with which the

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(**a**) S.R. 1974 No. 334
(**b**) S.R. 1976 No. 2
(**c**) S.R. 1976 No. 40
(**d**) S.R. 1976 No. 120
(**e**) S.R. 1976 No. 170
(**f**) S.R. 1976 No. 200
(**g**) S.R. 1977 No. 171
(**h**) S.R. 1977 No. 311
(**i**) S.R. 1978 No. 374
(**j**) S.R. 1979 No. 132
(**k**) S.R. 1980 No. 13
(**l**) S.R. 1980 No. 137
(**m**) S.R. 1980 No. 199
(**n**) S.R. 1980 No. 226
(**o**) S.R. 1980 No. 226
(**p**) S.R. 1980 No. 409
(**q**) Rule 5 substituted by S.R.1999 No. 6 with effect from 31.1.99
(**r**) 1968 c. 34 (N.I.)
(**s**) S.I. 1998/1504 (N.I. 9)
(**t**) S.R. 1999 No. 7

accused is charged, or of which he is convicted, in ordinary language avoiding as far as possible the use of technical terms, and gives such particulars as may be necessary for giving reasonable information as to the nature of the charge.

(2) Every complaint, summons, warrant or other document in proceedings upon complaint in a civil matter shall be sufficient if it describes the cause of complaint in ordinary language without necessarily stating all the facts upon which the complaint is founded and gives such particulars as may be necessary for giving reasonable information as to the nature of the complaint.

(3) If the offence charged or cause of complaint is one created by or under any statutory provision, the description of the defence or cause of complaint shall contain a reference to the section of the Act, or, as the case may be, the rule, order, regulation, bye-law or other instrument giving rise to the offence or the cause of complaint unless such reference appears elsewhere on the face of any summons or warrant issued in respect thereof.

(4) Subject to the foregoing paragraphs, the forms set out in Schedule 1 or forms to the like effect shall, where appropriate, be used in connection with proceedings to which the Rules relate.

Form of complaint

7.—(1) A complaint may be made by the complainant in person or by his solicitor or by any other person authorised in that behalf.

(2) Subject to any enactment, where it is intended that a summons only shall issue to require the attendance of any person, the complaint may be made either upon or without oath, and either in writing or not, as the lay magistrate receiving the complaint thinks fit.

(3) Where a complaint is in writing it shall be signed by the person making it and by the justice receiving it.

(4) Where it is intended that a warrant shall issue for the arrest of any person, the complaint shall be in writing and on oath of the complainant or of his solicitor or of any other person authorised in that behalf.

(5) Any person against whom a complaint has been made in writing or his counsel or solicitor shall be entitled on request to receive from the clerk of petty sessions a copy of such complaint.

(6) The original complaint shall be deposited with and, except as provided by Rule 28(2), Rule 42(1) or Rule 155(1), retained by the clerk of petty sessions.

(7) In describing the property mentioned in any complaint—

(a) where the property belongs to or is in the possession of partners, trustees, joint tenants, coparceners, or tenants in common, it is sufficient to refer to such property as that of any such persons who are named and of another or others, as the case may be, without naming them; or

(b) where the property is that of a local or public authority, commissioners, directors, trustees, a body corporate or persons known by any other general designation it shall be sufficient to refer to it as the property of such persons without naming them individually.

(8) It shall not be necessary in a complaint to specify or negative an exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or cause of complaint contained in the statutory provision giving rise to the offence or on which the complaint is founded.

Form of summons

8.—(1) Every summons shall be signed by the person who issues it.

(2) No summons shall be signed in blank.

[*Supplt. No. 25 (March 2011)*]

(3) Where there is more than one defendant a separate summons shall be issued in respect of each defendant.

(4) Every summons shall state shortly the offence or cause of complaint and shall state the time and place at which the person summoned is required to appear.

(5) A single summons may be issued against a person in respect of several complaints but the summons shall state each offence or cause of complaint separately and shall have effect (except for the purposes of an order made under section 116 of the Judicature (Northern Ireland) Act 1978(**a**) as several summonses, each issued in respect of one complaint.

(6) The name and address of the complainant and the name and, where possible, the usual or last-known address of the person summoned shall be stated in the summons.

[(**b**) (7) A summons issued in respect of an offence involving obligatory or discretionary disqualification within the meaning of Article 4 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall bear an endorsement in Form 2B.]

Preparation of summons

9.—(1) Subject to paragraph (2), the complainant or, where the summons is a witness summons, the person applying for the issue of the summons shall be responsible for the preparation of any necessary summons.

(2) Where the complainant or the person applying for the issue of a witness summons is not a solicitor [(**c**) ...] the lay magistrate receiving the complaint or granting the application may direct the clerk of petty sessions to assist in the preparation of a summons.

(3) References in this Rule to a summons include any copy thereof for service.

Plea of guilty by post

[(**d**)**10**.—(1) Where it is intended to make the procedure of pleading guilty by post under Article 24(1A) of the Order available to the defendant, the summons shall be accompanied by Form 3 together with —

(a) Form 4 or copies of the witness statement(s); and

(b) Form 6 or Form 6A,

as appropriate.]

(2) Notice in writing of the service of such a summons shall be given by or on behalf of the complainant to the clerk of petty sessions pursuant to Article 24(1) of the Order and shall be in Form 5.

(3) Where the defendant elects to enter a plea of guilty in writing pursuant to Article 24(2) of the Order he shall do so in Form 6 [(**e**) or Form 6A as appropriate].

(4) Where a person has been convicted upon his written plea of guilty and the Court decides to adjourn the hearing before passing sentence, the clerk of petty sessions shall give to the defendant notice in writing of the time and place of the adjourned hearing and shall specify the reason for the adjournment.

Service of summons

[(**f**) **11**.—(1) Subject to Rule 12 and Rule 12A, in the case of an offence prosecuted by the Director of Public Prosecutions a summons shall be served by a member of the Police Service of Northern Ireland who is not in charge of the investigation of the offence:]

(**a**) 1978 c. 23
(**b**) Paragraph 7 inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**c**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**d**) Paragraph 1 substituted by S.R. 2011 No. 59 with effect from 25.03.11
(**e**) Words inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**f**) Paragraph substituted by S.R. 2009 No. 310 with effect from 30.9.09

[*Supplt. No. 26 (February 2014)*]

(2) In other cases, the summons shall, subject to [(**a**) paragraph (3A) [(**b**), paragraph (3B)] and] Rule 12 be served by—

(a) the summons server of the petty sessions district in which the proceedings are brought or in which the defendant or witness resides; or

(b) any person who has received permission from a district judge (magistrates' court)] or lay magistrate or from the clerk of petty sessions to serve the summons;

and any such permission shall be endorsed on the original summons and signed by the person giving it.

[(**a**) (3) Subject to paragraph (3A) [(**b**) and paragraph (3B), in no case shall a summons be served by the complainant, or a director, partner or employee of the complainant.

[(**c**) (3A) Service of a summons under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997(**d**) may be effected by a [(**e**) civil servant in the Department of Justice] or a member of the Police Service of Northern Ireland—

(a) by delivering a copy to the person to whom it is directed or by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or at his place of business;

(b) by sending a copy of the summons by ordinary post in an envelope addressed to the person to be served at his last known place of abode.

[(**f**) (c) by sending a copy of the summons by registered post or by the recorded delivery service in an envelope addressed to the person to be served at his usual or last known place of abode.]

[(**b**)(3B) Service of a summons under Article 138(2A)(b) of the Order may be effected by a [(**e**) civil servant in the Department of Justice] sending a copy of the summons in Form 95 and of Form 95B, by ordinary post in an envelope addressed to the person to be served at his or her last known place of abode.]

(4) Subject to [(**a**) paragraph 3A [(**b**), paragraph 3B]] [(**g**) Rule 12A and] Rule 13 every summons shall be served upon the person to whom it is directed by delivering to him a copy of such summons, or, where he is a child or young person within the meaning of Part IV of the Children and Young Persons Act (Northern Ireland) [(**h**) 1968 or a parent] of such child or young person summoned in connection with proceedings against such child or young person or where the summons alleges a summary offence or is issued upon complaint in a civil matter or is a witness summons, by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or at his place of business.

[(**i**) (5) Subject to paragraph 3A, paragraph 3B and Rule 12A] in the case of a corporate body, a summons shall be served by delivering a copy to the secretary or clerk of the body or by leaving a copy for him with some person apparently over the age of sixteen years at its registered or principal office or at any place of business maintained by such body in Northern Ireland, or by sending a copy by registered post or by the recorded delivery service (using the advice of delivery form) in an envelope addressed to such corporate body at such office or place of business.

(**a**) Words inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**b**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Paragraph 3A and 3B inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**d**) S.R. 1997 No. 344
(**e**) Words substituted by S.R. 2010 No. 133 with effect from 12.04.10
(**f**) Paragraph inserted by S.R. 2014 No. 12 with effect from 17.02.14
(**g**) Words inserted by S.R. 1992 No. 541 with effect from 1.2.93
(**h**) Words substituted by S.R. 1986 No. 175 with effect from 30.06.86
(**i**) Words inserted by S.R. 2010 No. 12 with effect from 1.3.10

[*Supplt. No. 23 (September 2009)*]

Notwithstanding anything in paragraph (2), in a case where service is effected by registered post or by the recorded delivery service, the envelope containing the copy summons may be posted by any person other than the complainant.

(6) Every summons shall be served a reasonable time before the hearing of the complaint.

[(**a**) (7) [(**b**) Subject to paragraph 7A [(**c**) and paragraph 7C]] the person who serves a summons shall endorse on the original the date, place and manner of service and, unless service may be proved by an affidavit or a certificate of service in [(**d**) Form 109A, Form 109B, Form 109C or] Form 110A shall attend at the hearing of the complaint to depose, if necessary, to such service and in the case of service by registered post or the recorded delivery service there shall be attached to the affidavit or certificate of service or be produced in court the certificate of posting and, subject to Rule 13(2)(a), the advice of delivery issued by the Post Office.]

[(**e**) (7A) Where a member of the Police Service of Northern Ireland serves a summons and the accompanying documents, service may be proved

(a) by an affidavit or certificate of service in Form 110A; or

(b) by an electronic report which shall contain the following information:—

(i) the name and the police service number of the person who served the summons;

(ii) the date of service;

(iii) the place of service; and

(iv) the manner of service.

(7B) Where service is to be proved by an affidavit or certificate of service or by an electronic report the court may require the person who served the summons and any accompanying documents to attend court at the hearing of the complaint and depose, if necessary, to such service.]

[(**f**) (7C) Where a summons is to be served in accordance with paragraph (3B), the person posting the envelope containing the copy of the summons shall endorse on the original summons his name, description and the date and place of posting of the envelope and shall complete and sign a certificate of service in Form 95A.

(7D) If a surety fails to appear in answer to a summons served in accordance with paragraph (3B), such service shall not be deemed valid unless an acknowledgment of service in Form 95B appearing to be signed by the surety or his or her solicitor is produced to the court.

(7E) Unless the contrary is proved, where a summons is served in accordance with paragraph (3B),—

(i) the signed acknowledgment of service shall be taken as proof of service; and

(ii) the document shall be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.]

(8) Nothing in this Rule shall affect the provisions of any statutory provision dealing with the time and manner of service and the person who may serve summonses in particular cases.

Service of a summons in England and Wales or Scotland

12.—(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

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(**a**) Paragraph substituted by S.R. 1992 No. 541 with effect from 1.2.93
(**b**) Words substituted by S.R. 2009 No. 47 with effect from 10.04.09
(**c**) Words inserted by S.R. 2009 No.310 with effect from 30.9.09
(**d**) Words inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**e**) Paragraphs inserted by S.R. 2009 No. 47 with effect from 10.4.09
(**f**) Paragraphs inserted by S.R. 2009 No. 310 with effect from 30.9.09

may, subject to paragraph (4), be served by any member of a home police force within the meaning of the Police Act 1969(**a**) 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 109 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 [(**b**) or by a certificate of service in Form 110A.]

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

(4) Where the summons 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.

[(**c**) *Postal Service of Summons for offences prosecuted by* [(d)...] *the Director of Public Prosecutions*

12A.—(1) Subject to paragraph (6), in cases of [(**d**) ...] offences prosecuted [(**d**)...] by the Director of Public Prosecutions, service of the summons may be effected by post in accordance with paragraph (2).]

(2) Service of a summons under this Rule shall be effected by sending a copy of the summons by ordinary post in an envelope addressed to the person to be served at his usual or last known place of abode or at his place of business.

(3) Where a summons is to be served in accordance with paragraph (2) the person posting the envelope containing the copy of the summons shall endorse on the original summons his name [(**d**)...] or description and the date and place of posting of the envelope and shall complete and sign a certificate of service in Form 110A.

[(**e**) (4) If the person summoned fails to appear in answer to a summons served in the manner authorised by paragraph (2), such service shall not be deemed valid unless an acknowledgment of service in—

(a) Form 110B; or

(b) in cases where the procedure of pleading guilty by post under Article 24(1A) of the Order is available to the defendant, in Form 6 or Form 6A as appropriate,

appearing to be signed by the defendant or his solicitor is produced to the court.]

(5) Unless the contrary is proved—

(a) the signed acknowledgement shall be taken as proof of service; and

(b) the document shall be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.

[(**f**) (6) This Rule shall not apply to summonses which, under any statutory provision, require personal service upon the person to be served.]

(7) Nothing in this Rule shall prevent the service of a summons by any other method allowed for under these Rules.

(**a**) 1969 c.63
(**b**) Words inserted by S.R. 1992 No. 541 with effect from 1.2.93
(**c**) Rules inserted by S.R. 1992 No. 541 with effect from 1.2.93, Heading and paragraph substituted by S.R. 2003 No. 477 with effect from 1.12.03
(**d**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**e**) Paragraph 4 substituted by S.R. 2011 No. 25 with effect from 25.03.11
(**f**) Paragraph substituted by S.R. 2009 No. 310 with effect from 30.9.09

[*Supplt. No. 26 (June 2012)*]

[(**a**) *Receipt of certificate or electronic report in evidence*

12B. Any document purporting to be given as a certificate in Form 109A, Form 109B, Form 109C or Form 110A, or any information or documentation provided by means of an electronic report, shall be received in evidence and shall be deemed to be duly made until the contrary is shown.

[(**b**) *Proof of service of notice of registration under the Road Traffic Offenders (Northern Ireland) Order 1996*

12C. Service of notice of registration under Article 76(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 may be proved in any proceedings by a certificate of service in Form 109B.

Proof of service of a requirement to identify driver of vehicle under Article 15 of the Road Traffic Offenders (Northern Ireland) Order 1996

12D. Service of a requirement under Article 177 of the Road Traffic (Northern Ireland) Order 1981, to give information as to the identity of the driver of a vehicle may be proved in any proceedings by a certificate of service in Form 109C.]

[(**c**) *Proof of service of notice of registration under the Justice Act (Northern Ireland) 2011*

12E. Service of notice of registration under section 67(2) of the Justice Act (Northern Ireland) 2011 may be proved in any proceedings by a certificate of service in Form 109E.]

[(**d**) *Postal Service of Summons other than for offences prosecuted by* [(**e**)...] *the Director of Public Prosecutions*

13.—(1) [(**f**) Where a district judge (magistrates' courts) or the clerk of petty sessions is satisfied that it is not reasonably practicable to serve a summons to which paragraph (2) of Rule 11 applies in accordance with that Rule, the district judge (magistrates' courts) or clerk of petty sessions may give permission by an endorsement signed by him on the original summons for service to be effected by post in accordance with paragraph (2)(*a*)].

(2) The summons server of the petty sessions district in which the proceedings are brought shall—

(a) send by registered post or by the first-class postal recorded delivery service (using the advice of delivery form, save where the district judge (magistrates' courts) in exceptional circumstances dispenses with this requirement) a copy of the summons in an envelope addressed to the person to be served at his usual or last-known place of abode or at his place of business; and

(b) endorse on the original summons the name of the summons server, the date on which it was posted and the serial number on the envelope and on the Post Office receipt of postage.

(3) [(**g**) Unless service shall be proved by affidavit or a certificate of service in Form 110A the person who serves the summons shall attend at the hearing of the complaint to depose, if necessary, to such service and shall produce to the court, or, as the case may be, attach to the affidavit or certificate of service] the following documents:—

(a) the original summons endorsed by him with the particulars referred to in paragraph (2)(*b*);

(b) the Post Office receipt of postage;

(c) subject to paragraph (2)(*a*), the relevant Post Office advice of delivery.

(**a**) Rule substituted by S.R. 2009 No. 47 with effect from 10.04.09
(**b**) Rules 12C and 12D inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**c**) Rule 12E inserted by S.R. 2012 No. 189 with effect from 6.6.12
(**d**) Heading substituted by S.R. 2003 No. 477 with effect from 1.12.03
(**e**) Words omitted by S.R. 2009 No. 310 with effect from 30.09.09
(**f**) Paragraph substituted by S.R. 1985 No. 269 with effect from 1.11.85
(**g**) Words substituted by S.R. 1992 No. 541 with effect from 1.2.93

(4) Subject to paragraph (2)(a) a summons proved to have been posted and delivered as aforesaid shall, unless she contrary is shown, be deemed to have been served on the person to whom the envelope containing it was addressed at the time stated in the Post Office advice of delivery.

(5) Nothing in this Rule shall derogate from the provisions of any enactment within the meaning of section 1 of the Interpretation Act (Northern Ireland) 1954(**a**) (other than Rule 11) under which proof of personal service of a summons upon the person to be served is required.

(6) Where the summons server informs the clerk of petty sessions that the envelope containing a copy of a summons, postal service of which has been permitted under paragraph (1), has been returned by the Post Office on the ground that delivery of the envelope was not accepted by anyone at the address of the person to be served, the clerk shall forthwith give notice thereof in writing to the complainant named in the summons or to his solicitor and transmit to the complainant or, as the case may be, his solicitor the documents listed in paragraph (8)(a), (b), (c) and (d).

(7) The complainant or his solicitor may thereupon either verbally or in writing request a district judge (magistrates' court) to grant permission for the summons to be served by ordinary post.

(8) A district judge (magistrates' court) may grant such permission upon production of—

(a) the original summons endorsed under paragraph (2)(b);

(b) the Post Office receipt of postage;

(c) the copy of the summons enclosed in the envelope containing it returned by the Post Office as undelivered;

(d) the form of advice of the Post Office that the envelope containing such copy could not be delivered according to the practice of the Post Office as to delivery by registered post or, as the case may be, by the recorded delivery service because delivery of the envelope was not accepted by anyone at the address of the person to be served;

(e) a certificate in Form 117 signed by the complainant or his solicitor or other person authorised to do so on his behalf that, having regard to the reason given by the Post Office for non-delivery of the envelope containing the copy summons addressed to the person to be served stated in the form of advice referred to in sub-paragraph (d), to the best of his knowledge or belief a copy of the summons is sent by ordinary post to the person to be served at the address stated in the summons will, for the reason stated by the complainant in the certificate, come to the notice of that person a reasonable time before the date on which he is summoned to appear before the court:

and shall endorse such permission on the original summons.

(9) Where such permission is granted the summons server shall—

(a) send the copy of the summons by ordinary post in an envelope addressed to the person to be served at his usual or last known place of abode or at his place of business; and

(b) endorse on the original summons the place and date of posting of such copy to the person to be served.

(10) Subject to paragraph (11) the summons server shall attend at the hearing of the complaint stated in the summons to depose as to compliance with this Rule.

(**a**) 1954 c. 33 (N.I.)

[*Supplt. No. 26 (June 2012)*]

(11) Where proof of such compliance is given on affidavit [(**a**) or by a certificate of service in Form 110A] in accordance with Article 126 of the Order the documents referred to in paragraph [(**b**) (8)(*a*) to (*e*)] shall be attached to the affidavit [(**a**) or to the certificate of service].

(12) The copy of the summons posted in accordance with this Rule shall, unless the contrary is proved, be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.

(13) In this Rule a reference to the summons server includes any person who has under Rule 11(2)(*b*) received the permission of a district judge (magistrates' courts), lay magistrate or clerk of petty sessions to serve a summons.

[(**c**) *Declaration under Article 25A of the Order*

13A.—(1) A statutory declaration in accordance with Article 25A of the Order shall be made in Form 110C.

(2) Where the clerk of petty sessions receives a statutory declaration which complies with Article 25A of the Order he shall:

(a) record the receipt of the declaration in the Order Book against the relevant entry; and

(b) notify in writing the prosecutor[(**d**)...].

[(**e**) *Declarations under the Road Traffic Offenders (Northern Ireland) Order 1996*

13B.—(1) A declaration under Article 77 or 78 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall be made in Form 110D.

(2) Where the clerk of petty sessions or the court accepts service of such a declaration the clerk of petty sessions shall—

(a) record the receipt of the statutory declaration in the Order Book against the relevant entry of registration of the sum as a fine; and

(b) notify the Chief Constable in writing that the statutory declaration has been received.]

[(**f**) *Declarations under the Justice Act (Northern Ireland) 2011*

13C.—(1) A statutory declaration under section 68 of the Justice Act (Northern Ireland) 2011 shall be made in Form 110E.

(2) Where the clerk of petty sessions or the court accepts service of such a statutory declaration the clerk of petty sessions shall—

(a) record the receipt of the statutory declaration in the Order Book against the relevant entry or registration of the sum as a fine; and

(b) notify the Chief Constable that the statutory declaration has been received.]

Form of warrant or order

14.—(1) Subject to [(**g**) [(**h**) paragraphs (2), (2A) and (2B)], a warrant or form of order issued to give effect to the order of a magistrates' court shall be signed by the district judge (magistrates' courts) or lay magistrate who made the order or by the clerk of petty sessions.

(2) A warrant to arrest or warrant to search must be signed by a district judge (magistrates' courts) or lay magistrate.

(**a**) Words inserted by S.R. 1992 No. 541 with effect from 1.2.93
(**b**) Figures substituted by S.R. 1985 No. 269 with effect from 1.11.85
(**c**) Rule inserted by S.R. 1992 No. 541 with effect from 1.2.93
(**d**) Words omitted by S.R. 2009 No. 310 with effect from 30.09.09
(**e**) Rule 13B inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**f**) Rule 13C inserted by S.R. 2012 No. 189 with effect from 6.612
(**g**) Words substituted by S.R. 1997 No. 428 with effect from 14.10.97
(**h**) Words substituted by S.R. 2012 No. 189 with effect from 6.6.12

[(a) (2A) A warrant issued under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 shall be signed by a district judge (magistrates' courts) or lay magistrate but shall not in any case be signed by the clerk of petty sessions.] [*Supplt. No. 26 (June 2012)*]

[(b) (2B) A warrant issued under the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 shall be signed by a district judge (magistrates' courts) or a lay magistrate but shall not in any case be signed by the clerk of petty sessions.]

(3) No warrant shall be signed in Blank.

(4) Every warrant shall state shortly the offence charged in the complaint or the grounds on which the warrant is issued.

(5) A warrant shall name in full or otherwise describe the person against whom it is issued.

[(a) (6) Where—

(a) a warrant for the arrest of the defendant is issued under regulation 4(2)(*b*) or 5(5) of the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 [(c) or regulation 4(2)(*b*) or 6(5) of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012]; and

(b) the court before which the defendant is brought is not acting for the same petty sessions district as the court in which the sum is registered as a fine;

the clerk of petty sessions for the court before which the defendant is brought shall forward a copy of any order made by that court to the clerk of petty sessions for the court in which the sum is registered as a fine.]

[(d) (7) Where no other form of warrant of arrest is prescribed, either by these Rules or by any other statutory provision, the warrant in Form 8C shall be used.]

Separate warrants to be issued for each sentence imposed

15.—(1) Subject to paragraphs (2) and (3), where a magistrates' court imposes more than one sentence upon a person convicted of more than one offence a separate warrant of distress or commitment shall be issued for the purpose of giving effect to each sentence.

(2) Where the court in imposing more than one sentence of imprisonment upon any person orders that the sentences are to run concurrently—

(a) a warrant of commitment need not, unless under special circumstances the governor of the prison to which such person is committed otherwise requests, be issued in respect of a sentence which will expire before or on the expiration of any such sentence in respect of which a warrant of commitment has been issued; and

(b) where only one warrant of commitment is issued under this paragraph the clerk of petty sessions shall send to the said governor, together with the warrant, particulars of the sentences which are not specified in the warrant.

(3) Where the court orders a person convicted of more than one offence at the same time to be sent for a period of detention in a young offenders centre or to a training school or commits a child or young person to a remand home in accordance with section 74 of the Children and Young Persons Act (Northern Ireland) 1968 only one warrant need be issued for the purpose of giving effect to such order and the clerk of petty sessions shall send particulars of any conviction and order not specified in the warrant to the person in charge of the young offenders centre, training school or remand home, as the case may be.

(a) Paragraphs inserted by S.R. 1997 No. 428 with effect from 14.10.97
(b) Rule 2B inserted by S.R. 2012 No. 189 with effect from 6.6.12
(c) Words inserted by S.R. 2012 No. 189 with effect from 6.6.12
(d) Words inserted by S.R. 2010 No. 12 with effect from 1.3.10

[*Supplt. No. 10 (January 1998)*]

(4) Where a sentence of imprisonment is imposed to run concurrently with or consecutively to another sentence of imprisonment, the fact shall be stated on the warrant of commitment.

(5) Where a sentence of imprisonment is imposed to run concurrently with or consecutively to a period for which a person is ordered to be returned to prison under Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976(**a**) [(**b**) or Article 28 of the Criminal Justice (Northern Ireland) Order 1996(**c**)] the fact shall be stated on the warrant of commitment.

(6) Where the court makes an order for the return of a person to prison under [(**d**) either of the Articles referred to in paragraph (5)] a warrant of commitment shall in every case be issued in pursuance of the order.

Endorsement of warrants of commitment as to release on bail

16.—(1) Where a magistrates' court commits an accused for trial in custody in accordance with Article 37 of the Order or remands an accused in custody in accordance with Article 47 of the Order it may certify its consent to bail either on a separate form or by endorsement on the warrant of commitment and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions.

[(**e**) (1A) Where under Article 5(5)(*a*) or Article 28(2)(*b*) of, or Schedule 2 to, the Criminal Justice (Northern Ireland) Order 1996, the court commits an offender in custody until he can be brought or appear before the Crown Court, it may certify its consent to bail by endorsement on the warrant of commitment in Form 11A and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions.]

(**a**) S.I. 1976/226 (N.I. 4)
(**b**) Words inserted by S.R. 1997 No. 529 with effect from 1.1.98
(**c**) S.I. 1996/3160 (N.I. 24)
(**d**) Words substituted by S.R. 1997 No. 529 with effect from 1.1.98
(**e**) Paragraph 1A inserted by S.R. 1997 No. 529 with effect from 1.1.98

(2) The certificate, in addition to specifying the amount of the recognizance to be entered into by the accused, shall also specify the amount of the recognizance to be entered into by any surety required by the court under Article 136 of the Order or the amount of any sum of money or valuable security to be deposited under Article 137 of the Order in lieu of sureties.

[*Supplt. No. 7 (November 1994)*]

(3) Where an accused is remanded in custody or is committed for trial in custody and is subsequently granted bail before the expiration of the period for which he was originally remanded or before the sitting of the court to which he is committed for trial, upon an application by or on behalf of the accused to the court, the court shall issue a warrant for his discharge from prison to take effect from the completion of the necessary recognizance.

Binding over complainant to prosecute or give evidence upon issue of warrant

17.—(1) When a district judge (magistrates' courts) or lay magistrate issues a warrant for the arrest of any person he may bind the person making the complaint by recognizance to appear at the court where such person is to be tried to prosecute or to give evidence, as the case may be.

(2) The recognizance may either be in a separate form or at the foot of the complaint.

Withdrawal of warrants

18. A district judge (magistrates' courts) or lay magistrate who order the withdrawal of a warrant under Article 158 of the Order shall endorse his reasons for such withdrawal upon the warrant.

The Order Book

19.—(1) in every proceedings (other than one to which Part VI of the Order applies) the clerk of petty sessions shall enter the particulars of the proceedings and the substance of the decision upon it in a book to be known as the "Order Book" and such particulars may, subject to any directions given by the Lord Chancellor or a district judge (magistrates' courts), be entered by reference to any other proceedings, particulars of which have previously been fully so entered.

(2) Subject to paragraph (3) such entry shall be signed by the district judge (magistrates' courts) or lay magistrate who determined the proceeding [(**a**) or, where he is unavailable, by the clerk of petty sessions], and after such signature shall be deemed a conviction or order, as the case may be.

(3) Where a page of the Order Book contains more than one consecutive complete entry relating to proceedings determined by the same district judge (magistrates' courts) or lay magistrate on the same date, it shall be sufficient compliance with paragraph (2) as regards each entry if [(**b**) the appropriate district judge (magistrates' courts) or lay magistrate or, where he is unavailable, the clerk of petty sessions,] signs all the end of the last such entry.

(4) Where a district judge (magistrates' courts) or lay magistrate has made a conviction or order out of petty sessions he shall, if an Order Book is not signed, sign and forward a certificate of the proceedings to the clerk of petty sessions, which certificate when signed shall be deemed a conviction or order, as the case may be.

(**a**) Words inserted by S.R. 1994 No. 387 with effect from 1.11.94
(**b**) Words substituted by S.R. 1994 No. 387 with effect from 1.11.94

[*Supplt. No. 7 (November 1994)*]

(5) Upon the receipt of the certificate referred to in paragraph (4) the clerk of petty sessions shall enter the particulars on the certificate in the Order Book and [(**a**) shall submit the entry to the district judge (magistrates' courts) or lay magistrate who signed the certificate for his signature or, where he is unavailable, the clerk of petty sessions shall sign the entry himself.]

(6) Where a lay magistrate hears and determines out of petty sessions any charge against an adult for an offence specified in Part II of Schedule 1 to the Order, the fact that the person charged has consented to be dealt with in accordance Article 18(3) of the Order shall be entered in the Order Book as part of the Order.

(7) Where at the hearing of a complaint charging a summary offence or where at the summary trial of an indictable offence the accused pleads guilty, the court shall cause the plea to be entered in the Order Book as part of the order.

(8) Where a court—

(a) tries summarily any offence for which the accused appearing in person is entitled in accordance with Article 29 of the Order to claim to be tried by a jury; or

(b) deals summarily under Article 45 of the Order with any person charged with an indictable offence specified in Schedule 2 to the Order upon his consent to be so dealt with;

the court shall cause to be entered in the Order Book as part of the order his election to be tried summarily or as the case may be.

(9) Where a magistrates' court adjourns a case under Article 50 or Article 51 of the Order the court shall explain to the accused the reasons for the adjournment and shall cause a note of those reasons to be entered in the Order Book as part of the order.

(10) Where an application is made to a magistrates' court for the grant of a civil magistrates' aid certificate or a criminal aid certificate, the court shall cause a note of the grant or refusal thereof to be entered in the Order Book.

(11) Where the sitting of a magistrates' court is adjourned by a clerk of petty sessions under Article 161(5) of the Order shall make a note of such adjournment in the Order Book.

(12) No erasure shall be made of the particulars entered upon the Order Book.

(13) Every interlineation or other alteration in the Order Book shall be initiated by the district judge (magistrates' courts), [(**a**) lay magistrate or clerk of petty sessions] signing the entry of the conviction or order.

Certificate of conviction or order

20.—(1) At the request of any person with a bona fide interest in any proceedings a district judge (magistrates' courts), Lay magistrate or clerk of petty sessions shall grant a certificate of the conviction or order made in such proceedings.

(2) The certificate shall be signed by the district judge (magistrates' courts) or lay magistrate who made the conviction or order or by any lay magistrate for the same petty sessions district or by the clerk of petty sessions.

(3) A certificate under this Rule shall be prima facie evidence of the conviction or order an, except where it is proved that such a certificate purporting to be signed by a district judge (magistrates' courts) or lay magistrate or clerk of petty sessions was not in fact so signed, the certificate shall operate as a valid form of conviction or order for any purpose whatsoever.

(**a**) Words substituted by S.R. 1994 No. 387 with effect from 1.11.94

Documents taken by or made before district judges (magistrates' court) or lay magistrate sitting out of petty sessions

21. Every complaint, deposition, recognizance of other document taken by or made before a district judge (magistrates' court) or lay magistrate sitting out of petty sessions shall as soon as practicable be forwarded or delivered to the clerk of petty sessions for the district in which the district judge (magistrates' court) or lay magistrate was sitting or acting.

Signing of documents on behalf of clerk of petty sessions

22. Where these Rules provide that a document shall or may be signed by the clerk of petty sessions of that an affidavit or statutory declaration may be sworn or made before or recognizance may be taken by the clerk of petty sessions, that document may be signed by, or, as the case may be, that affidavit or declaration may be sworn or made before or that recognizance may be taken by a person holding a rank not lower than executive officer, grade two duly authorised by the clerk of petty sessions or by a district judge (magistrates' court) to do so.

PART III

CRIMINAL PROCEEDINGS

A. SUMMARY TRIAL

Order of proceedings on the hearing of a complaint charging a summary offence

23.—(1) The procedure for hearing a complaint charging a summary offence shall be as follows:—

(a) The substance of the complaint shall be stated to the accused and, if necessary, explained to him before a plea is taken;

(b) Where the accused pleads guilty to the complaint the court shall, if it sees no reason to the contrary, convict or make an order against him accordingly but before making such conviction or order the court shall allow the prosecutor or him counsel or solicitor and then the accused of his counsel or solicitor to address the court;

(c) Where the accused does not plead guilty, the prosecutor or his counsel or solicitor shall call the evidence for the prosecution and before doing so may address the court;

(d) At the conclusion of the evidence for the prosecution, the accused or his counsel or solicitor may address the court, whether or not he afterward calls evidence;

(e) At the conclusion of the evidence, if any, for the defence, the prosecutor or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence;

(f) At the conclusion of the evidence, if any, for the defence and the evidence, if any, in rebuttal as aforesaid, the accused or his counsel or solicitor may address the court—

  (i) if he has not previously done so; [or]

  (ii) with the leave of the court, if the accused and another witness have been called on the part of the accused;

(g) If the court convicts the accused he or his counsel or solicitor may address the court in mitigation of sentence.

Provided always that, notwithstanding anything in the previous provisions of this Rule, the court may permit or invite the accused or the prosecutor or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings,

[*Supplt. No. 22 (July 2008)*]

and in that event the court shall permit the prosecutor or the accused or his counsel or solicitor, as the case may be, to reply.

(2) Where the court convicts the accused, the prosecutor shall, subject to paragraph (4), hand to the court and, where the accused appears in person or by counsel or solicitor, to the accused or his counsel or solicitor a written statement of any previous conviction of the accused.

(3) The court—

(a) where the accused appears in person or by counsel or solicitor, shall ask the accused or his counsel or solicitor if he agrees with the statement and, if he does so agree; or

(b) where the accused does not appear in person or by counsel or solicitor,

shall not in making any order upon the conviction make any oral reference to any previous conviction of the accused in which it has not taken into consideration in making such order and which in the opinion of the court is not relevant to the order so made.

(4) Where a written statement such as is referred to in paragraph (2) is not available and the court considers it expedient so to do, it may ask the prosecutor to refer orally only to any previous conviction to which he considers the court ought to have regard because of its date or nature or it may adjourn proceedings in accordance with Article 50 of the Order to enable paragraph (2) to be complied with.

(5) The failure of the prosecutor to comply or adequately to comply with the provisions of paragraphs (2) to (4) shall not affect the validity of any conviction of or of any sentence passed on the accused.

(6) A notice of intention to cite previous convictions in Form 7 shall be served on the defendant not less than seven days before the date fixed for hearing [(**a**) and such service may be effected by ordinary post.]

B. Right to Claim Trial by Jury For certain Summary Offences

Procedure in relation to certain offences to which Article 29 of the Order applies

24.—(1) Where the accused appearing in person is charged with an offence [(**b**) ...] to which paragraph (1) of Article 29 of the Order applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall, subject to paragraphs (2) and (3)—

(a) address the accused as follows:—

"For the offence with which you are charged you may be tried summarily but you have a right to claim to be tried [(**c**) 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";]

(b) if desirable, give to the accused any information as to the court to which he may be committed for trial and any explanation as to the meaning of being tried summarily:

(c) address the accused as follows:—

"Instead of being tried summarily do you wish to claim your right to be tried [(**c**) in the Crown Court?"].

(2) Where the accused appearing in person with an offence to which Article 29(4) of the Order applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall—

(**a**) Words inserted by S.R. 1992 No. 541 with effect from 1.2.93
(**b**) Words omitted by S.R. 2008 No. 251 with effect from 16.07.08
(**c**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

(a) address the accused as follows:—

"For the offence with which you are charged you may be tried summarily but if you have previously been convicted of a like offence, but not otherwise, you may have the right to be tried [(**a**) 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";]

(b) if desirable, give the accused any information as to the court to which he may be committed for trial and any explanation as to the meaning of being tried summarily;

(c) address the accused as follows:—

"If you have the right to be tried [(**a**) in the Crown Court], do you wish to claim it or do you wish to be tried summarily?";

(d) if the accused in answer to the last question claims to be tried [(**a**) in the Crown Court], inquire into the record of the accused for the purpose of ~~verify~~ing his claim but such inquiry shall be confined to matters necessary for such verification.

(3) [(**b**) ...]

(4) It shall be sufficient compliance with this Rule requiring the court to address the accused for the presiding district judge (magistrates' court) to cause the accused to be addressed in the appropriate manner by an official of the court.

C. Preliminary Investigations

Service of statement of complaint before preliminary investigation

25.—(1) The prosecutor shall a reasonable time before the day fixed for the taking of a deposition in a preliminary investigation (other than a deposition relating to the arrest or, where directed by the court, the remand of the accused), cause to be served on the accused a written statement setting out each complaint in numerical order (in these Rules referred to as "the statement of complaint") and shall at the same time serve a copy thereof on the clerk of petty sessions.

(2) The statement of complaint shall be served on the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under Rule 11.

[(**c**) ...]

Proceedings at a preliminary investigation

26.—(1) At a preliminary investigation evidence relating to the arrest of the defendant shall be given and a deposition thereof shall be taken.

(2) Unless the court otherwise directs, a deposition solely relating to an application for the remand of the accused is not required.

(**a**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08
(**b**) Paragraph omitted by S.R. 2008 No. 251 with effect from 16.07.08
(**c**) Rule 25A revoked by S.R. 1996 No. 126 with effect from 8.4.96

(3) A magistrates' court conducting a preliminary investigation shall cause the charge to be read to the accused and shall, if necessary, explain its nature in ordinary language.

(4) Where there is more than one charge and the court is satisfied that the accused can read and will not be prejudiced, the court may instead of causing each charge to be read to the accused, draw the attention of the accused to the statement of complaint and then—

(a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;

(b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such

other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the statement of complaint.

The presiding resident magistrate or justice of the peace may at any time cause any charge to be read or read again to the accused.

(5) Before any evidence is taken the prosecutor or his counsel or solicitor may address the court.

(6) The court shall cause the evidence of each witness, including the evidence of the accused, to be put into writing.

(7) After the examination of each witness the court shall cause his deposition to be read to him in the presence and hearing of the accused and shall cause the witness to sign the deposition.

(8) The presiding resident magistrate or justice of the peace shall sign the deposition.

(9) After the evidence for the prosecution has been given, the charge shall, unless the court has decided not to commit the accused for trial, be again read to the accused or, as the case may be, be drawn to the attention of the accused by reference to the charges as numbered in the statement of complaint, and the court shall inform him that he has the right, if he so desires, to give evidence on his own behalf and call witnesses.

(10) Next the court shall address the accused to the following effect:—

"You are not obliged to say anything in answer to the charge(s) unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge(s)?".

(11) Whatever the accused says in answer to the charge or charges shall be taken down in writing, read over to him and signed by the presiding resident magistrate or justice of the peace and, if the accused wishes, by him.

(12) Immediately after complying with the requirements of this Rule relating to the statement of the accused, and whether or not the accused has made a statement, the court shall ask him whether he wishes to give evidence himself and call witnesses and shall, before doing so, explain that he is not obliged to give evidence or to call witnesses and that anyone giving evidence is liable to be cross-examined.

(13) If the accused in answer to the question states that he wishes to give evidence or to call witnesses, or both to give evidence and to call witnesses, the court shall proceed to take the evidence of the accused if the accused wishes to give evidence himself, and of any witnesses called by the accused who are able to give any relevant evidence on behalf of the accused.

(14) Where the accused is represented by counsel or a solicitor, his counsel or solicitor shall be heard on his behalf, at his discretion, and may, if the accused gives evidence himself and calls witnesses, be heard on his behalf both before and after such evidence is taken.

(15) The court may, notwithstanding anything in this Rule, permit or invite the accused or the prosecutor or counsel or the solicitor for the accused or for the prosecutor to make a submission on a point of law arising at any stage of the proceedings but, where it does so, it shall permit the prosecutor or the accused or counsel or the solicitor for the prosecutor or for the accused to reply.

(16) Nothing in this Rule shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.

(17) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to the accused and inform him that he is so committed.

[*Supplt. No. 5 (Jan 1991)*]

(18) It shall be sufficient compliance with the provision of this Rule requiring the court to address the accused (whether in reading the charge, asking any questions, giving information, administering a warning or otherwise) for the presiding resident magistrate or justice of the peace to cause the accused to be addressed in the appropriate manner by an official of the court.

(19) Any reference to an accused shall, where the accused is a corporation, be construed as a reference to the representative of the corporation within the meaning of Schedule 4 to the Order.

Procedure for binding witnesses and prosecutor over to attend trial

27.—(1) The court shall bind over a witness as required by Article 39 of the Order as soon as practicable after his deposition has been taken.

(2) Every recognizance under Article 39 of the Order shall be acknowledged and signed by the person entering into the recognizance and signed by the presiding resident magistrate or justice of the peace.

(3) The recognizance may be on a separate form or at the foot of the deposition at the discretion of the court.

Documents and exhibits to be sent to the court of trial

28.—(1) The clerk of the petty sessions district in which a person has been committed for trial, unless the court committing the accused orders otherwise, forward to the chief clerk for the county court division in which is located the place of trial, together with the documents and exhibits specified in paragraph (2), any documents or exhibits produced before the court by a witness whom it has bound over, or directed to be treated as bound over, to attend the trial conditionally.

(2) Within seven days after the close of a preliminary investigation at which any person is committed for trail, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial the following original documents—

(*a*) the complaint, if it is in writing;

(*b*) the statement of complaint;

(*c*) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 26(2) or (3), a statement of the charges upon which the accused was committed for trial;

(*d*) the depositions;

(*e*) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968(**a**) for the purpose of the investigation;

(*f*) the recognizances of the prosecutor and witnesses (if separate from depositions);

(*g*) all statements made by the accused before the magistrates' court;

(*h*) if the accused is committed for trail on bail, the recognizance of the accused;

(*i*) any recognizance entered into by any person as surety for the accused;

(*j*) a certificate of the names [(**b**) . . .] of the witnesses who have been, or are treated as having been, bound over to attend the trial conditionally;

(*k*) such of the documents and exhibits produced in evidence before the court as have been retained by him; and

(*l*) a statement of the dates on which the defendant was remanded before completion of the preliminary investigation.

(**a**) 1968 c. 28 (N.I.)
(**b**) Words deleted by S.R. 1990 No. 426 with effect from 1.1.91

(3) Paragraph (2) of this Rule shall apply to the committal for trial of persons under Article 40 of the Order as if paragraphs (a) to (g) and (j) and (k) were omitted. [*Supplt. No. 22 (July 2008)*]

Supply of depositions and complaint to accused

29. The person having custody of the depositions on which any person has been committed for trial shall, as soon as practicable after application is made to him by or on behalf of the accused, supply to the accused one copy of the depositions and, if the complaint is in writing, of the complaint.

Adjourned preliminary investigation

30. Where a preliminary investigation is adjourned under Article 36 of the Order and the adjourned investigation is held before a magistrate's court acting for the petty sessions district in which the place to which the investigation is adjourned is situated, the complaint and any depositions and recognizances already taken in the matter shall be transmitted to the clerk of petty sessions for that district and be brought before such court.

D. Preliminary Inquiries

Interpretation of Rules 32 to 42

31.—(1) In Rules 32 to 42—

(a) "extra-territorial offence" has the meaning assigned to it by section 1(3) of the Criminal Jurisdiction Act 1975(**a**);

(b) "the Act of 1975" means the Criminal Jurisdiction Act 1975.

(c) [(**b**) ...]

[(**c**) (2) The following provisions shall apply to a preliminary inquiry:—

[(**d**) ...]

(b) Rule 27; and

(c) Rules 29 and 30 in any case where depositions are taken.]

Service on clerk of petty sessions of notice of intention by prosecutor to request court to hold preliminary enquiry

32.—(1) A notice under Article 32(1)(a) of the Order of intention by the complainant or prosecutor on his behalf to request a magistrates' court to hold a preliminary inquiry shall, except in relation to proceedings for an extra-territorial offence, be in Form 20.

(2) In relation to proceedings to which [(**e**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies the notice referred to in paragraph (1) of this Rule shall be in Form 21.

(3) In relation to proceedings for an extra-territorial offence the notice referred to in paragraph (1) shall be in Form 22.

(4) The list of witnesses referred to in Forms 20, 21 and 22 giving the number of pages in each written statement of evidence shall be in Form 23.

(5) The statement of complaint referred to in Article 32(1)(i) of the Order shall be in Form 15 and the list of exhibits referred to in Article 32(1)(b)(ii) of the Order shall be in Form 24.

(**a**) 1975 c. 59
(**b**) Rule 31(1)(c) omitted by S.R. 2008 No. 251 with effect from 16.07.08
(**c**) Rule 31 Paragraph 2 substituted by S.R. 1989 no. 422 with effect from 20.11.89
(**d**) Rule 31(2)(a) revoked by S.R. 1996 no.126 with effect from 8.4.96
(**e**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

(6) Where the statement of complaint relates to more than one charge, it shall set out each charge in numerical order

(7) The notice, lists and copies of the documents referred to in Article 32(1) of the Order and in paragraph (4) of this Rule shall be furnished to the clerk of petty sessions in accordance with Article 32(1) of the Order—

(a) by serving them upon him personally at his office or upon a responsible member of his staff thereat; or

(b) by enclosing them in an envelope and sending it addressed to him at his office by registered post or by the recorded delivery service.

Service on accused of copy of notice and of documents referred to in Article 32(1) of the Order

33. The copy of the said notice, lists and documents referred to in Article 32(1) of the Order and in paragraph (4) of [(**a**) Rule 32] shall be served on the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under paragraphs (1), (2), (4), (5) and (6) of Rule 11 and proof of such service shall be given in accordance with paragraph (7) of that Rule.

Objection to preliminary enquiry

34.—(1) Without prejudice to Article 32(4) of the Order, the court shall, except in relation to proceedings for an extra-territorial offence, ascertain that the accused or each of them has received a copy of the notice and of the documents required to be served on him under Article 32(1) thereof and Rule 33 and unless the accused is or, if there is more than one accused before the court, all of the accused are legally represented, shall explain generally the purpose of a preliminary inquiry and of a preliminary investigation and the difference in procedure between such inquiry and such investigation.

(2) In relation to proceedings for an extra-territorial offence the court shall, without prejudice to Article 32(4) of the Order, ascertain that the accused or each of them has received a copy of the notice and of the documents required to be served on him under Article 32(1) thereof and Rule 33 and unless the accused is or, if there is more than one accused before the court, all of the accused are legally represented, shall explain generally the purpose of a preliminary inquiry.

(3) Except in relation to proceedings to which [(**b**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies, or proceedings for an extra-territorial offence, after the charge or charges as set out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall then ascertain that the accused understands, or all of them understand, the nature of the complaint or complaints and ask him or each of them separately whether he objects to a preliminary inquiry into the charge or any of the charges against him.

(4) In relation to proceedings to which [(**b**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies after the charge or charges as set out in the complaint or complaints, is or are read aloud and, if necessary, explained in ordinary language the court shall ask the accused or each of them if he has any submission to make that the holding of a preliminary inquiry would be contrary to the interest of justice and the court shall consider any such submission before deciding to hold a preliminary enquiry.

(5) In relation to proceedings for an extra-territorial offence after the charge or charges as set-out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall then ascertain that the accused understands, or all of them understand, the nature of the complaint or complaints.

(**a**) Words substituted by S.R. 1994 No.387 with effect from 1.11.94
(**b**) Words substituted by S.R. 2008 no.251 with effect from 16.07.08

[*Supplt. No. 22 (July 2008)*]

(6) Where there is more than one charge against an accused, instead of all the charges being read to that accused, if the court is satisfied that the accused is able to read and will not be prejudiced, the court may proceed as follows:—

(a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;

(b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the copy of the statement of complaint.

The presiding district judge (magistrates' court) or lay magistrate may at any time cause any charge to be read or read again to the accused.

(7) Where two or more persons are charged together with an offence (other than an offence to which [(**a**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies or an extra-territorial offence) and one or more than one of them or his or their legal representative objects to a preliminary inquiry into that offence, he shall be asked, or each of them separately shall be asked, whether he objects to a preliminary inquiry into that offence in respect of any person or persons who do not so object and if he objects to such inquiry to explain the grounds for such objection.

(8) In order to consider the grounds for such objection and in order to be satisfied in accordance with Article 31(3) of the Order that the interests of any person charged with an offence together with another or others would not be unduly or unreasonably prejudiced by conducting a preliminary inquiry into that charge in respect of that other or others, the court shall read the statements of the evidence relevant to that particular charge and hear any submission by or on behalf of the other or others so charged.

(9) In relation to proceedings to which [(**a**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies where two or more persons are charged together with an offence and one or more than one of them of his or their legal representative successfully objects to a preliminary inquiry into that offence, he shall be asked, or each of them separately shall be asked, whether he objects to a preliminary inquiry into that offence in respect of any person or persons who do not so object and if he objects to, such inquiry to explain the grounds for such objection.

(10) In relation to proceedings to which [(**a**) section 3 of the Justice and Security (Northern Ireland) Act 2007] applies in order to consider the grounds or such objection the court shall read the statements of the evidence relevant to that particular charge and hear any submission by or on behalf of the other or others so charged.

Conduct of preliminary inquiry

35.—(1) The court in proceeding to conduct a preliminary inquiry may require the prosecutor to make an opening statement on behalf of the prosecution for the purpose of presenting the written statements of the witnesses upon whose evidence the complaint or complaints are based before the court further proceeds in accordance with Article 34(1) of the Order to consider such statements and any exhibits or to read aloud the contents of such statements or purport thereof or before proceeding to consider any submissions (other than submissions under Rule 34) made by the prosecutor or by or on behalf of the accused.

(2) Where at any stage of the inquiry a written statement is admitted in evidence in accordance with Article 33 of the Order the name [(**b**) ...]of the maker of the

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(**a**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08
(**b**) Words deleted by S.R. 1990 No. 426 with effect from 1.1.91

statement shall be read aloud unless the court in the interests of justice otherwise directs.

(3) Where a person is required under Article 34(2) of the Order to give evidence for the prosecution on oath and such evidence is recorded as a written deposition, the court shall where any accused is not legally represented explain to that accused that he has the right to cross-examine the witness and that the prosecutor may re-examine him.

(4) After the court has considered the written statements and admitted as evidence such of them (in whole or in part) as it considers proper and any depositions of witnesses for the prosecution, the charge or charges shall, unless the court has decided not to commit the accused for trial, be again read to the accused or, as the case may be, be drawn to the attention of the accused by reference to the charges as numbered in the statement-of complaint and the court shall inform the accused that he has the right, if he so desires, to give evidence on his own behalf and to require the attendance of witnesses and to call witnesses and to tender any written statement of a witness which complies with Article 33 of the Order.

(5) Next the court shall address the accused to the following effect—

"You are not obliged to say anything in answer to the charge(s) unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence at your trial. Do you wish to say anything in answer to the charge(s)?".

(6) Whatever the accused says in answer to the charge or charges shall be taken down in writing on Form 25, read over to him and signed by the presiding district judge (magistrates' court) or lay magistrate and, if the accused so wishes, by him.

(7) Immediately after complying with the requirements of this Rule relating to the statement of the accused, and whether or not the accused has made a statement, the court shall ask him whether he wishes to give evidence himself, require the attendance of witnesses and call witnesses and shall before doing so explain that he is not obliged to give evidence or to call witnesses and that anyone giving evidence is liable to be cross-examined.

(8) The court shall also ask the accused whether he wishes instead of calling witnesses to tender any written statement of evidence on his behalf which complies with Article 33 of the Order.

(9) If the accused in answer thereto states that he wishes to give evidence or to call witnesses or both give evidence and call witnesses, the court shall proceed to take the evidence of the accused on oath if the accused wishes to give evidence himself and to record it as a deposition and to take the evidence on oath of any witness called by the accused who is able to give relevant evidence on behalf of the accused and that evidence shall also be recorded as a deposition.

(10) Where the accused is legally represented, his counsel or solicitor may, if the accused gives evidence himself and calls witnesses, be heard on his behalf both before and after such evidence is taken.

(11) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to him and inform him that he is so committed.

Modification of Rules where accused is a corporation

36. Any reference in these Rules to an accused shall where the accused is a corporation be construed as a reference to the representative of the corporation within the meaning of Schedule 4 to the Order.

Court may address accused through court official

37. It shall be sufficient compliance with the provisions of these Rules relating to

a preliminary inquiry requiring the court to address the accused (whether in reading the charge, any written statement, asking any questions, giving information, administering a warning or otherwise) for the presiding district judge (magistrates' court) or lay magistrate to cause the accused to be addressed in the appropriate manner by an official of the court.

Proof by formal admission

38. Where under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 a fact is admitted orally in court by or on behalf of the complainant or any accused for the purpose of a preliminary inquiry the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

Written statement of evidence to be in prescribed form and exhibits to be properly identified

39.—(1) Written statements of the evidence of a witness tendered in evidence to a magistrates' court at a preliminary inquiry shall be in Form 26.

(2) Where such statement refers to any document or object as an exhibit, that document or object shall, wherever possible, be identified by means of a label or other mark of identification signed by the maker of the statement and before the court treats any document or object referred to as an exhibit in such a written statement as an exhibit produced and identified in court by the maker of the statement, the court shall be satisfied that the document or object is sufficiently described in the statement for it to be identified.

Procedure where court decides not to admit statement or part thereof as evidence

40. Where the court decides not to admit as evidence any written statement or part thereof tendered in evidence at the preliminary inquiry into any charge against the accused, the presiding district judge (magistrates' court) or lay magistrate shall announce such decision forthwith and shall thereupon delete such statement or part thereof, and shall write or cause to be written upon such statement or, as the case may be, against that part the words "This statement is not admitted as evidence" or alternatively "The part of this statement herewith deleted is not admitted as evidence" and in either case he shall subscribe his name thereto.

Authentication of statements, depositions or admissions

41. The clerk of petty sessions shall authenticate by certificate in Form 27 the written statements admitted in evidence, the depositions and any formal admission made for the purpose of the inquiry.

Documents and exhibits referred to, etc., at preliminary inquiry to be sent to the court of trial

42.—(1) Within seven days after the close of a preliminary inquiry at which any person is committed for trial, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial the following original documents—

(a) the complaint if it is in writing;

(b) the statement of complaint;

(c) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 34(3), (4) or (5), a statement of the charges upon which the accused was committed for trial;

(d) the written statements admitted in evidence at and any depositions taken at the preliminary inquiry;

(e) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 for the purpose of the inquiry;

(f) the certificate in Form 27 of the clerk of petty sessions authenticating those statements, depositions or such admissions;

(g) the recognizances of the prosecutor and witnesses (if separate from depositions);

(h) all statements made by the accused before the magistrates' court;

(i) if the accused is committed for trial on bail, the recognizance of the accused;

(j) any recognizance entered into by any person as surety for the accused;

(k) a certificate of the names [(**a**) ...] of the witnesses who have been, or are treated as having been, bound over to attend the trial conditionally;

(l) subject to paragraph (2), a list in Form 24 of the exhibits, documentary or otherwise, produced or referred to in evidence at the inquiry;

(m) every exhibit lodged in court;

(n) any other relevant document; and

(o) a statement of the dates on which the defendant was remanded before completion of the preliminary inquiry.

(2) Where during the course of a preliminary inquiry the list of exhibits in Form 24 is altered by the addition or omission of any exhibit the clerk of petty sessions shall forward such list with any alterations initialled by him.

(3) Paragraph (1) shall apply to the committal for trial of persons under Article 40 of the Order as if paragraphs (a) to (h) and (1) and (m) were omitted.

(4) Where after a preliminary inquiry the accused is not committed for trial the written statement of the evidence of the witnesses tendered at the inquiry shall be preserved for a period of three years by the clerk of petty sessions.

(5) The court may direct that the written statements required to be read aloud under Article 37(6) of the Order shall be so read by the clerk of petty sessions or other court official.

E. Indictable Offences Dealt With Summarily

Conditions to be complied with before preliminary investigation or inquiry

43. Where an adult is charged with an indictable offence specified in Schedule 2 to the Order, a lay magistrate (other than a district judge (magistrates' court)) shall not proceed to conduct a preliminary investigation or preliminary inquiry unless he is informed that—

(a) the prosecutor will not in any event consent to summary trial of the charge under Article 45 of the Order; or

(b) a district judge (magistrates' court) has decided that it is not expedient to deal with the charge summarily.

Written notice under Article 45(1) of the Order

44.—(1) The written notice to be given to the accused under Article 45(1) of the Order may be served on him together with or contained in a summons alleging the offence or, if he is arrested, given to him as soon as practicable after he is formally charged with the offence after arrest.

(2) Where the prosecutor informs the court that he does not object to the charge being dealt with summarily, the court shall not deal summarily with any offence specified in Schedule 2 to the Order until the expiration of twenty-four hours after the notice under Article 45(1) of the Order is given to the accused, unless a written waiver such as is referred to in the said Article 45(1) of the Order waiving the requirement of the twenty-four hours' notice under the said Article 45(1) has been signed by the accused and handed to the court and the court is satisfied in accordance with Rule 45(4) and (5) that the accused understands that he has the right to be tried [(**b**) by a jury at the Crown Court and appreciates the meaning of such

(**a**) Words deleted by S.R. 1990 No. 426 with effect from 1.1.91
(**b**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

right including the circumstances in which a trial at the Crown Court may be heard by a judge sitting without a jury.] [*Supplt. No. 22 (July 2008)*]

(3) Where the prosecutor informs a district judge (magistrates' court) or lay magistrate having jurisdiction to conduct a preliminary investigation or preliminary inquiry that the proceedings against the accused are to be taken on indictment, nothing in this Rule or Rule 43 shall operate so as to require proof that the said notice has been given to the accused.

Procedure where court decides to deal with an indictable offence summarily under Article 45 of the Order

45.—(1) The procedure shall, until the district judge (magistrates' court) assumes the power to deal with the offence summarily, be the same in all respects as if the offence were to be dealt with, throughout as an indictable offence.

(2) The evidence of any witness (other than a witness whose written statement has been admitted in evidence at a preliminary inquiry under Article 33 of the Order) taken before the district judge (magistrates' court) assumed such power need not be taken again, but every such witness shall, if the accused or the prosecutor or his counsel or solicitor so require, be recalled for the purpose of cross-examination.

(3) From and after the time when the district judge (magistrates' court) assumes the power to deal with the offences summarily (subject to the remaining provisions of this Rule) the procedure before and powers exercisable by the district judge (magistrates' court) shall be the same as in the hearing of a complaint charging a summary offence.

[(**a**) (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.]

[(**a**) (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?"]

(6) [(**b**) ...]

(7) [(**b**) ...]

(8) The district judge (magistrates' court) may instead of giving the explanation required by [(**a**) paragraph (4)] or addressing the accused, as would otherwise be required by [(**a**) paragraph (5)], cause such explanation to be given or the accused to be addressed in open court in the appropriate manner by an official of the court and that course shall be sufficient compliance with this Rule.

(**a**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08
(**b**) Rules 45(6) and 45(7) omitted by S.R. 2008 No. 251 with effect from 16.07.08

Conviction of offence other than that charged where indictable offence dealt with summarily

46. Where a district judge (magistrates' court) in exercise of the power conferred by Article 46(3) of the Order, having dealt summarily with a charge for an indictable offence, convicts the accused of an offence in the alternative to that charged, an entry to that effect shall be made in the Order Book and specifying the alternative offence of which he was convicted.

Preservation of depositions where indictable offence is dealt with summarily

47. The clerk of petty sessions for the district in which a person charged with an indictable offence has been tried summarily under Article 45 of the Order by a district judge (magistrates' court) shall preserve for a period of at least three years such depositions as have been taken.

F. Depositions Of Sick Or Dying Persons

Taking of depositions under Article 28 or 41 of the Order

48.—(1) Where an application for the taking of the deposition of a person under Article 28 or Article 41 of the Order is granted by a district judge (magistrates' court) or lay magistrate, such district judge (magistrates' court) or lay magistrate shall cause to be served in such manner as he may direct on the accused and the prosecutor a notice in writing specifying where and when the deposition is to be taken.

(2) Where a person in prison custody has received a notice under paragraph (1) the governor of the prison in which the person is confined shall cause him to be conveyed to the place mentioned in the notice for the purpose of being present at the taking of the deposition and sub-section (3) of section 16 of the Prison Act (Northern Ireland) 1953(**a**) shall apply to a person who is so conveyed as though the Secretary of State had made a direction under sub-section (1) of that section.

(3) The district judge (magistrates' court) or lay magistrate taking the deposition shall sign it and attach thereto a statement of his reason for taking it and of the day when and the place where it was taken and of the names of the persons, if any, present at the taking thereof.

(4) The district judge (magistrates' court) or lay magistrate taking the deposition shall cause it to be transmitted with his statement under paragraph (3)—

(a) if the deposition is taken under Article 41 of the Order and relates to an offence for which the accused is already committed for trial, to the chief clerk for the county court division in which is located the place of trial; or

(b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

G. Remands

Remand for inquiry into physical or mental condition

49. On exercising the powers conferred by Article 51 of the Order in remanding a person for a report on his mental or physical condition a magistrates' court shall—

(a) where the person is remanded. in custody, send to the place to which he is committed; and

(b) where the person is released on bail, send to the hospital or place at which, or the person by whom, he is to be examined,

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(**a**) 1953 c. 18 (N.I.)

a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and any information before the court about his physical or mental condition.

[*Supplt. No. 9 (October 1997)*]

Remand on bail under Article 47(4) of the Order for longer than eight or, as the case may be, twenty-eight days where sureties have not entered recognizances

50. Where the court, with a view to a person's being remanded on bail under Article 47(4) of the Order for a period exceeding eight days or, where Article 47(3) of the Order applies, 28 days, has fixed the amount of the recognizances to be taken for that purpose but commits that person to custody because the recognizances of the sureties have not yet been taken, the warrant of commitment shall direct that such person be brought before the court at the end of the period or at such earlier time as may be specified in the warrant, unless in the meantime the sureties have entered into their recognizances.

Accused to be told of his right to apply to High Court or Crown Court for bail

51.—(1) Where a magistrates' court remands a person in custody it shall inform him of his right (where such right exists) to apply for bail to the High Court.

(2) Where a magistrates' court commits a person for trial in custody it shall inform him of his right (where such right exists) to apply for bail to the Crown Court or the High Court.

H. Formal Admissions

Formal admissions under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

52. Without prejudice to Rule 38 where under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 a fact is admitted orally in court by or on behalf of the prosecutor or the accused for the purposes of any criminal proceedings before a magistrates' court, the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

[(a) I. Road Traffic Offenders (Northern Ireland) Order 1996

Applications under Article 37(6) and (7) of the Road Traffic Offenders (Northern Ireland) Order 1996

52A.—(1) In this rule and Rules 52B and 52C-

(a) "the Offenders Order" means the Road Traffic Offenders (Northern Ireland) Order 1996;

(b) "course organised' and "supervising court" have the meanings assigned to them by Article 38(2) of the Offenders Order.

(2) An application to the supervising court under Article 37(6) or (7) of the Offenders Order shall be made in Form 122 within 28 days of the date specified in the order under Article 36(2) of the Offenders Order in respect of the applicant's period of disqualification.

(3) The application shall be served on the clerk of petty sessions and on the course organiser and in the case of an application under Article 37(6) of the Offenders Order shall be accompanied by the notice under Article 37(5) of the Offenders Order.

(a) Rules 52A-52C inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 24 (March 2010)*]

(4) On being served with such an application, the clerk of petty sessions shall fix a date and time for the hearing of the application and notify the applicant and course organiser of the date and time so fixed.

(5) If the applicant or the course organiser fails to appear or be represented at the hearing of the application without reasonable excuse, the court may adjourn the hearing or decide the application in his absence.

Notice of order under Article 27 of the Offenders Order

52B. Where the court makes an order under Article 27 of the Offenders Order that a defendant shall inform the court of his date of birth or sex or both and the defendant is not present in court, the clerk of petty sessions shall serve notice of that order on the defendant in Form 123.

Application for removal of disqualification

52C.—(1) Part VII of the Order and Part V of these Rules shall apply to an application under Article 47 of the Offenders Order for an order removing a disqualification for holding or obtaining a licence.]

[**(a)** J. CRIME (INTERNATIONAL CO-OPERATION) ACT 2003

[**(b)** *Applications and procedures under the Crime (International Co-operation) Act 2003*

52D. In this rule and rules 52E to 52M—

(a) "the Act" means the Crime (International Co-operation) Act 2003;

(b) "process" has the same meaning as in section 51(3) of the Act;

(c) "relevant proceedings" means proceedings under Part 1 or Part 2 of Schedule 2 to the Act; and

(d) "external court" or "external authority" means the court or authority from which a request under section 30 or 31 of the Act is received.]

Notice required to accompany process served outside the United Kingdom

52E.—(1) The notice which by virtue of section 3(4)(b) of the Act shall accompany any process served outside the United Kingdom shall give the information specified in paragraphs (2) and (4).

(2) The notice shall—

(a) state that the person required by the process to appear as a party or attend as a witness may obtain information about his rights in connection with such requirement from the relevant authority; and

(b) give the particulars specified in paragraph (4) about that authority.

(3) The "relevant authority" where the process is served—

(a) at the request of the prosecuting authority, is that prosecuting authority;

(b) at the request of the defendant, or of the prosecutor in the case of a private prosecution, is the court by which the process is served.

(4) The particulars referred to in paragraph (2) are—

(a) the name and address of the prosecuting authority or, as the case may be, the court, together with its telephone and fax numbers and e-mail address;

(b) the name of a person at the prosecuting authority or, as the case may be, the court who can provide the information referred to in paragraph (2)(a), together with his telephone and fax numbers and e-mail address.

(a) Rules 52D-52F inserted by S.R. 2004 No. 204 with effect from 17.05.04

(b) Rule 52D substituted by S.R. 2010 No. 12 with effect from 1.3.10

(5) Where section 3(3) of the Act applies, the clerk of petty sessions shall require any process served outside the United Kingdom to be accompanied by— [*Supplt. No. 26 (January 2012)*]

(a) any translation which is provided under section 3(3)(b) of the Act; and

(b) any translation of the information required to be given by this Rule which is provided to him.

Proof of service outside the United Kingdom

52F.—(1) The service on any person under section 4(1) of the Act of any process issued or made may be proved in any proceedings by a certificate given by or on behalf of the Secretary of State.

(2) A statement in any such certificate as is mentioned in paragraph (1)—

(a) that a process has been served;

(b) of the manner in which service was effected;

(c) of the date on which a process was served,

shall be admissible as evidence of any facts so stated."]

[(**a**) *Notice of application for request for assistance*

52G.—(1) An application under section 7(1) of the Act (request for assistance in obtaining evidence abroad) shall, subject to paragraph (2), be made by giving notice in writing to the clerk of petty sessions and shall—

(a) state the particulars of the offence which it is alleged has been committed or the grounds upon which it is suspected that an offence has been committed;

(b) state whether proceedings in respect of the offence have been instituted or the offence is being investigated; and

(c) include particulars of the assistance requested in the form of a draft request for assistance.

(2) The court may direct that paragraph (1) need not be complied with if it is satisfied that the applicant has good reason to make the application as soon as possible and it is not practicable to comply with that paragraph.

[(**b**) *Notice of application for a domestic freezing order*

52GA.—(1) An application under section 10(1) of the Act (domestic freezing orders) shall be made by giving notice in writing to the clerk of the petty sessions and shall be accompanied by—

(a) the certificate, referred to in section 11 of the Act, prepared by the applicant; and

(b) either the request made under section 7 of the Act, or an indication of when such a request will be made.

(2) Where the court makes a domestic freezing order under section 10(1) the clerk of petty sessions shall, within 14 days of the date the order was made, send to the Secretary of State—

(a) the domestic freezing order;

(b) the certificate prepared by the applicant and signed by the district judge (magistrates' courts); and

(c) either the request under section 7 of the Act, or an indication of when such a request will be made.

(**a**) Rules 52G-52M inserted by S.R. 2010 No. 12 with effect from 1.3.10

(**b**) Rules 52GA-52GB inserted by S.R. 2011 No. 418 with effect from 1.1.12

[*Supplt. No. 26 (January 2012)*]

Variation or revocation of a domestic freezing order

52GB.—(1) An application to vary or revoke a domestic freezing order under section 12 of the Act shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the order was made.

(2) An application under paragraph (1) shall be served, by the applicant, on the clerk of petty sessions and on each party to the proceedings as soon as reasonably practicable after the change in circumstances occurs.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of application was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (3) of his opposition to the application, the court may direct a hearing of the application.

(6) Where a hearing of the application is to take place in accordance with paragraphs (4) or (5) the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision.

(9) Where the court makes an order to vary or revoke a freezing order under section 12 of the Act, the clerk of petty sessions shall, as soon as reasonably practicable, send a copy of that order to the Secretary of State.]

Proceedings before a nominated court

52H. In proceedings before a nominated court pursuant to a notice under section 15(1) of the Act, the court may—

(a) determine who may appear or take part to the proceedings under Schedule 1 of the Act, and whether a party to the proceedings is entitled to be legally represented; and

(b) if it thinks it necessary to do so in the interests of justice, direct all or any person not being members or officers of the court or parties to the proceedings, their solicitor or counsel, or other persons directly connected with proceedings, be excluded from the court during the proceedings.

Record of proceedings before a nominated court

52I.—(1) In proceedings before a court nominated pursuant to a notice under section 15(1) of the Act, the court shall make a record of the evidence received by the court and the information prescribed in paragraph (2).

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

(a) details of the request in respect of which the notice under section 15(1) was given;

(b) the date on which, and place at which, the proceedings under Schedule 1 in respect of that request took place;

(c) the name of any witness who gave evidence at the proceedings in question;

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

(e) whether a witness was required to give evidence on oath or after making a solemn affirmation; and

(f) whether the opportunity to cross-examine any witness was refused.

(3) When, under paragraph 6(1) of Schedule 1 to the Act, the court sends the evidence received by it to the court or authority that made the request, or to the territorial authority for forwarding to the court or authority that made the request, the clerk of petty sessions shall send to the court, authority or, as the case may be, territorial authority a copy of an extract of so much of the record as relates to the proceedings in respect of the request.

(4) Proceedings before a court nominated pursuant to a notice under section 15(1) shall be heard at an appropriately equipped venue to allow for the recording of evidence.

[(a) *Consideration of an overseas freezing order*

52IA.—(1) In proceedings before a court nominated under section 21 of the Act, the court shall consider whether to give effect to the freezing order—

(a) save in exceptional circumstances, on the next business day after receipt of a copy of the order from the Secretary of State; and

(b) in any event within 5 business days of receipt of the order.

(2) The court shall not consider an overseas freezing order unless it is satisfied that the Chief Constable has—

(a) been given notice of the order; and

(b) had an opportunity to be heard.

(3) The court may consider an overseas freezing order—

(a) without a hearing; or

(b) at a hearing in private or public.

(4) The clerk of petty sessions shall, as soon as reasonably practicable, give notice of any decision of the court in respect of an overseas freezing order to the Secretary of State.

(5) In this rule "business day" means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday.

(6) In paragraph (5) "bank holiday" means a day which is, or is to be observed as, a bank holiday in Northern Ireland under the Banking and Financial Dealings Act 1971.

Release of evidence subject to an overseas freezing order

52IB.—(1) An application under section 25 of the Act for the release of evidence which is subject to an overseas freezing order shall be made by giving notice in writing and shall state the reasons why the evidence should be released.

(2) An application under paragraph (1) shall be served on the clerk of petty sessions, and on each of the parties to the proceedings, as soon as reasonably practicable, after the reasons for making the application occur.

(3) Any party who wishes to oppose the application shall, within 7 days of the date notice of the application was served on him, notify the applicant and the clerk of petty sessions in writing of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the court may—

(a) Rules 52IA-52IB inserted by S.R. 2011 No. 418 with effect from 1.1.12

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (3) of his opposition to the application, the court may direct a hearing of the application.

(6) Where a hearing of the application is to take place in accordance with paragraphs (4) or (5) the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision.

(9) Where the court makes an order under section 25 of the Act the clerk of petty sessions shall, as soon as reasonably practicable, give notice of that order to the Secretary of State.]

Interpreter for the purposes of proceedings involving a television or telephone link

52J.—(1) This rule applies where the court nominated under section 30(3) (hearing witnesses in the UK through television links) or section 31(4) (hearing witnesses in the UK by telephone) is a magistrates' court.

(2) Where it appears to the clerk of petty sessions that the witness to be heard in the relevant proceedings is likely to give evidence in a language other than English, he shall make arrangements for an interpreter to be present at the relevant proceedings to translate what is said into English.

(3) Where it appears to the clerk of petty sessions that the witness to be heard in the relevant proceedings is likely to give evidence in a language other than that in which the external court will be conducted, he shall make arrangements for an interpreter to be present at the relevant proceedings to translate what is said into the language in which the proceedings of the external court will be conducted.

(4) Where the evidence in the relevant proceedings is given in a language other than English and is not translated into English by an interpreter, the court shall adjourn the proceedings until such time as an interpreter can be present to provide a translation into English.

Record of proceedings by television link before a nominated court

52K.—(1) In proceedings before a court nominated pursuant to a notice under section 30(3), the court shall make a record of the evidence given in the presence of the court and the information prescribed in paragraph (2).

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

(a) details of the request in respect of which the notice under section 30(3) was given;

(b) the date on which, and the place at which the proceedings under Part 1 of Schedule 2 in respect of the request took place;

(c) the technical conditions, such as the type of equipment used, under which the proceedings took place;

(d) the name of the witness who gave evidence;

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

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

(3) As soon as is reasonably practicable after the proceedings under Part 1 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 30(3) shall be heard at an appropriately equipped venue to allow for the recording of evidence.

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).

(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.

Restriction on access to records kept under Rules 52I, 52K and 52L

52M.—(1) The records kept under Rules 52I, 52K and 52L shall not be open to inspection by any person except—

(a) as authorised by the Secretary of State; or

(b) with the leave of the court."]

[(a) K. ASSISTANCE WITH COMMUNICATION

Assistance with communication for a defendant who does not speak English or who has a hearing or speech impediment

52N.—(1) In this Rule—

(a) references to a defendant who needs interpretation mean—

(i) a defendant who needs interpretation because he does not speak or understand English; or

(ii) a defendant who needs assistance because he has a speech or hearing impediment;

(b) where a defendant has a hearing or speech impediment, references to an interpreter include a person appointed—

(i) to communicate to the defendant anything said at the hearing and explain it so far as is necessary for the defendant to understand it; or

(ii) to communicate any answers given by the defendant, and any other matters that the defendant seeks to convey, and explain them so far as is necessary to enable the court and others present at the hearing to understand them,

and references to interpretation shall be construed accordingly;

(a) Rule 52N inserted by S.R. 2014 No. 221with effect from 05/09/14

(c) references to acting at a hearing include assisting the defendant to communicate with his legal representative during the hearing and in relation to such assistance, paragraph (1)(b)(ii) has effect as if the reference to the court and others present at the hearing were to the legal representative.

(2) Where a defendant who needs interpretation is due to be present at a hearing, the clerk of petty sessions shall appoint an interpreter to act at the hearing unless another organisation is responsible for appointing an interpreter to act at that hearing.

(3) Before an interpreter begins to act at a hearing, an oath or affirmation shall be administered to the interpreter.

(4) Before an interpreter is sworn or makes his affirmation, the interpreter's name shall be read out and any party to the proceedings may object to the interpreter on any reasonable ground.

(5) If the court upholds an objection made under paragraph (4), the interpreter shall not be sworn or make his affirmation and the clerk of petty sessions shall appoint another interpreter.

(6) Where, on application or of its own motion, the court is satisfied that a document is essential, it shall order that a written translation of the document, or a relevant passage thereof, is provided to a defendant who needs interpretation unless–

(a) the defendant unequivocally and voluntarily waives his right to translation and has had legal advice or otherwise has full knowledge of the consequences of such a waiver; or

(b) provision of an oral translation or oral summary of the document, or the passage thereof, would not prejudice the fairness of the proceedings.

(7) On application, the court may give any direction which it considers appropriate where—

(a) no interpreter has been appointed;

(b) on a previous application under paragraph (6), the court determined that there was no need for translation of the document, or a passage thereof, specified in the application; or

(c) the defendant submits that the quality of interpretation or translation is not sufficient to safeguard the fairness of the proceedings.

(8) The clerk of petty sessions shall record—

(a) the identity of any interpreter appointed to act at a hearing;

(b) any decision to provide an oral translation or oral summary of an essential document or a passage thereof;

(c) any waiver by a defendant of his right to written translation; and

(d) any direction given under paragraph (7)]

PART IV

DEBT AND EJECTMENT PROCEEDINGS

A. RULES APPLICABLE TO BOTH DEBT AND EJECTMENT PROCEEDINGS

Definitions

53. In these Rules the following expressions have the meanings hereby assigned to them:—

"debt proceedings" or "ejectment proceedings", where necessary, include proceedings for the enforcement of orders made in such proceedings;

"formal order" refers to the document issued by the court and includes a decree, a dismiss, an order under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 and an attachment of earnings order under Article 99 of the said order;

"process" includes an application for a duplicate of an order, and (save as expressly accepted by Rules 58 and 60) an enforcement or committal process under Articles 106 to 110 of the said Order of 1981.

Time and issue of process

54. A process shall be deemed to have been issued when it has been stamped, signed, and handed or sent by post to a summons server or to such other person as may be authorised to serve it, or to the clerk of petty sessions of the petty sessions district in which a proceeding is brought for a delivery to a summons server or when service is effected in accordance with Rule 60.

Signature on process

55. Every process and every copy thereof for service shall be signed by the plaintiff or by his solicitor or firm of solicitors, or in the name of such solicitor by some person duly authorised to sign.

Times of hearing of processes

56. Processes shall be issued for hearing at such sittings of the court of summary jurisdiction as may from time to time be directed by the district judge (magistrates' courts) acting for the petty sessions district for which the court in which a proceeding is brought acts.

Costs of process to be stated

57.—(1) The amount of the costs of a process payable to the defendant if the claim is paid or, if possession of the premises the recovery of which is sought is surrendered before entry day as provided by Rule 66, shall be stated on the face of the process. If the amount of the claim is paid or if possession is surrendered and such costs are so paid before entry day the proceeding shall be stayed.

(2) The amount of the costs payable where the claim is paid or possession is surrendered of both, as the case may be, before entry day in accordance with this Rule shall be either fifty per centum of the solicitor's costs in column (2) in Table 1 of Schedule 2 or of the solicitor's costs in column (1) in Table 1 of Schedule 3, as appropriate, together with the plaintiff's outlay properly incurred to date of settlement.

(3) Where proceedings for arrears of rent or for sums due under Article 69 of the Order are joined with a claim for the recovery of the premises, the appropriate Table is that applicable to ejectment proceedings.

Modes of service of process

58.—(1) Except where otherwise provided by these Rules service of a process shall be effected—

(*a*) by delivering to the defendant personally a true copy thereof; or

(*b*) subject to paragraph (2), by leaving a true copy thereof for the defendant at his usual or last known place of abode or at his place of business with some person apparently over the age of sixteen years.

(2) Sub-paragraph (*b*) of paragraph (1) shall not apply to the service of an enforcement process or a committal process.

(3) Without prejudice to paragraph (1), a process in ejectment proceedings may be served on the tenant and on any person in actual possession or occupation of the land or premises.

(4) If for any reason service of a process issued in ejectment proceedings cannot be effected in accordance with paragraphs (1) or (3), such process may be deemed to be served if a true copy thereof is affixed to some conspicuous part of the premises.

(5) The provisions of this Rule shall be in addition to and not in derogation of the provisions of any enactment authorising the service of documents in any proceedings upon any person or body.

Persons entitled to serve processes

[*Supplt. No. 7 (November 1994)*]

59.—(1) Subject to paragraph (2) and to Rules 60 and 130(2) no person other than a summons server for the petty sessions district in which proceedings are brought or in which the defendant resides shall have authority to serve a process.

(2) Where in any such district a summons is absent or unable to carry out his duties through illness or other cause, or when the office of summons server is vacant, a process may be served by some other person, if permission for such other person to serve the process has been given by a district judge (magistrates' court) or by the clerk of petty sessions and has been endorsed or signed by him on the original process.

(3) Nothing in this Rule shall affect the provision of section 60 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972(**a**).

Special mode of service

60.—(1) Notwithstanding anything in Rules 58 and 59 where—

(a) it is made to appear to a district judge (magistrates' court) or clerk of petty sessions that a process cannot be served because the defendant is evading service or admission cannot be gained to his residence or business premises or it is not reasonably practicable to serve the process otherwise, he may give permission by an endorsement signed by him on the original process for service to be affected by registered post or by the recorded delivery service or in such other manner as may seem to him appropriate or sufficient and such service shall be deemed to be sufficient service; or

(b) a solicitor represents that he is authorised to accept service of a process on behalf of any defendant, such service may be effected by the delivery by any person of a copy of the process to that solicitor provided that the solicitor endorses and signs on the original a memorandum stating that he is so authorised as aforesaid and that he accepts service accordingly.

(2) This Rule shall not apply to the service of an enforcement process or a committal process.

Time for service

61. In all cases service of a process shall be effected at least ten days before the date of hearing.

Summons server's Process Book

62.—(1) A summons server shall keep a book (called a Process Book) in which he shall enter the names of the parties to any process handed to him for service, with the date on which he receives it and the date and place of service and the manner in which he has served it.

(2) In any case in which a process has not been duly served, the summons server shall enter the cause of non-service in the Process Book.

(3) The summons server shall endorse upon the original of each process he has served the date, place and manner of service, and sign the endorsement.

(4) The summons server shall lodge his Process Book with the clerk of petty sessions and, except where the court allows proof of the service of a process by affidavit [(**b**) or certificate in Form 111A] in accordance with Article 126 of the Order or where a district judge (magistrates' court) otherwise directs, shall attend at each sitting of a court of summary jurisdiction for the hearing of processes served by him and produce his Process Book or give evidence as to service, as may be directed by the court.

(**a**) 1972 c. 11 (N.I.)
(**b**) Words inserted by S.R. 1994 No. 387 with effect from 1.11.94

(5) In the case of the death, illness, or unavoidable absence of a summons server form a sitting of a court at which he would otherwise be required to attend, his Process Book, if produced to the court and verified on oath as to his handwriting by some creditable person, shall be prima facie evidence of any matter entered therein.

Person other than summons server to prove service

63. In any case where a process is served by a person other than summons server, except as provided by Rule 60(1)(*b*), that person shall endorse upon the original the date, place and manner of service and affix his signature thereto and shall also, unless proof of service is given by affidavit [(**a**) or certificate in Form 111A] in accordance with Article 126 of the Order, attend the sitting of the court at which the process is to be heard, and give such evidence as to the date, place and manner of service as the court may require.

[(**b**) *Receipt of certificate of service of process in evidence*

63A. Any document purporting to be given as a certificate in Form 111A shall be received in evidence and shall be deemed to be duly made until the contrary is shown.]

Service deemed good

64. A district judge (magistrates' court) may in any case declare the service of a process however effected sufficient.

Process Register and extract therefrom

65.—(1) The clerk of petty sessions shall keep a register (to be called the Process Register) in which he shall make the entries relating to each proceeding as specified by the headings to the columns in the register.

(2) Separate Process Registers shall be kept for debt and ejectment proceedings and are referred to in these Rules as "The Debt Process Register" or "The Ejectment Process Register", respectively.

[(**c**) (3) The Process Register shall be signed at the foot of each page by the district judge (magistrates' court) who had adjudicated upon the proceedings entered thereon or, where he is unavailable, by the clerk of petty sessions, provided that:

(*a*) where a page contain records of proceedings heard on more than one date it shall be signed either by the appropriate district judge (magistrates' court) or, where he is unavailable, by the clerk of petty sessions at the last entry on each date; or.

(*b*) where a page contains records of proceedings heard by more than one district judge (magistrates' court) it shall be signed either by the appropriate district judge (magistrates' court) at the last entry of any proceedings heard by him or, where he is unavailable, by the clerk of petty sessions.]

(4) Any person who satisfies a district judge (magistrates' court) or a clerk of petty sessions that he has a bona fide interest in the matter may obtain from the clerk of petty sessions, upon payment of the prescribed fee, a memorandum of a proceeding entered in the Process Register.

Entry of process

66.—(1) When it is desired to enter or re-enter a process for hearing, the plaintiff or his solicitor shall lodge the original with the clerk of petty sessions on or before

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(**a**) Words inserted by S.R. 1994 No. 387 with effect from 01.11.94
(**b**) Rule inserted by S.R. 1994 No. 387 with effect from 01.11.94
(**c**) Paragraph substituted by S.R. 1994 No. 387 with effect from 01.11.94

the entry day and details of such process shall be entered into the Process Register and where the hearing is adjourned or after the court has made an order in favour of the plaintiff the process shall be returned to the plaintiff or his solicitor. [*Suppl. No. 9 (Oct. 1997)*]

(2) For the purposes of Rule 57 and of this Rule the entry day shall be the fourth day before the hearing; but when such day is a Saturday, Sunday or a public holiday, the entry shall be made on the previous week-day other than Saturday.

Re-entry of process where hearing adjourned

67.—(1) Where the hearing of a debt or ejectment proceeding is adjourned the court shall not continue with the proceeding until the process is re-entered in accordance with Rule 66.

(2) Where the court in the absence of the defendant or his solicitor adjourns the proceedings, the plaintiff or his solicitor shall notify the defendant or his solicitor of the fact the the process has been re-entered and of the time and place of the adjourned hearing.

Striking out of proceeding

68. The entry of the words ''Struck Out'' in the Process Register shall be a sufficient record of the striking out of a proceeding under Article 73(3) of the Order.

Withdrawal of proceeding

69. Where the court acting under Article 73(4) of the Order allows a proceeding to be withdrawn the word ''Withdrawn'' shall be entered in the appropriate column of the Process Register.

Order on consent where defendant appears

70.—(1) In a proceeding in which a defendant appears and admits that the amount stated in the process is due by him, or agrees to surrender possession of the premises sought to be recovered by the plaintiff and to pay any rent or arrears of rent which may be due to the plaintiff, the court may without hearing evidence make an order against him for the amount or for recovery of possession with costs and in doing so may postpone the issue of the decree in accordance with Article 116 of the Order for such period and upon such terms as it thinks fit.

(2) Where the plaintiff does not appear before the court in person an order shall be made under this Rule only where the plaintiff's solicitor or counsel is present and applies for it to be made.

Order on written consent

71. If a defendant in the presence of a solicitor or his apprentice or clerk has signed a document consenting to an order, other than a committal order, being made against him, the court may make such order with costs upon such proof of the defendant's signature to the consent as the court may require.

Undefended proceedings

72. For the purposes of these Rules a claim in debt or ejectment proceedings shall be treated as undefended where—

(*a*) the defendant fails to appear and the court, after proof of service of the process, makes an order against him; or

(*b*) where an order is made on the consent of the defendant; or

(*c*) the court so directs.

Order where more than one defendant

73.—(1) In a proceeding in which two or more persons are named as defendants in a process, the court may make an order for payment of the amount claimed or for the recovery of possession of premises sought to be recovered against one or more of these persons, and strike out, dismiss, or allow to be withdrawn the proceeding against the remainder.

(2) Where a proceeding is dismissed under this Rule, the court may order that any costs awarded on the dismiss, and which the plaintiff is liable to pay, shall be recovered by way of recoupment by the plaintiff from the defendant or defendants against whom an order is made, in addition to the plaintiff's costs of the order.

Dismiss

74. Where the court dismisses a claim upon the merits or without prejudice to a further claim in the same matter, the court shall so state by its formal order and the entry of the words ''Dismissed on the Merits'' or, as the case may be, ''Dismissed Without Prejudice'' in the appropriate Process Register shall be a sufficient record of the order.

Procedure where previous dismiss is produced

75. Where in a proceeding a defendant produces a dismiss without prejudice obtained by him against the plaintiff for the same cause of action, the plaintiff shall not be at liberty to proceed until he has paid to, or satisfied the defendant for the amount for costs shown in such dismiss.

Where process not entered by plaintiff it may be entered on application of defendant

76.—(1) Where a process which has been duly served has not been entered or re-entered for hearing by the plaintiff or his solicitor, the defendant or his solicitor may, on the day of the hearing, lodge in court the copy served on the defendant and apply to have it entered or re-entered as the case may be.

(2) Upon such an application the court may order the process to be entered or re-entered and dismiss the claim without prejudice to a further claim in the same matter, with costs.

Preparation of forms in debt or ejectment proceedings

77.—(1) The party who brings the proceedings, or his solicitor, shall be responsible for the preparation of the process and all copies required for service.

(2) The party in whose favour an order is made in a proceeding, or his solicitor, shall be responsible for the preparation of the formal order to be issued by the court.

(3) The proper officer for the purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981 shall be the clerk of petty sessions and, when an attachment of earnings order under Article 99 or an enforcement order or a committal order under Article 107 of that Order is lodged with the clerk, a duplicate of the formal order shall be attached thereto which, when signed in accordance with Rule 79(1), shall be transmitted to the Enforcement of Judgments Office in accordance with the said Article 116(3).

Disposal of process

78.—(1) A plaintiff in whose favour an order has been made shall lodge the original process with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return the process to the plaintiff or his solicitor together with the formal order.

(2) Where a process has been entered or re-entered by the plaintiff for hearing and upon the hearing the court orders a dismiss, the defendant or his solicitor shall lodge the copy of the process served on him with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return it to the defendant or his solicitor together with the formal order.

(3) A copy process entered or re-entered by the defendant or his solicitor in accordance with Rule 76 and in respect of which a dismiss without prejudice with costs has been obtained, may be returned to the defendant or his solicitor for the purpose of preparing the formal order and shall otherwise be dealt with as an original process under paragraph (1).

Signing of formal orders in debt or ejectment proceedings

79.—(1) A formal order issued by the court shall be signed by the resident magistrate who made the order or by some other resident magistrate or by the clerk of petty sessions.

(2) A formal order shall be deemed to be issued on the earliest day it may lawfully be issued whether or not in fact it is actually issued on that day and such day shall be entered on the formal order as the date of issue.

Transfer of proceedings to county court

80. Where the court orders proceedings to be transferred to the county court under Article 75 of the Order it shall cause the clerk of petty sessions to transmit forthwith the original process and any notice of set-off or counterclaim or other document lodged in court in relation to the matter, together with a statement of the reasons for the transfer, to the county court, and, at the same time, to send all parties to the proceeding notice in writing of the transfer.

Enlargement or abridgement of times

81. The court may, upon such terms as it thinks fit, enlarge or abridge any of the times fixed by these Rules for taking any step or doing an act in debt or ejectment proceedings, or declare any step taken or act done to be sufficient even though not taken or done within the time or manner prescribed by the Rules.

Effect of non-compliance with Rules

82.—(1) Non-compliance with any of the Rules in this Part shall not render any proceeding void, but, in case of such non-compliance, the court may direct that the proceeding be treated as void, or that it may be set aside in part as irregular, or that it be amended or otherwise dealt with in such manner or upon such terms as the court thinks fit.

(2) The clerk of petty sessions shall make a note of any ruling under paragraph (1) in the appropriate Process Register.

(3) When the court directs that the proceeding be treated as void, it shall have power to award, if it thinks fit, such costs as it could have awarded if it had dismissed the proceeding.

Claims for rent joined under Article 72(3) of the Order with claims in ejectment

83. In a proceeding in which a claim for rent or sums due under Article 69 of the Order is joined to a claim for the recovery of premises in accordance with Article 72(3) of the Order so much of Rules 85 to 90 as is applicable shall have effect in relation to the proceeding.

B. Rules applicable to debt proceedings

Contents of process in debt proceedings

84.—(1) A process issued in debt proceedings shall set forth the full name and address of the plaintiff and of the defendant, the nature and amount of the claim and reasonable particulars thereof.

(2) Where an amount is abandoned under Article 64 of the Order in order to bring the sum claimed within the jurisdiction of a court of summary jurisdiction, there shall be inserted in the process a statement of the fact of such abandonment after the particulars of claim.

(3) Two or more causes of action may be joined in the same process, provided that the amount claimed in respect of each such cause be stated in the particulars of claim and, except in cases to which Article 62(2) of the Order applies, the total amount does not exceed £100.

(4) In a proceeding brought for a sum exceeding £100 the process shall state the enactment declaring such sum to be a debt or civil debt recoverable summarily.

(5) In a proceeding on a bill of exchange, promissory note, or other security for money, the process shall state the date of such security, the sum for which it was given, the parties thereto, the sums claimed to be due thereon for principal and interest respectively, and the times at which such sums respectively became due and payable.

(6) In a proceeding for rent, or for use and occupation, the process shall state the amount claimed, the time up to which the amount is alleged to be due and the situation of the lands or premises in respect of which the claim is made, and when brought upon a lease or other instrument, the date thereof and the parties thereto respectively.

(7) In a proceeding brought by an assignee of a debt, the process shall state the name and the description of the assignor, and the nature and date of the assignment.

(8) In a proceeding brought upon any written document not mentioned before in this Rule, the process shall state the date and nature of the document, and the parties thereto.

Set-off or counterclaim

85.—(1) Where a defendant desires to set-off any sum, or to make any counterclaim, he shall give to the plaintiff notice in writing specifying the amount of the set-off or counterclaim and giving reasonable particulars thereof at least six days before the hearing, and shall also at least two days before the hearing lodge a copy of such notice with the clerk of petty sessions.

(2) Where an amount is abandoned under Article 64 of the Order in order to bring the sum specified in the notice of set-off or counterclaim within the jurisdiction of a court of summary jurisdiction there shall be inserted in the said notice a statement of the fact of such abandonment after the particulars of the set-off or counterclaim.

Details of claim, set-off or counterclaim may be demanded

86.—(1) A defendant who desires to be supplied with further or detailed particulars of a claim made against him in a process or a plaintiff who desires similar particulars of a set-off or counterclaim may give written notice demanding such particulars.

(2) A notice under this Rule shall be given at least four days before the date of hearing.

(3) Where particulars have not been furnished in compliance with this Rule the court may either proceed with the hearing or may, upon such terms as it thinks fit, adjourn the case and order such particulars to be delivered.

Order where debt paid before hearing

87.—(1) Where a defendant has paid the amount claimed in a process before the date of hearing, but has not paid the appropriate costs up till the date of payment, the court may make an order for the payment of the amount in the process with the costs, and direct that credit be given to the defendant for the amount paid.

(2) Where a claim in debt proceedings is not defended, evidence by the solicitor for the plaintiff that the full amount claimed has been received from the defendant after the issue of the process may be accepted as evidence that the amount claimed was due from the defendant at the time the process was issued.

Order where payments made on account before hearing

88. Where a defendant, subsequent to the issue of a process but before the hearing, makes any payment on account of the amount claimed which would have the effect of reducing it to an amount which would carry a smaller sum for costs than the amount claimed, the court may, upon proof of the date of such payment, make an order for the payment of the amount proved to be due at the issue of the process, with the appropriate costs, and direct that credit be given to the defendant for any sum paid.

Dismiss on proof of set-off or counterclaim

89. Where a dismiss is given by reason of the defendant establishing a set-off or counterclaim, that reason shall be stated on the dismiss.

Tender

90.—(1) Where the defence is a tender before action brought, such defence shall not be available unless the defendant lodges with the clerk of petty sessions, at least two days before the hearing, the amount alleged to have been tendered and serves notice of such lodgment on the plaintiff.

(2) At the time of the making of an order in a proceeding where the amount of the tender has been lodged with the clerk, the court shall in addition order that the amount lodged be paid out to the parties upon such conditions and in such manner as it may think fit.

Issue of decree after postponement subject to payment by instalments

91. Where the court has postponed the issue of a decree subject to terms imposed under Article 116 of the Order, whether as to payment of sums periodically or otherwise, the decree shall not issue until there has been default in compliance with such terms (which includes in relation to such payment, default in payment of an instalment) and an affidavit or statutory declaration setting out particulars of the default has been lodged with the clerk of petty sessions.

Costs in debt proceedings

92.—(1) Costs of the amount set forth in the appropriate scale in Schedule 2 shall be recovered by a successful party in debt proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the fixed value of stamps upon documents issued on behalf of a successful party in debt proceedings, together with any witnesses' expenses and any fixed fee paid by him to a summons server or other person for the service of a process shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fee paid or to be paid by him, but no other costs.

(4) Subject to paragraph (6) in addition to the costs, fees and expenses referred to in this Rule, a successful party may recover a sum equivalent to the value added tax at the appropriate rate on so much of the amount of those costs, fees and expenses as were incurred in respect of any taxable supply of goods or services within the meaning of the Value Added Tax Act 1983(**a**); but only in so far as the tax is not deductible as input tax by the successful party.

(5) Subject to paragraph (6), in a decree there shall be added after the words ''witnesses' expenses'' the words ''and, in addition, any sum for value added tax recoverable by the plaintiff [*or* (in the case of a dismiss) defendant]''.

(6) Paragraph (5) shall not apply to a decree in undefended proceedings within the meaning of Rule 72 or where value added tax is not recoverable by the successful party under paragraph (4).

(7) In this Rule ''fixed'' means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.

Interest on amount awarded

93. The amount awarded by a decree (including any interest and costs thereby awarded) or the amount of costs ordered to be paid by a dismiss shall, subject to any direction by the court, carry interest at seven per cent per annum.

(**a**) 1983 c. 55

Postponement of issue of decree to be stay of enforcement for purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981

94.—(1) Postponement of the issue of a decree subject to payment by instalments shall be treated as a stay of enforcement on the ground of the debtor's inability to pay for the purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981.

(2) Where the court makes such an order the clerk of petty sessions shall enter the order in the Debt Process Register in the column headed ''Minute of Adjudication'' and shall transmit a memorandum thereof to the Enforcement of Judgments Office.

C. Rules applicable to ejectment proceedings

Contents of process in ejectment proceedings

95.—(1) Every process issued in ejectment proceedings shall set forth the statement identifying the premises possession of which is sought to be recovered in the proceedings and the grounds on which possession is claimed.

(2) In a case to which sub-paragraph (*a*) of Article 67(1) of the Order applies the period and rent for which the premises were let, the date on which the interest of the tenant in the premises ended or, as the case may be, the date on which the notice to quit which determined the tenancy expired and the date on which such notice was served shall be stated in the process.

(3) In a case to which sub-paragraph (*b*) of Article 67(1) of the Order applies the capacity in which the defendant was put into possession and the date on which the demand for possession was made shall be stated in the process.

(4) In a case to which sub-paragraph (*c*) of Article 67(1) of the Order applies the process shall refer to the enactment under the provisions of which possession of the premises is obtainable or recoverable summarily and, if relevant, contain the particulars specified in paragraph (2).

(5) Where a claim for the recovery of rent or for any sum for which the defendant is liable under Article 69 of the Order in respect of the period during which he has overheld the premises is joined in the same process as a claim for recovery of possession of those premises the provisions of paragraph (6) of Rule 84 shall apply to such process.

Costs in ejectment proceedings

96.—(1) Costs of the amount set forth in the appropriate scale in Schedule 3 shall be recovered by a successful party in ejectment proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the fixed value of stamps upon documents issued on behalf of a successful party in ejectment proceedings, together with any witnesses' expenses and any fixed fee paid by him to a summons server or other person for the service of a process shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fees paid or to be paid by him, but no other costs.

(4) Paragraphs (4) to (6) of Rule 92 apply to ejectment proceedings as they apply to debt proceedings.

(5) In this Rule ''fixed'' means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.

Appeals or Applications commenced by Notice under Part VII of the Order

Signature on notice

97. A notice under Part VII of the Order shall be signed by the appellant or applicant or by his solicitor or firm of solicitors, or in the name of the appellant or applicant or of such solicitor or firm of solicitors by some person duly authorised so to sign.

[**(a)** *Appeal against recognition of foreign driving disqualification in UK*

97A.—(1) Where notice under Part VII of the Order is given of intention to appeal a decision under section 57 of the Crime (International Co-operation) Act 2003, the appellant shall—

(a) serve with that notice a copy of the notice of intention to appeal given to the appropriate Minister in accordance with section 59(1) of that Act;

(b) specify in that notice whether or not he or she intends to apply to the court to suspend the recognition of the disqualification under section 62(2) of that Act; and

(c) state the grounds on which the appeal is made.

(2) An application under paragraph (1) shall be made in accordance with the time limit set under section 59(3) of the Crime (International Co-operation) Act 2003.]

Time of service of notice

98.—(1) Subject to Article 76(5) of the Order, a notice under Part VII thereof shall be served on the other party to the proceedings at least fourteen days and on the clerk of petty sessions at least seven days before the hearing of the appeal or application.

(2) 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.

(3) Without prejudice to the provisions of any enactment providing for the time within which an appeal may be made to a court of summary jurisdiction the court shall not hear and determine such appeal unless a notice under Part VII of the Order is served under paragraph (1) upon the other party to the proceedings from which the appeal is brought within three months after the making of the decision or determination appealed from has been notified to the appellant.

Copy of decision or determination appealed from to be lodged

99. A copy of the decision or determination from which an appeal is brought shall be lodged with the clerk of petty sessions by the appellant at least seven days before the hearing of the appeal.

Manner of service of notice

100. A notice under Part VII of the Order may be served by the appellant or applicant or any person authorised by him to serve such notice in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954(**b**).

(**a**) Rule 97A inserted by S.R. 2010 No. 12 with effect from 01.03.10
(**b**) 1954 c. 33 (N.I.)

Times of hearing of appeals or applications

101.—(1) The hearing of appeals or applications shall be at such sittings of the court as from time to time may be directed by the district judge (magistrates' courts) acting for the petty sessions district in which the hearing is to take place.

(2) The court may, notwithstanding that Rule 98(1) or 99 has not been complied with, order, upon such terms as it thinks fit, that the appeal or application shall be heard.

PART VI

PROCEEDINGS UPON A COMPLAINT IN A CIVIL MATTER

Order of Proceedings at the hearing of a complaint in a civil matter

102. The procedure upon the hearing of a complaint in a civil matter shall be as follows:—

(a) the substance of the complaint shall be stated to the defendant and, if necessary, explained to him; whereupon, unless precluded from making an order without hearing evidence, the court shall ask him whether or not he admits the truth of the complaint;

(b) where the defendant admits the truth of the complaint or consents to the making of an order against him under Article 80(3) of the Order, the court may be addressed first by the complainant or his counsel or solicitor and then by the defendant or his counsel or solicitor;

(c) where the defendant does not admit the truth of the complaint or consent to the making of an order against him, the complainant or his counsel or solicitor shall call his evidence and before doing so may address the court;

(d) at the conclusion of the evidence for the complainant, the defendant or his counsel or solicitor may address the court whether or not he afterwards calls evidence;

(e) at the conclusion of the evidence, if any, for the defence, the complainant or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence;

(f) at the conclusion of the evidence, if any, for the defence and the evidence in rebuttal as aforesaid, the defendant or his counsel or solicitor may address the court—

(i) if he has not previously done so; or

(ii) with the leave of the court, if the defendant and any other witness have been called on the part of the defendant.

Provided always that notwithstanding anything in the previous provisions of this Rule, the court may permit or invite the defendant or complainant or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings and in that event shall permit the complainant or defendant or his counsel or solicitor, as the case may be, to reply.

Entries in Order Book

103.—(1) Where the defendant or his representative on his behalf admits the truth of the complaint or consents to the making of an order under Article 80(3) of the Order, an entry to that effect shall be made in the Order Book as part of the order.

(2) Where the court under Article 84 of the Order dismisses a complaint in a civil matter without prejudice to a further complaint alleging the same cause of complaint or upon the merits, the entry of the words "Dismissed without prejudice" or, as the case may be, "Dismissed on the merits" in the Order Book shall be a sufficient record of the order.

Method of making periodical payments

104.—(1) A court of summary jurisdiction ordering periodical payments to be made through a collecting officer under Article 85 of the Order shall notify both parties of the times at which, and the place at which, payments are to be made and received.

(2) A collecting officer may send by post any periodical payments to the person entitled to them at the request, and at the risk, of that person.

(3) If a person makes any periodical payments to a collecting officer by post, he shall do so at his own risk and expense.

PART VII

Satisfaction and Enforcement of Orders

A. SUMS ADJUDGED TO BE PAYABLE

Notice to defendant of sum adjudged to be payable by a conviction

105.—(1) [(**a**) Subject to paragraph (2A)] where a person has been adjudged by a conviction to pay a sum the clerk of petty sessions shall serve upon such person notice in writing stating the amount of the sum, the date on which it is to be paid and the manner in which payment is to be made. Such notice shall further advise the defendant that he may, within the time allowed, apply to the court in writing for further time to pay or for an order for payment by instalments or for variation of any order for payment by instalments. [(**b**) . . .]. Such notice shall further warn the defendant that failure to pay or to make the appropriate application within the time allowed [(**c**) may result in a Fine Default Hearing at which the court will consider enforcement of the sum under Article 92 of the Order.]

[(**d**) . . .]

[(**e**) (2) Where a person has defaulted in paying a sum adjudged to be paid by conviction or any instalment or part of such sum, the clerk of petty sessions may apply to a district judge (magistrates' courts) for the issue of a notice in Form 60C to the defendant notifying him of the date, time and place of the Fine Default Hearing and advising him of his right to attend the hearing, to make representations and to apply for legal aid.]

[(**f**) (2A) Paragraphs (1) and (2) shall not apply to a sum adjudged to be paid by a conviction of a magistrates' court by virtue of Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 [(**g**) or section 67 of the Justice Act (Northern Ireland) 2011].

(2B) Where a court makes an order under Article 91 or 92 of the Order with respect to the enforcement of a sum registered for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 [(**g**) or section 67 of the Justice Act (Northern Ireland) 2011] the clerk of petty sessions shall unless the court otherwise directs serve on the person against whom that sum is registered notice in writing of the order of the court.]

(3) A notice under [(**h**) paragraph (1) and paragraph (2B)] shall be served by delivering it to the [(**h**) defendant] [(**a**) or person against whom a sum has been registered for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 [(**g**) or section 67 of the Justice Act (Northern Ireland) 2011]] or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

(**a**) Words inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**b**) Words deleted by S.R. 1985 No. 269 with effect from 01.11.85
(**c**) Words substituted by S.R. 2014 No. 12 with effect from 17.02.14
(**d**) Sub-paragraphs deleted by S.R. 2014 No. 12 with effect from 17.02.14
(**e**) Paragraph substituted by S.R. 2014 No. 12 with effect from 17.02.14
(**f**) Paragraphs inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**g**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12
(**h**) Words substituted by S.R. 2014 No. 12 with effect from 17.02.14

[*Supplt. No. 26 (February 2014)*]

[(**a**) (4) A district judge (magistrates' courts) may direct that a notice under paragraph (2) may be served by—

(a) delivering a copy to the defendant or by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or his place of business;

(b) sending a copy of the notice by ordinary post in an envelope addressed to the defendant at his usual or last known place of abode; or

(c) sending a copy of the notice by registered post or the recorded delivery service in an envelope addressed to the defendant at his usual or last known place of abode.

(5) A notice under paragraph (2) shall be served a reasonable time before the Fine Default Hearing.

(6) The person who serves the notice under paragraph (2) shall complete and sign the certificate of service on the original notice.

(7) If the defendant fails to appear in person or by his legal representative in response to a notice of a Fine Default Hearing served under sub-paragraph 4(b) or (c), such service shall not be valid unless an acknowledgement of service appearing to be signed by the defendant or his solicitor is produced to the court.

(8) Unless the contrary is proved, the signed acknowledgement of service shall be taken as proof of service and the notice shall be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.]

[(**b**) *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**) Paragraphs inserted by S.R. 2014 No. 12 with effect from 17.02.14
(**b**) Rules 105A to 105B inserted by S.R. 2008 No. 251 with effect from 01.01.12

(a) where an offender is released on bail, a copy of any recognizance entered into; and [*Supplt. No. 26 (January 2012)*]

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

Orders for supervision

106.—(1) Unless an order under Article 94 of the Order is made in the offender's presence, the clerk of petty sessions shall deliver to the offender or serve on him by ordinary post notice in writing of the order.

(2) It shall be the duty of any person for the time being appointed under the said Article to advise and befriend the offender with a view to inducing him to pay the sum adjudged to be paid and thereby avoid committal to custody and to give any information required by the court about the offender's conduct and means.

(3) Without prejudice to Rule 19 any order under Article 94 of the Order placing a person under supervision pending payment of a sum adjudged to be paid shall be entered in the Order Book.

B. Financial Penalty enforcement orders

Financial penalty enforcement orders

107. A financial penalty enforcement order under section 133A of the Army Act 1955(**a**), section 133A of the Air Force Act 1955(**b**) or section 128F of the Naval Discipline Act 1957(**c**) shall be registered by means of an entry of the particulars of the order in the Order Book signed by the clerk of petty sessions.

C. Transfer of fine orders

Transfer of Fine Order sent to England and Wales or Scotland

108. Where the court makes a transfer of fine order under Article 95 of the Order (including Article 95 as applied by Article 96 of the Order), the clerk of petty sessions shall send to the clerk to the justices for the petty sessions area in England and Wales or to the sheriff or sheriff clerk of the court of summary jurisdiction in Scotland in or by which, under the order, payment of a sum adjudged to be paid is to be enforceable, a copy of the order in Form 70 or 71, as the case may be, with a statement of the offence and the steps, if any, taken to recover the sum with such former information as is available and is, in the opinion of the clerk of petty sessions, likely to assist enforcement.

Transfer of fine order sent from England and Wales or Scotland

109.—(1) Where the clerk of petty sessions receives a copy of a transfer of fine order made in England and Wales or Scotland specifying the petty sessions district for which he acts as the district in which payment of the sum in question is to be enforceable, he shall register the order in his court by means of an entry made and signed by him in the Order Book and shall serve a notice in Form 72 on the offender.

(2) Such notice may be served in the same manner as a summons alleging a summary offence prosecuted by [(**d**) the Public Prosecution Service for Northern Ireland] and service of the notice may be proved in the same manner as service of such summons is proved under Rule 11.

(**a**) 1955 c. 18
(**b**) 1955 c. 19
(**c**) 1955 c. 53
(**d**) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09

[*Supplt. No. 24 (March 2010)*]

(3) Where after fourteen days from service of such notice of the expiration of the period within which the sum is payable under the order, whichever is the later, the offender has failed to pay or has failed to apply for time or further time to pay or for payment by instalments, as required by that notice the court may exercise its functions under Part IX of the Order in enforcing payment of the sum.

(4) Where the sum adjudged to be paid and due under the transfer of fine order—

(a) is paid, the clerk of petty sessions shall send it to the clerk of the court which made the order;

(b) is not paid, the clerk of petty sessions shall inform the clerk of that court of the manner in which the adjudication is satisfied or that the sum, or any balance thereof, appears to be irrecoverable.

[(**a**) CA. CRIMINAL JUSTICE AND IMMIGRATION ACT 2008

Enforcement of financial penalties under section 88 of the Criminal Justice and Immigration Act 2008

109A.—(1) Where, under section 88(3) of the Criminal Justice and Immigration Act 2008, a magistrates' court decides that it is satisfied that one or more of the grounds for refusal apply, the clerk of petty sessions shall give notice of the decision to the Lord Chancellor in Form 72A.

(2) Where, under section 88(3) of the Criminal Justice and Immigration Act 2008, a magistrates' court decides that it is satisfied that none of the grounds for refusal apply, the clerk of petty sessions shall—

(a) register the financial penalty as an order by means of an entry made and signed by him in the Order Book;

(b) give notice of the decision to the Lord Chancellor in Form 72A; and

(c) serve notice in Form 72B on the person required to pay the financial penalty.]

D. ATTACHMENT OF EARNINGS

Interpretation of Rules 111 to 121

110. Any reference in rules 111 to 121 to a "maintenance order" shall include a reference to any order mentioned in Article 98(11) of the Order.

(**a**) Rule inserted by S.R. 2010 No. 12 with effect from 01.03.10

Attachment of earnings order

111.—(1) An attachment of earnings order under Article 101 of the Order shall be in Form 73.

(2) The clerk of petty sessions for the petty sessions district in which a court of summary jurisdiction was sitting when it made an attachment of earnings order may sign such order.

Service of orders and notices

112.—(1) Where a court of summary jurisdiction makes an attachment of earnings order or an order varying or discharging such an order, the clerk of petty sessions shall cause a copy of the order to be served on the employer and shall send a copy of the order to the defendant.

(2) Where an attachment of earnings order made by a court of summary jurisdiction ceases to have effect as provided in Article 104(7) or (8) of the Order the notice of the cessation required by Article 104(9) shall be given to the employer.

(3) The notice required by the preceding paragraph shall be given by the clerk of petty sessions.

(4) A copy of Article 102 of the Order shall be served with or annexed to the attachment of earnings order.

(5) Where under Article 105 of the Order (which relates to statements of earnings, etc.) a direction is given to the defendant or to a person appearing to be an employer of the defendant or where under these Rules a copy of an order is to be served or a notice is to be given to any person—

(*a*) service may be effected on, or the direction or notice may be given to a person, other than a corporation, by delivering it to the person to whom it is directed or by sending it by post in a letter addressed to him at his last known or usual place of abode, or, in the case of an employer or a person appearing to be an employer of the defendant, at his place of business;

(*b*) service may be effected on, or the direction or notice given to, a corporation by delivering the document at, or sending it to—

(i) such office or place as the corporation may, for the purpose of this Rule, have specified in writing to the court in relation to the defendant or to a class or description to which he belongs, or

(ii) the registered office of the corporation if that office is in Northern Ireland, or, if there is no registered office in Northern Ireland, any place therein where the corporation trades or conducts its business.

Particulars of defendant

113. The particulars of the defendant for the purpose of enabling him to be identified which, so far as they are known, are to be included in an attachment of earnings order shall be—

(*a*) full name and address;

(*b*) place of work;

(*c*) nature of work and works number, if any.

Notice of application for appropriate variation order

114.—(1) Where an application is made under Article 104 of the Order for the appropriate variation of an attachment of earnings order, the clerk of petty sessions shall, where practicable, give notice in writing of the time and place appointed for the hearing of the application to the person entitled to receive payment under the related maintenance order (whether directly or through the officer of any court).

[*Supplt. No. 9 (Oct. 1997)*]

(2) An application for an order varying (including suspending or reviving) or discharging an attachment of earnings order shall be by way of complaint.

Variation of attachment of earnings order on change of employment

115. Where an attachment of earnings order has lapsed under Article 104(5) of the Order on the debtor's ceasing to be in the employment of the person to whom the order was directed and it appears to the court that the defendant has subsequently entered the employment of a person (whether the same as before or another), the court may, of its own motion, vary the order by directing it to that person and may make any consequential amendment to the order made necessary by this variation.

Variation or discharge of attachment of earnings order by court of its own motion

116.—(1) Where it appears to a court of summary jurisdiction that the defendant is not in the employment of the person to whom the attachment of earnings order is directed and that the likelihood of the defendant entering the employment of any person is not such as to justify preserving the order, the court may, of its own motion, discharge the order.

(2) Where a court of summary jurisdiction has made an attachment of earnings order and the related maintenance order has been discharged in whole or in part or reduced by operation of law, the court may, of its own motion, vary or discharge the attachment of earnings order.

(3) Where a court of summary jurisdiction has made an attachment of earnings order which takes account of accrued arrears and those arrears are subsequently discharged, the court may, of its own motion, vary or discharge the order as appropriate.

Temporary variation of protected earnings rate

117.—(1) A court of summary jurisdiction which made the attachment of earnings order may, on a written application made by the defendant on the ground of a material change in the defendant's resources and needs since the order was made or last varied, by order (hereinafter referred to as a temporary variation order) vary the attachment of earnings order for a period of not more than thirteen weeks by an increase o fthe protected earnings rate.

(2) A temporary variation order shall be in Form 74.

(3) The clerk of petty sessions shall cause a copy of any temporary variation order to be served on the employer and shall give him notice if the temporary variation order is discharged and the clerk of petty sessions shall also send a copy to the person entitled to receive payments under the related maintenance order (whether directly or through an officer of any court).

(4) Where an application for the variation or discharge of an attachment of earnings order is made to a magistrates' court and there is in existence a temporary variation order in respect of the attachment of earnings order, the court may, of its own motion, discharge the temporary variation order.

Consolidated attachment orders

118.—(1) Where a court of summary jurisdiction has power to make more than one attachment of earnings order in respect of the liabilities of a defendant it may make a consolidated attachment order to discharge those liabilities.

(2) Where a court of summary jurisdiction has power to make an attachment of earnings order in respect of a defendant who is already subject to such an order (whether or not it is itself a consolidated attachment order) made by any such court, the court may, subject to the provisions of this Rule, discharge the existing order and make a consolidated attachment order in respect of that defendant.

[*Supplt. No. 9 (Oct. 1997)*]

(3) Where two or more attachment of earnings orders (whether or not they are themselves consolidated attachment orders) made by courts of summary jurisdiction acting for the same petty sessions district as one of those courts may, subject to the provisions of this Rule, discharge the existing order and make a consolidated attachment order in respect of that defendant.

(4) A court of summary jurisdiction may exercise the powers conferred under paragraphs (1) to (3) of this Rule either of its own motion or on the application of the defendant.

(5) A defendant may apply to a court of summary jurisdiction for a consolidated attachment order, by complaint.

(6) Where an employer applies in writing to the clerk of petty sessions for the court which has power to make a consolidated attachment order requesting the court to make such an order, the clerk shall bring the application before the court, and, if it appears to the court that the application is justified, the court shall proceed as if it had determined of its own motion to make such an order.

(7) Before a court of summary jurisdiction exercises of its own motion the powers conferred under paragraph (3) of this Rule, it shall cause written notice to be given to the defendant of his right to make representations to the court.

(8) Where a court of summary jurisdiction makes a consolidated attachment order, it shall specify in the order such normal deduction rate as the court thinks reasonable and this rate may be less than the sum of the normal deduction rates specified in any attachment of earnings orders discharged by the court.

Disposal of sums paid under consolidated attachment orders

119.—(1) A clerk of petty sessions receiving a payment under a consolidated attachment order shall, subject to paragraph (2) below, apply the money in payment of the sums secured by the order, paying first any sums previously secured by an attachment of earnings order which was discharged in consequence of the making of the consolidated attachment order.

(2) Where two or more attachment of earnings orders were discharged in consequence of the making of the consolidated attachment order the sums due under the orders shall be paid in the chronological sequence of the orders.

Method of making payment under attachment of earnings order

120.—(1) A clerk of petty sessions to whom any payment under an attachment of earnings order is to be made shall notify the employer and the person entitled to receive payments under the related maintenance order of the hours during which, and the place at which, payments are, subject to the provisions of this Rule, to be made and received.

(2) If an employer sends by post any payments under an attachment of earnings order to a clerk of petty sessions, he shall do so at his own risk and expense.

(3) A clerk of petty sessions may send by post any payment under an attachment of earnings order to the person entitled to receive payments under the related maintenance order at the request and at the risk of that person.

Enforcement of Judgments Office records

121.—(1) Where a clerk of petty sessions causes a copy of an order or notice to be given to any person under Rule 112 of these Rules, he shall cause a copy of the order or notice to be given also to the Enforcement of Judgments Office.

(2) Where the clerk of petty sessions for the court which has made an attachment of earnings order is informed of a defendant's change of address he shall notify the new address to the Enforcement of Judgments Office.

E. SUSPENDED SENTENCES

Suspended sentences to be dealt with only in petty sessions

122.—(1) Where during the operational period of a suspended sentence imposed under the Treatment of Offenders Act (Northern Ireland) 1968(**a**) the offender upon whom such sentence was passed appears before a justice of the peace (other than a resident magistrate) sitting out of petty sessions charged with an offence under any of the following enactments—

(*a*) section 4 of the Vagrancy Act 1824(**b**);

(*b*) section 3 of the Vagrancy (Ireland) Act 1847(**c**);

(*c*) Article 10(2) of the Criminal Justice (Northern Ireland) Order 1980(**d**) (where the offence is punishable by imprisonment);

(*d*) section 9 of the Summary Jurisdiction (Ireland) Act 1908(**e**); or

(*e*) section 24 of the Children and Young Persons Act (Northern Ireland) 1968:

the justice shall remand him for appearance before a court of summary jurisdiction sitting for the petty sessions district in which the offence is alleged to have been committed.

(2) Where a court of summary jurisdiction deals with an offender in respect of a suspended sentence imposed by a magistrates' court otherwise than by making an order under section 19(1)(*a*) of the Treatment of Offenders Act (Northern Ireland) 1968 the court shall cause to be entered in the Order Book its reasons for its opinion that it would be unjust to make such order.

(3) Where under section 19(1)(*c*) of the said Act of 1968 the court varies the original order of a magistrates' court by substituting another period for the original operational period of a suspended sentence, the court shall explain to the offender in ordinary language the effect of the variation and his liability thereunder.

(4) Where a clerk of petty sessions give notice under section 19(5) of the said Act of 1968 to the clerk of petty sessions for another petty sessions district he shall attach to the notice—

(*a*) where the offender is comitted to prison, a copy of the committal warrant;

(*b*) where the court varies the operational period of the sentence, a certificate of the order making the variation.

(5) Where an offender is dealt with by any of the methods specified in paragraphs (*a*), (*b*), (*c*) and (*d*) of section 19(1) of the said Act of 1968, the clerk of petty sessions for the petty sessions district in which the suspended sentence was passed shall enter a note of the particulars of the method by which the offender has been dealt with opposite the entry in the Order Book made at the time the suspended sentence was passed.

Evidence of conviction to be sent to the Crown Court

123.—(1) Where a magistrates' court under section 20(3) of the Treatment of Offenders Act (Northern Ireland) 1968 commits an offender to the Crown Court, or, instead of doing so, furnishes written notice of the conviction to the chief clerk for the appropriate county court division, the clerk of petty sessions shall send to that chief clerk a certificate of the conviction by the magistrates' court.

(2) In this rule—

(**a**) 1968 c. 29 (N.I.)
(**b**) 5 Geo. 4 c. 83
(**c**) 10 & 11 Vict. c. 84
(**d**) S.I. 1980/704 (N.I. 6)
(**e**) 8 Edw. 7 c. 24

"appropriate county court division" means the county court division in which is located the place at which the Crown Court sat when the suspended sentence was passed. [*Supplt. No. 23 (April 2009)*]

[(a) F. CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
[(b) AND CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008]

Interpretation of Section F

124. In this Section-

(a) "the 1996 Order" means the Criminal Justice (Northern Ireland) Order 1996;

[(c) (aa) "the 2008 Order" means the Criminal Justice (Northern Ireland) Order 2008;]

(b) "pre-sentence report"; "community order"; "custodial sentence"; "custody probation order"; and "mentally disordered" have the meanings assigned to them by Article 2(2) of the 1996 Order;

(c) "medical report" has the meaning assigned to it by Article 22(5) of the 1996 Order;

(d) "the appropriate county court division" means, except where it appears in Rule 126B, the county court division in which is located the place at which the Crown Court sat when the community order was made.

Order for Absolute or Conditional Discharge

125.—(1) Where the court makes an order for absolute or conditional discharge, it shall cause an entry to that effect to be made in the Order Book and, in the case of an order for conditional discharge, that entry shall also specify the duration of the order.

(2) Where a magistrates' court makes an order under Article 5(6) or (8), or the Crown Court makes an order under Article 5(7), of the 1996 Order, the clerk of petty sessions for the petty sessions district in which the order for conditional discharge was made shall make a note of the order under the said Article 5 opposite the entry in the Order Book relating to the making of the order of conditional discharge.

(3) Where a magistrates' court deals with a person under Article 5(8) of the 1996 Order in relation to an order for conditional discharge which was not made by that court, the clerk of petty sessions shall give a copy of the relevant entry in the Order Book to the clerk of petty sessions for the district in which the order was made.

(4) Where a magistrates' court convicts a person of an offence committed during the period of conditional discharge, the clerk of petty sessions shall, if the court which made the order for conditional discharge was the Crown Court, give a copy of the relevant entry in the Order Book to the chief clerk for the appropriate county court division.

(5) Where a magistrates' court makes an order under Article 12 of the 1996 Order substituting an order for conditional discharge for a probation order which was not made by that court, the clerk of petty sessions shall—

(a) cause an entry to that effect to be made in the Order Book; and

(b) give notice of the substitution to the clerk of petty sessions for the petty sessions district in which the probation order was made.

(6) The clerk of petty sessions to whom notice under paragraph (5) is given shall note the substitution of an order for conditional discharge for a probation order opposite the entry in the Order Book relating to the making of the probation order.

(a) Section F substituted by S.R. 1997 No. 529 with effect from 01.01.98
(b) Heading inserted by S.R. 2008 No. 251 with effect from 01.04.09
(c) Words inserted by S.R. 2008 No. 251 with effect from 01.04.09

[*Supplt. No. 23 (April 2009)*]

Entry in Order Book

125A. Where a magistrates' court makes a statement under Article 9(4); [(**a**) . . .] 24(4) or (5) or 33(2) of the 1996 Order [(**b**) or Article 9(3) of the 2008 Order], it shall cause that statement to be entered in the Order Book.

Community Order

126.—(1) Where a magistrates' court makes a community order, 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 court of summary jurisdiction amends or revokes a community 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 relevant order.

(3) Where a court of summary jurisdiction amends or revokes a community order which was not made by that court, the clerk of petty sessions shall-

(a) if the community order was made by another magistrates' court, send a copy of the relevant entry in the Order Book to the clerk of petty sessions for that district.

[(**c**) . . .]

(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 relevant community order.

(5) Any complaint made in respect of a breach of a requirement of a community order, and any application to revoke or amend a community order under Schedule 2 to the 1996 Order, shall be accompanied by a copy of the community order, to which the complaint or the application relates.

Committal to Crown Court

126A. Where a court of summary jurisdiction commits an offender to the Crown Court under [(**d**)paragraph 2(4)] or paragraph 9(2)(b) of Schedule 2 to the 1996 Order, the clerk of petty sessions shall (in addition to complying with paragraph 3(4) of Schedule 2 where it applies) 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 conviction or order made by the court of summary jurisdiction.

Release on Licence

126B.—(1) Where a court of summary jurisdiction orders that Article 26 of the 1996 Order shall apply, the court shall cause a note to that effect to be entered in the Order Book and in the warrant of commitment.

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 01.04.09
(**b**) Words inserted by S.R. 2008 No. 251 with effect from 01.04.09
(**c**) Rule 12(3)(b) omitted by S.R. 2008 No. 251 with effect from 06.10.08
(**d**) Words substituted by S.R. 2008 No. 251 with effect from 01.04.09

(2) Where a court of summary jurisdiction commits an offender to the Crown Court under Article 28(2)(b) of the 1996 Order, the clerk of petty sessions shall send to the chief clerk for the appropriate county court division— [*Supplt. No. 23 (April 2009)*]

(a) a certificate of the conviction by the court of summary jurisdiction;

(b) a copy of any written statement which was tendered in evidence at the hearing;

(c) where available, a copy of any report relating to the offender which was considered by the court of summary jurisdiction;

(d) a copy of any recognizance entered into.

(3) For the purposes of this Rule "the appropriate county court division" means—

(a) where the order that Article 26 of the 1996 Order shall apply was made by the Crown Court, the county court division in which is located the place at which the Crown Court sat when that order was made;

(b) where the order that Article 26 of the 1996 Order shall apply was made by a court of summary jurisdiction, the county court division in which the offender resides.

[(**a**) *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.]

G. Deferment of sentence

Notification of conviction before expiration of period of deferment

127.—(1) Where under [(**b**) Article 3 of the Criminal Justice (Northern Ireland) Order 1996] a court has deferred passing sentence on an offender and before the expiration of the period of deferment he is convicted of any offence by a magistrates' court, the clerk of petty sessions shall, if the court which deferred passing sentence on the earlier occasion was another magistrates' court, give notice of the conviction to the clerk of that court and if the court which deferred passing sentence on the earlier occasion was the Crown Court, give notice of the conviction to the chief clerk for the appropriate county court division.

(2) In this Rule, "appropriate county court division" means the county court division in which is located the place at which the Crown Court sat when it deferred passing sentence.

(**a**) Rules 126C – 126E inserted by S.R. 2008 No. 251 with effect from 01.04.09

(**b**) Words substituted by S.R. 1997 No. 529 with effect from 01.01.98

H. Enforcement of orders in debt proceedings

Enforcement process and order

128.—(1) Proceedings under Article 107 [committal for default] of the Judgments Enforcement (Northern Ireland) Order 1981 where no instalment order has been made by the Enforcement of Judgments Office under Article 30 of that Order shall be commenced by a process (in these Rules referred to as an "enforcement process") requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated.

(2) On the hearing of an enforcement process the court may make—

(a) an order (in these Rules referred to as an "enforcement order") requiring the debtor to pay the amount due in such manner or by such instalments as the court thinks fit; or

(b) such an order committing the debtor to prison as may be made under Rule 129.

(3) An enforcement process shall specify the date of the original order made against the debtor and the amount he was ordered to pay thereunder and such order shall be produced at the hearing.

Committal process and order

129.—(1) If the debtor defaults in payment of any instalment due under an enforcement order or due under an instalment order made by the Enforcement of Judgments Office under Article 30 of the said Order of 1981, the creditor may serve on the debtor a process (in these Rules referred to as a "committal process") requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the enforcement order was made or, in the case of an instalment order under the said Article 30, for the district in which the debtor resides or carries on business to show cause why an order (in these Rules referred to as a "committal order") should not be made committing him to prison for his default in complying with the enforcement order.

(2) Upon proof of the making of the enforcement order, or instalment order, or, where the committal order is made under Rule 128(2)(b) upon proof of the original order for payment (which shall be given by the production of the original order or orders) and of the means of the debtor required by Article 107(4) of the said Order of 1981, the court may, if the debtor fails to show cause why an order should not be

made, make with costs such order committing him to prison as is authorised by that Order. [*Supplt. No. 9 (Oct. 1997)*]

(3) Nothing in paragraph (2) shall, where it appears to the court that earnings fail to be paid to the debtor, affect the power of the court to make an attachment of earnings order under Article 98 of the said Order of 1981 in lieu of a committal order.

Service of process issued under Rule 128 or 129

130.—(1) Service of a process issued in accordance with Rule 128 or 129 shall be effected by delivering to the defendant personally a true copy thereof.

(2) Where the person against whom a committal process is issued no longer resides or uses or occupies any business premises in the petty sessions district in which the enforcement order was made, a committal process may be served by the summons server of the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated and such service may be proved by affidavit.

I. Enforcement of orders made in ejectment proceedings

Postponement of issue of decree for possession and application for the issue of the decree

131.—(1) Where a decree has been granted directing that a plaintiff be put in possession of premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies and the court has postponed the issue of the decree under Article 116 of the Order for a period or periods conditional upon the payment of arrears of rent or sums due under Article 69 of the Order by the defendant and where costs are ordered to be paid, the costs of the proceedings being paid by instalments either in addition to the current rent or otherwise the decree shall not, subject to Article 117 of the Order, issue from the court until after default has been made in payment of an instalment and an order has been made by the court authorising the issue of the decree as provided by this Rule.

(2) Where default has been made as aforesaid, the plaintiff may apply to the court for an order authorising the issue of the decree upon giving the defendant notice in writing of his intention to make the application not less than seven days before the date of hearing of the application.

(3) Upon the hearing of the application the court may order that the decree be issued or, except as otherwise provided by Article 116 of the Order, may from time to time adjourn the application or may further postpone the issue of the decree upon the existing conditions or upon such new conditions as it thinks fit as to payment by instalments or otherwise.

(4) Where the court makes any such order, other than an order of adjournment, it may award to the plaintiff a sum not exceeding £1·00 for the costs of the application, which shall be in addition to, and recovered in the same manner as, any costs awarded on the original decree.

(5) The details of the application and the date on which it is heard shall be entered in the Ejectment Process Register.

(6) Where an application under this Rule is adjourned other than in the presence of the defendant or his solicitor the plaintiff of his solicitor shall notify the defendant or his solicitor of the date, time and place of the adjourned hearing.

Signature on notice of application for the issue of decree for possession

132. A form of notice of application under Rule 131 may be signed by the plaintiff or by his solicitor or firm of solicitors or in the name of such solicitor or firm of solicitors by some person duly authorised to sign.

[*Supplt. No. 9 (Oct. 1997)*]

Service and lodgment of notice of application

133.—(1) A notice of application signed in accordance with Rule 132 may be served in the same manner as a process under Rule 58 or Rule 60(1)(*b*) or may be sent by the applicant or his solicitor to the person to whom it is to be given by registered post or by the recorded delivery service in an envelope addressed to that person at his last known or usual place of abode.

(2) A copy of such notice shall be lodged with the clerk of petty sessions at least four days before the date of the hearing of the application and if the notice has been served by sending it by registered post or by the recorded delivery service, the receipt for the latter shall be attached to the copy so lodged and no further proof of service shall be required.

(3) In reckoning the four days referred to in paragraph (2) no account shall be taken of a Saturday, Sunday or a public holiday.

Entry of minute of order on application under Rule 131

134. A minute of any order whatsoever made upon an application under Rule 131 shall be entered in the Ejectment Process Register.

J. Other provisions as to the enforcement of orders in debt or ejectment proceedings

Duration of committal orders

135. A committal order under Article 107 of the Judgments (Enforcement) (Northern Ireland) Order 1981 shall remain in force for one year and no longer.

Duplicate orders

136.—(1) Where a formal order has been lost or destroyed, or has improperly got into the hands of the person against whom the order was made or his agent, an application may be made to the court for the issue of a duplicate of such order, and the court may order that a duplicate be issued.

(2) Particulars of any such application and a minute of any order made thereon shall be entered in the appropriate Process Register.

(3) No costs of the application shall be awarded to any applicant for a duplicate order except in a case where it is proved to the court that the loss or destruction was caused by the other party or his agent, or where it is proved that the order is improperly in the possession of the other party or his agent.

(4) Any duplicate order issued under this Rule shall bear the word "Duplicate" in large letters on its face and shall have the same effect as the original order.

(5) Where costs are awarded under paragraph (3) the court may issue a decree for the recovery thereof.

K. Other matters in relation to the enforcement of orders

Order allowing time for payment or for payment by instalments in proceedings upon complaint

137. Without prejudice to Rule 19 where a magistrates' court allows time to pay a sum adjudged to be paid by a conviction or any other sum ordered to be recovered in proceedings upon complaint or orders payment of any such sum by instalments, an entry to that effect shall be made in the Order Book as part of the order.

Application for further time to pay or for payment to be by instalments in proceedings upon complaint

138.—(1) An application for further time to pay a sum adjudged to be paid by a conviction or other sum ordered to be paid in proceedings upon complaint or to be

allowed to pay such sum in instalments may, unless the court requires the applicant to attend, be made in writing. [*Supplt. No. 14 (Jan. 2002)*]

(2) Such application may be made to a resident magistrate sitting out of petty sessions and a minute of the order made on such application shall be entered in the Order Book.

Direction that money found on default shall not be applied in satisfaction of sum adjudged to be paid by a conviction or in proceedings under Article 98 of the Order

139. Where the defaulter is committed to, or ordered to be detained in a prison or other place of detention, any direction given under Article 110(2) of the Order shall be endorsed on the warrant of commitment.

To whom payments of sums ordered to be paid in proceedings upon complaint are to be made

140.—(1) Except where the court otherwise directs, a person ordered to pay a sum by a magistrates' court in proceedings upon complaint shall, unless a warrant to enforce payment thereof has been issued, pay that sum or any instalment thereof to the clerk of petty sessions.

(2) The provisions of this Rule shall not derogate from those of section 5 of the Fines Act (Ireland) 1851(**a**).

Payment where imprisonment imposed

141.—(1) The persons authorised for the purposes of Article 111 of the Order to receive payment are:—

(*a*) unless there has been issued to the Royal Ulster Constabulary a warrant of commitment, the clerk of petty sessions;

(*b*) any member of the Royal Ulster Constabulary holding the warrant of commitment; or

(*c*) any governor of the prison in which the prisoner is confined or any other person having lawful custody of the prisoner.

(2) No person shall be required to receive in part payment under Article 111(2) of the Order an amount which, or so much of an amount as, will not procure a reduction of the period for which the defaulter is committed or ordered to be detained.

(3) Where a person having custody of the prisoner receives payment of any sum he shall endorse a certificate of receipt of the sum on the warrant of commitment and shall pay over the said sum to the clerk of petty sessions.

(4) Nothing in this Rule shall derogate from the provisions of section 5 of the Fines Act (Ireland) 1851.

(5) This Rule shall apply to committal order under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 as it applies to warrants of commitment.

Part payment of sums to clerk of petty sessions

142. Where before a warrant is issued to enforce payment of a sum adjudged to be paid by the conviction or order of a magistrates' court, part of that sum has been paid to the clerk of petty sessions, he shall endorse details of such payment on the warrant.

Execution of warrants in proceedings upon complaint

[(**b**) **143.**—(1) Subject to this Rule, a warrant issued by a resident magistrate or justice of the peace in proceedings upon complaint shall be addressed to the district commander for the police district in which the warrant is issued]

(**a**) 14 & 15 Vict c. 90

(**b**) Rule substituted by S.R. 2001 No. 432 with effect from 11.1.2002

[*Supplt. No. 14 (Jan. 2002)*]

(2) A warrant of discharge from prison and, where necessary, a warrant of commitment may be addressed to the prison governor.

(3) On receipt of a warrant of commitment the prison governor or his deputy shall receive the person named in the warrant (or shall detain him if he is already in custody) for the period specified in the warrant.

(4) The prison governor or his deputy shall, upon receiving a prisoner into his custody together with a warrant of commitment, give to the person charged with the execution of the warrant a receipt for the prisoner.

(5) Where the person named in the warrant is to be produced in court after an adjournment or remand the prison governor shall, subject to Article 47(5) of the Order, cause such person to be so produced at the time and place fixed by the warrant.'

Execution of distress warrant by the Royal Ulster Constabulary

144.—(1) Sums adjudged to be paid by a conviction or order of a magistrates' court and levied under a warrant of distress addressed to a superintendent of the Royal Ulster Constabulary shall be paid over to the clerk of petty sessions.

(2) A warrant of distress shall authorise the person charged with its execution to take any money as well as the goods of the person against whom distress is to be levied and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant.

(3) Upon payment or tender of the sum to be levied and any expenses already incurred in connection with the distress to the person charged with executing the warrant, that person shall refrain from executing it.

(4) The person charged with the execution of a warrant of distress may sell the property distrained after the expiration of the period specified in the warrant, or if no period is fixed, after three days from the date of the distress, unless the sum for recovery of which the warrant was issued and the expenses of the distress are paid within that period.

(5) Where property is sold under a distress warrant, the person executing the warrant shall render to the owner of the property the balance of the proceeds of sale, if any, after retaining the sum to be levied and the expenses of the distress.

(6) A superintendent of the Royal Ulster Constabulary emposered to distrain goods under a warrant of distress may sell or cause such goods to be sold by public auction or in such other manner as the person against whom the distress is levied may in writing allow and may deduct the costs of such sale from the proceeds of sale.

Warrants of distress issued under Article 109 of the Order

145. A warrant of distress issued under Article 109 of the Order shall be enforced in the same manner as a warrant issued in proceedings upon complaint.

Costs of warrant to be added to sum due under warrant of commitment or distress

146. Where the warrant is a warrant of distress the sum referred to in Article 8 of the Magistrates' Courts Fees Order (Northern Ireland) 1983(**a**) shall be leviable in addition to any reasonable costs of making or keeping the distress or conducting the sale of goods distrained in accordance with the order of the court.

Application for review of warrant of commitment

147. A person imprisoned under a warrant of commitment issued by a magistrates' court under Article 112 of the Order who is not detained otherwise than

(**a**) S.R. 1983 No. 206

under that Article may make an application by way of complaint in Form 120 to a district judge (magistrates' court) requesting that the warrant be cancelled and stating the grounds of the application.

[*Supplt. No. 10 (January 1998)*]

[(a) L. MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

Supervision and Treatment Order

147A.—(1) In this Rule—

(a) "the 1986 Order" means the Mental Health (Northern Ireland) Order 1986;

(b) "the petty sessions district concerned" has the meaning assigned to it by paragraph 3(4) of Schedule 2A to the 1986 Order;

(c) "supervision and treatment order" means a supervision and treatment order under Schedule 2A to the 1986 Order;

(d) "supervised person" and "supervising officer" have the meanings assigned to them by paragraph l(1) of Schedule 2A to the 1986 Order:

(2) An application to a court of summary jurisdiction under paragraph 7(2) or 8(1) of Schedule 2A to the 1986 Order shall be in Form 124 and shall be served on the clerk of petty sessions for the petty sessions district concerned at least 14 days before the hearing of the application and shall be accompanied by a copy of the supervision and treatment order, to which the application relates.

(3) A copy of Form 124 and of the supervision and treatment order referred to in paragraph (2) shall also be served on the respondent.

(4) The respondent to the application shall be either the supervised person if the applicant is the supervising officer, or the supervising officer if the applicant is the supervised person.

(5) If the applicant or the respondent fails to appear-or to be represented at the hearing of the application without reasonable excuse, the court. may adjourn the hearing, or may decide the application in his absence.]

PART VIII

EVIDENCE

Affidavits and declarations

148.—(1) For the purposes of these Rules an affidavit may be sworn, or a statutory declaration may be made, before a lay magistrate or before a commissioner for oaths or clerk of petty sessions.

(2) Without prejudice to paragraph (1), any such affidavit of service as is referred to in Article 126(1) of the Order may be sworn before the clerk of petty sessions.

(3) A fee paid to a commissioner for oaths on the swearing of an affidavit or the making of a statutory declaration shall not be recoverable by the person paying the fee from the other party.

Proof by written statement in criminal proceedings (other than at a preliminary inquiry)

149.—(1) Where a written statement complying with section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968(**b**) is served by the complainant or by the defendant for the purpose of any criminal proceedings before a court of summary jurisdiction (other than a preliminary inquiry) a copy of the statement and of any documentary exhibit which accompanied it shall be given to the clerk of petty sessions as soon as practicable after such service and, where a

(**a**) Section L inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**b**) 1968 c. 28 (N.I.)

[*Supplt. No. 26 (May 2013)*]

copy of such statement is served on behalf of the prosecution, the complainant shall append to the statement a notice informing the defendant of his right to object to his statement being admitted in evidence.

(2) Where under section 1(2)(d) of the said Act of 1968 a party serves notice objecting to the statement being tendered in evidence, he shall at the same time serve a copy of the notice on the clerk of petty sessions.

(3) Where the court under section 1(5) of the said Act of 1968 requires the attendance of the person who made such written statement the court shall, if necessary, adjourn the hearing to enable the witness to be called.

(4) Where any such written statement refers to any document or object as an exhibit, that document or object shall, wherever possible, be identified by means of a label or other mark of identification signed by the maker of the statement and, before the court treats any document or object referred to as an exhibit in such written statement as an exhibit produced and identified in court by the maker of the statement, the court shall be satisfied that the document or object is sufficiently described in the statement for it to be identified.

(5) Where the court decides not to admit as evidence any written statement or part thereof tendered in evidence it shall announce such decision forthwith and shall thereupon write or cause to be written upon such statement, or, as the case may be, against that part, the words 'his statement is not admitted as evidence," or alternatively, "The part of this statement consisting of is not admitted as evidence," and in either case the presiding magistrate shall subscribe his name thereto.

(6) Where in summary proceedings any written statement is admitted in evidence and read aloud in accordance with section 1(6) of the said Act or an account has to be given orally of so much of any written statement as is not read aloud, the statement shall be read aloud or the account given by or on behalf of the party who has tendered the statement in evidence.

[(**a**) . . .]

[(**b**) *Application for special measures directions*

149AA.—(1) An application by a party in any criminal proceedings for a special measures direction under Article 7 of the 1999 Order shall be made by giving notice in Form 15B.

(2) If the application is for a special measures direction—

(a) enabling a witness to give evidence by means of a live link, the information sought in Part 2 of Form 15B shall be provided;

(b) enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the information sought in Part 3 of Form 15B shall be provided;

[(**c**)(c) enabling an examination of a witness to be conducted through an intermediary—

(i) the information sought in Part 4 of Form 15B; and

(ii) any relevant report, including an intermediary's assessment, shall be provided.]

(3)(a) Subject to sub-paragraph (b), an application under paragraph (1) shall be made not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates.

(**a**) Rule 149A revoked by S.R. 2003 No. 477 with effect from 01.12.03
(**b**) Rule 149AA substituted by S.R. 2003 No. 296 with effect from 30.06.03
(**c**) Rule 149AA (2)(c) inserted by S.R. 2013 No. 89 with effect from 11.05.13

[(a) *Application to disapply or disapply in part the primary rule* [*Supplt. No. 26 (January 2012)*]

149ADA.—(1) An application to disapply or disapply in part the primary rule under Article 9(4)(ba) of the 1999 Order shall be made in writing and shall include such information as the court requires to make a determination.

(2) An application under paragraph (1) shall be served, by the applicant, on the clerk of petty sessions and on each party to the proceedings as soon as reasonably practicable after the witness has expressed that wish.

(3) Paragraphs (6) to (12) of Rule 149AA shall apply to an application to disapply or disapply in part the primary rule as they apply to an application for a direction.]

(a) Rule 149ADA inserted by S.R. 2011 No. 418 with effect from 1.1.12

Renewal application following a material change of circumstances

[*Supplt. No. 26 (January 2012)*]

149AE.—(1) Where an application for a special measures direction has been refused by the court, the application may only be renewed ("renewal application") where there has been a material change of circumstances since the court refused the application.

(2) The applicant shall—

(a) specify in the renewal application each material change of circumstances which is alleged to have occurred; and

(b) serve the renewal application on the clerk of petty sessions, and on each party to the proceedings, as soon as reasonably practicable after the change occurs.

(3) Any party on whom the application is served in accordance with paragraph (2)(b) may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (6) to (12) of Rule 149AA, Rules 149AF and 149AG shall apply to a renewal application as they apply to the application which was refused.

Application for special measures direction for witness to give evidence by means of a live link

149AF.—(1) Where the application for a special measures direction is made in accordance with Rule 149AA(2)(a), for a witness to give evidence by means of a live link, the following provisions of this Rule shall also apply.

(2) [(**a**). . .] A party who seeks to oppose an application for [(**b**) a child witness] to give evidence by means of a live link shall, in order to comply with Rule 149AA(6), state why in his view the giving of a special measures direction would not be likely to maximise the quality of the witness's evidence.

[(**c**)(3)

(4)....]

Video recording of testimony from witnesses

149AG.—(1) Where an application is made for a special measures direction enabling a video recording of an interview of a witness to be admitted as evidence in chief of the witness, the following provisions of this Rule shall also apply.

(2) Notice of the application made in accordance with Rule 149AA(1) shall be accompanied by the video recording (or a copy of the video recording) which it is proposed to tender in evidence and shall include—

(a) the name of the defendant and the offence charged;

(b) the name and date of birth of the witness in respect of whom the application is made;

(c) the date on which the video recording was made;

(d) a statement as to whether, and if so at what point in the video recording, an oath was administered to, or a solemn declaration made by, the witness;

(e) a statement that, in the opinion of the applicant, either—

(i) the witness is available for cross examination; or

(ii) the witness is not available for cross-examination and the parties have agreed that there is no need for the witness to be so available;

(f) a statement of the circumstances in which the video recording was made which complies with paragraph (4); and

(g) the date on which the video recording was disclosed to the other party or parties.

(**a**) Words omitted by S.R. 2011 No. 418 with effect from 1.1.12
(**b**) Words substituted by S.R. 2003 No. 477 with effect from 1.12.03
(**c**) Paragraphs (3) and (4) omitted by S.R. 2011 No. 418 with effect from 1.1.12

[*Supplt. No. 26 (May 2013)*]

(3) Where it is proposed to tender part only of a video recording of an interview with the witness, the application shall specify that part and be accompanied by a video recording of the entire interview, including those parts which it is not proposed to tender in evidence, and by a statement of the circumstances in which the video recording of the entire interview was made which complies with paragraph (4).

(4) The statement of the circumstances in which the video recording was made referred to in paragraphs (2)(f) and (3) shall include the following information, except in so far as it is contained in the recording itself,—

(a) the times at which the recording commenced and finished, including details of interruptions;

(b) the location at which the recording was made and the usual function of the premises;

(c) in relation to each person present at any point during, or immediately before, the recording—

(i) their name, age and occupation;

(ii) the time for which each person was present; and

(iii) the relationship, if any, of each person to the witness and to the defendant;

[(**a**)(iv) whether or not the person present was there to act as an intermediary for a witness, and, if so, whether an application under Article 17 of the 1999 Order for the use of an intermediary has been made or will be made, and whether the intermediary made the declaration as set out in Form 88N before acting.]

[(**b**)(ca) in relation to each person present at any point during the recording, a statement confirming that the said person when present is visible in the recording;]

(d) in relation to the equipment used for the recording—

(i) a description of the equipment;

(ii) the number of cameras used;

(iii) whether the cameras were fixed or mobile;

(iv) the number and location of the microphones;

(v) the video format used; and

(vi) whether it offered single or multiple recording facilities and, if so, which were used; and

(e) the location of the master tape if the video recording is a copy and details of when and by whom the copy was made.

(5) A party who receives a copy of a recording under paragraph (2) shall within 7 days of the date on which it was served on him, notify the applicant and the clerk of petty sessions, in writing—

(a) whether he objects to the admission under Article 15 of the 1999 Order of any part of the video recording or recordings disclosed, giving his reasons why it would not be in the interests of justice for the recording or any part of it to be admitted;

(b) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts; and

(c) whether he wishes to be represented at any hearing of the application.

(6) Notwithstanding the provisions of Rule 149AA and this Rule, a copy of any video recording which the defendant proposes to tender in evidence need not be sent to the prosecution until the close of the prosecution case at the trial.

(**a**) Paragraph (4)(c)(iv) inserted by S.R. 2013 No. 89 with effect from 11.05.13
(**b**) Sub-paragraph inserted by S.R. 2003 No. 477 with effect from 1.12.03

(7) The court may determine an application by the defendant to tender in evidence a video recording even though a copy of the recording has not, in accordance with paragraph (6), been served upon the prosecution. [*Supplt. No. 16 (Dec. 2003)*]

(8) Where a copy of the video recording which is the subject of a special measures direction is sent to the prosecution after the direction has been made, the prosecutor may apply to the court for the direction to be varied or discharged.

(9) An application under paragraph (8) may be made orally to the court.

(10) A prosecutor who makes an application under paragraph (8) shall state –

(a) why he objects to the admission under Article 15 of the 1999 Order of any part of the video recording or recordings disclosed, giving his reasons why it would not be in the interests of justice for the recording or any part of it to be admitted; and

(b) whether he would agree to the admission of part of the video recording or recordings and if so, which part or parts.

(11) The court shall, before determining the application: –

(a) direct a hearing of the application; and

(b) allow all the parties to the proceedings to be present and be heard on the application.

(12) The clerk of petty sessions shall notify all parties to the proceedings of the decision of the court as soon as reasonably practicable after the decision is given.

(13) Any decision varying a special measures direction shall state whether the whole or specified parts of the video recording or recordings subject to the application are to be admitted in evidence.

Expert Evidence

149AH. Any party to the proceedings who proposes to adduce expert evidence (whether of fact or opinion) in connection with an application or renewal application for, or an application to vary or discharge, a special measures direction shall, not less than 14 days before the date set for the commencement of the proceedings at which the evidence is to be adduced –

(a) serve the other party or parties to those proceedings with a statement in writing of any finding or opinion which he proposes to adduce by way of such evidence; and

(b) where a request is made to him in that behalf by any other party to those proceedings, provide that party also with a copy of (or if it appears to the party proposing to adduce the evidence to be more practicable, a reasonable opportunity to examine) the record of any observation, test, calculation or other procedure on which such finding or opinion is based and any document or other thing or substance in respect of which any such procedure has been carried out."]

[(a)"Prohibition on cross-examination of particular witness

149AI.—(1) An application by the prosecutor for a direction under Article 24 of the 1999 Order in relation to any witness shall be made by giving notice in Form 15D to the clerk of petty sessions and at the same time the applicant shall serve a copy thereof on every other party to the proceedings.

(2) In an application under paragraph (1), the prosecutor shall state why, in his opinion –

(a) New Rules 149AI-149AM inserted by S.R. 2003 No. 477 with effect from 1.12.03

[*Supplt. No. 16 (Dec. 2003)*]

(a) the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the defendant in person;

(b) the evidence would be improved if a direction were given under Article 24(2) of the 1999 Order; and

(c) it would not be contrary to the interests of justice to give such a direction.

(3) On receipt of the application, the clerk of petty sessions shall refer it –

(a) if the proceedings to which the application relates have commenced, to the resident magistrate hearing those proceedings;

(b) if the proceedings to which the application relates have not commenced when the application is received, to a resident magistrate sitting in the petty sessions district in which the proceedings are to be heard.

(4) Where a copy of a notice under paragraph (1) is served on a party to the proceedings more than 14 days before the date set for the commencement of the proceedings to which the application relates, that party may, within 14 days, make observations in writing in relation to the application to the clerk of petty sessions and shall serve a copy of such observations on every other party to the proceedings.

(5) A party on whom a copy of the notice is served in accordance with paragraph (1) may notify the clerk of petty sessions and every other party to the proceedings, in writing, of his opposition to the application and give reasons for it.

(6) Those reasons shall be notified –

(a) within 14 days of the date a copy of the notice was served on him, if that date is more than 14 days before the date set for commencement of the proceedings to which the application relates;

(b) if the proceedings to which the application relates have commenced, in accordance with any directions issued by the resident magistrate hearing those proceedings; or

(c) if neither sub-paragraph (a) nor sub-paragraph (b) apply, before the date set for the commencement of the proceedings to which the application relates.

(7) Where the application made in accordance with paragraph (1) is made before the date set for the commencement of the proceedings to which the application relates and the application –

(a) is not contested by any party to the proceedings, the court may determine the application without a hearing;

(b) is contested by a party to the proceedings, the court shall direct a hearing of the application.

(8) Where the application is made after the commencement of the proceedings to which the application relates –

(a) the application may be made orally; and

(b) the resident magistrate hearing those proceedings may give such directions as he considers appropriate in order to deal with the application.

(9) Where a hearing of the application is to take place, the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application made in accordance with paragraph (1), notify all the parties to the proceedings of the decision and the reasons for it.

(12) A person making an oral application under paragraph (8)(a) shall –

(a) give reasons why the application was not made before the commencement of the proceedings to which the application relates; and

(b) provide the court with the information set out in paragraph (2).

[*Supplt. No. 16 (Dec. 2003)*]

Restrictions on cross-examination of witness by the accused person

149AJ.—(1) This Rule and Rules 149AK and 149AL apply where a defendant is prevented from cross-examining a witness in person by virtue of Article 22, 23 or 24 of the 1999 Order.

(2) The court shall as early in the proceedings as is reasonably practicable –

(a) explain to the defendant that he is prevented from cross-examining a witness in person; and

(b) invite him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

(3) The defendant shall within 7 days of the court giving its explanation, or within such other period as the court may in any particular case allow, give notice to the clerk of petty sessions in Form 15E or otherwise in writing as to whether or not he has arranged for a legal representative to act on his behalf.

(4) Where the defendant has arranged for a legal representative to act for him, the notice under paragraph (3) shall include details of the name and address of the representative.

(5) The clerk of petty sessions shall notify all other parties to the proceedings of the name and address of any person appointed by the defendant to act on his behalf.

(6) Where the court gives its explanation under paragraph (2) to the defendant –

(a) within 7 days of the date set for the commencement of any hearing at which a witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies may be cross-examined, or

(b) after such a hearing has commenced,

the period of 7 days within which the defendant is required to give notice under paragraph (3) shall be reduced in accordance with any direction issued by the court.

(7) Where at the end of the period of 7 days or such other period as the court has allowed, the court has not received notice from the defendant under paragraph (3), it may grant the defendant an extension of time, whether of its own motion or on the application of the defendant.

(8) Before granting an extension of time, the court may direct a hearing at which all parties to the proceedings may attend and be heard.

(9) Any extension of time shall be for such period as the court considers appropriate in the circumstances of the case.

(10) The decision of the court as to whether or not to grant the defendant an extension of time shall be notified to all parties to the proceedings by the clerk of petty sessions in Form 15F.

Appointment by the court

149AK.—(1) Where the court decides, in accordance with Article 26(4) of the 1999 Order, to appoint a qualified legal representative, the clerk of petty sessions shall notify all parties to the proceedings of the name and address of that representative.

(2) An appointment made by the court under Article 26(4) of the 1999 Order shall, except to such extent as the court may in any particular case determine, terminate at the conclusion of the cross-examination of any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

Appointment arranged by the defendant

149AL.—(1) The defendant may arrange for the qualified legal representative, appointed by the court under Article 26(4) of the 1999 Order, to be appointed to act

[*Supplt. No. 16 (Dec. 2003)*] for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 of the 1999 Order applies.

(2) Where such an appointment is made –

(a) the defendant shall notify the court of the appointment in Form 15E;

(b) the qualified legal representative shall notify the court of the appointment in Form 15G; and

(c) the qualified legal representative shall, from the time of his appointment, act for the defendant as though the arrangement had been made under Article 26(2)(a) of the 1999 Order and shall cease to be the representative of the court under Article 26(4) of the 1999 Order.

(3) Where the court receives notification of the appointment either from the qualified legal representative or from the defendant but not from both, the court shall investigate whether the appointment has been made, and if it concludes that the appointment has not been made, paragraph (2)(c) shall not apply.

(4) The defendant may, notwithstanding an appointment by the court under Article 26(4) of the 1999 Order, arrange for a legal representative to act for him for the purpose of cross-examining any witness in respect of whom a prohibition under Article 22, 23 or 24 applies.

(5) Where the defendant arranges for, or informs the court of his intention to arrange for a legal representative to act for him, he shall notify the court within such period as the court may allow, of the name and address of any person appointed to act for him.

(6) Where the court is notified within the time allowed that such an appointment has been made, any qualified legal representative appointed by the court in accordance with Article 26(4) of the 1999 Order shall be discharged.

(7) The clerk of petty sessions shall as soon as reasonably practicable after notification is received by the court, or where paragraph (3) applies, after the court is satisfied that the appointment has been made, notify all the parties to the proceedings in Form 15H –

(a) that the appointment has been made;

(b) where paragraph (4) applies, of the name and address of the person appointed;

(c) that the person appointed by the court under Article 26(4) of the 1999 Order has been discharged or has ceased to act for the court.

Procedure for applications in proceedings for sexual offences

149AM.—(1) Application under Article 28(2) of the 1999 Order for leave to adduce evidence of, or ask questions about, any sexual behaviour of a complainant shall be made by giving notice in Form 15I to the clerk of petty sessions and shall, subject to paragraph (10) –

(a) be served on the clerk of petty sessions not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates; or

(b) be accompanied by a full written explanation specifying the reasons why the application could not have been served in accordance with sub-paragraph (a).

(2) An application under paragraph (1) shall contain the following –

(a) a summary of the evidence it is proposed to adduce and of the questions it is proposed to put to any witness;

(b) a full explanation of the reasons why it is considered that the evidence and questions fall within paragraphs (3) or (5) of Article 28 of the 1999 Order;

(c) a summary of any document or other evidence to be submitted in support of such evidence and questions;

(d) where it is proposed that a witness give evidence as to the complainant's sexual behaviour, the name and date of birth of any such witness.

[*Supplt. No. 18 (July 2004)*]

(3) A copy of the application under paragraph (1) shall be served, by the applicant, on every other party to the proceedings at the same time as it is served on the clerk of petty sessions.

(4) The prosecutor shall notify the clerk of petty sessions and the other parties to the proceedings in Form 15J—

(a) whether or not he opposes the application, giving reasons for any such opposition, and

(b) whether or not he wishes to be represented at any hearing of the application,

and where the notice of application is received by the prosecutor more than 14 days before the date set for commencement of the proceedings to which the application relates, the notification must be served by the prosecutor within 14 days of receipt.

(5) Where a copy of the application is received by a party to the proceedings other than the prosecutor more than 14 days before the date set for the commencement of the proceedings to which the application relates, that party may, within 14 days, make observations in writing in relation to the application to the clerk of petty sessions and shall serve a copy of such observations on every other party to the proceedings.

(6) In considering any application under this Rule, the court may request a party to the proceedings to provide the court with such information as it may specify in Form 15K and which the court considers would assist in determining the application.

(7) Where the court makes such a request, the person required to provide the information shall do so within 14 days of the court making the request or by such time as the court considers appropriate in the circumstances of the case.

(8) An application under paragraph (1) shall be determined by a district judge (magistrates' court) following a hearing.

(9) The date and time of the hearing shall be—

(a) determined by the clerk of petty sessions after taking into consideration—

(i) any time which a party to the proceedings has been given to respond to a request for information; and

(ii) the date fixed for any other hearing relevant to the proceedings; and

(b) notified by the clerk of petty sessions to both the applicant and the prosecutor.

(10) An application under Article 28(2) of the 1999 Order may be made orally to the court where the application is made after the proceedings to which the application relates have begun.

(11) The person making the application under paragraph (10) shall—

(a) give reasons why the applicant failed to make the application in accordance with paragraph (1); and

(b) provide the court with the information set out in paragraph (2).

(12) The clerk of petty sessions shall, as soon as reasonably practicable after the hearing of an application under paragraph (1), notify all the parties to the proceedings of the decision of the court in Form 15L.]

[(a) *Application for reporting direction*

149AN.—(1) An application by a party to any criminal proceedings for a reporting direction under section 46 of the 1999 Act in relation to a witness in those proceedings may be made at any time after the commencement of the proceedings by giving notice in Form 15M.

(a) Rules 149AN-149AQ inserted by S.R. 2004 No. 299 with effect from 26.07.04

[*Supplt. No. 18 (July 2004)*]

(2) For the purpose of this Rule, Rule 149AO and Rule 149AP, proceedings commence on the date that the matter is first listed before a magistrates' court.

(3) The notice under paragraph (1) shall be served on the clerk of petty sessions, and at the same time a copy thereof shall be served, by the applicant, on every other party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 7 days of the date that notice of the application was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

(5) In order to comply with paragraph (4) a party shall state in the written notification whether he—

(a) disputes that the witness is eligible for protection under section 46 of the 1999 Act; and

(b) disputes that the granting of protection would be likely to improve the quality of evidence given by the witness or the level of co-operation given by the witness to any party to the proceedings in connection with the party's preparation of its case.

Application for excepting direction

149AO.—(1) An application for a direction under section 46(9) of the 1999 Act ("an excepting direction") may be made at any time after the commencement of the proceedings if a reporting direction has been given by the court in respect of the witness in those proceedings.

(2) The application under paragraph (1) may be made by—

(a) any party to those proceedings; or

(b) any person who, although not a party to the proceedings, is directly affected by a reporting direction given in relation to a witness in those proceedings or could be so affected if the court in determining an application gave a reporting direction.

(3) An application for an excepting direction may be made—

(a) orally at the time the reporting direction is given; or

(b) by giving notice in Form 15N.

(4) An applicant for an excepting direction shall state why, in his opinion—

(a) the effect of the restrictions imposed (or which the applicant for the reporting direction seeks to have imposed) places a substantial and unreasonable restriction on the reporting of the proceedings; and

(b) it is in the public interest to remove or relax those restrictions.

(5) Where the application for an excepting direction is made in writing, the notice under paragraph (3)(b) shall be served on the clerk of petty sessions, and at the same time a copy thereof shall be served, by the applicant, on every other party or, as the case may be, every party to those proceedings.

(6) Where the application for an excepting direction is made orally, the clerk of petty sessions shall cause the details of the application to be recorded in the Order Book.

(7) Any party who wishes to oppose the application shall, within 7 days of the date that notice of the application was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

Variation or revocation

149AP.—(1) An application to –

(a) revoke a reporting direction; or

(b) vary or revoke an excepting direction,

may be made at any time after the commencement of proceedings.

(2) The application under paragraph (1) may be made by –

(a) any party to the proceedings in which the direction was given; or

(b) any person who, although not a party to those proceedings is, in the opinion of the court, directly affected by the direction.

(3) The application under paragraph (1) shall be made by giving notice in Form 15O which –

(a) shall specify the grounds upon which the applicant seeks to have the direction varied or, as the case may be, revoked; and

(b) shall be served, by the applicant, on the clerk of petty sessions and on every other party or, as the case may be, every party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 7 days of the date that the application was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

Hearings

149AQ.—(1) Subject to paragraph (2), the court may –

(a) determine any application made under Rule 149AN, 149AO or 149AP without a hearing; or

(b) direct a hearing of any such application.

(2) Where a party to the proceedings notifies the clerk of petty sessions of his opposition to an application under Rule 149AN, 149AO or, as the case may be, 149AP, the court shall direct a hearing of that application.

(3) Where a hearing of an application is to take place in accordance with this Rule, the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(4) A party notified in accordance with paragraph (3) may be present at the hearing and be heard.

(5) Before determining an application, the court may hear and take into account representations made to it by any person who in the court's opinion has a legitimate interest in the application before it.

(6) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under Rule 149AN, 149AO or 149AP, notify all the parties to the proceedings of the decision of the court in Form 15P.]

[(a)**Procedure for the admission of evidence of bad character**

149AR.—(1) A party who wants to adduce evidence of a non-defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 5 of the 2004 Order, shall give notice in Form 88A.

(2) [(b) Subject to paragraph 2(A),] notice under paragraph (1) shall be served on the clerk of petty sessions and on every other party to the proceedings –

(a) Rules 149AR and 149AS inserted by S.R. 2005 No. 162 with effect from 18.04.05
(b) Words inserted by S.R. 2008 No. 361 with effect from 1.10.08

(a) within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor); or

(b) as soon as is reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant.

[(**a**) (2A) In respect of a preliminary investigation or preliminary inquiry, notice under paragraph (1) shall be served on the clerk of petty sessions and on every other party to the proceedings not less than 14 days before the date fixed for the hearing.]

(3) [(**b**) Subject to paragraph (3A),] any party who wishes to oppose the application under paragraph (1) shall, within 14 days of the date on which the notice of the application was served on him, notify the clerk of petty sessions and every other party to the proceedings, in Form 88B, of his opposition.

[(**c**) (3A) In respect of a preliminary investigation or preliminary inquiry, any party who wishes to oppose the application under paragraph (1) shall, within 7 days of the date on which the notice of the application was served on him, notify the clerk of petty sessions and every other party to the proceedings, in Form 88B, of his opposition.]

(4) A prosecutor who wants to adduce evidence of a defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 6 of the 2004 Order, shall give notice in Form 88C.

(5) [(**d**) Subject to paragraph (5A),] notice under paragraph (4) shall be served on the clerk of petty sessions and on every other party to the proceedings at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

[(**e**) (5A) In respect of a preliminary investigation or preliminary inquiry, notice under paragraph (4) shall be served on the clerk of petty sessions and on every other party to the proceedings not less than 14 days before the date fixed for the hearing.]

(6) A co-defendant who wants to adduce evidence of a defendant's bad character or to cross examine a witness with a view to eliciting such evidence, under Article 6 of the 2004 Order, shall give notice in Form 88C.

(7) [(**f**) Subject to paragraph (7A),] notice under paragraph (6) shall be served on the clerk of petty sessions and on every other party to the proceedings within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

[(**g**) (7A) In respect of a preliminary investigation or preliminary inquiry, notice under paragraph (6) shall be served on the clerk of petty sessions and on every other party to the proceedings not less than 14 days before the date fixed for the hearing.]

(8) An application by a defendant to exclude bad character evidence shall be in Form 88D and shall be served on the clerk of petty sessions and on every other party to the proceedings within 7 days from the date on which the notice under paragraph (4) or paragraph (6) was served on him.

(9) A defendant who is entitled to have notice served on him under this Rule may waive his entitlement by so informing the court and the party who would have served the notice.

(**a**) Rule 149AR (2A) inserted by S.R. 2008 No. 361 with effect from 1.10.08
(**b**) Words inserted by S.R. 2008 No. 361 with effect from 1.10.08
(**c**) Rule 149AR (3A) inserted by S.R. 2008 No. 361 with effect from 1.10.08
(**d**) Words inserted by S.R. 2008 No. 361 with effect from 1.10.08
(**e**) Rule 149AR (5A) inserted by S.R. 2008 No. 361 with effect from 1.10.08
(**f**) Words inserted by S.R. 2008 No. 361 with effect from 1.10.08
(g) Rule 149AR (7A) inserted by S.R. 2008 No. 361 with effect from 1.10.08

(10) The court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this Rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this Rule, either before or after that period expires.

Procedure for the admission of hearsay evidence

149AS.—(1) This Rule shall apply where a party wishes to adduce [(**a**) oral] evidence on one or more of the grounds set out in Article 18(1)(a) to (d) of the 2004 Order and in this Rule, such evidence is referred to as "hearsay evidence".

(2) A prosecutor who wants to adduce hearsay evidence shall give notice in Form 88E.

(3) [(**b**) Subject to paragraph (3A),] notice under paragraph (2) shall be served on the clerk of petty sessions and on every other party to the proceedings at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by prosecutor).

[(**c**) (3A) In respect of a preliminary investigation or preliminary inquiry, notice under paragraph (2) shall be served on the clerk of petty sessions and on every other party to the proceedings not less than 14 days before the date fixed for the hearing.]

(4) A defendant who wants to adduce hearsay evidence shall give notice in Form 88E.

(5) [(**b**) Subject to paragraph (5A),] notice under paragraph (4) shall be served on the clerk of petty sessions and on every other party to the proceedings within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996.

[(**d**) (5A) In respect of a preliminary investigation or preliminary inquiry, notice under paragraph (4) shall be served on the clerk of petty sessions and on every other party to the proceedings not less than 14 days before the date fixed for the hearing.]

(6) [(**b**) Subject to paragraph (6A),] any party who wishes to oppose the application under paragraph (2) or (4) shall, within 14 days of the date on which notice of the application was served on him, notify the clerk of petty sessions and every other party to the proceedings, in Form 88F, of his opposition.

[(**e**) (6A) In respect of a preliminary investigation or preliminary inquiry, any party who wishes to oppose the application under paragraphs (2) or (4) shall, within 7 days of the date on which notice of the application was served on him, notify the clerk of petty sessions and every other party to the proceedings, in Form 88F, of his opposition.]

(7) A party who is entitled to have notice served on him by this Rule may waive his entitlement by so informing the court and the party who would have served the notice.

(8) The court may, if it considers that it is in the interests of justice to do so—

(a) dispense with the requirement to give notice of intention to adduce hearsay evidence;

(b) allow a notice required under this Rule to be given in a different form, or orally; or

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(**a**) Word inserted by S.R. 2008 No. 361 with effect from 01.10.08
(**b**) Words inserted by S.R. 2008 No. 361 with effect from 01.10.08
(**c**) Rule 149AS (3A) inserted by S.R. 2008 No. 361 with effect from 01.10.08
(**d**) Rule 149AS (5A) inserted by S.R. 2008 No. 361 with effect from 01.10.08
(**e**) Rule 149AS (6A) inserted by S.R. 2008 No. 361 with effect from 01.10.08

[*Supplt. No. 9 (October 1997)*]

(c) abridge or extend the time for service of a notice required under this Rule, either before or after that period expires.]

[**(a)** *Admissibility of records as evidence under Article 16(5) of the Road Traffic Offenders (NI) Order 1996*

149B.—(1) For the purposes of Article 16 of the Road Traffic Offenders (Northern Ireland) Order 1996 the matters described in paragraph (2) shall be admissible as evidence of any fact stated therein to the same extent as oral evidence if that fact is admissible in those proceedings.

(2) The matters described are—

(a) a document being, of forming part of, or submitted in connection with an application for—

(i) an appointment for a test of competence to drive under Part II of the Order of 1981(**b**);

(ii) an appointment for an extended driving test under Article 41 of the Offenders Order;

(iii) a driving licence and its counterpart granted under Part II of the Order of 1981;

(iv) a provisional driving licence and its counterpart granted under Part II of the Order of 1981;

(v) a test certificate under Article 61(2) of the Order of 1995(**c**);

(vi) a goods vehicle test certificate under Article 65(2) of the Order of 1995;

(vii) a public service vehicle licence under Article 61 of the Order of 1981;

(viii) an approved driving instructor's certificate of registration or a licence under Article 132(2)(b) or 135 of the Order of 1981.

(b) evidence of the result of—

(i) a test of competence to drive under Part II of the Order of 1981 or,

(ii) an extended driving test under Article 41 of the Offenders Order;

(c) a driving licence and its counterpart granted under Part II of the Order of 1981;

(d) a provisional driving licence and its counterpart granted under Part II of the Order of 1981;

(e) a test certificate issued under Article 61(2) of the Order of 1995;

(f) a goods vehicle test certificate under Article 65(2) of the Order of 1995;

(g) a public service vehicle licence granted under Article 61 of the Order of 1981;

(h) a public service vehicle disc issued under regulation 7 of the Public Service Vehicles Regulations (Northern Ireland) 1985(**d**);

(i) a notification of refusal to issue or grant a certificate or licence under—

(i) Article 61(4) of the Order of 1995;

(ii) regulation 5(1) of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990(**e**);

(iii) regulation 8(3) of the Public Service Vehicles Regulations (Northern Ireland) 1985; or

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(**a**) Rule 149B inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**b**) S.I. 1981/154 (N.I. 1)
(**c**) S.I. 1995/2994 (N.I. 6)
(**d**) S.R. 1985 No. 123
(**e**) S.R. 1990 No. 224

(iv) regulation 17 of the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991(**a**). [*Supplt. No. 9 (October 1997)*]

(j) an approved driving instructor's certificate under Article 132(2)(g) or licence under Article 135 of the Order of 1981;

(k) a notice of intention to revoke a licence under Article 10 of the Order of 1981;

(l) a notice revoking or suspending a licence under Article 61(1) (public service vehicle licences), or 73(1) (large goods vehicle and passenger-carrying vehicle driver's licence) of the Order of 1981;

(m) in connection with the licensing and registration of mechanically propelled vehicles under the Vehicle Excise and Registration Act 1994(**b**)—

(i) a document being, or forming part of, or submitted in connection with, an application for a vehicle licence or a trade licence or in connection with a repayment of duty under section 19 of the 1994 Act or the recovery of underpayments or overpayments of duty under the 1994 Act;

(ii) a vehicle licence, trade licence, registration book or registration mark;

(iii) a document containing a declaration and particulars in relation to vehicles exempted from duty under the 1994 Act.

(3) In this Rule—

(a) "the 1994 Act" means the Vehicle Excise and Registration Act 1994;

(b) "the Order of 1981" means the Road Traffic (Northern Ireland) Order 1981;

(c) "the Order of 1995" means the Road Traffic (Northern Ireland) Order 1995;

(d) "the Offenders Order"' means the Road Traffic Offenders (Northern Ireland) Order 1996;

(e) "certificate of competence to drive" means a certificate issued in pursuance of Regulation 37 of the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996(**c**);

(f) "driving licence" means a licence to drive a motor vehicle granted under Part II of the Order of 1981;

(g) "counterpart" has the meaning assigned to it by Article 19D of the Order of 1981;

(h) "registration book" means a registration book issued under the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1976(**d**);

(i) "registration mark" has the meaning assigned to it by section 62 of the 1994 Act;

(j) "trade licence" has the meaning assigned to it under section 11 of the 1994 Act;

(k) "vehicle licence" means a licence for a mechanically propelled vehicle under the 1994 Act;

(*l*) "the Department" means Department of the Environment.]

(**a**) S.R. 1991 No. 373
(**b**) 1994 c. 22
(**c**) S.R. 1996 No. 542
(**d**) S.R. 1973 No. 490

[Supplt. No. 21 (November 2006)]

[(a) *Evidence by live link where witness is outside the United Kingdom*

149C.—(1) An application for leave under Article 80A(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 for a witness (other than the accused) who is outside the United Kingdom to give evidence through a live link shall be made by giving notice in Form 88G.

(2) The notice under paragraph (1) shall be served on the clerk of petty sessions and every other party to the proceedings not less than 14 days before the day fixed for commencement of the preliminary investigation or preliminary inquiry.

(3) Any party who wishes to oppose the application shall, within 7 days of the date that notice was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

(4) Except where notice is received in accordance with paragraph (3), the court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(5) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (3) of his opposition to the application, the clerk of petty sessions shall fix a date for the hearing of the application.

(6) Where a hearing is to take place in accordance with paragraphs (4) or (5), the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(7) A party notified in accordance with paragraph (6) may be present at the hearing and be heard.

(8) The clerk of petty sessions shall, as soon as reasonably practicable after determination of an application under paragraph (1), notify all the parties of the decision of the court in Form 88H and, where leave is granted, the notification shall state—

(a) the country in which the witness will give evidence;

(b) if known, the place where the witness will give evidence;

(c) where the witness is to give evidence on behalf of the prosecutor or where disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (alibi), the name of the witness;

(d) the location of the court at which the preliminary investigation or preliminary inquiry will be held; and

(e) any conditions specified by the Court in accordance with paragraph (9).

(9) In determining an application under paragraph (1), the court may specify that as a condition of the grant of leave the witness should give evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the court may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

(10) The court may, if it considers that it is in the interests of justice to do so, extend the time for service of a notice required under this Rule, either before or after that period expires.

Application for an abridgement of time

149D.—(1) The period specified in Rule 149C(2) may be abridged at any time by the court on an application made in writing, specifying why the applicant is or was unable to make the application within that period.

(a) Rules 149C-149E inserted by S.R. 2006 No. 413 with effect from 15.11.06

(2) The application shall be served, by the applicant, on the clerk of petty sessions and on every other party to the proceedings. [*Supplt. No. 22 (February 2009)*]

(3) An application for an abridgement of time under this Rule shall be determined by a district judge (magistrates' courts) without a hearing unless the district judge (magistrates' courts) otherwise directs.

(4) Where the district judge (magistrates' courts) abridges the period of 14 days under Rule 149C(2), he shall also specify the period within which any other party to the proceedings may give notice of opposition in writing under Rule 149C(3).

(5) The clerk of petty sessions shall notify all the parties of the district judge (magistrates' courts) decision, and (as the case may be) the period specified by the district judge (magistrates' courts) for the giving of notice of opposition in writing under Rule 149C(3).

Form of notice

149E. The court may, if it considers that it is in the interests of justice to do so, allow a notice required under Rules 149C or 149D to be given in a different form, or orally.]

[(**a**) *Evidence by live link by witness (other than the defendant)*

149F.—(1) An application for a direction under Article 10 of the Criminal Justice (Northern Ireland) Order 2004 for a witness (other than the defendant) to give evidence through a live link shall be made by giving notice in Form 88I.

(2)(a) Subject to sub-paragraph (b), an application under paragraph (1) shall be made not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates.

(b) In the application of sub-paragraph (a) to preliminary investigations, "the proceedings" does not include the taking of a deposition relating to the arrest, or where directed by the court, the remand of the accused.

(3) The notice under paragraph (1) shall be served on the clerk of petty sessions and at the same time a copy thereof shall be served on every other party to the proceedings.

(4) Any party who wishes to oppose the application shall, within 7 days of the date that notice under paragraph (1) was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

(5) Except where notice is received in accordance with paragraph (4), the court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(6) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (4) of his opposition to the application, the clerk of petty sessions shall fix a date for the hearing of the application.

(7) Where a hearing is to take place in accordance with paragraphs (5) or (6), the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(8) A party notified in accordance with paragraph (7) may be present at the hearing and be heard.

(9) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision of the court in Form 88J, and, where a direction is given, the notification shall state—

(**a**) Rules 149F-149I inserted by S.R. 2008 No. 361 with effect from 02.02.09

[*Supplt. No. 26 (February 2009)*]

(a) the place where the witness will give evidence;

(b) where the witness is to give evidence on behalf of the prosecutor or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of witness;

(c) the location of the court at which the proceedings to which the application relates will be held; and

(d) any conditions specified by the court in accordance with paragraph (10).

(10) In determining an application under paragraph (1), the court may specify that as a condition of the direction, the witness should give evidence in the presence of a specified person who is able and willing to answer under oath or affirmation any questions the court may put as to the circumstances in which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

(11) The court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this rule, either before or after that period expires.

Application for rescission of a direction

149G.—(1) An application to rescind a direction for a witness to give evidence through a live link under Article 11(5)(a) of Criminal Justice (Northern Ireland) Order 2004 shall be made in writing and shall specify each material change of circumstances which the applicant alleges has occurred since the direction was made.

(2) An application under paragraph (1) shall be served on the clerk of petty sessions and on every other party to the proceedings as soon as is reasonably practicable after the change in circumstances occurs.

(3) Any party on whom a copy of the notice under paragraph (2) is served may oppose the application on the ground that it discloses no material change of circumstances.

(4) Paragraphs (3)–(9) and (11) of rule 149F shall apply to an application to rescind a live link direction as they apply to an application for a live link direction.

Application by the accused for live link direction

149H.—(1) An application by the accused for a live link direction under Article 21A of the 1999 Order shall be made by giving notice in Form 88K.

(2)(a) Subject to sub-paragraph (b), an application under paragraph (1) shall be made not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates.

(b) In the application of sub-paragraph (a) to preliminary investigations, "the proceedings" does not include the taking of a deposition relating to the arrest, or where directed by the court, the remand of the accused.

(3) The notice under paragraph (1) shall be served on the clerk of petty sessions and at the same time a copy thereof shall be served, by the applicant, on every other party to the proceedings.

(4) Any party on whom a copy of the notice of the application under paragraph (1) is served may oppose the application for a live link direction whether or not the question of whether the conditions set out in Article 21A(4) or (5) of the 1999 Order is in issue.

(5) Any party who wishes to oppose the application shall, within 7 days of the date the notice under paragraph (1) was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition and give reasons for it. [*Supplt. No. 22 (February 2009)*]

(6) In order to comply with paragraph (5), a party shall state in the written notification whether he disputes that—

(a) the accused is eligible for a live link direction by virtue of Article 21A(4) or (5) of the 1999 Order; and

(b) it is in the interests of justice for the accused to give evidence through a live link.

(7) Except where notice is received in accordance with paragraph (5), the court may —

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(8) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (5) of his opposition to the application, the clerk of petty sessions shall fix a date for the hearing of the application.

(9) Where a hearing of the application is to take place in accordance with paragraphs (7) or (8), the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties of the decision in Form 88L.

(12) The court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this rule, either before or after that period expires.

(13) Where a live link direction is made enabling the accused to give evidence by means of a live link, he shall be accompanied at the live link only by persons acceptable to a district judge (magistrates' courts).

Discharge of live link direction

149I—(1) Subject to paragraph (3), an application to discharge a live link direction under Article 21A(7) of the 1999 Order shall be made in writing.

(2) An application under paragraph (1) shall be served on the clerk of petty sessions and on each party to the proceedings as soon as reasonably practicable.

(3) Paragraphs (4) to (12) of rule 149H shall apply to an application to discharge a live link direction as they apply to an application for a live link direction.]

[*Supplt. No. 26 (September 2014)*]

[(**a**) *Witness Summonses*

149J. In these Rules, unless the context otherwise requires—

"the applicant" means the applicant in relation to an application to which that rule applies; and

"the directed person" and "the stipulated evidence, document or thing" have the same meaning as in Article 118A(8) of the Order.

Application for a witness summons

149K.—(1) This rule applies to an application under Article 118A of the Order for the issue of a witness summons.

(2) Subject to paragraphs ([(**b**)8]) to (10), the application shall be made in writing, and shall—

(a) contain a brief description of the stipulated evidence, document or thing;

(b) set out the reasons why the applicant considers that the stipulated evidence, document or thing is likely to be material evidence;

(c) set out the reason why a witness summons should be issued to secure the attendance of the directed person to give evidence or to produce the document or thing;

(d) be accompanied with a draft Form 85A; and

(e) if the witness summons is proposed to require the directed person to produce a document or thing—

(i) inform the directed person of his right under paragraph (5) to make representations in writing and at a hearing; and

(ii) state whether the applicant seeks a requirement to be imposed under Article 118B of the Order (power to require advance production) and, if such a requirement is sought, specify the place and time at which the applicant wishes the document or thing to be produced.

(3) The application shall be supported by an affidavit—

(a) setting out any complaint on which the proceedings concerned are based;

(b) specifying the stipulated evidence, document or thing in such a way as to enable the directed person to identify it;

(c) specifying grounds for believing that the directed person is likely to be able to give the stipulated evidence or, to produce the stipulated evidence, document or thing;

(d) specifying grounds for believing that the stipulated evidence is likely to be material evidence or, as the case may be, that the stipulated document or thing is likely to be material evidence.

(4) The application and the supporting affidavit shall be served on the clerk of petty sessions and the directed person.

(5) The directed person may, within 7 days of receiving a copy of the application under paragraph (4), inform, in writing, the clerk of petty sessions whether or not he wishes to make representations, concerning the issue of the witness summons proposed to be directed to him, at a hearing and may also serve written representations on the clerk of petty sessions.

(6) The clerk of petty sessions shall—

(a) if the directed person indicates that he wishes to have the application considered at a hearing, fix a time, date and place for the hearing;

(**a**) Rules 149J–149N inserted by S.R. 2011 No. 418 with effect from 1.1.12

(**b**) Number substituted by S.R. 2014 No. 221 with effect from 5.09.14

(b) if the directed person does not indicate in accordance with paragraph (5) that he wishes to make representations at a hearing, refer the application to the court for determination with or without a hearing;

[*Supplt. No. 26 (January 2012)*]

(c) notify the applicant, and where sub-paragraph (a) applies, the directed person of the time, date and place fixed for any hearing of the application.

(7) A hearing under this rule may, if the court so directs, take place in private and the reasons for granting or refusing the application shall be recorded in the Order Book.

(8) In the case of an application for a witness summons which it is proposed shall require the directed person to give evidence but not to produce any document or thing, that application may, with the consent of the court, be made orally to the court and, in such a case—

(a) paragraphs (3) to (7) shall not have effect; and

(b) the application shall, in addition to the matters set out in sub-paragraphs (a) to (d) of paragraph (2), specify—

(i) any complaint on which the proceedings concerned are based; and

(ii) the grounds for believing that the directed person is likely to be able to give the stipulated evidence.

(9) Subject to paragraph (10) and rule 149L, in the case of an application for a witness summons which it is proposed shall require the directed person to produce any document or thing and which is made within 7 days of the date fixed for hearing the proceedings, the clerk of petty sessions shall refer the notice of application to the court to determine or, give such directions as it considers appropriate, and paragraphs (2)(e)(i) and (4) to (6) shall not have effect.

(10) In the case of an application for a witness summons which it is proposed shall require the directed person to produce any document or thing and which is made during the course of proceedings, such application shall be made orally to the court to determine the application or to give such directions as it considers appropriate, and in such a case—

(a) paragraphs (3) to (7) shall not have effect; and

(b) the application shall, in addition to the matters set out in sub-paragraphs (a) to (d) of paragraph (2), specify the grounds for believing that the directed person is likely to be able to produce the document or thing.

Application that summons be of no further effect

149L.—(1) This rule applies to an application under Article 118B of the Order.

(2) The application shall be made in writing to the clerk of petty sessions as soon as reasonably practicable after the document or thing has been produced for inspection in pursuance of a requirement imposed by the witness summons under Article 118B of the Order.

(3) The application shall state that the applicant concludes that the requirement imposed by the witness summons under Article 118A(2) of the Order is no longer needed.

(4) If a direction is given under Article 118B of the Order following the application, the clerk of petty sessions shall notify the person to whom the witness summons is directed of the effect of the direction.

[*Supplt. No. 26 (January 2012)*]

Application to make the summons issued on application ineffective

149M.—(1) This rule applies to an application under Article 118C of the Order.

(2) The application shall be made in writing, be served on the clerk of petty sessions, and shall—

(a) state that the applicant was not served with notice of the application to issue the summons and that he was neither present nor represented at any hearing of that application; and

(b) set out the reasons why the applicant considers that he cannot give any evidence likely to be material evidence or, as the case may be, produce any document or thing likely to be material evidence.

(3) On receiving the application the clerk of petty sessions shall—

(a) serve notice of the application on the person on whose application the witness summons was issued; and

(b) refer the application—

(i) to the district judge (magistrates' courts) who will hear and determine the complaint; or

(ii) to the district judge (magistrates' courts) or lay magistrate who issued the witness summons or, the district judge (magistrates' courts) who will hear the complaint, if the hearing of the complaint has not yet begun.

(4) The court shall not grant or, as the case may be, refuse the application unless the applicant and the person on whose application the witness summons was issued have been given an opportunity of making representations, whether at a hearing or (where they agree to do so) in writing without a hearing.

(5) In a case where the witness summons to which the application relates imposed a requirement to produce any document or thing, then if—

(a) the applicant can produce that document or thing; but

(b) he seeks to satisfy the court that the document or thing is not likely to be material evidence or that is not in the interests of justice for it to be produced, the applicant must, unless the court directs otherwise, arrange for the document or thing to be available at the hearing of the application.

(6) A hearing under this rule may, if the court so directs, take place in private and the reasons for granting or refusing the application shall be recorded in the Order Book.

(7) The clerk of the petty sessions shall notify the applicant and the person on whose application the witness summons was issued of the decision of the court in relation to the application.

Application to make summons issued of the court's own motion ineffective

149N.—(1) Rule 149M shall apply to an application under Article 118D of the Order as it applies to an application under Article 118C of that Order, subject to the following modifications.

(2) Paragraphs (2)(a) and (3)(a) shall be omitted.

(3) In paragraphs (4) and (7), the words "and the person on whose application the witness summons was issued" shall be omitted.

(4) In paragraph (4), for the words "(where they agreed to do so)", there shall be substituted "(where he agrees to do so).]

[(a) *Application by the accused for a direction allowing the examination of the accused through an intermediary* [*Supplt. No. 26 (May 2013)*]

149O.—(1) An application by the accused for direction allowing the accused to be examined through an intermediary under Article 21BA of the 1999 Order shall be made in Form 88K and shall include—

(a) the information sought in Part C of Form 88K; and

(b) any relevant report, including an intermediary's assessment.

(2)(a) Subject to sub-paragraph (b), an application under paragraph (1) shall be made not less than 14 days before the date fixed for the commencement of the proceedings to which the application relates.

(b) In the application of sub-paragraph (a) to preliminary investigations, "the proceedings" does not include the taking of a deposition relating to the arrest, or where directed by the court, the remand of the accused.

(3) The notice under paragraph (1) shall be served on the clerk of petty sessions and at the same time a copy thereof shall be served by the applicant on every other party to the proceedings.

(4) Any party on whom a copy of the notice of the application under paragraph (1) is served may oppose the application for a direction allowing the use of an intermediary, whether or not the question of the conditions set out in Article 21BA (5) or (6) of the 1999 Order for the use of an intermediary is in issue.

(5) Any party who wishes to oppose the application shall, within 7 days of the date the notice under paragraph (1) was served on him, notify the applicant and the clerk of petty sessions in writing of his opposition and give reasons for it.

(6) In order to comply with paragraph (5), a party shall state in the written notification whether he disputes that—

(a) the accused is eligible for a direction allowing the use of an intermediary by virtue of Article 21BA (5) or (6) of the 1999 Order as appropriate; and

(b) allowing the accused to be examined through an intermediary is necessary in order to ensure that the accused receives a fair trial.

(7) Except where notice is received in accordance with paragraph (5), the court may—

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(8) Where a party to the proceedings notifies the clerk of petty sessions in accordance with paragraph (5) of his opposition to the application, the clerk of petty sessions shall fix a date for the hearing of the application.

(9) Where a hearing of the application is to take place in accordance with paragraph (7) or (8), the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(10) A party notified in accordance with paragraph (9) may be present at the hearing and be heard.

(11) The clerk of petty sessions shall, as soon as reasonably practicable, after the determination of an application under paragraph (1), notify all the parties of the decision in Form 88M.

(12) The court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice or application required under this rule to be given in a different form, or orally; or

(b) abridge or extend the time for service of a notice or application required under this rule, either before or after that period expires.

(a) Rules 149O-149Q inserted by S.R. 2013 No. 89 with effect from 11.05.13

[*Supplt. No. 26 (May 2013)*]

Discharge or variation of a direction allowing the examination of accused by an intermediary

149P.—(1) Subject to paragraph (3), an application to discharge or vary a direction allowing the examination of the accused by an intermediary shall be made in writing.

(2) Any application under paragraph (1) shall be served on the clerk of petty sessions and on each party to the proceedings as soon as reasonably practicable.

(3) Paragraphs (4) to (12) of Rule 149O shall apply to an application to discharge or vary a direction allowing the examination of the accused by an intermediary as they apply to an application for such a direction.

Declaration by an intermediary acting for either a witness or an accused

149Q.—(1) The declaration required to be taken by an intermediary under Article 17(5) or 21BA(9) of the 1999 Order shall be as set out in Form 88N.

(2) A copy of the declaration made by the intermediary shall be served on the clerk of petty sessions and on each party to the proceedings at the time an application for the use of an intermediary under rule 149AA or rule 149O is being made, or as soon as reasonably practicable thereafter.]

PART IX
RECOGNIZANCES

Taking of recognizances

150.—(1) Every recognizance shall specify in full the name and address of each party bound and the amount in which each party is bound thereby.

(2) A recognizance may be taken by a district judge (magistrates' courts), lay magistrate, clerk of petty sessions, or, where the person to be bound thereby is in prison or in a juvenile justice centre or is a surety for such person, the governor or deputy governor of the prison or the person in charge of the [(**a**) centre], as the case may be.

[(**b**) (2A) A recognizance under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 [(**c**) or the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012] may be taken by a member of the Police Service of Northern Ireland.]

(3) Where an appellant is in Great Britain a recognizance under Article 149 of the Order may be taken from him by a justice of the peace [lay magistrate] or clerk to the justices or, as the case may be, a sheriff, sheriff depute, sheriff clerk or sheriff clerk depute.

(4) Every recognizance shall be signed by each party acknowledging that he is bound thereby and by the person taking it.

(5) A person authorised to take a recognizance may require a person offering himself as surety to a recognizance to produce evidence as to his means and as to his identity and place of abode and to sign a certificate that he is possessed of sufficient means to pay the sum in which he is to be bound under the recognizance.

(6) Such certificate shall be attached to or endorsed on the recognizance.

(7) Where the party to be bound is a body corporate the recognizance shall be signed by a director or officer thereof.

(8) Where a person has deposited a sum of money or other valuable security with the clerk of petty sessions in lieu of sureties to a recognizance to prosecute an appeal to the county court or by way of case stated to the Court of Appeal, that recognizance may, where the person to be bound is outside Northern Ireland or is ill or is unable to attend at the time when he is required to enter it, be signed by his solicitor on behalf of and in the name of that person.

(**a**) Words substituted by S.R. 1999 No. 6 with effect from 31.01.99
(**b**) Paragraph 2A inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**c**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12

Deposit of recognizance with clerk of petty sessions

[*Supplt. No. 23 (September 2009)*]

151. Without prejudice to Rule 21, where the condition of a recognizance is to appear before a magistrates' court or to be of good behaviour or to keep the peace or to be of good behaviour and keep the peace, the recognizance shall be deposited with the clerk of petty sessions.

Recognizances taken under Article 129 or 130 of the Order

152.—(1) Where a person is discharged from custody upon his entering into a recognizance under Article 129 or 130 of the Order the member of the Police Service of Northern Ireland in charge of the [(**a**) police station] shall give such person a copy of the recognizance before he leaves the [(**a**) police station.]

(2) Where a person is released from custody under Article 130(1)(a) of the Order upon his entering into a recognizance to appear before a magistrates' court, such recognizance need not be conditioned for his personal appearance before such court if the complaint into which inquiries are being made charges a summary offence.

Taking of recognizances of accused and sureties where court has certified consent to bail and accused has been remanded in custody

153. Where an accused has been remanded or committed for trial in custody and the court has certified its consent to his being released on bail, his recognizance or that of any surety specified in the certificate may be taken by—

(a) any person referred to in Rule 150(2); or

(b) the member of the Police Service of Northern Ireland in charge of the police station where the accused is in custody prior to commitment to prison,

and after taking such recognizance or recognizances that person or member shall discharge the accused from custody and send the recognizance or recognizances to the clerk of the petty sessions.

[(**b**) *Procedure on application for bail following grant of conditional police bail*

153A.—(1) An application under Article 132A of the Order [(**c**) or under Article 48(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989] shall be made by giving notice in Form 91A which shall—

(a) contain a statement of the grounds upon which it is made;

(b) specify the offence in connection with which the applicant was released on bail;

(c) specify, or be accompanied by a copy of the note of, the reasons given by the custody officer for imposing or varying the conditions of bail; and

(d) specify the name and address of any surety provided by the applicant before his release on bail to secure his surrender to custody.

(2) The notice under paragraph (1) shall be served by the applicant—

(a) on the clerk of petty sessions for the magistrates' court (if any) appointed by the custody officer as the court to which the applicant is under a duty to surrender; or where no such court has been appointed,

(b) on the clerk of petty sessions for a magistrates' court acting for the petty sessions district in which the police station at which the applicant was granted bail or at which the conditions of his bail were varied is situated,

and in either case the applicant shall serve a copy of the notice on the custody officer for that police station.

(3) A notice under paragraph (1) may be served by the applicant or any person authorised by him to serve such notice in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954(**d**).

(**a**) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09
(**b**) Rules 153A-153B inserted by S.R. 2004 No. 299 with effect from 12.03.07
(**c**) Words inserted by S.R. 2008 No. 251 with effect from 08.12.08
(**d**) 1954 c. 33 (N.I.)

(4) The clerk of petty sessions shall give notice of the date, time and place fixed for the hearing of the application to—

(a) the applicant;

(b) the prosecutor; and

(c) any surety provided by the applicant before his release on bail to secure his surrender to custody.

(5) The time fixed for the hearing of the application shall be not later than 72 hours after receipt of the application, excluding weekends, Christmas Day, Good Friday and any bank holiday.

(6) The clerk of petty sessions shall, as soon as reasonably practicable, notify the applicant and any surety specified in the application of the decision of the court in Form 91B.

(7) The notice specified in paragraph (6) shall be served by ordinary first class post (in which case the notice shall be deemed to have been received in the ordinary course of post unless the applicant or, as the case may be, the surety proves that he did not receive it).

Procedure on reconsideration of a decision to grant bail

153B.—(1) An application under Article 133A of the Order] shall be made by giving notice in Form 91C which shall—

(a) contain a statement of the grounds upon which it is made;

(b) specify the offence in connection with which the person to whom this application relates was released on bail;

(c) specify the decision to be reconsidered (including any conditions of bail which have been imposed and why they have been imposed); and

(d) specify the name and address of any surety provided by the person to whom the application relates before his release on bail.

(2) The notice under paragraph (1) shall be served by the applicant—

(a) on the clerk of petty sessions for the magistrates' court which granted the bail; or

(b) on the clerk of petty sessions for the magistrates' court (if any) appointed by the custody officer as the court to which the applicant is under a duty to surrender; or

(c) if no such court has been appointed, on the clerk of petty sessions for a magistrates' court acting for the petty sessions district in which the police station at which the applicant was granted bail is situated,

and, at the same time, the applicant shall serve a copy of the notice on the person to whom the application relates and any surety specified in the application.

(3) The clerk of petty sessions shall give notice of the date, time and place fixed for the hearing of the application to—

(a) the applicant;

(b) the person to whom the application relates; and

(c) any surety specified in the application.

(4) The time fixed for the hearing of the application shall be not later than 72 hours after receipt of the application, excluding weekends, Christmas Day, Good Friday and any bank holiday.

(5) At the hearing of an application under Article 133A of the Order, the court shall consider any representations made by the person to whom the application relates (whether in writing or orally) before taking any decision under that Article with respect to him.

(6) Where the person to whom the application relates does not appear before the court, the court shall not determine the application unless it is satisfied that the notice under paragraph (4) was served on that person before the hearing.

(7) The clerk of petty sessions shall, as soon as reasonably practicable, notify the person to whom the application relates and any surety specified in the application of the decision of the court in Form 91D.

(8) Where the court proceeds in accordance with paragraph (6) to hear the application in the absence of the person to whom it relates and directs that bail be withheld— [*Supplt. No. 26 (June 2012)*]

(a) the order under Article 133A(4)(b) that the person surrender himself forthwith to the custody of the court shall be in Form 91E and shall be signed by the district judge (magistrates' court); and

(b) the clerk of petty sessions shall serve a copy of that order on the person to whom the application relates.

(9) Any document required by this Rule to be served on the person to whom the application relates shall be served in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954.

(10) Any document required by this Rule to be served on a surety shall be served by ordinary first class post (in which case the document shall be deemed to have been received by him in the ordinary course of post unless the surety proves that he did not receive it).]

[(a) *Compassionate bail*

153C.—(1) An application for compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011 shall be made by giving notice in Form 96A.

(2) The notice under paragraph (1) must be served by the applicant on the clerk of petty sessions and the Director of Public Prosecutions for Northern Ireland.

(3) An application under paragraph (1) must be listed by the clerk of petty sessions not later than 72 hours after receipt of the application by the clerk of petty sessions, excluding weekends, Christmas Day, Good Friday and any bank holiday.

(4) The clerk of petty sessions must inform the defendant, the Director of Public Prosecutions for Northern Ireland and the governor of the prison or other place in which the defendant is being detained of the time and place of the hearing.

(5) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of the application under paragraph (1), notify the defendant, the Director of Public Prosecutions and the governor of the prison or other place in which the defendant is being detained of the decision of the court in Form 96B.]

PART X

APPEALS

A. APPEAL TO THE COUNTY COURT

Notice of appeal, recognizances, etc.

154.—(1) The notice of appeal to be given to the other party and the copy of the notice to be lodged with the clerk of petty sessions under Article 144(1) of the Order shall be prepared and signed by the appellant or by his solicitor or other duly authorized agent and shall contain his address or that of his solicitor or other duly authorized agent.

(2) Where an appeal is against conviction or sentence or both conviction and sentence the notice of appeal shall so state and, where the appeal is against more than one conviction or sentence, only one notice need be given to the other party and only one copy thereof need be lodged with the clerk of petty sessions and such notice shall specify the convictions or sentences which are the subject of the appeal.

(3) Every copy of the said notice lodged with the clerk of petty sessions shall be endorsed with the date upon which and the manner in which the notice was so given.

(4) As soon as practicable after the clerk of petty sessions has received the copy of the notice of appeal and the appellant has, where he is required to do so, entered

(a) Rule 153C inserted by S.R. 2012 No. 189 with effect from 11.06.12

[*Supplt. No. 23 (April 2009)*]

into a recognizance under Article 148 or Article 149 of the Order the district judge (magistrates' courts) or lay magistrate from whose conviction or order the appeal is to be brought or the clerk of petty sessions shall sign a separate form (in these Rules referred to as a "form of appeal") setting out the terms of each conviction or order separately appealed against which shall include a certificate signed by the clerk of petty sessions to the effect that notice of appeal has been given and that such recognizance has, where necessary, been duly entered.

(5) Where a notice of appeal refers to more than one conviction or order, only one recognizance under Article 148 or under Article 149 of the Order suitably adapted need be entered into by the appellant.

Documents to be sent to the chief clerk and to the parties to the appeal

155.—(1) As soon as practicable after complying with Rule 154 the clerk of petty sessions shall send to the chief clerk for the county court division in which the appeal will be heard—

(a) the copy of the notice of appeal;

(b) the recognizance, if any, entered into by the appellant under Article 148 or Article 149 of the Order;

(c) the form of appeal duly completed; [(**a**) . . .]

(d) all other proceedings in the case (including any written statements admitted in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968) [(**b**) and any pre-sentence report or medical report, within the meaning of the Criminal Justice (Northern Ireland) Order 1996, [(**c**) or the Criminal Justice (Northern Ireland) Order 2008] which was considered at the trial of the appellant), and];

[(**d**) (e) a copy of any entry in the Order Book made in pursuance of Article 10(7); 13(9); 15(4) or 19(5) of the 1996 Order, or under Rule 125A.]

(2) The clerk of petty sessions shall at the same time send to the appellant and to the respondent a copy of the form of appeal.

Procedure after appeal to county court is determined

[(**e**) **156.**—(1) After the county court has decided an appeal from a magistrates' court, the chief clerk for the county court division for which that county court is held, within seven days of such decision,

(a) shall certify such decision; and

(b) in any case in which the county court has determined that a right or rights of the appellant under Article 5 of the Convention were infringed by the making of the order to which the appeal relates shall so specify, at the foot of the form of appeal and shall transmit the form of appeal to the clerk of petty sessions who shall enter the details referred to in sub-paragraphs (a) and (b) as appropriate in his Order Book.

(2) In this Rule, "the Convention" has the same meaning as in section 21 of the Human Rights Act 1998(**f**).]

Return of Recognizance where notice of abandonment of appeal to the county court has been given

157. After he receives a notice of abandonment of an appeal to the county court the chief clerk of the county court division for which that county court is held shall return any recognizance of the appellant entered into under Article 148 or 149 of the Order to the clerk of petty sessions.

(**a**) Word deleted by S.R. 1997 No. 529 with effect from 01.01.98
(**b**) Words inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**c**) Words inserted by S.R. 2008 No. 251 with effect from 01.04.09
(**d**) Paragraph 1(*e*) inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**e**) Rule 156 substituted by S.R. 2000 No. 279 with effect from 02.10.00
(**f**) 1998 c. 42

Contents of and signature upon written application for case stated

158. A written application under Article 146 of the Order for a case to be stated for the opinion of the Court of Appeal shall—

(a) specify the point of law involved in the determination by the magistrates' court of the proceedings or any issue as to its jurisdiction; and

(b) be prepared and signed by the appellant or his solicitor or counsel and contain his address or that of his solicitor.

Notification of decision to grant application for case stated

159. As soon as the court grants an application for a case stated, it shall notify the parties to the proceeding of its decision to grant the application.

Notification of decision in an application for case stated in relation to proceedings under section 59 of the Crime (International Co-operation) Act 2003

[**(a) 159A.** Where an application has been made to a district judge (magistrates' courts) to state a case in relation to proceedings under section 59 of the Crime (International Co-operation) Act 2003, and the Court of Appeal has suspended the recognition of the disqualification under section 62(3) of that Act, the applicant shall notify the proper officer, as soon as practicable, if —

(a) the applicant abandons the application to state a case; or

(b) the district judge (magistrates' courts) refuses to state a case and the applicant does not intend to apply to the Court of Appeal to compel him or her to do so.]

Preparation and contents of case stated

160.—(1) A case stated by a magistrates' court under Article 146 of the Order shall be prepared and signed by the district judge (magistrates' court) or where the decision on which the case is stated was made in a proceeding brought for the prosecution of an offence specified in Part II of Schedule 1 to the Order and was heard by a lay magistrate other than a district judge (magistrates' court), by such justice.

(2) A district judge (magistrates' court) or lay magistrate in preparing a case stated shall refer copies of the draft thereof to the parties to the proceeding in which the decision was made upon which the case is to be stated.

(3) Without prejudice to paragraph (1), after copies of the draft case stated have been referred to the parties under paragraph (2) any party may make written representations to the district judge (magistrates' court) or lay magistrate on such draft within such time as the district judge (magistrates' court) or lay magistrate may fix and a copy of the document in which such representations are made, dated and signed by the party making the same or his solicitor, shall be served by such party on any other party to the proceeding or his solicitor.

(4) A case stated by a magistrates' court shall state the facts found by the court and, unless one of the questions on which the opinion of the Court of Appeal is sought is whether there was evidence on which the magistrates' court could come to its decision, shall not contain a statement of the evidence.

(a) Rule 159A inserted by S.R. 2010 No. 12 with effect from 01.03.10

C. Other Matters in Relation to Appeals to the County Court and by way of Case Stated

Appellant to be told of his right to apply to the High Court for release from custody or reduction of bail pending hearing of appeal

161. Where a magistrates' court or any lay magistrate having jurisdiction in the petty sessions district for which the court acted refuses to allow a person to be released from custody or has fixed the amount of a recognizance under Article 148(1) of the Order pending his appeal to the county court or by way of case stated to the Court of Appeal, the magistrates' court or justice shall inform him of his right to apply to the High Court or to a Judge thereof in accordance with paragraphs (2) and (3) of Article 148 of the Order for his release from custody or for reduction of the amount of the recognizance he or any surety has been required to enter or of the amount of any security to be given in lieu of sureties to the recognizance.

[(a)D. Prosecution Appeal to the High Court against Grant of Bail by a Magistrates' Court.

Procedure where prosecution appeals against grant of bail by magistrates' court

161A.—(1) Where the prosecution wishes to exercise the right of appeal, under section 10 of the Justice (Northern Ireland) Act 2004 (hereafter in this Rule referred to as "the 2004 Act"), to the High Court against a decision to grant bail, the oral notice of appeal shall be given, by the prosecution, to the clerk of the court and to the person concerned, at the conclusion of the proceedings in which such bail was granted and before the release of the person concerned.

(2) On receipt of the oral notice of appeal, the clerk of the court shall announce in open court the time at which the notice was given.

(3) A record of the prosecution's decision to appeal and the time the oral notice of appeal was given shall be made in the Order Book.

(4) Where oral notice of appeal has been given the court shall remand in custody the person concerned until the appeal is determined or otherwise disposed of by a warrant of commitment in Form 10C.

(5) The written notice of appeal required by section 10(5) of the 2004 Act shall be in Form 91F and shall be served, by the prosecution, on the clerk of petty sessions and the person concerned within the two hour period referred to in section 10(5) of the 2004 Act.

(6) The written notice of appeal served on the clerk of petty sessions shall be endorsed with the manner in which and the time at which it was served on the person concerned.

(7) A record of the time at which the written notice of appeal was received by the clerk of petty sessions shall be made in the Order Book.

(8) As soon as practicable after written notice of appeal is served on him, the clerk of petty sessions shall serve a copy of that notice, endorsed with the time at which it was served, on the person having custody of the person concerned.

(9) If, having given oral notice of appeal, the prosecution fails to serve a written notice of appeal within the two hour period referred to in section 10(5) of the 2004 Act the clerk of petty sessions shall, as soon as practicable, by way of written notice in Form 91G to the person in whose custody the person concerned is, direct the release of the person concerned on bail as granted by the court and subject to any conditions which it imposed.

(a) Rule 161A inserted by S.R. 2004 No. 433 with effect from 29.10.04

(10) Notice of abandonment of appeal shall be in Form 91H and shall be served, by the prosecution, on the clerk of petty sessions and on the person concerned. [*Supplt. No. 19 (October 2004)*]

(11) As soon as practicable after notice of abandonment of appeal is served on him, the clerk of petty sessions shall, by way of written notice in Form 91I to the Governor of the prison where the person concerned is being held, or the person responsible for any other establishment where such a person is being held, direct his release on bail as granted by the magistrates' court and subject to any conditions which it imposed.

(12) A record of the prosecution's failure to serve a written notice of appeal, or its service of a notice of abandonment, shall be made in the Order Book.

(13) As soon as practicable after written notice of appeal has been served on the clerk of petty sessions, he shall send to the appropriate officer of the High Court -

(a) a copy of that written notice; and

(b) a note of the date, or dates, when the person concerned is next due to appear in the court, whether he is released on bail or remanded in custody by the High Court.

(14) Expressions used in this Rule and in section 10 the 2004 Act have the same meaning as in section 10 of the 2004 Act.]

PART XI

MISCELLANEOUS

Adjournments in proceedings upon summons, etc., where date of resumption thereof to be fixed

162.—(1) Where proceedings commenced by summons upon complaint are adjourned and the defendant is not remanded in custody or upon bail and the time and place at which the proceedings are to be resumed are, in accordance with Article 161(3) of the Order left to be determined later by the court, the original summons shall be returned by the clerk of petty sessions to the complainant.

(2) Where the court has determined such time and place, the clerk of petty sessions shall serve notice thereof upon the complainant and the defendant and the complainant shall relodge the original summons with the said clerk a reasonable time before the time specified in the notice.

(3) Without prejudice to the provisions of section 24 of the Interpretation Act (Northern Ireland) 1954(**a**) as to the manner in which any document may be served, such notice may be served in any manner directed by a district judge (magistrates' court) (including service thereof upon a solicitor representing that he is authorised to accept service on behalf of the defendant) and the court before which the proceedings are resumed may declare the service of the notice, however effected, sufficient.

(4) This Rule shall, subject to any direction of the court, apply also to proceedings before a magistrates' court commenced by notice of application or notice of appeal as though for reference to the original summons or the defendant there were substituted a reference to such notice of appeal or application or the respondent, as the case may be.

Remands in hospital

163. Where a person has been arrested and charged with an offence and by reason of illness has been taken to hospital before being remanded by a magistrates' court, a court sitting out of petty sessions in the precincts of the hospital may, instead of remanding him by committing him to prison, if it appears expedient to do

(**a**) 1954 c. 33(N.I.)

[*Supplt. No. 25 (March 2011)*]

so, remand him under Article 47 of the Order in the custody of the governor of the appropriate prison and under the control of a prison officer for the purposes of section 18 of the Prison Act (Northern Ireland) 1953(**a**).

Service of copy of order to which Article 98 of the Order applies

164. Where the court makes, revokes, discharges, revives or varies an order to which Article 98 of the Order applies, the court shall cause a copy of its order to be served on the player and on the payee under the Order delivering it to him or by sending it by ordinary post in an envelope addressed to him at his last known or usual place of abode.

[(**b**)*Interpretation of Rules 166 to 170*

165. In rules 166 to 170—

(a) "the Act" means the Coroners and Justice Act 2009;

(b) "clerk of petty sessions" means the clerk of petty sessions for the petty sessions district in which the application for an investigation anonymity order is made;

(c) a section referred to by number means the section so numbered in the Act; and

(d) expressions which are defined in the Act have the same meaning in these Rules as they have in the Act.

Application for an investigation anonymity order

166.—(1) An application for an investigation anonymity order shall—

(a) be made in writing setting out how the conditions specified in section 78(3) to (8) of the Act are satisfied;

(b) identify the person to be specified in the order, unless the court otherwise directs; and

(c) attach any material on which the applicant intends to rely.

(2) The applicant shall indicate if he or she intends to appeal a refusal to make an investigation anonymity order—

(a) in the application for the order; or

(b) if there is a hearing of the application, at the hearing.

(3) The applicant shall serve a copy of the application under paragraph (1) on the clerk of petty sessions.

(4) Where a hearing is directed, the clerk of petty sessions shall fix a date for the hearing of the application and notify the applicant of the time and place of hearing.

(5) At a hearing of an application under paragraph (1), the applicant shall, if he or she has not already done so, inform the court of the identity of the person to be specified in the order, unless the court otherwise directs.

(6) The clerk of petty sessions shall, as soon as practicable, after the determination of an application under paragraph (1), notify the applicant of the decision in Form 126.

Appeal against refusal to make an investigation anonymity order

167.—(1) A notice of appeal against a refusal of an application made under section 77, shall—

(a) be made in writing, setting out the grounds of appeal; and

(b) be lodged with the clerk of petty sessions within 14 days of the date on which the decision which is the subject of the appeal was made.

(2) The appellant shall inform the court of the identity of the person to be specified in the order, if he or she has not already done so—

(a) in the notice of appeal; or

(b) at the hearing of the appeal,

unless the court otherwise directs.

(**a**) 1953 c. 18 (N.I.)

(**b**) Rules 165 – 170 inserted by S.R. 2011 No. 59 with effect from 25.03.11

Application to discharge an investigation anonymity order

[*Supplt. No. 26 (December 2012)*]

168.—(1) An application to discharge an investigation anonymity order under section 80 shall—

(a) be made in writing;

(b) set out the material change of circumstances since the order was made, or since any previous application was made to discharge it, explaining why it is appropriate for the order to be discharged;

(c) inform the court if the applicant intends to appeal against a decision of the court regarding the discharge of the order; and

(d) attach a copy of the original order along with any material on which the applicant intends to rely.

(2) A copy of an application under paragraph (1) shall be served, by the applicant, as soon as reasonably practicable on the clerk of petty sessions, and where not the applicant, on—

(a) the person on whose application the relevant investigation anonymity order was made; or

(b) the specified person.

(3) The clerk of petty sessions shall fix a date for the hearing of the application and shall notify the applicant and any other person to whom notice of the application has been given, of the time and placing of hearing.

(4) The clerk of petty sessions shall, as soon as practicable, after the determination of an application under paragraph (1), notify the parties of the decision in Form 126.

Appeal against decision to discharge an investigation anonymity order

169.—(1) A notice of appeal against the decision of the court in respect of an application under section 80 shall—

(a) be made in writing, setting out the grounds of appeal; and

(b) be lodged with the clerk of petty sessions within 14 days of the date on which the decision which is the subject of the appeal was made.

(2) The appellant shall serve a copy of the notice under paragraph (1) on any party notified of the application to discharge under rule 168(2).

Hearings

170. A hearing under section 77 or an appeal under sections 79 and 80(6) shall be in private, unless the court otherwise directs.]

[**(a)** *Application for the closure of licensed premises and premises of registered clubs*

171.—(1) An application under Article 41A of the Registration of Clubs (Northern Ireland) Order 1996 or Article 69A of the Licensing (Northern Ireland) Order 1996 shall be made in writing and shall specify—

(a) the name and address of the premises in respect of which the order is sought;

(b) the grounds for seeking the order, in particular details of the disorder or expected disorder;

(c) the period for which the order is sought,

and shall attach any relevant evidence.

(2) The application under paragraph (1) shall be served by the applicant on the clerk of petty sessions.

(3) Where a hearing is directed, the clerk of petty sessions shall fix a date for the hearing of the application and notify the applicant of the time and place of the hearing.

(**a**) Rules 171 – 173 inserted by S.R. 2012 No. 415 with effect from 20.12.12

[*Supplt. No. 26 (April 2016)*]

(4) The clerk of petty sessions shall, as soon as practicable, after the determination of a hearing under paragraph (3), notify the applicant of the decision.

Consideration and extension of a closure order

172.—(1) An application for the consideration and extension of a closure order under Article 41E of the Registration of Clubs (Northern Ireland) Order 1996, or Article 69E of the Licensing (Northern Ireland) Order 1996, shall be made in Form 127 and shall attach a copy of the closure order which is currently in force in respect of the premises.

(2) The application under paragraph (1) shall be served by the applicant on the clerk of petty sessions and on every other party to the proceedings.

(3) Any party on whom an application is served in accordance with paragraph (2) may oppose the application.

(4) Any party who wishes to oppose the application shall, as soon as reasonably practicable after the application is served on him, and in any event at least 24 hours before the date fixed for the hearing of the application, notify the applicant and the clerk of petty sessions in writing of his opposition and give reasons.

(5) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application under paragraph (1), notify all the parties to the proceedings of the decision of the court.

Appeal against a decision in respect of a closure order

173.—(1) A notice of appeal against a decision of the court in respect of an application under Article 41E of the Registration of Clubs (Northern Ireland) Order 1996 or Article 69E of the Licensing (Northern Ireland) Order 1996 shall be—

(a) made in writing, setting out the grounds of appeal; and

(b) served by the appellant on all parties to the proceedings.]

[**(a)** *Application for access to premises under section 94(1) of the Justice Act (Northern Ireland) 2015*

174.—(1) In this rule—

"applicant" means a person making an application under section 94(1) of the Justice Act (Northern Ireland) 2015 and "application" shall be construed accordingly;

"interested person" means any person other than the occupier appearing to the court to have an interest in an application made under section 94(1) of the Justice Act (Northern Ireland) 2015; and

"PPS" means the Public Prosecution Service for Northern Ireland.

(2) An application under section 94(1) of the Justice Act (Northern Ireland) 2015 shall be made by serving notice in Form 128 on the clerk of petty sessions and at the same time, the applicant shall serve a copy thereof on—

(a) the occupier of the premises; and

(b) the PPS.

(3) Where it appears to the court that there is an interested person, unless the court directs otherwise, that person shall be served forthwith by the applicant with notice of the application.

(4) Where—

(a) an occupier or an interested person wishes to make representations to the court as to the conditions to be imposed under section 94(7); or

(b) the PPS wishes to oppose an application,

notice in writing, giving reasons, shall be given to the clerk of the petty sessions and the applicant within 7 days of service of the notice under paragraph (2).

(a) Rule 174 inserted by S.R. 2016 No. 93 with effect from 01.04.16

(5) Except where notice is received in accordance with paragraph (4), the court may— [*Supplt. No. 26 (April 2016)*]

(a) determine the application in favour of the applicant without a hearing; or

(b) direct a hearing.

(6) Where notice is received in accordance with paragraph (4), the clerk of petty sessions shall fix a date for hearing of the application.

(7) Where a hearing of the application is to take place in accordance with paragraphs (5) or (6), the clerk of petty sessions shall notify the applicant and every person served under paragraphs (2) and (3) of the time and place of the hearing.

(8) The clerk of petty sessions shall, as soon as reasonably practicable after the determination of an application, serve a copy of the order on the applicant and every person served under paragraphs (2) and (3).

(9) The court may, if it considers that it is in the interests of justice to do so—

(a) allow a notice required by this rule to be given orally;

(b) abridge or extend the time for service of a notice required by this rule, either before or after that time expires; or

(c) dispense with the requirement for service of a notice required by this rule.]

Dated 26th June 1984 *Hailsham of St. Marylebone. C*



SCHEDULE 1

FORMS

List of Forms

CRIMINAL PROCEEDINGS

A. FORMS USED IN CONNECTION WITH BOTH SUMMARY TRIAL AND PRELIMINARY INVESTIGATION/INQUIRY

1 Complaint (Article 20; Rules 7 and 17)

1A. Complaint (Road Traffic Offenders (Northern Ireland) Order 1996) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 4 (Rules 7 and 17))

1B. Complaint (Justice Act (Northern Ireland 2011) (The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012; Regulation 4 (Rules 7 and 17))

2. Summons to a Defendant to answer Complaint (Articles 20(1), (2) and (3); Rule 8)

2A. Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court (Road Traffic Offenders (Northern Ireland) Order 1996 (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 4 (Rule 8))

[(**a**)2B. Endorsement on Summons of requirement to produce licence and its counterpart and/or test certificate (Road Traffic Offenders (Northern Ireland) Order 1996 (Articles 11, 28(5), 29, 49)) (Road Traffic (New Drivers) (Northern Ireland) Order 1998 (Schedule 1, paragraph 3(2), (3) and (5)) (Magistrates' Courts (Northern Ireland) Order 1981 (Rule 8(7))]

2C. Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court (Justice Act (Northern Ireland) 2011) (The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012; Regulation 4 (Rule 8))

[(**b**) 3. Notice to Defendant: Plea of Guilty by post (Article 24(1A)(a); Rule 10)

4. Statement of Facts (Article 24(1A)(b); Rule 10)

5. Certificate by Complainant of Service on Defendant of Form 3 and 4/Witness Statement(s) (Article 24(1); Rule 10)

6. Acknowledgement of Service; Notification of Plea of Guilty by Post and Statement of Mitigating Circumstances; Indication of intended plea (Article 24(2); Rules 10 and 12A)

6A. Acknowledgement of Service; Notification of Plea of Guilty by Post for offences involving obligatory or discretionary disqualification from driving; Indication of intended plea. (Road Traffic Offenders (Northern Ireland) Order 1996 (Articles 12 and 27) (Magistrates' Courts (Northern Ireland) Order 1981 (Article 24(2); Rules 10 and 12A.]

7. Notice of Intention to Cite Previous Convictions (Article 125; Rule 23(6))

8. Warrant of Arrest (Articles 20(3), (4) and (5), 25; Rules 14 and 143

8A. Warrant of Arrest (Article 138(5), Rules 14 and 143) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 4)

[(**c**)8B.Warrant of Arrest for Witness (Article 118, Rules 14 and 143)]

[(**d**)8C.Warrant of Arrest (Article 118, Rules 14 and 143)]

(**a**) Form 2B inserted by S.R. 1998 No. 419 with effect from 14.12.98
(**b**) Forms 3-6A substituted by S.R. 2011 No. 59 with effect from 25.03.11
(**c**) Form 8B inserted by S.R. 2008 No. 251 with effect from 26.02.10
(**d**) Form 8C inserted by S.R. 2010 No. 12 with effect from 01.03.10

[*Supplt. No. 22 (October 2008)*]

8D. Warrant of Arrest (Magistrates' Courts (Northern Ireland) Order 1981 (Article 138(5); Rules 14 and 143)) (The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012; Regulation 4)

9. Bail Endorsement on Warrant of Arrest (Article 129; Rules 16)

9A. Bail Endorsement on Warrant of Arrest (Article 129; Rule 16) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 4)

10. Warrant of Commitment on Remand [for enquiries after Conviction or for Medical Examination] (Articles 47, 50 and 51; Rules 14 and 143)

[(**a**)10A. Warrant of Commitment to Detention at a Police Station (Article 47(4A); Rules 14 and 143)

10B. Warrant of Commitment to Custody of a Constable (Article 47(4B); Rules 14 and 143)]

[(**b**)10C. Warrant of Commitment following Prosecution giving Oral Notice of Appeal against Grant of Bail.(Rule 161A)]

11. Consent to Bail on Remand (Articles 37 and 47; Rule 16)

[(**c**)11A. Consent to Bail, Rule 16, Magistrates' Courts (Northern Ireland) Order 1981]

12. Warrant of Commitment on further Remand of Person in Custody unable to appear by reason of Illness or Accident (Article 49; Rules 14 and 143)

13. Order to have Defendant brought before the Court before Expiration of Period of Remand (Article 47(5))

B. Forms used in connection with Summary Trial

14. Warrant of Commitment on Sentence of Imprisonment/Detention (Article 114; Rules 14, 15, [(**d**) 125A] and 143)

14ZA. Warrant of Commitment on Determinate Custodial Sentence (Magistrates' Courts (Northern Ireland) Order 1981 (Article 114; Rules 14, 15, 125A and 143)) (Criminal Justice (Northern Ireland) Order 2008 (Articles 5 and 9))

[(**e**)14A. Complaint on failure to comply with licence condition(s) (Rules 7, 17 and 126B of the Magistrates' Courts (N.I.) Order 1981 and Article 27 of the Criminal Justice (N.I.) Order 1996)

14B. Summons to Defendant on failure to comply with licence condition(s) (Rules 8 and 126B of the Magistrates' Courts (N.I.) Order 1981 and Article 27 of the Criminal Justice (N.I.) Order 1996)

14C. Warrant for arrest on failure to comply with licence condition(s) (Rules 14, 126B and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 27 of the Criminal Justice (N.I.) Order 1996)

14D. Warrant of Commitment where person is returned to prison under Article 27 of the Criminal Justice (Northern Ireland) Order 1996 (Article 114; Rules 14, 15, 126B and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 27 of the Criminal Justice (N.I.) Order 1996

[(**f**)14DA. Warrant of Commitment to Crown Court under Article 27(3) of the Criminal Justice (N.I.) Order 1996 (Rules 14, 15 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 27 of the Criminal Justice (N.I.) Order 1996

(**a**) Forms 10A and 10B inserted by S.R. 1994 No. 387 with effect from 01.11.94
(**b**) Form 10C inserted by S.R. 2004 No. 433 with effect from 29.10.04
(**c**) Form 11A inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**d**) Figure inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**e**) Forms 14A-14F inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**f**) Form 14DA inserted by S.R. 2008 No. 251 with effect from 16.07.08

14E. Warrant of Commitment to Crown Court under Article 28(2)(*b*) of the Criminal Justice (N.I.) Order 1996 (Rules 14, 15 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 28(2)(b) of the Criminal Justice (N.I.) Order 1996) [*Supplt. No. 16 (December 2003)*]

14F. Warrant of Commitment where person is ordered under Article 28(1) of the Criminal Justice (N.I.) Order 1996 to be returned to prison (Article 114; Rules 14, 15, 126B and 143 of the Magistrates' Courts (N.I.) Order 1981]

C. FORMS USED IN CONNECTION WITH PRELIMINARY INVESTIGATION/INQUIRY

15. Statement of Complaint(s) (Article 32(1)(b)(i); Rules 25 and 32(5) and (6))

[(**a**) . . .]

[(**b**)15B. Form of application for a special measures direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149AA)]

[(**c**)15C. Notice of decision on application for a special measures direction under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149AA)]

[(**d**)15D. Application by Prosecutor for a Direction under Article 24 of the Criminal Evidence (Northern Ireland) Order 1999 Prohibiting the Defendant from Cross-examining a particular witness (Rule 149AI)

15E. Notice to Clerk of Petty Sessions of an appointment by the defendant of a legal representative (Rules 149AJ and 149AL)

15F. Notice by Clerk of Petty Sessions of a decision of the court [on application by the defendant] for an extension of time to appoint a legal representative (Rule 149AJ)

15G. Notice to Clerk of Petty Sessions by a qualified legal representative (Appointed by the Court) that he has now been appointed by the Defendant (Rule 149AL)

15H. Notice by the Clerk of Petty Sessions of the discharge of the person appointed by the Court (Rule 149AL)

15I. Notice to the Clerk of Petty Sessions of an application for leave to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149AM)

15J. Notice to the Clerk of Petty Sessions whether or not the Prosecutor opposes the application made under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149AM)

15K. Request by the Court for a party to the Proceedings to provide information in relation to an application for leave to adduce evidence under Article 28(2) (Rule 149AM)

15L. Notice of the decision of the Court on an application for leave to adduce evidence under Article 28(2) (Rule 149AM)]

15M. Application for a reporting direction under section 46 of the Youth Justice and Criminal Evidence Act 1999 (Rule 149AN)

15N. Application for an excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999 (Rule 149AO)

15O. Application for [revocation of a reporting direction] [variation of an excepting direction] [revocation of an excepting direction] under section 46 of the Youth Justice and Criminal Evidence Act 1999 (Rule 149AP)

(**a**) Form 15A revoked by S.R. 2003 No. 477 with effect from 01.12.03
(**b**) Form 15B substituted by S.R. 2003 No. 477 with effect from 01.12.03
(**c**) Form 15C substituted by S.R. 2003 No. 296 with effect from 30.06.03
(**d**) Form 15D-15L inserted by S.R. 2003 No. 477 with effect from 01.12.03

[*Supplt. No. 22 (October 2008)*]

15P. Notice of decision on application for [reporting direction][excepting direction] [revocation of reporting direction] [variation or revocation of excepting direction] made in accordance with section 46 of the Youth Justice and Criminal Evidence Act 1999 (Rule 149AQ)

16. Deposition of a Witness (Articles 30(2), 34(2) and 39; Rules 26, 27 and 35)

17. Warrant of Commitment for Trial (Articles 37, 40 and 47; Rules 14 and 143)

18. Warrant of Commitment of Witness for refusing to enter Recognizance (Article 39(5); Rules 14 and 143)

19. Warrant for Discharge (Articles 37(4), 39(5) and 148(1); Rules 14, 16(3) and 143)

D. Forms used in connection with Preliminary Inquiry

20. Notice of Intention to Request Court to conduct a Preliminary Inquiry (Article 32(1)(*a*); Rule 32)

21. Notice of Intention to Request Court to conduct a Preliminary Inquiry (Article 32; Rules 31 and 32) [(**a**) Justice and Security Act (Northern Ireland) Act 2007 (section 3)]

22. Notice of Intention to Request Court to conduct a Preliminary Inquiry (extra-territorial offences) (Article 32; Rules 31 and 32) (Criminal Jurisdiction Act 1975) (Section 4(3))

23. List of Witnesses and Number of Pages in Statement of Evidence of each witness (Rule 32(4))

24. List of Exhibits to be Produced or Referred to by Witness whose Written Statement is to be Tendered at a Preliminary Inquiry (Rule 32(1)(*b*)(iii); Rule 32(5))

25. Statement of the Accused (Articles 30(4) and (5) and 34(3) and (4); Rules 26 and 35)

26. Statement of Witness to be Tendered in Evidence at Preliminary Inquiry (Article 33; Rule 39)

27. Authenticating Certificate of Clerk of Petty Sessions (Rule 41)

E. Forms used in connection with Committal for Trial of Person against whom an Indictment has been presented

28. Certificate of Indictment having been Presented (Article 40(1))

29. Warrant to arrest Person Indicted (Article 40(3); Rules 14 and 143)

F. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 2 to the Order

30. Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 2 to the Order (Articles 20 and 45; Rules 8 and 44(1))

30A. [(**b**) . . .]

31. Notice under Article 45 of the Order of 1981 to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such Offence (Article 45; Rule 44(1))

31A. [(**b**) . . .]

32. Written Waiver of Requirement of Notice under Article 45 of the Order (Article 45; Rule 44(2))

32A. [(**b**) . . .]

Debt Proceedings

33. Process in Debt Proceedings (Article 62; Rules 55, 57 and 84)

34. Notice of Set-off or Counterclaim in Debt Proceedings (Rule 85)

35. Notice of Lodgement in Court of Amount Tendered (Rule 90(1))

(**a**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

(**b**) Forms 30A, 31A and 32A omitted by S.R. 2008 No. 251 with effect from 16.07.08

36. Decree in debt proceedings (Article 74; Rule 79)
37. Affidavit/Statutory Declaration of default in payment of instalment in support of application for issue of decree hitherto postponed on terms (Article 116, Rule 91)
38. Dismiss in debt proceedings (Articles 2(3) and 73(6); Rules 74 and 79)
39. Process register in debt proceedings (Rule 65)
40. Memorandum of a debt proceeding entered in the process register (Rule 65(4))

[*Supplt. No. 24 (March 2010)*]

EJECTMENT PROCEEDINGS

41. Process in ejectment proceeding in respect of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies (Article 67; Rules 55, 57 and 95)
42. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies and for the recovery of arrears of rent or sums due under Article 69 of the Order (Articles 67, 69 and 72(3); Rules 55, 57 and 95(5))
43. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (*b*) of Article 67(1) of the Order applies (Article 67; Rules 55, 57 and 95(3))
44. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (*c*) of Article 67(1) of the Order applies (Article 67 and 71; Rules 55, 57 and 95(4))
45. Decree for recovery of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies (Articles 67 and 74; Rule 79)
46. Decree for recovery of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies and for the recovery of arrears of rent or sums due under Article 69 of the Order (Articles 67, 69, 72(3) and 74; Rule 79)
47. Decree for recovery of lands or premises to which sub-paragraph (*b*) of Article 67(1) of the Order applies (Articles 67 and 74; Rule 79)
48. Decree for recovery of lands or premises to which sub-paragraph (*c*) of Article 67(1) of the Order applies (Articles 67, 71 and 74; Rule 79)
49. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies (Articles 2(3), 67, 73 and 74; Rules 74 and 79)
50. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (*a*) of Article 67(1) of the Order applies and where arrears of rent or sums due under Article 69 of the Order were claimed (Articles 2(3), 67, 69, 72(3), 73 and 74; Rules 74 and 79)
51. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (*b*) of Article 67(1) of the Order applies (Articles 2(3), 67, and 73; Rules 74 and 79)
52. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (*c*) of Article 67(1) of the Order applies (Articles 2(3), 67, 71 and 73; Rules 74 and 79)
53. Process register in ejectment proceedings (Rule 65)
54. Memorandum of an ejectment proceeding entered in the process register (Rule 65(4))

APPEALS AND APPLICATIONS TO MAGISTRATES' COURTS

55. Notice of appeal to magistrates' court (Article 76; Rule 97)

[(a)55A Notice of appeal to magistrates' court (Article 76; Rules 97 and 97A)]

(a) Form 55A inserted by S.R. 2010 No. 12 with effect from 1.3.10

[*Supplt. No. 26 (January 2012)*]

56. Notice of application to magistrates' court (Article 76; Rule 97)

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

57. Summons to defendant to answer complaint (Article 779, Rule 8)
58. Summons to vary, etc., order for periodical payment (Articles 79 and 86; Rule 8)
59. Order varying, etc., order for periodical payment (Article 86)

SATISFACTION AND ENFORCEMENT OF ORDERS

A. ORDERS IN CRIMINAL PROCEEDINGS

[(**a**)60. Notice to defendant or sum adjudged to be payable by a conviction (Article 91; Rule 105)]

60A. Notice to Defendant of Defaulter of Order Enforcing Payment of Sum Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 (Magistrates' Courts (Northern Ireland) Order 1981 (Article 92; Rules 105, 143, and 144) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 7)

[(**b**) 60B. Notice to Defendant or Defaulter of Order Enforcing Payment of Sum Registered under Section 67 of the Justice Act (Northern Ireland) 2011 (Article 92; Rules 105, 143 and 144)]

[(**c**) 60C. Notice to Defendant of a Fine Default Hearing for Failure to Pay a Sum Adjudged to be Payable by a Conviction (Article 92; Rule 105) of the Magistrates Courts' (Northern Ireland) Order 1981]

61. Warrant of distress for sum adjudged to be payable by a conviction (Article 92(1)(*a*); Rules 14, 105, 143 and 144)

61A. Warrant of distress for sum registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 (Magistrates' Courts (Northern Ireland) Order 1981 (Article 92; Rules 105, 143 and 144) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulations 6 and 7)

62. Warrant of Commitment for sum adjudged to be payable by a conviction (Articles 91 and 92(1)(*b*); Rules 14, 105, and 143)

62A. Warrant of Commitment for the Fine Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 (Magistrates' Courts (Northern Ireland) Order 1981 (Articles 91 and 92(1)(*b*); Rules 14, 105, and 143) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 7)

[(**d**)62B. Supervised Activity Order (Rules 14 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Article 45 of the Criminal Justice (Northern Ireland) Order 2008)

62C. Complaint for failure to comply with requirement(s) of supervised activity order (Rules 7, 17 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 5 of the Criminal Justice (Northern Ireland) Order 2008)

62D. Summons to Defendant for failure to comply with requirement(s) of supervised activity order (Rules 8 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 5 of the Criminal Justice (Northern Ireland) Order 2008)

(**a**) Form 60 substituted by S.R. 2014 No. 12 with effect from 17.02.14
(**b**) Form 60B inserted by S.R. 2012 No. 189 with effect from 06.06.12
(**c**) Form 60C inserted by S.R. 2014 No. 12 with effect from 17.02.14
(**d**) Forms 62B-62M inserted by S.R. 2008 No. 251 with effect from 01.01.12

62E. Warrant for arrest on failure to comply with requirement(s) of supervised activity order (Rules 14 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 5 of the Criminal Justice (Northern Ireland) Order 2008) [*Supplt. No. 10 (January 1998)*]

62F. Order on failure to comply with requirement(s) of supervised activity order (Rules 14 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 5 of the Criminal Justice (Northern Ireland) Order 2008)

62G. Notice of Application for [Amendment] [Extension] [Revocation] of supervised activity order (Rule 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 6 of the Criminal Justice (Northern Ireland) Order 2008)

62H. Summons to Defendant to [Amend] [Extend] [Revoke] a supervised activity order (Rules 8 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 6 of the Criminal Justice (Northern Ireland) Order 2008)

62I. Warrant for arrest of Defendant on failure to appear in answer to summons to [Amend] [Extend] [Revoke] a supervised activity order (Rules 14, 105A and 143 of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 6 of the Criminal Justice (Northern Ireland) Order 2008)

62J. Order to [Amend] [Extend] [Revoke] a supervised activity order (Rules 14, and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraph 6 of the Criminal Justice (Northern Ireland) Order 2008)

62K. Warrant of Commitment on [failure to comply with requirement(s)] [revocation] of a supervised activity order (Article 114, Rules 14, 15 and 105A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraphs 5 and 6 of the Criminal Justice (Northern Ireland) Order 2008)

62L. Warrant of commitment to the Crown Court on failure to comply with requirement of a supervised activity order (Article 114, Rules 14, 15, 105, 105A and 143 of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 3, paragraphs 5 (3) of the Criminal Justice (Northern Ireland) Order 2008

62M. Warrant of Commitment for Sum Registered under Section 67 of the Justice Act (Northern Ireland) 2011 (Article 91 and 92; Rules 14, 105 and 143 of the Magistrates' Courts (Northern Ireland) Order 1981 and Regulation 7 of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012)]

63. Warrant of Commitment on commission of further offence during operational period of suspended sentence (Article 114, Rules 14, 15, 108 and 143) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 19(1)(*a*) or (*b*))

[(**a**) 63A. Order for [absolute] [conditional] discharge (Rules 14 and 125 of the Magistrates' Courts (Northern Ireland) Order 1981 and Article 4 of the Criminal Justice (N.I.) Order 1996)

63B. Complaint on Commission of Further Offence During Period of Conditional Discharge (Rules 7, 17 and 125 of the Magistrates' Courts (N.I.) Order 1981 and Article 5 of the Criminal Justice (N.I.) Order 1996)

63C. Summons to Defendant on Commission of Further Offence During Period of Conditional Discharge. (Rules 8 and 125 of the Magistrates' Courts (N.I.) Order 1981 and Article 5 of the Criminal Justice (N.I.) Order 1996)

(**a**) Forms 63A-63E inserted by S.R. 1997 No. 529 with effect from 01.01.98

[*Supplt. No. 10 (January 1998)*]

63D. Warrant for Arrest on Commission of Further Offence During Period of Conditional Discharge. (Rules 14, 125 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 5 of the Criminal Justice (N.I.) Order 1996)

63E. Warrant of Commitment to the Crown Court on Commission of Further Offence by Person in whose case an Order for Conditional Discharge has been made (Article 114; Rules 14, 15 and 125 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 5(5)(*a*) of the Criminal Justice (N.I.) Order 1996)]

64. Summons on complaint for appearance before court by which a suspended sentence has been passed (Rule 8) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 21))

65. Warrant for arrest of person upon whom a suspended sentence has been passed (Rules 14 and 143) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 21))

66. Warrant of Commitment where person is ordered under Article 3(1) of the Treatment of Offenders (Northern Ireland) Order 1976 to be returned to prison (Article 114; Rules 14, 15 and 143) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 3))

67. Warrant of Commitment to Crown Court under Article 3(4) of the Treatment of Offenders (Northern Ireland) Order 1976 (Article 114; Rules 14, 15 and 143) Treatment of Offenders (Northern Ireland) Order 1976 (Article 3(4))

68. Summons upon complaint that person has been convicted as mentioned in Article 3(1)(*a*) of the Treatment of Offenders (Northern Ireland) Order 1976 after his discharge from prison and has not been ordered to be returned to prison or young offenders centre (Rule 8) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 5))

69. Warrant for arrest of person who has been convicted as mentioned in Article 3(1)(*a*) of the Treatment of Offenders (Northern Ireland) Order 1976 after his discharge from prison and who has not been ordered to be returned to prison or a young offenders centre (Rules 14 and 143) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 5))

[(**a**) 69A. Probation Order (Rules 14 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Article 10 of the Criminal Justice (N.I.) Order 1996.

69B. Community Service Order (Magistrates' Courts (N.I.) Order 1981 and Article 13 of the Criminal Justice (N.I.) Order 1996)

69C. Combination Order (Rules 14 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Article 15 of the Criminal Justice (N.I.) Order 1996.

69D. Complaint for failure to comply with requirement(s) for [probation] [community service] [combination] order. (Rules 7, 17 and 126)

69E. Summons to Defendant for failure to comply with requirement(s) of [probation] [community service] [combination] order (Rules 8 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2, paragraph 2 to the Criminal Justice (N.I.) Order 1996)

69F. Warrant for Arrest on failure to comply with requirements of [probation] [community service] [combination] order (Rules 14, 126 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2, paragraph 2 to the Criminal Justice (N.I.) Order 1996)

69G. Order on failure to comply with requirement(s) of [probation] [community service] [combination] order (Rules 14 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2 paragraph 3 to the Criminal Justice (N.I.) Order 1996)

(**a**) Forms 69A-69Q inserted by S.R. 1997 No. 529 with effect from 01.01.98

69H. Notice of Application for [Revocation] [Amendment] of [probation] [community service] [combination] order (Rule 126 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2, paragraphs 7, 9, 12, 13, and 15 to the Criminal Justice (N.I.) Order 1996) [*Supplt. No. 24 (March 2010)*]

69I. Summons to Defendant to [Amend] [Revoke] a [probation] [community service] [combination] order (Rules 8, 126 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2 paragraph 7, 12 and 17 to the Criminal Justice (N.I.) Order 1996)

69J. Warrant for Arrest of Defendant on Failure to appear in answer to summons to [Amend] [Revoke] a [probation] [community service] [combination] order. (Rules 14 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2 paragraphs 7 and 17 to the Criminal Justice (N.I.) Order 1996)

69K. Order to [Revoke] [Amend] a [probation] [community service] [combination] order (Rules 14 and 126 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2, paragraphs 7, 12, 13 and 15 to the Criminal Justice (N.I.) Order 1996)

69L. Warrant of Commitment on [failure to comply with requirement(s)] [revocation] of a [probation] [community service] [combination] order. (Article 114; Rules 14, 15, 126 and 143 of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 2 paragraphs 3(1)(*d*), 7(2)(*a*)(ii)) of Schedule 2 to the Criminal Justice Order (N.I.) Order 1996)

69M. Certificate of failure to comply with requirement(s) of [probation] [community service] [combination] order (Rule 126A of the Magistrates' Courts (Northern Ireland) Order 1981 and Schedule 2 paragraphs 3(4) to the Criminal Justice (N.I.) Order 1996)

[(**a**) 69N. Warrant of Commitment to the Crown Court on failure to comply with requirement of a [probation] [community service] [combination] order (Article 114, Rules 14, 15, and 143 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2 paragraphs 3(3)) to the Criminal Justice Order (N.I.) Order 1996]

69O. Warrant of Commitment to Crown Court on Revocation of [probation] [community service] [combination] order. (Article 114, Rules 14, 126, 126A and 143 of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2 [(**b**) paragraph 9(2)(*b*)] to the Criminal Justice Order (N.I.) Order 1996)

69P. Custody Probation Order (Rules 14, 126, and 126A to the Magistrates' Courts (N.I.) Order 1981 and Article 24 to the Criminal Justice (N.I.) Order 1996)

69Q. Warrant of Commitment on sentence of Custody Probation Order (Article 114, Rules 14, 15, 126 and 143 of the Magistrates' Courts (N.I.) Order 1981 and Article 24 of the Criminal Justice Order (N.I.) 1996)]

70. Transfer of Fine Order (Article 95; Rule 108)

71. Further transfer of Fine Order (Articles 95 and 96; Rule 108)

72. Notice of transfer of Fine Order (Article 96; Rule 109)

[(**c**) 72A Notice of a decision whether grounds for refusal apply (Rule 109A)

72B. Notice of enforcement (Rule 109A)]

73. Attachment of earnings order – maintenance (Article 101; Rules 111 and 112)

74. Temporary variation order (Article 101; Rule 117)

(**a**) Form 69N substituted by S.R. 2008 No. 251 with effect from 6.10.08
(**b**) Words substituted by S.R. 2008 No. 251 with effect from 6.10.08
(**c**) Forms inserted by S.R. 2010 No. 12 with effect from 1.3.10

[*Supplt. No. 26 (January 2012)*]

B. Orders in Debt Proceedings

75. Enforcement process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rules 128 to 130)
76. Enforcement order under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rule 128)
77. Committal process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rule 129)
78. Committal order made under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rules 128 and 129)

C. Orders of Ejectment Proceedings

79. Notice of intention to apply for the issue of ejectment decree for over-holding (Article 116; Rules 131 to 133)

D. Orders for the Payment of Sums (Other than on Conviction) made in Proceedings upon Complaint

80. Complaint for arrears under an order or periodical [lump sum] payment enforceable under Article 98 (as applied by Article 99) of the Order (Articles 98 and 99; Rule 7)
81. Summons for arrears under an order or periodical [lump sum] payment (Articles 98(1)(a) and 99; Rule 8)
82. Warrant of arrest for arrears under an order for periodical [lump sum] payment (Articles 98(1)(b) and 99; Rules 14 and 143)
83. Warrant of distress for arrears (Articles 98(4)(a) and 99; Rules 14, 143 and 144)
84. Warrant of commitment in default of distress for arrears under an order for periodical [lump sum] payment (Articles 98(5) and 99; Rules 14 and 143)

WITNESSES AND EVIDENCE

85. Summons to witness [(**a**) (Non-Criminal Proceedings)] (Article 118(1); Rule 8)

[(**b**)85A. Summons to witness (Criminal Proceedings) (Article 118A(1); Rule 149K)]

86. Certificate of collecting officer of non-payment of sums ordered to be paid (Article 123(a))
87. Statement of witness to be tendered in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Rule 149) (Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Section 1))
88. Notice by complainant of intention to tender written statement at summary trial (Rule 149) (Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Section 1))

[(**c**) 88A. Application for leave to adduce evidence of non-defendant's bad character. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 5)

88B. Notice of opposition to the admission of evidence of a non-defendant's bad character. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 5)

88C. Notice of intention to adduce evidence of defendant's bad character. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 6)

88D. Application to exclude evidence of defendant's bad character. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 6)

88E. Notice of intention to adduce hearsay evidence. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 18)

(**a**) Words inserted by S.R. 2011 No. 418 with effect from 01.01.12
(**b**) Form 85A inserted by S.R. 2011 No. 418 with effect from 01.01.12
(**c**) Forms inserted by S.R. 2005 No. 162 with effect from 18.04.05

88F. Notice of opposition to the admission of hearsay evidence. Criminal Justice (Evidence) (Northern Ireland) Order 2004 (Article 18)] [*Supplt. No. 26 (May 2013)*]

[(a) 88G. Application for leave for witness (other than the accused) who is outside the United Kingdom to give evidence through a live link

88H. Notice of decision on application for leave for witness (other than the accused) who is outside the United Kingdom to give evidence through a live link]

[(b) 88I. Application for direction for witness to give evidence through a live link (Rule 149F(1) of the Magistrates' Courts (Northern Ireland) Order 1981 and Article 10 of the Criminal Justice (Northern Ireland) Order 2004)

88J. Notice of decision on application for direction/recission of direction for witness to give evidence through a live link (Rules 149F(9) and 149G(4) of the Magistrates' Courts (Northern Ireland) Order 1981 and Articles 10 and 11 of the Criminal Justice (Northern Ireland) Order 2004)

88K. Form of application for a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149H(1) of the Magistrates' Courts (Northern Ireland) Order 1981 and Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999)

88L. Notice of the decision on application for a live link direction/application to discharge a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999 (Rules 149H(11) and 149I(3) of the Magistrates' Courts (Northern Ireland) Order 1981)]

[(c)88M. Notice of decision, on application for examination, and vary or discharge a direction, of accused through an intermediary under Article 21BA and 21BB of the Criminal Evidence (Northern Ireland) Order 1999 (Rules 149O(11) and 149P(11)) of the Magistrates' Courts (Northern Ireland) Order 1981

88N. Declaration for an intermediary under Article 17(5) Or Article 21BA(9) of the Criminal Evidence (Northern Ireland) Order 1999 (Rule 149Q) of the Magistrates' Courts (Northern Ireland) Order 1981]

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

89. Recognizance to appear before a Magistrates' Court (Articles 47 and 135 to 138; Rules 150 to 153)

89A. Recognizance to appear before a Magistrates' Court (Articles 134, 135, 137, 138; Rules 150 to 152) (Road Traffic Offenders (Northern Ireland) Order 1996) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland 1997; Regulation 5)

[(d)89B. Recognizance to appear before a Magistrates' Court (Articles 134, 135, 137; Rules 150 to 152)]

90. Recognizances [police] to appear before a Magistrates' Court (Articles 130(1) (*a*) and 135 to 138; Rule 152)

91. Recognizance to appear at a police station (Articles 130(1)(*b*) and 135 to 138; Rule 152)

[(e)[(f) 91A. Application for bail following grant of conditional police bail. (Article 132A and Rule 153A) of the Magistrates' Court (Northern Ireland) Order 1981 and Article 48(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989

(a) Forms 88G to 88H inserted by S.R. 2006 No. 413 with effect from 15.11.06
(b) Forms 88I to 88L inserted by S.R. 2008 No. 361 with effect from 02.02.09
(c) Forms 88M to 88N inserted by S.R. 2013 No. 89 with effect from 11.05.13
(d) Form 89B inserted by S.R. 2012 No. 189 with effect from 06.06.12
(e) Forms inserted by S.R. 2004 No. 299 with effect from 26.7.04
(f) Forms 91A and 91B substituted by S.R. 2008 No. 251 with effect from 08.12.08

[*Supplt. No. 26 (June 2012)*]

91B. Notice of decision on application for bail following grant of conditional police bail. (Article 132A and Rule 153A)]

91C. Application for reconsideration of a decision to grant bail. (Article 133A; Rule 153B)

91D. Notice of decision on application for reconsideration of a decision to grant bail. (Article 133A; Rule 153B)

91E. Order that a person surrender himself into the custody of the court following a decision under Article 133A of the Magistrates' Courts (Northern Ireland) Order 1981 to withhold bail. (Article 133A; Rule 153B)]

[(**a**) 91F.Written notice of appeal by the prosecution against the grant of bail by a Magistrates' Court. (Rule 161A)

91G. Notice of release on bail: Prosecution's failure to serve written notice of appeal. (Rule 161A)

91H. Notice of abandonment of appeal by the prosecution against the grant of bail by a magistrates' court. (Rule 161A)

91I. Notice of release on bail: Prosecution's abandonment of appeal. (Rule 161A)]

92. Recognizances to appear at the Crown Court (Articles 37, 51(4) and 135 to 138; Rules 150 to 153)

[(**b**) 93.Recognizance to keep the peace [and] [or] to be of good behaviour (Article 127; Rules 150 and 151)]

94. Certificate of proposed surety as to means (Rule 150(5) and (6))

[(**c**)95. Summons to surety (Article 138(2A)(b))]

[(**d**)95A. Certificate of Service of Summons on Surety (Articles Article 138(2A)(b) and Rule 11(7C) of the Magistrates' Courts (Northern Ireland) Order 1981

95B. Acknowledgment by Surety of receiving summons by post (Articles 138(2A) (b) and Rule 11(7D) of the Magistrates' Courts (Northern Ireland) Order 1981]

96. Warrant of distress and commitment in default of distress for sum forfeited upon the estreat of a recognizance (Article 138(4); Rules 14, 143 and 144)

[(**e**)96A. Application for compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011 and (Rule 153C) of the Magistrates' Courts Rules (Northern Ireland) 1984.

96B. Notice of release on compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011 and (Rule 153C) of the Magistrates' Courts Rules (Northern Ireland) 1984]

APPEALS TO COUNTY COURT AND BY WAY OF CASE STATE D TO THE COURT OF APPEAL

A. Appeals to the County Court

97. Notice of appeal to county court (Article 144; Rule 154)

98. Form of appeal to county court (Rules 154, 155 and 156)

99. Recognizance to prosecute appeal to county court [not] conditioned for bail (Articles 135 to 138 and 148; Rules 150 to 153)

100. Notice by clerk of petty sessions to chief clerk of abandonment of appeal to the county court (Article 150(1))

(**a**) Forms inserted by S.R. 2004 No. 433 with effect from 29.10.04
(**b**) Form substituted by S.R. 2003 No. 477 with effect from 01.12.03
(**c**) Form 95 substituted by S.R. 2009 No. 310 with effect from 30.09.09
(**d**) Form 95A to 95B inserted by S.R. 2009 No. 310 with effect from 30.09.09
(**e**) Form 96A to 96B inserted by S.R. 2012 No. 189 with effect from 06.06.12

B. APPEALS BY WAY OF CASE STATED TO COURT OF APPEAL

101. Application to court to state a case (Article 146; Rule 158)
102. Court's certificate of refusal to state a case (Article 146(4))
103. Case stated by Magistrates' Court (Article 146; Rule 160)
104. Recognizance to prosecute appeal to Court of Appeal [not] conditioned for bail (Articles 135 to 138 and 148; Rules 150 to 153)
105. Notice to respondent that appellant has abandoned an appeal by way of case stated (Article 150(2))

MISCELLANEOUS

106. Certificate of conviction or order (Rule 20)
107. General form for enforcement of conviction or order (Part IX)
108. Affidavit of service of summons on defendant (Articles 23(2), 25(3), 81(2) and 126; Rule 11)
109. Affidavit of service of summons for offence where summons served in England and Wales or Scotland (Articles 23(2), 25(3) and 126; Rule 12)
109A. Certificate of Service of Summons on Defendant (Road Traffic Offenders (Northern Ireland) Order 1996 (Article 76)) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 4) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 12B))
109B. Certificate of Service of Notice of Registration on Defaulter (Road Traffic Offenders (Northern Ireland) Order 1996 (Article 76(2)) (Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 3) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 12C))
109C. Certificate of Service of Requirement to identify driver of a vehicle (Road Traffic Offenders (Northern Ireland) Order 1996 (Article 15)) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 12D))
[(**a**)109D. Certificate of Service of Summons on Defendant (Section 67) of the Justice Act (Northern Ireland) 2011 and Regulation 4 of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 and (Rule 12C) of the Magistrates' Courts Rules (Northern Ireland) 1984.
109E. Certificate of Service of Notice of Registration on Defaulter (Section 67(2)) of the Justice Act (Northern Ireland) 2011 and Regulation 3 of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 and (Rule 12E) of the Magistrates' Courts Rules (Northern Ireland) 1984]
110. Affidavit of service of summons on witness (Articles 118(3) and 126; Rule 11)
[(**b**) 110A. Certificate of service of summons on Defendant
110B. Acknowledgement by defendant of receiving summons(es) and related papers by post.
110C. Statutory declaration that the defendant did not know of the summons or proceedings.]
[(**c**)110D. Statutory Declaration (Road Traffic Offenders (Northern Ireland) Order 1996 (Articles 77, 78)) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 13B))]
[(**d**)110E. Statutory Declaration (Section 68) of the Justice Act (Northern Ireland) 2011 and (Rule 13C) of the Magistrates' Courts Rules (Northern Ireland) Order 1984]

(**a**) Forms 109D-109E inserted by S.R. 2012 No. 189 with effect from 06.06.12
(**b**) Forms 110A-110C inserted by S.R. 1992 No. 541 with effect from 01.02.93
(**c**) Form 110D inserted by S.R. 1997 No. 428 with effect from 14.10.97
(**d**) Form 110E inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 26 (January 2012)*]

111. Affidavit of service of a process by a Summons Server or a Person who has received permission to serve the process (Article 126; Rules 58, 59 and 63).

[(**a**)111A. Certificate of Service of a Process by a Summons Server or a Person who has received permission to serve the process (Articles 73(2) and 126; Rules 62, 63 and 63A)]

112. Receipt for prisoner (Rule 143(4))

113. Order for taking fingerprints and palm prints (Article 61)

114. Warrant directing person apparently entitled thereto to be put in possession of premises (Article 158, Rule 14) (Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 (Section 1))

115. General form of affidavit of service of notice, etc. (Article 126; Rule 148)

116. Warrant of commitment on remand in hospital (Article 47; Rules 14, 143 and 163)

117. Certificate by or on behalf of complainant that summons sent by registered post or recorded delivery service and returned as undelivered will, if delivered by ordinary post, come to notice of person to be served (Rule 13(8)(*e*))

118. Statement of dates on which defendant remanded (Rules 28(2)(1) and 42(1)(*o*))

119. Notice of direction made by Court of Appeal (Article 152)

120. Application requesting that warrant of commitment be cancelled (article 113)

121. Warrant of Further Detention (Rule 14) (Police and Criminal Evidence (Northern Ireland) Order 1989 (Articles 44 and 45))

122. Application for [Review of Course Organiser's Notice] [Declaration of default] (Road Traffic Offenders (Northern Ireland) Order 1996 (Articles 36, 37, 38)) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 52A))

123. Notice of Order to Give Information of Date of Birth and Sex (Road Traffic Offenders (Northern Ireland) Order 1996 (Article 27)) (Magistrates' Courts Rules (Northern Ireland) 1984 (Rule 52B))

[(**b**) 124. Application for amendment of supervision and treatment order (Rule 147A of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2A paragraph 7(2), 8(1) to the Mental Health (N.I.) Order 1986

125. Order amending supervision and treatment order (Rules 14 and 147A of the Magistrates' Courts (N.I.) Order 1981 and Schedule 2, paragraph 7(2), 11(1)(*b*) to the Mental Health (N.I.) Order 1986

[(**c**)126. Notice of decision on application for an investigation anonymity order/ application to discharge an investigation anonymity order (Rules 166(6) and 168(4) of the Magistrates' Courts (N.I.) Order 1981 and Sections 77 and 80 of the Coroners and Justice Act 2009).]

[(**d**)127. Application for the consideration and extension of a closure order (Rule 172) of the Magistrates' Courts (Northern Ireland) Order 1981 and (Article 41E) of the Registration of Clubs (Northern Ireland) Order 1996 and (Article 69E) of the Licensing (Northern Ireland) Order 1996]

[(**e**)128. Application for Defence Access to Premises (Rule 174) of the Magistrates' Courts (Northern Ireland) Order 1981 and (Section 94) of the Justice Act (Northern Ireland) 2015].

(**a**) Form 111A inserted by S.R. 1994 No. 387 with effect from 01.11.94
(**b**) Forms 124 and 125 inserted by S.R. 1997 No. 529 with effect from 01.01.98
(**c**) Form 126 inserted by S.R. 2011 No. 59 with effect from 25.03.11
(**d**) Form 127 inserted by S.R. 2012 No. 415 with effect from 20.12.12
(**e**) Form 128 inserted by S.R. 2016 No. 93 with effect from 01.04.16

Criminal Proceedings

A. Forms used in connection with both Summary Trial and Preliminary Investigation/Inquiry

FORM 1

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 20; Rules 7 and 17)

Complaint

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I of say [(**a**) on oath*] that

[And the undersigned binds himself to attend when and where called on to prosecute or to give evidence against the defendant for the said offence or otherwise to forfeit to the Crown the sum of £ .]

Complainant
[for Complainant].

Taken before me this day of 20
in the County Court Division of

Lay magistrate

[(**b**) * delete as appropriate]

(**a**) Words substituted by S.R. 2011 No. 59 with effect from 25.03.11
(**b**) Words inserted by S.R. 2011 No. 59 with effect from 25.03.11

[*Supplt. No. 25 (March 2011)*]

[(**a**) FORM 1A

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4

(Rules 7 and 17)

Complaint

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of say [(**b**)on oath*] that

[And the complainant prays that a [warrant in Form 8A may issue for the arrest of the defendant][summons in Form 2A may issue for the attendance of the defendant on the hearing of the complaint]

[And the undersigned binds himself to attend when and where called on to prosecute or to give evidence against the defendant for the said offence or otherwise to forfeit to the Crown the sum of £ .]

Complainant

[for Complainant].

Taken [(**b**)and sworn *] before me this day of 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]]

[(**b**) * delete as appropriate]

(**a**) Form 1A inserted by S.R. 1997 No. 428 with effect from 14.10.97

(**b**) Words substituted by S.R. 2011 No. 59 with effect from 25.03.11

[(a) FORM 1B

[Supplt. No. 26 (June 2012)]

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011)

(ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 4

(Rules 7 and 17)

Complaint

of

Complainant } Petty Sessions District of / County Court Division of

of

Defendant

I, of say on oath that

[And the complainant prays that a [warrant in Form 8D may issue for the arrest of the defendant][summons in Form 2C may issue for the attendance of the defendant on the hearing of the complaint]

[And the undersigned binds himself to attend when and where called on to prosecute or to give evidence against the defendant for the said offence or otherwise to forfeit to the Crown the sum of £].

Complainant
[for Complainant]

Taken and sworn before me this day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]]

(a) Form 1B inserted by S.R. 2012 No. 189 with effect from 06.06.12

[(a)FORM 2

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 20(1), (2) and (3); Rule 8)

JUSTICE ACT (NORTHERN IRELAND) 2015

(Section 93)

Summons to Defendant to answer Complaint

[*Title as in Form 1*]

WHEREAS a complaint has been made [before me] [to a lay magistrate] on (*date*) that on the (*date*) at (*place*) in the said petty sessions district and county court division, you, the said defendant

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at (*place*) on (*date*) , at (*time*) before a magistrates' court for the said county court division.

This day of 20 .

Lay magistrate

[Clerk of Petty Sessions]

[Public Prosecutor]]

(a) Form 2 substituted by S.R. 2016 No. 93 with effect from 1.04.16

[(a) FORM 2A

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS

(NORTHERN IRELAND) 1997; Regulation 4

(Rule 8)

[*Supplt. No. 9 (October 1997)*]

Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint has been made before me that on the (date) at (place) in the said petty sessions district the sum of £ was registered against you in respect of Fixed Penalty Notice No. as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 and whereas a Notice of Registration of the fine was served on you under Article 76(2) of that Order and whereas you have defaulted on payment of that fine.

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

WARNING

The court may order you to be committed to prison in default of payment of the fine.

This day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]

To the said Defendant].

(a) Form 2A inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 11 (December 1998)*]

[(a) FORM 2B

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Articles 11, 28(5), 29, 49)

ROAD TRAFFIC (NEW DRIVERS) (NORTHERN IRELAND) ORDER 1998

(Schedule 1, paragraph 3(2), (3) and (5))

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 8(7))

Endorsement on Summons of requirement to produce licence and its counterpart and/or test certificate

Take Notice that an offence in respect of which you are charged involves obligatory or discretionary disqualification.

By Article 11 of the Road Traffic Offenders (Northern Ireland) Order 1996 you are therefore required either to—

(*a*) deliver your licence and its counterpart to the court; or

(*b*) bring the licence and its counterpart to court with you at the hearing.

If you are convicted of the offence and the court proposes to make an order disqualifying you or endorsing your licence and you fail to produce your licence and its counterpart to the court, you will be guilty of an offence AND your licence will be suspended automatically until it, and its counterpart, are produced to the court.

If the offence with which you are charged involves obligatory endorsement and is alleged to have been committed during your probationary period and you hold a test certificate, you are also required by paragraph 3(2) of Schedule 1 to the Road Traffic (New Drivers) Order (Northern Ireland) 1998 either to—

(*a*) deliver your test certificate to court ; or

(*b*) bring the test certificate to court with you at the hearing.

If you are convicted of the offence and fail to produce your test certificate to the court, you will be guilty of an offence.

Note:

1. If you have applied for a new licence but have not yet received it, you must be able to satisfy the court of the truth of this.
2. If you have surrendered your licence and its counterpart on receiving a fixed penalty notice, the receipt issued must be delivered or produced to the court.
3. "Probationary period" means a period of 2 years beginning on the date of the first occasion on which you pass a test of competence to drive (taken on or after 14th December 1998).]

(a) Form 2B substituted by S.R. 1998 No. 419 with effect from 14.12.98

[(a) FORM 2C

[Supplt. No. 26 (June 2012)]

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 4

(Rule 8)

Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court

of

Complainant } Petty Sessions District of / County Court Division of

of

Defendant

WHEREAS a complaint has been made before me that on the (date) at (place) in that said petty sessions district the sum of £ was registered against you in respect of Penalty Notice No. as a sum adjudged to be paid by a conviction under section 67 of the Justice Act (Northern Ireland) 2011 and whereas a Notice of Registration as a fine was served on you under section 67(2) of that Act and whereas you have defaulted on payment of that fine.

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

WARNING

The court may order you to be committed to prison in default of payment of the fine.

This day of 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

To the said Defendant.]

(a) Form 2C inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 25 (March 2011)*]

[(a) FORM 3

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 24(1A)(a); Rule 10)

Notice to Defendant: Plea of Guilty by post

[*Title as in Form 1*]

The purpose of this notice is to inform you that if, on the hearing of the complaint(s) referred to in the summons(es) served herewith, you wish to enter a plea of guilty, you or your solicitor may, at least three days before the date fixed for the hearing, notify the clerk of petty sessions for the above mentioned district in writing to that effect in Form 6 or Form 6A; copy attached. It will not then be necessary for you to appear before the court as required by the said summons(es). You may also include in the said Form 6 or Form 6A in the space provided such statement in mitigation as you desire.

The evidence to be given at the hearing is that contained in Form 4/the witness statement(s)*, a copy of which is attached for your information. The facts therein contained and those facts only, will be read to the court. Where copies of witness statements have been served, those statements will be read to the court, either in full or in part, as the court may direct. Your statement of mitigation will also be read to the court which may then deal with the case in your absence.

If your plea of guilty is accepted the court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the complainant with respect to any fact relating to the charge.

The court may decide not to proceed in your absence and, if so, it will adjourn the hearing. You will be notified of the time and place of the adjourned hearing and, in such a case, the trial will proceed at the adjourned hearing as if you had not entered a written plea of guilty.

You may at any time before the date of the hearing or adjourned hearing of any case withdraw your plea of guilty by writing to the clerk of petty sessions to that effect. Failure to do so immediately may result in delay and expense if the case has to be adjourned to allow the prosecution to bring its witness(es) to court.

Neither this notice nor any reply you may send in answer to it limits your right to appear before the court at the time fixed for the hearing, either in person or by counsel or a solicitor, and to plead guilty or not guilty as you may desire. If you adopt this course the trial will proceed as though you had not already entered a written plea of guilty.

Dated this day of 20 .

Complainant

[On behalf of the Complainant].

*delete as appropriate.]

(a) Form 3 substituted by S.R. 2011 No. 59 with effect from 25.03.11

[(a) FORM 4

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
[(a) (Article 24(1A)(b)]; Rule 10)

Statement of Facts

[*Title as in Form 1*]

The purpose of this notice is to inform you that if you advise the clerk of petty sessions for the above mentioned district at that you wish to plead guilty to the charge(s) set out in the summons(es) served herewith without appearing before the court and the court proceeds to hear and dispose of the case in your absence under Article 24 of the above mentioned Order, the following statement of facts will be read out in open court before the court decides whether to accept your plea.

Statement of Facts

Complainant
[On behalf of the Complainant]

FORM 5

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(1); Rule 10)

Certificate by Complainant of Service of Defendant of Form 3 and 4/Witness Statement(s)*

[*Title as in Form 1*]

I, the complainant, hereby certify that copies of Form 3 and Form 4/copies of the witness statement(s)* were served on the defendant together with the summons(es).

Dated this day of 20 .

Complainant
[On behalf of the Complainant]

*delete as appropriate]

(a) Forms 4 and 5 substituted by S.R. 2011 No. 59 with effect from 25.03.11.

[(**a**) FORM 6

(Article 24(2); Rules 10 and 12A)

Acknowledgment of Service; Notification of Plea of Guilty by Post and Statement of Mitigating Circumstances; Indication of intended plea.

[*Title as in Form 1*]

Note: This form is in three sections. Please read the notes to each section carefully before completing Section A and either Section B or C.

If you intend to consult a solicitor you should do so before completing this form.

SECTION A: ACKNOWLEDGMENT OF SERVICE

Note: This section should be completed by all defendants.

By completing this section you are only acknowledging service of the summon(es), Notice to Defendant, Statement of Facts/witness statement(s) and Notice of previous convictions (if any) on you.

In connection with the summons(es) for hearing on (date) , Notice to defendant [and][Statement of Facts][witness statement(s)][and Notice of previous convictions]* now served upon you, will you please acknowledge receipt by signing and returning this form as soon as possible to the clerk of petty sessions at .

I hereby acknowledge receipt of summons(es), Notice to defendant [and][Statement of Facts][witness statement(s)][and Notice of previous convictions]*.

Signed . . . . . Date . . . . . .

Male/Female*

Date of birth:

Present Address:

(if different from the address given above)

*delete as appropriate

SECTION B: PLEA OF GUILTY BY POST (NON-ATTENDANCE AT COURT)

Note: If you wish a plea of guilty to be accepted without your attendance at court, please complete this section.

Plea of Guilty

I have read the statement of facts/witness statement(s)* relating to the charges against me.

I plead guilty to the charge(s) and I desire the court to deal with the case in my absence.

I would like the following circumstances to be taken into account—

Signed

Mitigating Circumstances

(*a*) about the offence—

(*b*) about my personal and financial circumstances—

SECTION C: INDICATION OF A PLEA (GUILTY OR NOT GUILTY) – ATTENDANCE AT COURT

Note: If you propose to attend court, considerable time and expense may be saved if you complete the following.

Do you intend to plead guilty?

Note: If having completed either Section B or C and returned this form you change your mind about the plea you have entered, you should immediately inform the clerk of petty sessions in writing.

(**a**) Form 6 substituted by S.R. 2011 No. 59 with effect from 25.03.11

[(a) FORM 6A

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996
Articles 12 and 27)

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(2); Rules 10 and 12A)

Acknowledgment of Service; Notification of Plea of Guilty by Post for offences involving obligatory or discretionary disqualification from driving; Indication of intended Plea.

[*Title as in Form 1*]

Note: This form is in three sections. Please read the notes to each section carefully before completing Section A and either Section B or C.

If you intend to consult a solicitor you should do so before completing this form.

SECTION A: ACKNOWLEDGMENT OF SERVICE

Note: This section should be completed by all defendants.

By completing this section you are only acknowledging service of the summon(es), Notice to Defendant, Statement of Facts/witness statement(s) and Notice of previous convictions (if any) on you.

In connection with the summons(es) for hearing on (date) , Notice to Defendant [and][Statement of Facts][witness statement(s)][and Notice of previous convictions]* now served upon you, will you please acknowledge receipt by signing and returning this form as soon as possible to the clerk of petty sessions at .

I hereby acknowledge receipt of summons(es), Notice to Defendant [and] [Statement of Facts][witness statement(s)][and Notice of previous convictions]*

Signed . . . . . Date . . . . . .

Male/Female*
Date of birth:
Present Address:
(if different from the address given above)
*delete as appropriate

SECTION B: PLEA OF GUILTY BY POST (NON-ATTENDANCE AT COURT)

Note: If you wish a plea of guilty to be accepted without your attendance at court, please complete this section.

Plea of Guilty

I have read the statement of facts/witness statement(s)* relating to the charges against me.

I plead guilty to the charge(s) and I desire the court to deal with the case in my absence.

I would like the following circumstances to be taken into account—

Signed

Mitigating Circumstances

(*a*) about the offence—

(*b*) about my personal and financial circumstances—

(a) Form 6A substituted by S.R. 2011 No. 59 with effect from 25.03.11

[*Supplt. No. 25 (March 2011)*]

SECTION C: INDICATION OF A PLEA (GUILTY OR NOT GUILTY) – ATTENDANCE AT COURT

Note: If you propose to attend court, considerable time and expense may be saved if you complete the following.

Do you intend to plead guilty?

Note: If having completed either Section B or C and returned this form you change your mind about the plea you have entered, you should immediately inform the clerk of petty sessions in writing.

WARNING

Road Traffic Offenders (Northern Ireland) Order 1996

(Articles 11, 12 and 27)

You have been charged with an offence which involves an obligatory or discretionary disqualification from driving. You must deliver your driving licence to the clerk of the court no later than the day before the date of the hearing, or bring it with you to the hearing.

If you are convicted of an offence involving obligatory or discretionary disqualification from driving and you do not deliver your licence to the court, you are guilty of an offence and your licence will be suspended from the time when its production was required until it is produced to the court.

If you have returned your licence to the court with this form, please tick this box ☐

If you are convicted of an offence involving obligatory or discretionary disqualification from driving and the court does not know your date of birth or sex, the court shall order you to provide those details in writing to the court. Failure to comply with such an order is an offence.

FORM 7

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 125; Rule 23(6))

Notice of Intention to Cite Previous Convictions

[*Title as in Form 1*]

TAKE NOTICE that if, but only if, you are convicted of [any of] the offence(s) of in respect of which you are summoned to appear before the magistrates' court for the above mentioned district on the day of 19 , the undermentioned convictions which are recorded against you will be brought to the notice of the court; and if you are not present in person before the court, the court may take account of any such previous conviction as if you had appeared and admitted it.

Date of Conviction	Court	Offence	Sentence

Dated this day of 20 .

Complainant

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify the complainant at
so that further inquiries can be made. Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

[(**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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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' Courts)
[Lay Magistrate]

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

[(**b**) Note: This Form must only be used where Article 92 of the Criminal Justice (Northern Ireland) Order 2008 applies. Article 92 applies to warrants issued under:

(i) Article 20 of the Magistrates' Courts (Northern Ireland) Order 1981 (*warrants of arrest in the first instance*);

(ii) Article 25 of the Magistrates' Courts (Northern Ireland) Order 1981 (*warrants following the non appearance of the accused*);

(iii) Article 6 of the Criminal Justice (Northern Ireland) Order 2003 (*warrants for failure to surrender to custody*); and

(iv) any other statutory provision prescribed for the purposes of Article 92 by order of the Secretary of State.

Article 92 of the Criminal Justice (Northern Ireland) Order 2008 allows for the execution of all of the above arrest warrants to be proved before a magistrates' court:

(i) for the county court division in which the warrant was issued;

(ii) for the county court division in which the person was arrested; or

(iii) for any county court division which adjoins the division in which the person was arrested.

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

(**a**) New Form 8 inserted by S R. 2008 No. 251 with effect from 26.2.10
(**b**) Words inserted by S R. 2010 No. 12 with effect from 1.3.10

[(a) FORM 8A

[*Supplt. No. 9 (Oct. 1997)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 138(5); Rules 14 and 143)

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4

Warrant of Arrest

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 the said defendant and bring him before a magistrates' court for the said county court division unless the said sum be sooner paid.

This day of 20 .

District Judge (Magistrates' Courts)
[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 9A.]

(a) Form 8A inserted by S R. 1997 No. 428 with effect from 14.10.97

[(**a**) FORM 8B

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

(Rules 14 and 143)

Warrant of Arrest for Witness

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 [(**b**)(*insert name of witness*)] before a magistrates' court for the said county court division.

This day of .

District Judge (Magistrates' Courts)
[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.]

(**a**) New Form 8B inserted by S R. 2008 No. 251 with effect from 26.2.10
(**b**) Words substituted by S R. 2010 No. 12 with effect from 1.3.10

[(a) FORM 8C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 118; Rules 14 and 143)

Warrant of Arrest

of

Complainant } Petty Sessions District of / 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 20 .

District Judge (Magistrates' Courts)
[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.

This form may not be used where any other form of warrant of arrest applies.]

(a) Form 8C inserted by S.R. 2010 No. 12 with effect from 01.03.10

[(**a**) FORM 8D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 138(5); Rules 14 and 143)

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 4

Warrant of Arrest

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 the said defendant and bring him before a magistrates' court for the said county court division unless the said sum be sooner paid.

This day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]

To the Chief Constable of the Police Service of Northern Ireland at

NOTE: This form may be endorsed for bail as on Form 9A.]

(**a**) Form 8D inserted by S.R. 2012 No. 189 with effect from 06.06.12

FORM 9

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 129; Rule 16)

Bail Endorsement on Warrant of Arrest

I HEREBY DIRECT that be released on his own bail of £ [with sureties of £ each].

This day of 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

[(a) FORM 9A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 129; Rule 16)

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; REGULATION 4

Bail Endorsement on Warrant of Arrest

I HEREBY DIRECT that be released on his own bail of £ [with sureties of £ each].

This day of 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]]

(a) Form 9A inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 9 (October 1997)*]

FORM 10

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 47, 50 and 51; Rules 14 and 143)

Warrant of Commitment on Remand [for enquiries after Conviction or for Medical Examination]

[*Title as in Form 1*]

WHEREAS the defendant appeared this day before the magistrates' court sitting at upon a complaint that

AND WHEREAS the hearing has been adjourned to a magistrates' court at (place) on (date) at (time) for the purpose of [further enquiries] [a medical examination].

This is to command you to whom this warrant is addressed to convey the defendant to HM Prison at and there to deliver him to the Governor thereof, together with this warrant; and you, the said Governor, to receive him into your custody and unless you shall be otherwise ordered in the meantime to keep him until the above date and time [unless he and his sureties enter into the recognizances required by the endorsement on this warrant when he shall be produced before the said court;]

[And you, the said Governor, are hereby requested to arrange for an inquiry to be made [into the defendant's physical condition by a duly qualified medical practitioner] [into the defendant's mental condition by two duly qualified medical practitioners (one of whom shall be a practitioner appointed for the purposes of section 19 of the Mental Health Act (Northern Ireland) 1961) in order that a report be made thereon to the court.]

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

This day of 20 .

Clerk of Petty Sessions

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

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

[(a) FORM 10A

[*Supplt. No. 7 (November 1994)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 47(4A); Rules 14 and 143)

Warrant of Commitment to Detention at a Police Station

[*Title as in Form 1*]

WHEREAS the defendant (being 21 years or over and not already detained under a custodial sentence) appeared this day before the magistrates' court sitting at upon (a) complaint (s) that—

AND WHEREAS upon application by a member of the Police Service of Northern Ireland not below the rank of Inspector, the court ordered that the defendant be committed to detention at a police station until the day of 20 . for the purpose of inquiries into other offences*.

THIS IS TO COMMAND YOU to whom this warrant is addressed to detain the defendant as a police station for the above-mentioned period (*or, if the inquiries are completed or are no longer required before the expiration of that period, to bring him on such earlier occasion before a magistrates' court having jurisdiction to conduct the proceedings*).

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

This day of 20 .

Clerk of Petty Sessions

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

IMPORTANT

*** The period for which an accused is remanded in these circumstances *must not* exceed three days commencing on (and including) the day following that on which he is remanded.]**

(a) Form 10A inserted by S.R. 1994 No. 387 with effect from 01.11.94

[*Supplt. No. 7 (November 1994)*]

[(a) FORM 10B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 47(4B); Rules 14 and 143)

Warrant of Commitment to Custody of a Constable

[*Title as in Form 1*]

WHEREAS the defendant (being 21 years or over and not already detained under a custodial sentence) appeared this day before the magistrates' court sitting at upon (a) complaint(s) that—

AND WHEREAS upon application by a member of the Police Service of Northern Ireland not below the rank of Inspector, the court ordered that the defendant be committed to custody of a constable until the day of 20 , for the purpose of inquiries into other offences*.

THIS IS TO COMMAND YOU to whom this warrant is addressed to commit the defendant to custody (otherwise than at a police station) of a constable for the above-mentioned period (*or, if the inquiries are completed or are no longer required before the expiration of that period, to bring him on such earlier occasion before a magistrates' court having jurisdiction to conduct the proceedings*).

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

This day of 20 .

Clerk of Petty Sessions

To the District Commander of the Police Service of Northern Ireland Division.

IMPORTANT

*** The period for which an accused is remanded in these circumstances *must not* exceed three days commencing on (and including) the day following that on which he is remanded.]**

(a) Form 10B inserted by S.R. 1994 No. 387 with effect from 01.11.94

[*Supplt. No. 19 (October 2004)*]

[(a) FORM 10C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 161A)

JUSTICE (NORTHERN IRELAND) ACT 2004

(Section 10)

Warrant of Commitment following Prosecution giving Oral Notice of Appeal against Grant of Bail

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the defendant appeared this day before the magistrates' court sitting at upon a complaint that (state shortly particulars of offence(s)) which (is an offence) (are offences) punishable by imprisonment.

Following the prosecution having given oral notice of appeal to the High Court against the court's decision to grant bail to the defendant, the court ordered that the defendant be remanded in custody until the said appeal is determined or otherwise disposed of.

This is to command you to whom this warrant is addressed to detain the defendant in your custody until you are notified in writing by the clerk of petty sessions whether or not the prosecution has served written notice of appeal in accordance with section 10(5) of the Justice (Northern Ireland) Act 2004.

Part A (Service of written notice of appeal)

If you are notified that written notice has been served in accordance with section 10(5) of the said Act, this is to command you to whom this warrant is addressed to convey the defendant to HM Prison at and there to deliver him to the Governor thereof, together with this warrant; and you, the said Governor, to receive him into your custody and, unless you are otherwise ordered in the meantime, to keep the defendant until the defendant is delivered in due course of law.

Part B (Failure to serve written notice of appeal)

Section 10(7) of the Act provides that if the prosecution fails to serve written notice of appeal on either the magistrates' court or the defendant in accordance with section 10(5) the appeal shall be deemed to have been disposed of. Where notice has not been

(a) Form 10C inserted by S.R. 2004 No. 433 with effect from 29.10.04

served, the clerk of petty sessions shall give you notice in Form 91G directing the release of the defendant on bail, unless he is in your custody for some other cause.

[*Supplt. No. 19 (Oct. 2004)*]

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

This day of 20 .

Clerk of Petty Sessions

To: [the District Commander of the Police Service of Northern Ireland at .]

[AB, being such other person as the court may direct.]]

FORM 11

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37 and 47; Rule 16)

Consent to Bail on Remand

The court consented to defendant being released on his own bail of £ [with sureties of £ each] [or valuable securities].

This day of 19 .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

[(**a**) FORM 11A

MAGISTRATES COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 16)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Articles 5(5)(*a*), 28(2)(*b*), Schedule 2; [(**b**) paragraphs 2(4)] and 9(2)(*b*))

Consent to Bail

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

The Court consented to the defendant being released on his own bail of £ [with sureties of £ each] [or valuable securities].

Dated this day of

Resident Magistrate
[Clerk of Petty Sessions]]

(**a**) Form 11A inserted by S.R. 1997 No. 529 with effect from 1.1.98
(**b**) Words substituted by S.R. 2008 No. 251 with effect from 6.10.08

FORM 12

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 49; Rules 14 and 143)

Warrant of Commitment on further Remand of Person in Custody unable to appear by reason of Illness or Accident

[Title as in Form 1]

WHEREAS the defendant was on (*date*) committed to your custody under a warrant on remand by a magistrates' court until today;

AND the court is now satisfied that the defendant is unable by reason of [illness] [accident] to appear personally before the court;

THIS IS TO COMMAND YOU to whom this warrant is addressed to keep the defendant in your custody until the (*date*) , at (*time*) when you shall produce the defendant before a magistrates' court sitting at (*place*)

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

This day of 20 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

FORM 13

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 47(5))

Order to have Defendant brought before the Court before Expiration of Period of Remand

[Title as in form 1]

WHEREAS the defendant was committed to your custody under a warrant of commitment by a magistrates' court dated the day of 20 , [on remand until (*date*)] [or state other circumstances of commitment];

[And it appears expedient to continue the hearing of the charge against the defendant before the expiration of the period of remand];

YOU ARE HEREBY ORDERED to bring the defendant on (*date*) before the magistrates' court sitting at (*place*) at (*time*) to be further dealt with according to law.

This day of 20 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

[*Supplt. No. 10 (January 1998)*]

[(a) FORM 14

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 114; Rules 14, 15, 125A and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 19, 21)

Warrant of Commitment on Sentence of Imprisonment/Detention

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS upon 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*) which [is] [are] punishable with imprisonment in the case of a person aged 21 or over (or if under that age the sentence of imprisonment is for more than 4 years or is a sentence of detention in a young offenders centre or a sentence of detention during the Secretary of State's pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968).

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*) [where the offence is a violent or sexual offence, that only such a sentence would be adequate to protect the public from serious harm from him because (*state reason*) [proposed a community sentence which requires the consent of the defendant, and the defendant refused to give that consent].

[AND the court is of the opinion that a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996 is not appropriate [because (*state reason*) .] [And the defendant refused to give his consent to a custody probation order.]

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 court*)

[AND THE COURT ORDERED that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.]

(a) Forms 14-14F inserted by S.R. 1997 No. 529 with effect from 01.01.98

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

[*Supplt. No. 10 (January 1998)*]

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

Dated this day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of Petty Sessions]

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

[(**a**) 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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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*)

(**a**) Form 14ZA inserted by S.R. 2008 No. 251 with effect from 01.04.09

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.

[*Supplt. No. 23 (April 2009)*]

Dated this day of 20 .

District judge (magistrates' courts)
[Lay magistrate]
[Clerk of Petty Sessions]

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

[*Supplt. No. 10 (January 1998)*]

FORM 14A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 7, 17 and 126B)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 27)

Complaint on failure to comply with licence condition(s)

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of

say on oath that the above-named defendant was on (*date*) 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*)

AND that 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 that the said defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, on the (*date*) failed without reasonable excuse to comply with a condition of the said licence, namely (*here set out condition which is contravened*) [in as much as he (*here set out particulars of failure*)].

Complainant

[for Complainant]

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

Lay magistrate

FORM 14B

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 8 and 126B)

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

Summons to Defendant on failure to comply with licence condition(s)

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint has been made before me by of that on (*date*) , you, the defendant were 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*)

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

AND that the said defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, on the (*date*) failed without reasonable excuse to comply with a condition of the said licence (*here set out condition which is contravened*) [in as much as you (*here set out particulars of failure*)].

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

Dated this day of

Justice of the Peace
[Clerk of Petty Sessions]

To you the said defendant

FORM 14C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14, 126B and 143)

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

Warrant for arrest on failure to comply with licence condition(s)

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 [Crown Court] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that 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 that the said defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, on the (*date*) failed without reasonable excuse to comply with a condition of the said licence (*here set out condition which is contravened*) [in as much as he (*here set out particulars of failure*)].

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

Dated this day of

Resident Magistrate
[Justice of the Peace]

To the Superintendent of the Royal Ulster Constabulary at

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

FORM 14D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 114; Rules 14, 15, 126B and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 27)

Warrant of Commitment where person is [(a) returned] to prison under Article 27 of the Criminal Justice (Northern Ireland) Order 1996

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

WHEREAS it appears that the defendant was on the (*date*) convicted by a court of summary jurisdiction for the petty sessions district of [(**b**) . . .] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that 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*)

AND WHEREAS on the (*date*) a court of summary jurisdiction sitting at (*place*) being satisfied that the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, failed without reasonable excuse to comply with a condition of the said licence (*here set out condition which is contravened*) [in as much as he (*here set out particulars of failure*)]

THE COURT ORDERED that [(**c**) 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*)]

(**a**) Word substituted by S.R. 2008 No. 251 with effect from 16.07.08
(**b**) Words omitted by S.R. 2008 No. 251 with effect from 16.07.08
(**c**) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

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 imprisoned [detained] there for the above period.

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

Dated this day of 20 .

District Judge (Magistrates' Courts)
[Clerk of Petty Sessions]

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

[(a) FORM 14DA

[Supplt. No. 22 (July 2008)]

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)
[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.]

(a) Form 14DA inserted by S.R. 2008 No. 251 with effect from 16.07.08

FORM 14E

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 126B and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 28(2)(*b*))

Warrant of Commitment to Crown Court under Article 28(2)(b) of the Criminal Justice (Northern Ireland) Order 1996

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS it appears that the defendant was on (*date*) 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*)

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*)

AND WHEREAS the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, was on the (*date*) convicted by a court of summary jurisdiction sitting at (*place*) of the following offence(s) being [an] offence(s) for which the court has power to sentence him to imprisonment [detention] namely:
(*state shortly particulars of offence*)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the said 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 he may be brought before the Crown Court sitting at (*place*)

[*Supplt. No. 10 (Jan. 1998)*]

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

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

FORM 14F

[*Suppl. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 126B and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 28(1))

Warrant of commitment where person is ordered under Article 28(1) of the Criminal Justice (Northern Ireland) Order 1996 to be returned to prison

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS it appears that the defendant was on the (*date*) 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*)

AND that 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 [period of detention] which but for his discharge pursuant to prison rules would have expired on the (*date*) .

AND WHEREAS the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, was on the (*date*) convicted by a court of summary jurisdiction sitting at (*place*) of the following offence(s) being [an] offence(s) for which the court has power to sentence him with imprisonment [detention] namely: (*state shortly particulars of offence*) committed on the (*date*) .

AND the court ordered that (*state court order(s) made on conviction*),

THE COURT FURTHER ORDERED that the defendant be returned to prison [Young Offenders Centre] for (*state period*) .

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

[*Supplt. No. 10 (Jan. 1998)*]

Offenders Centre Rules (Northern Ireland) 1982] to be imprisoned [detained] there for the above period.

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

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at]

C. Forms used in connection with Preliminary Investigation/Inquiry

[*Supplt. No. 16 (December 2003)*]

FORM 15

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 32(1)(*b*)(i); Rules 25 and 32(5) and (6))

Statement of Complaint(s)

[Title as in Form 1]

Complaint(s)

Dated the day of 20 .

Complainant

[On behalf of Complainant]

[(**a**) . . . Form 15A]

(**a**) Form 15A revoked by S.R. 2003 No. 477 with effect from 01.12.03

[(a) FORM 15B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149AA)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Article 7)

FORM OF APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

An application shall be made:

(a) subject to paragraph (b), not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates.

(b) in the application of sub-paragraph (a) to preliminary investigations, "the proceedings" does not include the taking of a deposition relating to the arrest, or where directed by the court, the remand of the defendant.

A copy of this form shall be given at the same time to the other party or parties to the case.

PART 1

TO BE COMPLETED BY ALL APPLICANTS

Details required	*Notes*
Case details	
Complainant:	
Petty Sessions District of:	
Defendant:	
County Court Division of:	
The name of the defendant to whom this application relates:	
Court venue:	The venue of the court hearing the case.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
[(b) . . .]	
[(b) . . .]	
[(c) PPSNI reference number:]	
[(d) ICOS reference number if known:]	

(a) Form 15B substituted by S.R. 2003 No. 477 with effect from 01.12.03
(b) Words omitted by S.R. 2009 No. 310 with effect from 30.09.09
(c) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09
(d) Words inserted by S.R. 2009 No. 310 with effect from 30.09.09

[*Supplt. No. 16 (December 2003)*]

Details Required	*Notes*
Details of witness Name of witness Date of birth of witness If an application has been made to tender in evidence a video recording of testimony from the witness, give the date and (if known) result of that application. If the applicant is the prosecutor, give the name of the witness (otherwise leave blank).	An application by the defence for evidence to be given through a live link or by means of a video recording need not disclose who that witness is, except to the extent that the disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (alibi).
Details of application Specify the special measures being sought. State the grounds on which the witness relies in support of the application for a special measures direction.	The statement should make clear whether the applicant seeks automatic eligibility or whether the applicant alleges that the quality of the evidence will be reduced unless a direction is given. In the latter case, the grounds on which the applicant alleges that the quality of the witness's evidence is likely to be diminished in terms of completeness, coherence and accuracy should be clearly stated.
Give a description of evidence submitted in support of this application.	This requirement is optional. Examples of evidence might be: birth certificate; medical report; expert evidence; police report.
Arrangements available Give a description of the arrangements relevant to the measures applied for, which may be made available in the area in which it is likely the hearing will take place.	
Reasons for application Give the grounds for believing the special measures being sought in this application will increase the quality of the witness's evidence. Give the views of the witness as to why the measures sought in this application are required.	

Details required	*Notes*
Material change of circumstances Give a description of any material change of circumstances relied upon to support this application.	This requirement applies only where— (a) a special measures direction is already in force and application is being made to discharge or vary the direction, or (b) a previous application for a special measures direction was refused and this application seeks to reverse that decision.

PART 2

TO BE COMPLETED IF THE APPLICATION IS FOR EVIDENCE TO BE GIVEN THROUGH A LIVE LINK

Details required	*Notes*
Details of application Give— (a) the address of any venue from which the witness will give evidence if the court's own live link is not used: (b) the name of the person who it is proposed will accompany the witness: (c) the occupation of this person: (d) the relationship (if any) of this person to the witness:	An application by the defence need not disclose the name of the person proposed to accompany the witness if disclosure could lead to the identification of the witness.
Grounds State why it is believed that this person should accompany the witness [(**a**)(include the witness' views)]:	

(**a**) Words inserted by S.R. 2011 No. 418 with effect from 01.01.12

PART 3

[*Supplt. No. 26 (May 2013)*]

TO BE COMPLETED IF THE APPLICATION IS TO TENDER IN EVIDENCE A VIDEO RECORDING UNDER ARTICLE 15 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

Details required	*Notes*
Video recording(s) Statement as to circumstances in which video recording made:	These details need to be completed only to the extent that the information is not contained in the video recording itself.
Date(s) of video recording(s): Time(s) of video recording(s):	Give the times at which recording began and finished, including details of any interruptions.
Location and normal function of premises where video recording made:	Give address of premises where recording made and state the usual function of those premises
Statement as to whether, and if so at what point in the video recording, an oath was administered to, or a solemn declaration made by, the witness:	
Details of those present while recording made Give details of each person present at any point during the recording:	Include name, age and occupation of anyone present; time for which present; relationship (if any) to witness and to the defendant.
In relation to each person present at any point during the recording, a statement confirming that the person when present is visible in the recording.	
[(**a**) Was an intermediary used during the video-recording?	If yes, please complete Part 4 of this form, providing details of the intermediary. Please indicate whether the intermediary made the necessary declaration as set out in Form 88N before acting.
Has the Court already approved the use of an intermediary under Article 17 of the 1999 Order? If not, will an application be made?]	
Equipment used Give a description of the equipment used for the recording:	The description shall include the following information – number and type of cameras used (fixed or mobile); the number and location of microphones; the video format used; and whether it offered single or multiple recording facilities and if it did which were used.

(**a**) Paragraph inserted by S.R. 2013 No. 89 with effect from 11.05.13

Details required	*Notes*
Recordings of part only of an interview State whether the video recording contains part only of the interview with the witness:	A copy of any video recordings of other parts of the interview with the witness which it is not proposed to tender in evidence shall also be provided to the court and the other parties. The details of each such recording shall be given as above. Use separate sheets where necessary.
Details of copy State in respect of each video recording whether it is a copy, and give the following details in respect of each copy— Name and address of person who has the mastertape: When, and by whom, the copy was made:	
Attendance and supply of copies Is the witness willing and able to attend the trial for cross-examination?	
Have copies of the video recording(s) to which this application relates been disclosed to the other parties?	Where the application is by the defendant, the video recording(s) do not have to be served on the prosecution until the close of the prosecution case at the trial.
Has a copy of this notice and the video recording(s) to which it relates been served on each party to the proceedings? Has the agreement of the other parties to the video recording(s) being tendered as evidence been sought?	

[(a) PART 4

TO BE COMPLETED IF THE APPLICATION IS TO ALLOW THE EXAMINATION OF A WITNESS THROUGH AN INTERMEDIARY

Details required	*Notes*
Details of the application	An application by the defence need not disclose the name of the intermediary if disclosure could lead to the identification of the witness.
(a) what is the name of the proposed intermediary:	
(b) what is the occupation of this person:	

(a) Part 4 inserted by S.R. 2013 No. 89 with effect from 11.05.13

(c) list any relevant skills or professional qualifications:	
(d) what is the relationship (if any) of this person to the witness:	
(e) is the proposed intermediary registered with the Department of Justice:	
(f) describe the witness' communication needs, and the proposed arrangements for questioning the witness. Attach any relevant report, including an intermediary's assessment. Ground rules for questioning may be discussed between the court, the legal representatives and the intermediary before the witness gives evidence to establish (a) how questions should be put to help the witness understand them and (b) how the proposed intermediary will alert the court if the witness has not understood or needs a break.	
(g) has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made.	
(h) has an intermediary been used in any other part of the investigation or pre-trial preparation, including a video-recorded interview:	
(i) if an intermediary was used in a video-recorded interview, is it intended that an application will be made to have the video-recording admitted as evidence in chief;	
(ii) was that intermediary used in any other part of the investigation, pre-trial preparation or video-recorded interview, the person named above (if no, please give the details sought in this Part in respect of that intermediary);	
(iii) did that intermediary make a declaration before acting? If yes, please attach a copy.]	

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of .

And to

(insert names and addresses of each of the other parties to the proceedings)

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 each of the other parties to the proceedings.

[*Supplt. No. 16 (December 2003)*]

Note to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days (or such other period as may be specified by the court under Rule 149AB(4)) to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.]

[(a) FORM 15C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149AA)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Article 7)

[Supplt. No. 26 (May 2013)]

NOTICE OF DECISION ON APPLICATION FOR A SPECIAL MEASURES DIRECTION UNDER ARTICLE 7 OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon the hearing of an application by (*name of applicant*), on (*date application heard*) under Article 7 of the Criminal Evidence (Northern Ireland) Order 1999 for a special measures direction, the court made an order to the following effect, viz: –

Special measures direction under Article [11] [12] [13] [14] [15] [(b) [17]] [18] granted*/granted subject to the following conditions*/refused on the following grounds –

This day of 20 .

Clerk of Petty Sessions]

(a) Form 15C substituted by S.R. 2003 No. 296 with effect from 30.06.03
(b) Number inserted by S.R. 2013 No. 89 with effect from 11.05.13

[(a) FORM 15D

[*Supplt. No. 16 (Dec. 2003)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AI)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 24)

Application by Prosecutor for a Direction Under Article 24 of the Criminal Evidence (Northern Ireland) Order 1999 Prohibiting the Defendant from Cross-examining a particular witness

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Take notice that I, the undersigned, intend to apply for a direction under Article 24 of the Criminal Evidence (Northern Ireland) Order 1999 prohibiting the defendant from cross-examining a particular witness, namely: (*specify name of witness*).

State why the evidence given by the witness is likely to be diminished if cross-examination is undertaken by the defendant in person:

_____

_____

State why the evidence would be improved if a direction were given under Article 24(2) of the 1999 Order:

_____

_____

State why it would not be contrary to the interests of justice to give such a direction:

_____

_____

The date fixed for commencement of proceedings to which the application relates is: (*specify date*).

_____

(a) Forms 15D-15L inserted by S.R. 2003 No. 477 with effect from 1.12.03

[*Supplt. No. 16 (Dec. 2003)*]

Dated this day of 20 .

Signature of Prosecutor

To the clerk of petty sessions for the petty sessions district of .

And to

(*insert names and addresses of each of the other parties to the proceedings*)

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 each of the other parties to the proceedings.

FORM 15E

[*Supplt. No. 16 (Dec. 2003)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 149AJ and 149AL)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 26)

Notice to the Clerk of Petty Sessions of an appointment by the Defendant of a Legal Representative

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

TAKE NOTICE that I, the defendant, [have appointed],* [do not intend to appoint],* a legal representative to act on my behalf.

[Name and address of legal representative:

]*

Dated this day of 20 .

Signature of Defendant

[Signature of legal representative]

Note:

Where a legal representative has been appointed by the defendant, a copy of this form shall, on receipt by the clerk of petty sessions, be sent by him to each other party to the proceedings.

* Delete as appropriate

FORM 15F

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AJ)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 26)

NOTICE BY CLERK OF PETTY SESSIONS OF A DECISION OF THE COURT [ON APPLICATION BY THE DEFENDANT]* FOR AN EXTENSION OF TIME TO APPOINT A LEGAL REPRESENTATIVE

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

On day of 20 , the court explained to the defendant that he is prevented from cross-examining a witness in person and invited him to arrange for a legal representative to act for him for the purpose of cross-examining the witness.

AND WHEREAS the court has not received notice from the defendant that he has arranged for such representation, the court has [of its own motion]* [on the application of the defendant]* made an order to the following effect, viz:

[Application for an extension of time will be heard before the magistrates' court sitting at (*place*) on (*date*) at (*time*). You, the defendant, are requested to attend]*.

[Extension of time is granted for a period of days from the date of this order]*

[Extension of time is refused on the following grounds (state reasons)]*

This day of 20 .

Clerk of Petty Sessions

Note:

A copy of this notice will be sent to every other party to the proceedings [who may also attend the hearing]*.

* Delete as appropriate

FORM 15G

[*Supplt. No. 16 (Dec. 2003)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AL)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 26)

Notice to the Clerk of Petty Sessions by a qualified legal representative (Appointed by the Court) that he has now been appointed by the Defendant

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Take notice that I (*insert name*), who was appointed by the court under Article 26(4) of the Criminal Evidence (Northern Ireland) Order 1999 as the defendant's qualified legal representative, have now been appointed by him.

Dated this day of 20 .

[Signature of legal representative]

To the clerk of petty sessions for the petty sessions district of .

FORM 15H

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AL)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 26)

Notice by the Clerk of Petty Sessions of the discharge of the person appointed by the Court

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

TAKE NOTICE that the person appointed by the court under Article 26(4) of the Criminal Evidence (Northern Ireland) Order 1999 has [been discharged]* [ceased to act for the court]*.

[The following legal representative has been appointed by the defendant, namely: (*insert name and address of legal representative*)]*

Dated this day of 20 .

Clerk of Petty Sessions

Note:

A copy of this notice is to be sent to each party to the proceedings.

*Delete as appropriate

FORM 15I

[*Supplt. No. 16 (Dec. 2003)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AM)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 28(2))

NOTICE TO THE CLERK OF PETTY SESSIONS OF AN APPLICATION FOR LEAVE TO ADDUCE EVIDENCE UNDER ARTICLE 28(2) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

TAKE NOTICE that I, the undersigned, intend to apply for leave to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

The date fixed for commencement of [preliminary investigation] [preliminary inquiry] [proceedings]* to which the application relates is: (*specify date*).

Evidence:

(Give summary of the evidence the applicant proposes to adduce and of the questions the applicant proposes to put to any witness)

Explanation:

(Explain in full why it is considered that the evidence and questions fall within Article 28(3) or (5) of the 1999 Order)

List of documents:

(Give summary of any document or other evidence to be submitted in support of such evidence and questions)

Details of witness:

(*Give the name, address and date of birth of any witness who it is proposed to call to give evidence as to the complainant's sexual behaviour*)

[*Supplt. No. 16 (Dec. 2003)*]

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the clerk of petty sessions for the petty sessions district of .

And to

(*insert names and addresses of each of the other parties to the proceedings*)

Notes to applicant:

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 each of the other parties to the proceedings.

An application under Rule 149AM should be served on the clerk of petty sessions not less than 14 days before the day fixed for the commencement of the proceedings to which the application relates or be accompanied by a full explanation specifying the reasons why the application could not have been made within that time.

Note to Prosecutor:

You are required to notify the clerk of petty sessions and each of the other parties to the proceedings in Form 15J whether or not you oppose the application made under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

FORM 15J

[*Supplt. No. 16 (Dec. 2003)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AM)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 28(2))

NOTICE TO THE CLERK OF PETTY SESSIONS WHETHER OR NOT THE PROSECUTOR OPPOSES THE APPLICATION MADE UNDER ARTICLE 28(2) OF THE CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

The purpose of this Notice is to inform you that I, the prosecutor [oppose]* [do not oppose]* the application made by the defendant under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999 and as set out in Form 15I [for the following reasons: (state reasons)]*

AND TAKE NOTICE that I [wish] [do not wish]* to be represented at any hearing of the application.

This day of 20 .

Prosecutor

To the clerk of petty sessions for the petty sessions district of .

And to

(*insert names and addresses of each of the other parties to the proceedings*)

*Delete as appropriate

[*Supplt. No. 16 (Dec. 2003)*]

FORM 15K

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AM)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999
(Article 28(2) and 30(3))

Request by the Court for a Party to the Proceedings to provide information in relation to an application for leave to adduce evidence under Article 28(2)

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

The court hereby requests that you, (*insert name of the party to whom the request is made*), being a party to the above proceedings, provide the court with the information detailed below, which the court considers will assist it in determining the application to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999.

Details of the information which the court requires to assist in determining the application:

Dated this day of 20 .

Clerk of Petty Sessions

Note:

The information requested shall be furnished to the court within 14 days.

FORM 15L

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149AM)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Article 28(2) and 30(3))

Notice of the decision of the Court on an application for leave to adduce evidence under Article 28(2)

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon the hearing of an application by (*name of applicant*), on (*date application heard*) for leave to adduce evidence under Article 28(2) of the Criminal Evidence (Northern Ireland) Order 1999, the court made an order to the following effect, viz:-

Leave in relation to evidence or questions on an application made in Form 15I is:

[refused for the following reasons (*state reasons*)

]*

[granted for the following reasons and, subject to the following restrictions (state reasons and the extent to which evidence may be adduced or questions asked in pursuance of leave)

]*

Dated this day of 20 .

Clerk of Petty Sessions

Note:

A copy of this notice is to be sent to each party to the proceedings.

*Delete as appropriate]

[(a) FORM 15M

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149AN)

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

(Section 46)

Application for a reporting direction under section 46 of the Youth Justice and Criminal Evidence Act 1999

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	
Case details [(b) . . .] [(b) . . .] [(c) PPSNI reference number:] [(d) ICOS reference number if known:] Defendant(s): Surname: Forenames: Court venue: Date of next court appearance:	 The venue of the court hearing the case.
Charges	Give brief details of those charges to which this application relates
Details of application State the grounds on which the applicant relies in support of the application for a reporting direction:	The statement should make clear why, in the applicant's view, if the direction is not given— (a) the quality of evidence given by the witness, or (b) the level of co-operation given by the witness to any party to the proceedings in the preparation of that party's case,

(a) Forms 15M-15P inserted by S.R. 2004 No. 299 with effect from 26.07.04
(b) Words omitted by S.R. 2009 No. 310 with effect from 30.09.09
(c) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09
(d) Words inserted by S.R. 2009 No. 310 with effect from 30.09.09

Details required	*Notes*
	is likely to be diminished by fear or distress if the witness is identified by members of the public.
Give a description of evidence submitted in support of this application:	This requirement is optional. Examples might be – Police report Medical report
Set out the views of the witness for whom the direction is sought on this application:	
Public interest State why a reporting direction – (a) is in the interests of justice; and (b) is in the public interest in avoiding the imposition of a substantial and unreasonable restriction on the reporting of proceedings	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to

(insert names and addresses of each of the other parties to the proceedings)

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 each of the other parties to the proceedings.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.

FORM 15N

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AO)
YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999
(Section 46)

Application for an excepting direction under section 46(9) of the Youth Justice and Criminal Evidence Act 1999

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	
Case details Defendant(s): Surname: Forenames: Court venue: Date of next court appearance: **Charges**	The venue of the court hearing the case. Give brief details of those charges to which this application relates
Reference number of reporting direction: Court which gave the reporting direction: Date on which reporting direction given:	
Is a copy of the reporting direction attached:	The applicant should attach a copy of the reporting direction if available
Details of application State the grounds on which the applicant relies and in particular state why a reporting direction is or would be a substantial and unreasonable restriction on the reporting of the proceedings: State why it would be in the public interest to remove or relax reporting restrictions:	

Dated this day of 20 .

[*Supplt. No. 18 (July 2004)*]

Applicant
[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to

(insert names and addresses of each of the other parties to the proceedings)

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 each of the other parties to the proceedings.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.

FORM 15O

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AP)

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999
(Section 46)

Application for [revocation of a reporting direction] [variation of an excepting direction] [revocation of an excepting direction] under section 46 of the Youth Justice and Criminal Evidence Act 1999

Details required	*Notes*
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	
Case details Defendant(s): Surname: Forenames: Court venue: Date of next court appearance:	The venue of the court hearing the case.
Charges Reference number of [reporting] [excepting] direction: Court which gave the [reporting] [excepting] direction: Date on which [reporting] [excepting] direction given:	Give brief details of those charges to which this application relates
Is a copy of the [reporting] [excepting] direction attached:	The applicant should attach a copy of the [reporting] [excepting] direction if available
Details of application The application is for: [the revocation of a reporting direction]* [the variation of an excepting direction]* [the revocation of an excepting direction]* The grounds on which the applicant relies are as follows –	* Delete as appropriate

Dated this day of 20 .

[*Supplt. No. 18 (July 2004)*]

Applicant
[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to

(insert names and addresses of each of the other parties to the proceedings)

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 each of the other parties to the proceedings.

NOTE to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days to notify the applicant and the clerk of petty sessions in writing of your opposition stating the reasons for such.

FORM 15P

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AQ)

YOUTH JUSTICE AND CRIMINAL EVIDENCE ACT 1999

(Section 46)

Notice of decision on application for [reporting direction] [excepting direction] [revocation of reporting direction] [variation or revocation of excepting direction] made in accordance with section 46 of the youth justice and criminal evidence act 1999

	Notes
Details of applicant Name of applicant: Name of applicant's solicitor: Address of solicitor: Reference:	
Details of witness Name of witness: Date of birth of witness:	
Case details Defendant(s): Surname: Forenames: Court venue: Charges:	

Upon the hearing of an application on (*date*) at (*place*)
the court made an order to the following effect, viz:–

Reporting Direction

If a reporting direction has been given by the court, give the following details –

Reference number of reporting direction:

Court which gave the reporting direction:

Date on which reporting direction given:

Give details of restrictions imposed by the direction:

Excepting Direction

[*Supplt. No. 23 (September 2009)*]

If an excepting direction has been given by the court, give the following details –

Reference number of the excepting direction:

Court which gave the direction:

Date on which direction given:

Give details of the exception granted by the court:

Revocation of a reporting direction

If a reporting direction has been revoked, give the following details –

Reference number of the reporting direction:

Court which gave the reporting direction:

Date on which the reporting direction was given:

Date on which the reporting direction was revoked:

Variation or revocation of an excepting direction

If an excepting direction has been varied or revoked, give the following details –

Reference number of the excepting direction:

Court which gave the excepting direction:

Date on which the excepting direction was given:

Give details of how the excepting direction was varied or revoked:

Dated this day of 20 .

Clerk of Petty Sessions]

[*Supplt. No. 5 (January 1991)*]

FORM 16

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 30(2), 34(2) and 39; Rules 26, 27 and 35)

Deposition of a Witness

[Title as in Form 1]

THE DEPOSITION of [(a) . . .] taken in the presence and hearing of the defendant who stands charged [that] [as stated in the statement of complaint(s)]

The said deponent says on this oath that

And the said deponent binds himself [upon notice being given to him requiring his attendance] to attend and [to prosecute or] to give evidence at the trial of the said defendant for the said offence or otherwise to forfeit to the Crown the sum of pounds.

Deponent

Taken before me this day of 20 , at in the said county court division.

District Judge (Magistrates' Courts)
[Lay magistrate]

(a) Word deleted by S.R. 1990 No. 426 with effect from 01.01.91

FORM 17

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37, 40 and 47; Rules 14 and 143)

Warrant of Commitment for Trial

[*Title as in Form 1*]

WHEREAS the defendant stands charged with the following offence(s):—

AND WHEREAS the defendant has been committed for trial to the Crown Court sitting at (place)

[AND WHEREAS a bill of indictment has been presented against the said defendant for the said offence(s).]

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the said defendant in HM Prison at there to be imprisoned by the Governor until his trial for the said offence and he shall be discharged by due course of law or until he and his sureties enter into the recognizance required by the endorsement on this warrant.

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

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This warrant to be endorsed for bail as on Form 11.

FORM 18

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 39(5); Rules 14 and 143)

Warrant of Commitment of Witness for refusing to enter Recognizance

[Title as in Form 1]

WHEREAS a complaint was made on the (date) , on the oath of (name) that

AND WHEREAS (name) a witness, has, without just excuse, refused to enter into a recognizance to give evidence on the trial of the defendant;

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to convey the said (name of witness) of to the HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] there to be kept in custody by the governor until the trial of the said unless the witness shall in the meantime enter into such recognizance as required.

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

This day of 19 .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

FORM 19

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37(4), 39(5) and 148(1); Rules 14, 16(3) and 143)

Warrant for Discharge

[*Title as in Form 1*]

WHEREAS a complaint was made that

(offence alleged with time and place).

THIS IS TO COMMAND YOU to discharge the said defendant so committed on completing his recognizance unless he shall be in your custody for some other cause.

This day of 19 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre].

D. Forms used in connection with Preliminary Inquiry.

FORM 20

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32(1)(*a*); Rule 32)

Notice of Intention to Request Court to Conduct a Preliminary Inquiry

[*Title as in Form 1*]

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of a magistrates' court at (place) on (date) to request the court to conduct a preliminary inquiry under the Order, unless the defendant (hereinafter called "the accused") objects to the conducting of such inquiry.

I hereby serve on you—

(1) a statement of the complaint(s) on which I intend to ask the court to commit the accused for trial by jury;

(2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;

(3) a list of the names of the said witnesses and the number of pages containing each statement;

*(4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and

*(5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at
between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object to the court conducting a preliminary inquiry or, even if he does not object, he may at the inquiry object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

Dated this day of 20 .

Complainant

[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

---

* Delete where no exhibits

FORM 21

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 32(1)(a); Rule 32)

[(a) JUSTICE AND SECURITY (NORTHERN IRELAND) ACT 2007

(Section 3)]

Notice of Intention to Request Court to Conduct a Preliminary Inquiry

[Title as in Form 1]

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of a magistrates' court at (place) on(date) to request the court to conduct a preliminary inquiry under the Order.

I hereby serve on you—

(1) a statement of the complaint(s) on which I intend to ask the court to commit the defendant (hereinafter called "the accused") for trial;

(2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;

(3) a list of the names of the said witnesses and the number of pages containing each statement;

*(4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and

*(5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of .

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may at the inquiry make a submission that the holding of a preliminary inquiry would be contrary to the interests of justice and the court shall consider any such submission before deciding to hold such inquiry.

The accused may object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

(a) Words substituted by S.R. 2008 No. 251 with effect from 16.07.08

Dated this day of 20 .

Complainant

[On behalf of Complainant]

[*Supplt. No. 20 (October 2008)*]

To the Clerk of Petty Sessions at
and to the Accused at

---

* Delete where no exhibits

FORM 22

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 32; Rules 31 and 32)

CRIMINAL JURISDICTION ACT 1975

(Section 4(3))

Notice of Intention to Request Court to Conduct a Preliminary Inquiry (Extra-territorial Offences)

[Title as in Form 1]

The purpose of this Notice is to inform you that a magistrates' court for the said petty sessions district will sit at (place) on (date) to consider the complaint(s) of the extra-territorial offence(s) set out in the attached statement of complaint.

In accordance with section 4(3) of the Criminal Jurisdiction Act 1975 if the court at the request of the complainant decides to conduct an inquiry into the said complaint(s) the procedure will be by way of preliminary inquiry under Article 31 of the Order.

I hereby serve on you—

(1) a statement of the complaint(s) on which I intend to ask the court to commit the above defendant (hereinafter called the accused) for trial;

(2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;

(3) a list of the names of the said witnesses and the number of pages containing each statement;

*(4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and

*(5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of .

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object at the inquiry to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry except where it appears to the court that a witness is in the Republic of Ireland and that it is not reasonably practicable to secure his attendance.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry in order to avoid any adjournment of the court that he should so inform me a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can if practicable secure the attendance of the witness at the court at the time of the inquiry.

Dated this day of 19 .

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

---

* Delete where no exhibits

FORM 23

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 32(4))

List of Witnesses and Number of Pages in Statement of Evidence of each Witness

[*Title as in Form 1*]

Full name of witness	No. of pages in each witness's written statement	
	Typescript	Manuscript

The above is a true statement of the names and witnesses, copies of whose written statements are served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division and of the number of pages in each written statement.

Complainant
[On behalf of Complainant]

FORM 24

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32(1)(*b*)(iii); Rule 32(5))

List of Exhibits to be Produced or Referred to by Witness whose Written Statement is to be Tendered at a Preliminary Inquiry

[*Title as in Form 1*]

No. or letter of Exhibit as Marked	Description	Name of Witness whose statement refers to Exhibit	If a copy of a written exhibit has been served on defendant say "Yes" or "No"

The above is a true list and description of the exhibits to be produced or referred to by the witnesses whose written statements have been served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division.

Complainant
[On behalf of Complainant]

FORM 25

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 30(4) and (5), 34(3) and (4); Rules 26 and 35)

Statement of the Accused

[*Title as in Form 1*]

A charge/charges having been made against the above defendant (hereinafter called "the accused") before the undersigned justice as set out in the statement of complaint(s).

And witnesses for the prosecution having been severally examined in the presence of the accused;

And certain written statements for the prosecution having been admitted in evidence.

And the said charge/charges having been put to the accused in accordance with the Magistrates' Court Rules (Northern Ireland) 1984.

And the accused being informed of his right, if he so desired, to give evidence on his own behalf and to call witnesses [or to tender any written statement of evidence].

The accused was then addressed as follows:

> "You are not obliged to say anything in answer to the charge(s) unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge(s)?".

Whereupon the accused in reply said:—

The accused, [having made the statement above set out] [not having made any statement] in answer to the charge(s) was then asked whether he desired to give evidence on his own behalf, whether he desired to call witnesses; [or to tender a written statement of evidence pursuance to Article 33 of the Order].

The accused, having been informed that he was not obliged to give evidence or to call witnesses [or to tender any such statement] and that anyone giving evidence was liable to be cross-examined, in reply said:—

Taken before me this day of 19 ,
at

Resident Magistrate
[Justice of the Peace]

FORM 26

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 33; Rule 39)

Statement of Witness to be Tendered in Evidence at Preliminary Inquiry

[*Title as in Form 1*]

Name of witness

Age (if over 21 enter "over 21")

[(a) . . .]

[(a) . . .]

I DECLARE that this statement consisting of pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary inquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Dated this day of 19 .

Signature of Witness

Signature endorsed on declaration by the person who recorded statement or to whom it was delivered.

[(For use only where witness cannot read)

The said witness being unable to read the above statement I declare that I of read it to before he signed it and he assented to it in accordance with Article 33(1)(*f*) of the Magistrates' Courts (Northern Ireland) Order 1981.

Dated this day of 19 .

Signature of Reader.]

NOTE: Whenever possible statements should be on paper of A4 size. If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the clerk of petty sessions; and each page should have a wide margin on the left.

(a) Words deleted by S.R. 1990 No. 426 with effect from 1.1.91

FORM 27

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 41)

Authenticating Certificate of Clerk of Petty Sessions

I hereby certify that at a preliminary inquiry_____(state number) written statements of the witnesses shown on List of Witnesses attached were admitted in evidence:

_____(state number) depositions of witnesses were taken and sworn and

_____(state number) formal admissions were made in accordance with the attached schedule.

Dated this day of 19 .

Clerk of Petty Sessions

SCHEDULE

Depositions of Witnesses

Name of Witness	No. of pages in each deposition

E. Forms used in Connection with Committal for Trial of Person against whom an Indictment has been Presented.

FORM 28

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 40(1))

Certificate of Indictment having been Presented

County Court Division of

I HEREBY CERTIFY that upon the day of 19 , at the held at in the said county court division a bill of indictment was presented against for that he

(state particulars of offence(s) alleged in indictment)

and that the said has not appeared and pleaded to the said indictment.

This day of 19 .

Chief Clerk

FORM 29

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 40(3); Rules 14 and 143)

Warrant to arrest Person Indicted

[*Title as in Form 1*]

WHEREAS a complaint has been made on oath and in writing that the defendant

AND WHEREAS it has been certified to me that

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

This day of 19 .

Justice of the Peace

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This warrant may be endorsed for bail as in Form 9.

F. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 2 to the Order

FORM 30

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 20 and 45; Rules 8 and 44(1))

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 2 to the Order

[Title as in Form 1]

WHEREAS a complaint has been made before me that on (date) at (place) in the said petty sessions district and county court division you, the said defendant,

THIS IS TO COMMAND YOU to appear in person as a defendant on the hearing of the said complaint at (place) on (date) at (time) before a magistrates' court of the said county court division.

This day of 20 .

Lay Magistrate

[Clerk of Petty Sessions]

Notice under Article 45 of the said Order of 1981

The [following] offence(s) [that is to say—]

for which you are hereby summoned to appear before the court [is] [are] [an] indictable offence(s) specified in Schedule 2 to the said Order which may be dealt with summarily by a district judge (magistrates' court) in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a district judge (magistrates' court) only with your consent, and if you do so consent, only where the prosecutor also consents.

The district judge (magistrates' court) may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that for any of the reasons specified in Article 45(1) of the said Order, it is inexpedient to deal with any such offence(s) summarily.

[*Supplt. No. 22 (July 2008)*]

[(**a**) . . .]

FORM 30A

(**a**) Form 30A omitted by S.R. 2008 No. 251 with effect from 16.07.08

FORM 31

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 45; Rule 44(1))

Notice under Article 45 of the above Order of 1981 to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such Offence

The [following] offence(s) [that is to say—]

with which you are charged [is] [are] indictable offence(s) specified in Schedule 2 to the said Order which may be dealt with summarily by a district judge (magistrates' court) in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a district judge (magistrates' court) only with your consent, and if you do so consent, only where the prosecutor also consents.

The district judge (magistrates' court) may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that for any of the reasons specified in Article 45(1) of the said Order, it is inexpedient to deal with any such offence(s) summarily.

Dated this day of 20 , at (time).

Signed

[(**a**) . . .]

FORM 31A

(**a**) Form 31A omitted by S.R. 2008 No. 251 with effect from 16.07.08

[*Supplt. No. 22 (July 2008)*]

FORM 32

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 45; Rule 44(2))

Written Waiver of Requirement of Notice under Article 45 of the Order

I HEREBY WAIVE my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried by jury for the offence(s) specified in Form 31 in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984 which form I have duly received, and I fully understand that the said offence(s) [is] [are] [an] offence(s) which may be dealt with summarily by a district judge (magistrates' courts) only with my consent and that if I do so consent only where the prosecutor also consents.

Dated this day of 20 .

Defendant

[(a) . . .]

(a) Form 32A omitted by S.R. 2008 No. 251 with effect from 16.07.08

DEBT PROCEEDINGS

FORM 33

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 62; Rules 55, 57 and 84)

Process in Debt Proceedings

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place) on (date) at (time) to answer the plaintiffs claim for the sum of £ for

Dated this day of 20 .

Plaintiff

[Solicitor for the Plaintiff]

[Address].

NOTE: If the amount of the above claim, together with the sum of £ for the costs of this process, be paid to the plaintiff or his solicitor before the* day of 20 , proceedings will be stayed.

---

*Insert entry date

FORM 34

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 85)

Notice of Set-off or Counterclaim in Debt Proceedings

[*Title as in Form 33*]

TAKE NOTICE that the defendant intends at the hearing of the process issued in this case to claim a set-off [or make a counterclaim] against the plaintiff's claim, the particulars of which are as follows:—

Date	Nature of set-off or counter-claim	Amount

Dated this day of 19 .

Defendant
[Solicitor for the Defendant]
[Address].

To the Plaintiff and to
the Clerk of Petty Sessions
for the above District.

FORM 35

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 90(1))

Notice of Lodgment in Court of Amount Tendered

[*Title as in Form 33*]

TAKE NOTICE that the defendant has paid into court the sum of £ the amount previously tendered to the plaintiff in satisfaction of the plaintiff's claim [for].

Dated this day of 19 .

Defendant/Solicitor.

FORM 36

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 74; Rule 79)

Decree in Debt Proceedings

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant, claiming that he was indebted to the plaintiff in the sum of £ for

And it appearing to the court upon the hearing that the defendant is justly indebted to the plaintiff in the said sum [or the sum of £].

IT IS THEREFORE ORDERED by the court that the plaintiff do recover from the defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Debt	£
Costs	£
Witnesses' Expenses ..	£
Total	£

Resident Magistrate
[Clerk of Petty Sessions]

FORM 37

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 116; Rule 91)

Affidavit/Statutory Declaration of Default in Payment of Instalment in support of Application for Issue of Decree Hitherto Postponed on Terms

[*Title as in Form 33*]

I, , of
MAKE OATH AND SAY,
[DO SOLEMNLY AND SINCERELY DECLARE] as follows:—

1. At the magistrates' court sitting at (place) on the (date) the defendant was ordered to pay to the plaintiff the sum of £ , the sum of £ for costs and the sum of £ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of on the terms that the defendant paid the said sums by instalments of £ payable on the day of each , the first of such instalments to be paid on the day of 19 .

2. The defendant has made default in payment, and has failed to pay of the said instalments, and the sum of £ , balance of the sum so ordered to be paid aforesaid, is now due by him on foot of the said order.

3. I am*
and the above facts are within my own personal knowledge.

Sworn/Declared before me this day of 19 ,
at (place) in the county court division of .

Deponent/Declarant

Justice of the Peace
[Commissioner for Oaths]
[Clerk of Petty Sessions]

* The Plaintiff: A person in the plaintiff's employment. A person acting under the plaintiff's direction.

FORM 38

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3) and 73(6); Rules 74 and 79)

Dismiss in Debt Proceedings

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant claiming the sum of £
alleged to be due to the plaintiff for

and the plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim be dismissed [on the merits] [without prejudice], and that the defendant do recover from the plaintiff the sum of £ for costs and the sum of £
for witnesses' expenses.

Issued on the day of , 19 .

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

Resident Magistrate
[Clerk of Petty Sessions].

FORM 39

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65)

County Court Division of ..... Petty Sessions District of .....

Process Register in Debt Proceedings

Number	Date of Hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff / Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of Adjudication	Date of issue of order

Resident Magistrate, [(a) or Clerk of Petty Sessions]

(a) Words inserted by S.R. 1994 No. 387 with effect from 1.11.94

FORM 40

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65(4))

County Court Division of ..... Petty Sessions District of .....

Memorandum of a Debt Proceeding entered in the Process Register of the Court of Summary Jurisdiction sitting at , , the day of 19 .

Date of Hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff / Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of Adjudication

I certify the above extract to be a true copy.
Dated this day of 19 .

Clerk of Petty Sessions

EJECTMENT PROCEEDINGS

FORM 41

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 67; Rules 55, 57 and 95)

Process in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

WHEREAS the plaintiff claims that the defendant has neglected [or refused] to deliver up to the plaintiff possession of the lands [or premises] situate at
in the above-named petty sessions district, which the defendant held from the plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of one hundred and ten pounds a year, to wit, the rent of , which tenancy [was duly determined by a notice to quit which expired on (date) and which notice was served on the (date)] [or which tenancy ended on (date)].

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place)
on (date) , at (time)
to answer to the plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address].

NOTE: If possession of the lands [or premises] is surrendered to the plaintiff and the sum of £ for the costs of this process be paid to the plaintiff or his solicitor before the* day of 19 , proceedings will be stayed.

* Insert Entry Day

FORM 42

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 67, 69 and 72(3); Rules 55, 57 and 95(5))

Process in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies and for the Recovery Arrears of Rent or Sums due under Article 69 of the Order

[*Title as in Form 33*]

WHEREAS the plaintiff claims that the defendant has neglected [or refused] to deliver up to the plaintiff possession of the lands [or premises] situate at
in the above-named petty sessions district, which the defendant held from the plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of one hundred and ten pounds per year, to wit, the rent of , which tenancy [was duly determined by a notice to quit which expired on (date)
and which notice was served on (date)].

AND WHEREAS the plaintiff claims that the defendant is indebted to him in the sum of £ , in respect of arrears of rent up till the determination of the tenancy on (date) [and the sum of £ due to him up to the issue of this process under Article 69 of the Order] [arising from such tenancy under a lease dated .] [granted by [the plaintiff] to [the defendant]].

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place)
on (date) at (time) to answer to the plaintiff's claim for possession of the said lands [or premises] and for the recovery of the said sum(s).

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address]

NOTE: If possession of the lands [or premises] is surrendered to the plaintiff and the sum of £ in respect of [arrears of rent [and sums due under Article 69 of the Order]] and for the costs of this process be paid to the plaintiff or his solicitor before the * day of 19 , proceedings will be stayed.

*Insert Entry Day

FORM 43

MAGISTRATES' COURTS (NORTHERN IRELAND)ORDER 1981
(Article 67; Rules 55, 57 and 95(3))

Process in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (b) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

WHEREAS the plaintiff claims that the defendant, having been put into possession of the lands [or premises] situate at
in the above-named petty sessions district by permission of the plaintiff as [servant] [herdsman] [caretaker] has refused [or omitted] to quit and deliver up possession of the lands [or premises] on demand made on (date) , by [the agent or receiver of] the plaintiff.

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place)
on (date) at (time) to answer to the plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address]

NOTE: If possession of the lands [or premises] is surrendered to the plaintiff and the sum of £ for costs of this process be paid to the plaintiff or his solicitor before the* day of 19 , proceedings will be stayed.

*Insert Entry Day.

FORM 44

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67 and 71; Rules 55, 57 and 95(4))

Process in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (c) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

WHEREAS the plaintiff claims that he is entitled to recover possession of the lands [or premises] situate at
in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken)

by ejectment proceedings under and in accordance with Part VI of the Order by reason of

(here state cause of action and include a claim, if necessary, for arrears of rent or sums due under Article 69 of the Order).

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place)
on (date) at (time)
to answer to the plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address]

NOTE: If possession of the lands [or premises] is surrendered to the plaintiff and the sum of £ for the costs of this process be paid to the plaintiff or his solicitor before the * day of 19 , proceedings will be stayed.

*Insert Entry Day.

FORM 45

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67 and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at on the day of 19 .

It appearing to the court that a process to appear before the above court was duly served on the defendant, claiming that the defendant had neglected [or refused] to deliver up to the plaintiff possession of the lands [or premises] situate at
in the above-named petty sessions district which he lately held from the plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of one hundred and ten pounds per year, to wit, the rent of, per [quarter] [month] [week] which tenancy [was duly determined by a notice to quit served on (date) which expired on (date)] [ended on (date)].

And it appearing to the court that the defendant still neglects [or refuses] to deliver up possession of the said lands [or premises] and proof of the said holding, its [determination] [or end] at the time and manner thereof has been duly given and the defendant has failed to show to the satisfaction of the court cause why possession should not be given.

IT IS THEREFORE ORDERED that the plaintiff do recover from the defendant the said lands [or premises] and it is further ordered that the plaintiff do recover from the defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 46

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 67, 69, 72(3) and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies and for the Recovery of Arrears of Rent or Sums due under Article 69 of the Order

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant, claiming that the defendant had neglected [or refused] to deliver up to the plaintiff possession of the lands [or premises] situate at in the above-named petty sessions district which he lately held from the plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of one hundred and ten pounds a year, to wit, the rent of per [quarter] [month] [week] [which tenancy was duly determined by a notice to quit served on (date) , which expired on (date)] [or which tenancy ended on (date)] and claiming that the defendant is indebted to the plaintiff in the sum of £ in respect of arrears of rent up till (date) , [and the sum of £ due under Article 69 of the Order up to the date of the issue of the said process] [arising from such tenancy under a lease dated] [granted by [the plaintiff] to [the defendant]].

And it appearing to the court that the defendant still neglects [or refuses] to deliver up possession of the said lands [or premises] and proof of the said holding, its [determination] [or end] and the time and manner thereof has been duly given and the defendant has failed to show to the satisfaction of the court reasonable cause why possession should not be given and that the defendant is indebted to the plaintiff in the sum of £ in respect of arrears of rent [and the sum of £ due under Article 69 of the said Order].

IT IS THEREFORE ORDERED that the plaintiff do recover from the defendant the said lands [or premises] and it is further ordered that the plaintiff do recover from the defendant the sum of £ in respect of arrears of rent [and the sum of £ due under Article 69 of the said Order, for costs the sum of £ and for witnesses' expenses the sum of £].

Issued on the day of 19 .

Clerk of Petty Sessions

Arrears of rent or sums due under Article 69 of the Order	£
Costs	£
Witnesses' Expenses ..	£
Total	£

FORM 47

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67 and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (b) of Articles 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant claiming that the defendant had refused [or omitted] to quit and deliver up to the plaintiff the possession of the lands [or premises] situate at in the above-named petty sessions district on demand made by [the agent or receiver of] the plaintiff on (date) , into possession of which lands [or premises] the defendant had been put by permission of the plaintiff as [servant] [herdsman] [caretaker].

And it appearing to the court that the defendant still refuses [or omits] to deliver up possession of the said lands [or premises] and proof of the said permissive possession, its determination and the time and manner thereof has been duly given and the defendant has failed to show to the satisfaction of the court cause why possession should not be given.

IT IS THEREFORE ORDERED that the plaintiff do recover from the defendant the said lands [or premises] and it is further ordered that the plaintiff do recover from the defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 48

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67, 71 and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (c) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant claiming that the plaintiff was entitled to recover possession of the lands [or premises] situate at
in the above-named petty sessions district under the provisions of (state enactment under which proceedings taken)

by ejectment proceedings under and in accordance with Part VI of the Order by reason of

(here state grounds on which possession is claimed)

And it appearing to the court that the plaintiff is justly entitled to possession of the said lands [or premises] (here refer to section of enactment under which possession is claimed)

proof having been given that

(here state reasons why recovery of possession is ordered)

IT IS THEREFORE ORDERED that the plaintiff do recover from the defendant the said lands [or premises] and it is further ordered that the plaintiff do recover from the defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 49

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 73 and 74; Rules 74 and 79)

Dismiss in Ejectment Proceedings in Respect of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was served on the defendant claiming possession of the lands [or premises] situate at
in the above-named petty sessions district being lands [or premises] which the plaintiff alleged that the defendant held from the plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding one hundred and ten pounds a year [which tenancy the plaintiff alleged had been duly determined by a notice to quit served on (date)] [or which tenancy the plaintiff alleged had ended on (date)] and the plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim be dismised [on the merits] [without prejudice] and that the defendant do recover from the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 50

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 69, 72(3), 73 and 74; Rules 74 and 79)

Dismiss in Ejectment Proceedings in respect of Land or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies and where Arrears of Rent or Sums due under Article 69 of the Order were Claimed

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was served on the defendant claiming possession of the lands [or premises] situate at
in the above-named petty sessions district being lands [or premises] which the plaintiff alleged that the defendant held from the plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding one hundred and ten pounds a year [which tenancy the plaintiff alleged had been duly determined by a notice to quit served on (date)]
[or which tenancy the plaintiff alleged had ended on (date)]
and claiming that the defendant is indebted to the plaintiff in the sum of £ in respect of arrears of rent up till (date)
[and the sum of £ due under Article 69 of the Order] and the plaintiff has failed to prove the said claim(s).

IT IS THEREFORE ORDERED by the court that the said claim [for possession] [and] [for arrears of rent] and [such sum] be dismissed [on the merits] [without prejudice] and that the defendant do recover from the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 51

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67 and 73; Rules 74 and 79)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (b) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant claiming possession of the lands [or premises] situate at
in the above-named petty sessions district being lands [or premises] into possession of which the plaintiff alleged the defendant had been put by permission of the plaintiff as [servant] [herdsman] [caretaker] and which the defendant had refused [or omitted] to deliver up and the plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim is dismissed [on the merits] [without prejudice] and that the defendant do recover from the plaintiff the sum of £ for costs and the sum of £
for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 52

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 71 and 73; Rules 74 and 79)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which sub-paragraph (c) of Article 67(1) of the Order Applies

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process to appear before the above court was duly served on the defendant claiming possession of the lands [or premises] situate at
in the above-named petty sessions district under the provision of (state enactment under which proceedings taken)

by reason of

and the plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim be dismissed [on the merits] [without prejudice] and that the defendant do recover from the plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19 .

Clerk of Petty Sessions

Costs .. .. £
Witnesses' Expenses .. £

Total .. .. £

FORM 53

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65)

County Court Division of ..... Petty Sessions District of .....

Process Register in Ejectment Proceedings

Number	Date of Hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff / Defendant	Description of lands or premises possession of which claimed	Grounds on which possession claimed, ie whether paragraph (*a*), (*b*) or (*c*) of Article 67(1) of the Order applies, and, if (*c*) applies, enactment under which proceedings brought	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of adjudication	Date of issue of order

Resident Magistrate [(a) or Clerk of Petty Sessions]

(a) Words inserted by S.R. 1994 No. 387 with effect from 1.11.94

FORM 54

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65(4))

County Court Division of ..... Petty Sessions District of .....

Memorandum of an Ejectment Proceeding entered in the Process Register of the Magistrates' Court sitting at on the day of , 19 .

Date of Hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff / Defendant	Lands or premises the subject of the proceedings	Grounds upon which possession claimed, ie whether paragraph (*a*), (*b*) or (*c*) of Article 67(1) of the Order applies, and, if (*a*) applies, enactment under which proceeding brought	Names of witnesses (including persons making affidavits or statutory declarations)	Minute of adjudication

I certify the above extract to be a true copy.

Clerk of Petty Sessions

Dated this day of 19 .

APPEALS AND APPLICATIONS TO MAGISTRATES' COURTS

FORM 55

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 76; Rule 97)

Notice of Appeal to Magistrates' Court

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

TAKE NOTICE that I, the undersigned appellant, intend to appeal to a magistrates' court for the above-named petty sessions district sitting at (place)
on (date)
at (time) against the decision of

(here state decision appealed against)

given under (here state enactment under which decision appealed against was given)

Dated this day of 20 .

Appellant
{Solicitor for Appellant}

To the Respondent
of
and to the Clerk of Petty Sessions for the above-named petty sessions district.

Notes

Rule 98(2) 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.

Rule 99 A copy of the decision or determination from which an appeal is brought shall be lodged with the clerk of petty sessions by the appellant at least seven days before the hearing of the appeal.

[(**a**)FORM 55A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 76; Rules 97 and 97A)

CRIME (INTERNATIONAL CO-OPERATION) ACT 2003
(Sections 59 and 62)

Notice of Appeal to Magistrates' Court

of

Appellant } Petty Sessions District of

of

Respondent } County Court Division of

TAKE NOTICE that I, the undersigned appellant, intend to appeal to a magistrates' court for the above-named petty sessions district sitting at (place)
on (date) at (time)
against the decision of the Department of the Environment under section 57 of the Crime (International Co-operation) Act 2003, to recognise in the United Kingdom a driving disqualification imposed by (state the country by which the disqualification was imposed), on the ground(s) that (state the grounds on which the appeal is made)

I intend/do not intend to apply to the court to suspend the recognition of the disqualification under section 62(2) of the Crime (International Co-operation) Act 2003.

Dated this day of

Appellant

[Solicitor for Appellant]

(**a**) New Form 55A inserted by S.R. 2010 No. 12 with effect from 1.3.10

To the Respondent

[*Supplt. No. 24 (March 2010)*]

of

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

NOTES:

Rule 97A(1) The notice served on the clerk of petty sessions shall be accompanied by a copy of the notice of intention to appeal given to the appropriate Minister and, shall specify whether or not the appellant wishes to apply to the court to suspend the driving disqualification pending the final outcome of the appeal proceedings and state the grounds on which the appeal is made.

An appeal may be made under section 59 of the Crime (International Co-operation) Act 2003, against the decision of the Department of the Environment under section 57 of that Act, to recognise in the United Kingdom a foreign driving disqualification. Such an appeal may be made on the basis that section 57 does not apply to the appellant's case. (Section 56 of the Crime (International Co-operation) Act 2003 sets out the criteria for applying section 57 to a foreign driving disqualification.)

Rule 98(2) The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which the notice was served on the other party to the proceedings.

Rule 99: A copy of the decision or determination from which an appeal is brought shall be lodged with the clerk of petty sessions by the appellant at least seven days before the hearing of the appeal.]

FORM 56

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 76; Rule 97)

Notice of Application to Magistrates' Court

of

Applicant

of

Petty Sessions District of

County Court Division of

Respondent

TAKE NOTICE that I, the undersigned, intend to apply to a magistrates' court for the above-named petty sessions district sitting at (place)
on (date)
at (time) for [a licence, permit, certificate or authorisation, etc] [an order authorising the disposal, destruction, forfeiture] under (state enactment).

Dated this day of 19 .

Applicant
[Solicitor for Applicant]

To the Respondent
of
and to the Clerk of Petty Sessions for the above-named petty sessions district.

NOTE

Rule 98(2) 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.

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

FORM 57

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 79; Rule 8)

Summons to Defendant to Answer Complaint

[*Title as in Form 1*]

WHEREAS a complaint has been made before me that on (date)
at (place)
you, the said defendant,

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at (place)
on (date) at (time)
before a magistrates' court for the said county court division.

This day of 19 .

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant.

FORM 58

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 79 and 86; Rule 8)

Summons to Vary, etc., Order for Periodical Payment

[*Title as in Form 1*]

WHEREAS a complaint has been made to me by the complainant who states that by an order made on (date) , under the (state statutory provision) by a magistrates' court sitting for the said petty sessions district the complainant [defendant] was ordered

(State shortly terms of the original order and mention any subsequent order and effect thereof)

And the complainant now applies for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(State grounds of application)

THIS IS TO COMMAND YOU the said defendant to appear on (date) , at (time) , before the magistrates' court sitting at (place) , to answer the said complaint.

This day of 19 .

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant

FORM 59

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 86)

Order Varying, etc., Order for Periodical Payment

[*Title as in Form 1*]

WHEREAS a complaint has been made by the complainant
who states that by an order made on (date)
under the (state statutory provision) by a
magistrates' court sitting for the said petty sessions district the [complainant] [defendant] was ordered

(State shortly terms of the original order and mention any subsequent order and effect thereof)

And the complainant has applied
for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(state grounds of application)

IT IS THIS DAY ADJUDGED that the said order be [forthwith] varied [or revoked, suspended or discharged] as follows:—

and the [complainant] [defendant] is ordered to pay the sum of £
for costs in

This day of 19 .

Resident Magistrate
[Clerk of Petty Sessions]

A. Orders in Criminal Proceedings

[(a) FORM 60

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 91; Rule 105)

NOTICE TO DEFENDANT OF SUM ADJUDGED TO BE PAYABLE BY A CONVICTION

PLEASE GIVE THIS NOTICE YOUR IMMEDIATE ATTENTION

Name and address of defendant:
Case Ref:
Online Account Reference:
At (name of court) on (date) you were convicted of (an) offence(s) and ordered to pay the following sums on the terms shown below:

Charge	Fine	Offender Levy	Extra Costs	Other party	Charge total	PAYMENT TERMS
				OVERALL TOTAL		
				Payment received*		

*Any payments made by you at Court may not be reflected on this notice

METHODS OF PAYMENT

On-line	You can pay online using a credit card. Go to **www.courtsni.gov.uk** and enter your case reference number and your online account reference number (see above).
Telephone:	You can pay by telephone using a credit or debit card. Telephone the Customer Service Centre on 028 7126 1329.
By post:	You can pay by post using a cheque or postal order. Crossed cheques and postal orders should be made payable to 'Northern Ireland Courts and Tribunals Service' and sent to **CUSTOMER SERVICE CENTRE, PO BOX 256, LONDONDERRY, BT48 4AP**. Your case reference number and name must be quoted on the back of all cheques and postal orders. Cash should not be sent.

(a) Form 60 substituted by S.R. 2014 No. 12 with effect from 17.02.14

Enquiries

All enquiries should be made to the **Customer Service Centre** on **028 7126 1329**, quoting your case reference number.

Driving Licence Disqualification/Endorsement (if applicable)

The Court further ordered:

If you did not surrender your driving licence in court you must surrender it to the postal address shown above within 5 days of the date of court. Failure to do this may result in further prosecution.

Further Time to Pay

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application. **A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.**

Failure to Pay

If you fail to pay within the time specified by the Court or if you fail to comply with any instalment order, an application may be made to the Court for the order to be enforced by the issue of—

- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the amount owed);
- a warrant committing you to prison for a specified period (see below); or
- a supervised activity order requiring you to perform unpaid work for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

The issue of a warrant may result in you being liable for additional costs which would increase the amount you owe.

Dated this day of 20 .

Clerk of Petty Sessions.]

[(a) FORM 60A

[*Supplt. No. 9 (October 1997)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 92; Rules 105, 143 and 144)

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; REGULATION 7

Notice to Defendant or Defaulter of Order Enforcing Payment of Sum Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996

To:

Petty Sessions Office
Courthouse
Order Book No.

Take Notice that at a magistrates' court held at (place)
on (date) , the court found that you have defaulted on payment of a sum registered against you for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996.

The court allowed you until (date) , to pay the following sums [The court ordered you to pay the following sums by instalments of commencing on (date)].

Registered sum	...	£
Costs	...	£
Amount already paid	...	£
Balance due	...	£

You may however apply to the court by notice in writing addressed to me at the above address for an order for payment by instalments pursuant to Article 91(3) of the Magistrates' Courts (Northern Ireland) Order 1981 or for further time for payment or for variation of an order for payment by instalments pursuant to Article 91(4) of the said Order. And the court ordered that if such payment is not made or such application received by me within the time allowed [a warrant of commitment be issued committing you to prison [young offenders centre] for days] [a warrant of distress be issued for the purpose of levying the sum outstanding]. The issue of a warrant would increase the amount due. Payment may be made to me within the time allowed at the above address, or may be sent by post at your own risk. A payment made by post must be accompanied by this notice and postage must be prepaid.

(a) Form 60A inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 9 (October 1997)*]

Dated this day of 20 .

Clerk of Petty Sessions.

Note: It will be helpful to the court in dealing with your application if you will provide particulars of income, outgoings and any change of circumstance since the order was made.]

[(a) FORM 60B

[*Supplt. No. 26 (February 2014)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 92; Rules 105, 143 and 144)

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011)

(ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 7

Notice to Defendant or Defaulter of Order Enforcing Payment of Sum Registered under Section 67 of the Justice Act (Northern Ireland) 2011

To:

Petty Sessions Office
Courthouse
Order Book No.

TAKE NOTICE that at a magistrates' court held at (place)
on (date) , the court found that you have defaulted on payment of a sum registered against you for enforcement as a fine under section 67 of the Justice Act (Northern Ireland) 2011.
The court allowed you until (date) , to pay the following sum
[The court ordered you to pay the following sums by instalments of
commencing on (date)

Registered sum	...	£
Costs	...	£
Amount already paid	...	£
Balance due	...	£

You may however apply to the court by notice in writing addressed to me at the above address for an order for payment by instalments pursuant to Article 91(3) of the Magistrates' Courts (Northern Ireland) Order 1981 or for further time for payment or for variation of the said Order. And the court ordered that if such payment is not made or such issue is not made or such application received by me within the time allowed [a warrant of commitment be issued committing you to prison for days.] The issue of a warrant would increase the amount due. Payment may be made to me within the time allowed at the above address, or may be sent by post at your own risk. Payment made by post must be accompanied by this notice and postage must be prepaid.

Dated this day of 20 .

Clerk of Petty Sessions

Note: It will be helpful to the court in dealing with your application if you will provide particulars of income, outgoings and any change of circumstances since the order was made.]

(a) Form 60B inserted by S.R. 2012 No. 189 with effect from 06.06.12

[(a) FORM 60C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 92; Rule 105)

Notice to Defendant of a Fine Default Hearing for Failure to Pay a Sum Adjudged to be Payable by a Conviction

To: (*Insert Defendant's name and address*)

Case Ref:

Online Account Reference:

At (*name of court*) Magistrates' Court on (*date*) you were convicted and ordered to pay the following sum on the terms shown below:

Charge	Fine	Offender Levy	Extra Costs	Other party	Charge total	PAYMENT TERMS

In respect of these convictions you have made the following payment:

Total Payment made	£	As of [*insert date of issue of notice*]

This leaves a current balance outstanding of £

Fine Default Hearing

This notice is to inform you that at (time) on (date) at (name of court) Magistrates' Court (address) the court will hold a Fine Default Hearing to consider the exercise of its powers under Article 92 of the Magistrates' Courts (Northern Ireland) Order 1981 to enforce the order, which may include the issue of:

- **a warrant of distress (i.e. the seizure and sale of your goods to satisfy the amount owed);**
- **a warrant committing you to prison for a specified period (see table below) for each charge with an outstanding balance; or**
- **a supervised activity order requiring you to perform unpaid work for a specified period.**

(a) Form 60C inserted by S.R. 2014 No. 12 with effect from 17.02.14

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

The issue of a warrant may result in you being liable for additional costs which would increase the amount you owe.

You are entitled to appear and to be legally represented at a Fine Default Hearing and, depending on your means, you may be entitled to legal aid.

At the Fine Default Hearing you may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. You will be required to provide details of your financial circumstances or any change in your circumstances since the date of your conviction.

If you pay the whole outstanding balance before the Fine Default Hearing date of (*date*), it will not be necessary for you to appear.

WARNING: NON-ATTENDANCE AT THE FINE DEFAULT HEARING MAY RESULT IN YOU BEING DEALT WITH IN YOUR ABSENCE

CERTIFICATE OF SERVICE

I of hereby declare that on day of 20 I served a copy of this notice as follows:

(a) by delivering it to the above-named defendant at (*address*)

(b) by sending it by ordinary post in an envelope addressed to the defendant at (*address*)

(c) by sending it by registered post/first class recorded delivery/second class recorded delivery in an envelope addressed to the defendant at (*address*)

Dated:

Name:

ACKNOWLEDGEMENT BY DEFENDANT OF RECEIVING NOTICE OF A FINE DEFAULT HEARING BY POST

(*Insert Defendant's name and address*)

Case Ref:

Online Account Reference:

To appear at (*time*) **on** (*date*) **at** (*name of court*) **Magistrates' Court** (*address*)

IMPORTANT

*** This acknowledgement of receipt of notice of a Fine Default Hearing should be completed by you or your solicitor and returned to the court office (address shown above) within 14 days or before the date of hearing (whichever is sooner).**

***The notice should be retained by you or your solicitor. Only this acknowledgement should be returned.**

***By signing the acknowledgement you are not accepting or disputing the failure to pay the fine (or other monetary penalty). You should make arrangements to attend and/or be represented at court on the date and time stated on the notice.**

***If you have any queries about the form or its effect you should consult your solicitor.**

ACKNOWLEDGEMENT

*I (*print name*) of (*print address*)
received a copy of the notice of the Fine Default Hearing summarised at the top of this form.

Signed: Date:
[Defendant/Solicitor on behalf of Defendant]

Note

The completed acknowledgement should be returned to the court office (address shown above) within 14 days or before the date of hearing (whichever is sooner).]

FORM 61

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 92(1)(a); Rules 14, 105, 143 and 144)

Warrant of Distress of Sum Adjudged to be Payable by a Conviction

[Title as in Form 1]

WHEREAS, upon the hearing of a complaint that an order was made on (*date*) , by a magistrates' court for the said district against the said defendant to the following effect, viz:—

Defendant is hereby convicted of the said offence and ordered to pay for fine the sum of £ [(**a**) for offender levy the sum of £] and for costs the sum of £ [by instalments, of £ per commencing on (*date*)] [forthwith] [in] and that in default of payment the said sum(s) be levied by distress:

AND WHEREAS the said order has not been complied with.

THIS IS TO COMMAND YOU to whom this warrant is addressed forthwith to make distress of the money and goods of the defendant; and if the sum stated at the foot of this warrant, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as defendant may in writing allow, and pay the proceeds of the said distress to the clerk of petty sessions for the said district, and if no such distress can be found, to certify the same to the court within a reasonable time.

Fine	...	£
[(**a**) Offender levy	...	£]
Compensation	...	£
Costs	...	£
Cost of Warrant	...	£
Total	...	£
Part Payment	...	£
Balance	...	£

Dated this day of 20 .

Clerk of Petty Sessions.

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

(**a**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12

[(a) FORM 61A

[*Supplt. No. 9 (Oct. 1997)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 92; Rules 105, 143 and 144)

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulations 6 and 7

Warrant of Distress for Sum Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996

of

Clerk of Petty Sessions
[Complainant]

Petty Sessions District of

of

Defaulter
[Defendant]

County Court Division of

WHEREAS [upon hearing of a complaint that] on the (date) at (place) in the said petty sessions district the sum of £ was registered against the defaulter [defendant] as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of Fixed Penalty Notice No. and whereas a Notice of Registration of the fine was served on the defaulter [defendant] under Article 76(2) of that Order and whereas the defaulter [defendant] has defaulted on payment of that fine.

An order was made on the day of 19 , by a magistrates' court for the said district against the said defaulter [defendant] to the following effect viz:—

AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.

THIS IS TO COMMAND YOU to whom this warrant is addressed forthwith to make distress of the money and goods of the defaulter [defendant]; and if the sum stated at the foot of this warrant, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the third day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as the defaulter [defendant] may in writing allow, and pay the proceeds of the said distress to the clerk of petty sessions for the said district, and if no such distress can be found, to certify the same to the court within a reasonable time.

(a) Form 61A inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 9 (Oct. 1997)*]

Fine	...	£
Cost of Warrant	...	£
Total	...	£
Part Payment	...	£
Balance	...	£

Dated this day of 19 .

Resident Magistrate

To the Superintendent of the Royal Ulster Constabulary at .]

(a) Form 110D inserted by S.R. 1997 No. 428 with effect from 14.10.97

FORM 62

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 91 and 92(1)(b); Rules 14, 105 and 143)

Warrant of Commitment for Sum Adjudged to be Payable by a Conviction

[Title as in Form 1]

WHEREAS, upon the hearing of a complaint that an order was made on the day of 20 , by a magistrates' court for the said district against the said defendant to the following effect, viz:—

Defendant is hereby convicted of the said offence and ordered to pay for fine the sum of £ [(**a**) for offender levy the sum of £] and for costs the sum of £ in [forthwith] [by instalments of £ commencing on (date)] and in default of payment to be imprisoned [detained] in HM Prison [Young Offenders Centre] at for the period of unless the said sums be sooner paid.

AND WHEREAS the said order has not been complied with.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute the said order against the defendant as follows:—

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] there to be imprisoned [detained] for the period of unless the said sums be sooner paid.

And for this the present warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the clerk of petty sessions at

The warrant to be returned within a reasonable time if not executed.

Fine	...	£
[(**a**) Offender levy	...	£]
Compensation	...	£
Costs	...	£
Cost of Warrant	...	£
Total	...	£
Part Payment	...	£
Balance	...	£

Dated this day of 20 .

Clerk of Petty Sessions.

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

(**a**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12

Am

[*Supplt. No. 9 (October 1997)*]

[(a)FORM 62A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 91 and 92(1)(b); Rules 14, 105 and 143)

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; REGULATION 7

Warrant of Commitment for Fine Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996

of

Plaintiff } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS, upon the hearing of a complaint that on the (date) at (place) in the said petty sessions district the sum of £ was registered against the defendant as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of Fixed Penalty Notice No. and whereas a Notice of Registration of the fine was served on the defendant under Article 76(2) of that Order and whereas the defendant has defaulted on payment of that fine.

An order was made on the day of 20 , by a magistrates' court for the said district against the said defendant to the following effect viz:—

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

THIS IS TO COMMAND YOU to whom this warrant is addressed, to execute the said order against the defendant as follows:—

To lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part XI of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995] there to be imprisoned [detained] for the period of unless the said sums be sooner paid.

(a) Form 62A inserted by S.R. 1997 No. 428 with effect from 14.10.97

And for this the present warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the clerk of petty sessions at

[*Supplt. No. 9 (October 1997)*]

The warrant to be returned within a reasonable time if not executed.

Fine	...	£
Part Payment before default fixed	...	£
Amount due when default fixed	...	£
Part Payment after default fixed	...	£
Cost of Warrant	...	£
Balance	...	£

Dated this day of 20 .

District Judge (Magistrates' Courts)

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

.]

Repl.

[*Supplt. No. 26 (January 2012)*]

[(a) FORM 62B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14 and 105A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2008

(Article 45)

Supervised Activity Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

[Clerk of Petty Sessions]

(a) Forms 62B-62L inserted by S.R. 2008 No. 251 with effect from 01.01.12

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 , in the County Court Division of .

Lay magistrate

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

Lay magistrate

[Clerk of Petty Sessions]

To you the said defendant

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)

[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.

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

[Clerk of Petty Sessions]

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

Applicant } Petty Sessions District of

of

Respondent } County Court Division of

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 20 .

Applicant

To:

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

Complainant
[Applicant] } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

Lay magistrate
[Clerk of Petty Sessions]

To you the said defendant

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)

[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.

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

[Clerk of Petty Sessions]

FORM 62K

[*Supplt. No. 26 (January 2012)*]

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of Petty Sessions]

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

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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)
[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.]

[(a)FORM 62M

[Supplt. No. 26 (June 2012)]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 91 and 92; Rules 14, 105 and 143)

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011)

(ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 7

Warrant of Commitment for Sum Registered under Section 67 of the Justice Act (Northern Ireland) 2011

of

Clerk of Petty Sessions
[Complainant] } Petty Sessions District of

of

} County Court Division of

Defendant
[Defendant]

WHEREAS [upon hearing of a complaint that] on the (*date*) at (*place*) in the said petty sessions district the sum of £ was registered against the defaulter [defendant] as a sum adjudged to be paid by a conviction under section 67 of the Justice Act (Northern Ireland) 2011 in respect of Penalty Notice No. and whereas a Notice of Registration of the fine was served on the defaulter [defendant] under section 67(2) of that Act and whereas the defaulter [defendant] has defaulted on payment of that fine.

An order was made on the day of 20 , by a magistrates' court for the said district against the said defaulter [defendant] to the following effect viz:—

AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.

THIS IS TO COMMAND YOU to whom this warrant is addressed, to execute the said order against the defendant as follows:—

To lodge the defendant in HM Prison at there to be imprisoned for the period of unless the sums be sooner paid.

(a) Form 62M inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 26 (June 2012)*]

And for this present warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the clerk of petty sessions at

The warrant to be returned within a reasonable time if not executed.

Fine	...	£
Offender Levy	...	£
Part payment before default fixed	...	£
Amount due when default fixed	...	£
Part payment after default fixed	...	£
Cost of warrant	...	£
Balance	...	£

Dated this day of 20 .

District Judge (Magistrates' Courts)

To the Chief Constable of the Police Service of Northern Ireland]

FORM 63

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 114; Rules 14, 15, 108 and 143)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968

(Schedule 19(1)(*a*) or (*b*)

Warrant of Commitment on Commission of Further Offence during Operational Period of Suspended Sentence

[Title as in Form 1]

Court: Date:

Convicted of:

Sentence:

(if varied insert details)

SUBSEQUENTLY CONVICTED: at

magistrates' court on (date) of (offence)

COMMITTED ON (date)

punishable with imprisonment [detention].

ORDER:- Court on (date)

ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment [detention] for the original term].

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute the last-mentioned order as follows:-

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 imprisoned [detained] there for the period of [to commence on the expiration of the term of imprisonment [detention]]

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

Dated this day of 20 .

Clerk of Petty Sessions

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

[(a) FORM 63A

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 125)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 4)

Order for [absolute] [conditional] discharge

of

Complainant — Petty Sessions District of

of

Defendant — County Court Division of

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

AND the court is of the opinion having regard to the circumstances including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment, [AND the court has explained to the defendant in ordinary language that if he commits another offence during the period specified below, he will be liable to be sentenced for the original offence for which the order is made].

It is therefore ordered that the defendant be discharged [absolutely] [subject to the condition that he commits no offence during the period of from the date of this order].
*

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

* Insert details of any further order made by the court.

(a) Forms 63A-63E inserted by S.R. 1997 No. 529 with effect from 1.1.98

FORM 63B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 7, 17 and 125)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 5)

Complaint on Commission of Further Offence During Period of Conditional Discharge

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of
say on oath that the above-named defendant was on (*date*)
convicted by a magistrates' court sitting at (*place*) of
the following offence(s): (*state shortly particulars of offence*)

AND on the (*date*) the said court made an order discharging the defendant subject to the condition that he should commit no offence during the period of years then next ensuing.

AND the defendant was on the (*date*) convicted by a magistrates' court [Crown Court] sitting at (*place*) of
the following offence(s): (*state shortly particulars of offence*)
committed by him during the said period, that is, on the (*date*)
and was sentenced [or ordered] to .

Complainant
[for Complainant]

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

Justice of the Peace

[*Supplt. No. 10 (January 1998)*]

FORM 63C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 8 and 125)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 5)

Summons to Defendant on Commission of Further Offence During Period of Conditional Discharge

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint has been made before me by of that on (*date*) , you, the defendant were convicted by a magistrates' court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that on the (*date*) the said court made an order discharging you subject to the condition that you should commit no offence during the period of year(s) then next ensuing AND by the said complaint it is further alleged that you were on the (*date*) convicted by a magistrates' court [Crown Court] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*) committed by you during the said period, that is, on the (*date*) and that you were sentenced [or ordered] to .

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 magistrates' court for the said county court division.

Dated this day of 20 .

Lay magistrate

[Clerk of Petty Sessions]

To you the said defendant

[*Supplt. No. 10 (January 1998)*]

FORM 63D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14, 125 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 5)

Warrant for Arrest on Commission of Further Offence During Period of Conditional Discharge

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint has been made in writing and on oath that on (*date*) , the defendant was convicted by a magistrates' court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that on the (*date*) the said court made an order discharging the defendant subject to the condition that he should commit no offence during the period of year(s) then next ensuing AND by the said complaint it is further alleged that the defendant was on the (*date*) convicted by a magistrates' court [Crown Court] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*) committed by him during the said period, that is, on the (*date*) and was sentenced [or ordered] to .

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

Dated this day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]

To the District Commander of the Police Service of Northern Ireland

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

FORM 63E

[*Supplt. No. 10 (January 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 114; Rules 14, 15, 125 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Article 5(5)(*a*))

Warrant of Commitment to the Crown Court on Commission of Further Offence By Person in whose case an Order for Conditional Discharge has been made

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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

AND WHEREAS on the (*date*) the said court made an order discharging the defendant subject to the condition that he should commit no offence during the period of year(s) then next ensuing.

AND WHEREAS he was on the (*date*) convicted by a magistrates' court sitting at (*place*) of the following offence committed on the (*date*) during the period of conditional discharge, namely (*state shortly particulars of offence*)

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 he may be brought before the Crown Court sitting at (*place*)

Dated this day of 20 .

District Judge (Magistrates' Courts)

[Lay magistrate]

[Clerk if 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.]

FORM 64

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 8)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 21)

Summons on Complaint for Appearance before Court by which a Suspended Sentence has been Passed

[*Title as in Form 1*]

WHEREAS a complaint has been made before me that on (date) you, the said defendant, were convicted by the Crown Court [a magistrates' court] sitting at of the following offence:—

(state shortly particulars of offence)

and were sentenced to imprisonment [detention] for (state period) and that the said court made an order that the said sentence of imprisonment [detention] should not take effect unless during the period of years from the date of such conviction you committed in Northern Ireland another offence punishable with imprisonment [detention].

(if varied insert details)

AND WHEREAS the complaint alleges that on (date) , you were convicted by the Crown Court [a magistrates' court] sitting at (place) of the following offence:—

(state shortly particulars of offence)

being an offence punishable with imprisonment [detention] committed by you on (date) during the said period [as so varied].

THIS IS TO COMMAND YOU to appear at the Crown Court [or a magistrates' court], sitting at (place) on (date) .

This day of 19 .

Justice of the Peace
[Clerk of the Petty Sessions]

To the said Defendant.

FORM 65

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

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 21)

Warrant for Arrest of Person upon whom a Suspended Sentence has been Passed

[*Title as in Form 1*]

WHEREAS a complaint has been made in writing and on oath that on the day of 19 , the said defendant was convicted by the Crown Court [a magistrates' court] sitting at (place) of the following offences:—

(state shortly particulars of offence)

and was sentenced to imprisonment [detention] for (state period) and that the said Court made an order that the said sentence of imprisonment [detention] should not take effect unless during the period of years from the date of such conviction the defendant committed in Northern Ireland another offence punishable with imprisonment [detention].

(if varied insert details)

AND WHEREAS the complainant alleges that on (date) the defendant was convicted by the Crown Court [a magistrates' court] sitting at (place) of the following offence:—

(state shortly particulars of offence)

being an offence punishable with imprisonment [detention] on (date) during the said period [as so varied];

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said defendant and bring him before the Crown Court sitting at (place) on (date) [or] [forthwith, before a magistrates' court.]

This day of 19 .

Justice of the Peace.

To the Superintendent of the Royal Ulster Constabulary at

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

FORM 66

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

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 3)

Warrant of Commitment where Person is ordered under Article 3(1) of the Treatment of Offenders (Northern Ireland) Order 1976 to be Returned to Prison

[*Title as in Form 1*]

WHEREAS it appears that the defendant was on the day of 19 , discharged from HM Prison [Young Offenders Cente] at and was at that date serving a sentence of imprisonment [period of detention in a young offenders centre] which but for his discharge pursuant to prison rules would have expired on the day of 19 ;

AND WHEREAS he was on the day of 19 , convicted by a magistrates' court sitting for the above-named petty sessions district of the following offence(s) (being [an] offence(s) for which the court had power to sentence him to imprisonment [detention]; namely:—

committed on the day of 19 , and the court ordered that

(state court order(s) made on conviction for offence(s)))

The court further ordered that the defendant be returned to prison [a young offenders centre] until

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 imprisoned [detained] there for the above period.

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

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 67

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

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 3(4))

Warrant of Commitment to the Crown Court under Article 3(4) of the Treatment of Offenders (Northern Ireland) Order 1976

[*Title as in Form 1*]

WHEREAS it appears that the defendant was on the day of 19 , discharged from HM Prison [Young Offenders Centre] at and was on that date serving a sentence of imprisonment [period of detention in a young offenders centre] which but for his discharge pursuant to prison rules would have expired on the day of 19 ;

AND WHEREAS he was on the day of 19 , convicted by a magistrates' court sitting for the above-named petty sessions district of the following offence(s) being [an] offence(s) for which the court had power to sentence him to imprisonment [detention] namely:—

AND WHEREAS the period between the date on which the court might have made an order under Article 1(1) of the Treatment of Offenders (Northern Ireland) Order 1976 and the date aforesaid on which his sentence of imprisonment [or period of detention] would have so expired exceeds twelve months.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the said 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 he may be brought before the Crown Court sitting at (place)

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 8)

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 5)

Summons upon complaint that Person has been Convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his Discharge from Prison and has not been Ordered to be Returned to Prison or Young Offenders Centre

[*Title as in Form 1*]

WHEREAS a complaint has been made before me that on the day of 19 , you the defendant were discharged from HM Prison [Young Offenders Centre] at and were at that date serving a sentence of imprisonment [period of detention in a young offenders centre] which, but for such discharge pursuant to prison rules would have expired on the day of 19 .

And that on the day of 19 , you were convicted by the Crown Court [magistrates' court] sitting at of the following offence(s), namely:

(being [an] offence(s) for which the court had power to sentence you to imprisonment [detention] committed on the day of 19).

AND THE COURT ORDERED THAT

(state court order made on conviction for offence(s))

AND THAT YOU WERE NOT ORDERED to be returned to prison [a young offenders centre] [(**a**) and that there is no such record as is mentioned in Article 3(7) of the Treatment of Offenders (Northern Ireland) Order 1976.]

THIS IS TO COMMAND YOU to appear at the Crown Court [or a magistrates' court] sitting at (place)
on (date) at (time) .

This day of 19 .

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant.

(**a**) Words inserted by S.R. 1985 No. 269 with effect from 1.11.85

FORM 69

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

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 5)

Warrant for Arrest of Person who has been Convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his Discharge from Prison and who has not been Ordered to be Returned to Prison or Young Offenders Centre

[*Title as in Form 1*]

WHEREAS a complaint in writing and on oath has been made before me that on (date) the said defendant was discharged from HM Prison [Young Offenders Centre] at and was at that date serving a sentence of imprisonment [period of detention in a young offenders centre] which, but for such discharge pursuant to prison rules would have expired on the day of 19 .

And that the defendant was convicted on the day of 19 , by the Crown Court [a magistrates' court] sitting at of the following offence(s), namely:—

(being [an] offence(s) for which the court had power to sentence the defendant to imprisonment [detention] committed on the day of 19).

AND THE COURT ORDERED THAT

(state court order made on conviction for offence(s))

AND THAT THE DEFENDANT WAS NOT ORDERED to be returned to prison [a young offenders centre] [(**a**) and that there is no such record as is mentioned in Article 3(7) of the Treatment of Offenders (Northern Ireland) Order 1976.]

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and bring him before the Crown Court sitting at or if that court is not sitting forthwith before a magistrates' court.

This day of 19 .

Justice of the Peace

To the Superintendent of the Royal Ulster Constabulary at

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

(**a**) Words inserted by S.R. 1985 No. 269 with effect from 1.11.85

[(a) FORM 69A

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 10)

Probation Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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

AND on the (*date*) the said court, [obtained and considered a pre-sentence report for the purpose of determining the most suitable method of dealing with the defendant] [did not obtain a pre-sentence report] and being of the opinion that the supervision of the defendant is desirable in the interests of [securing the rehabilitation of the defendant] [protecting the public from harm or preventing the commission by him of further offences].

AND the court has explained in ordinary language to the defendant:

(*a*) why it is making the order;

(*b*) the effect of this order and its requirements;

(*c*) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and

(*d*) that the court has power to review the order on the application of either the defendant or of the officer responsible for his supervision.

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to that district; and it is further ordered that the defendant shall during the said period comply with the following requirements:

1. That he shall keep in touch with the probation officer in accordance with such instructions as he may from time to time be given by the probation officer, and shall notify him of any change of address;

(a) Forms 69A-69Q inserted by S.R. 1997 No. 529 with effect from 1.1.98

[*Supplt. No. 10 (Jan. 1998)*]

2. (*Here will follow any additional requirements*).

*(AND the defendant has expressed his willingness to comply with the above requirements.)

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

* To be omitted in the case of a child under 14.

FORM 69B

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 13)

Community Service Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the above-named defendant being aged 16 or over, was on the (*date*) convicted by a magistrates' court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

which is [are] punishable with imprisonment.

AND on the (*date*) , the said court [having considered a pre-sentence report] is satisfied that the defendant is a suitable person to perform unpaid work under a community service order and that provision can be made for him to do so.

AND the court has explained in ordinary language to the defendant:

(*a*) why it is making this order;

(*b*) the effect of this order and its requirements;

(*c*) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and

(*d*) that the court has power to review the order on the application of either the defendant or of the responsible officer (within the meaning of Article 17(3) of the Criminal Justice (Northern Ireland) Order 1996).

And the defendant has consented to the making of this order.

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 perform unpaid work for hours and shall comply with the following requirements:

[*Supplt. No. 10 (Jan. 1998)*]

1. That he shall keep in touch with the relevant officer in accordance with such instructions as he may be given by that officer and notify him of any change of address;

2. That he shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer;

[The court directs that such hours of work shall be [concurrent with] [additional to] the hours specified in the community service order(s) made on (*date*) for hours work [respectively].]

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

FORM 69C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 15)

Combination Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the above-named defendant being aged 16 or over, was on the (*date*) convicted by a magistrates' court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

which is [are] punishable with imprisonment.

AND on the (*date*) , the said court [having considered a pre-sentence report] is of the opinion that the making of an order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996 combining probation and community service orders is desirable in the interests of [securing the rehabilitation of the defendant] [protecting the public from harm from him or preventing the commission by him of further offences].

AND the court has explained in ordinary language to the defendant:

(*a*) why it is making this order;

(*b*) the effect of this order and its requirements;

(*c*) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and

(*d*) that the court has power to review the order on the application of either the defendant or of the responsible officer (within the meaning of Article 17(3) of the Criminal Justice (Northern Ireland) Order 1996).

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 perform unpaid work for hours and shall be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to that district and shall comply with the following requirements:

[*Supplt. No. 10 (Jan. 1998)*]

1. That he shall keep in touch with the probation officer responsible for his supervision and, where a different person, the relevant officer responsible for the work to be performed under this order, in accordance with such instructions as he may from time to time be given by the officer or officers and notify the officer or officers of any change of address;

2. That he shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such time as he may be instructed by the relevant officer;

3. (*Here will follow any additional requirements*).

AND the defendant has consented to the making of the order and has expressed his willingness to comply with the above requirements.

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

FORM 69D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 7, 17 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2, paragraph 2)

Complaint for failure to comply with requirement(s) of [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 [(**a**) . . .] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that 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] requiring the said defendant to (*here set out requirement which is contravened*)

AND the said defendant did on (*date*) fail to comply with the last-mentioned requirement [in as much as he (*here set out particulars of breach*)].

Complainant

[for Complainant]

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

Lay magistrate

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69E

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 8 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2, paragraph 2)

Summons to Defendant for failure to comply with requirement(s) of [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Divisio5n of

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 [(**a**) . . .] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that 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] requiring you to (*here set out requirements which is contravened*)
and by the said complaint, it is further alleged that you did on (*date*) , fail to comply with the last-mentioned requirement 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 o'clock in the forenoon, before a court of summary jurisdiction sitting for the petty sessions district of .

Dated this day of 20 .

Lay magistrate
[Clerk of Petty Sessions]

To you the said defendant

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69F

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14, 126 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2, paragraph 2)

Warrant for Arrest on failure to comply with requirement(s) of [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 [(**a**) . . .] sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*)

AND that 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] 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 last-mentioned requirement of the said order [in as much as he (*here set out particulars of breach*)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and to bring him 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 20 .

District Judge (Magistrates' Courts)
[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.

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69G

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraph 3)

Order on failure to comply with requirement(s) of [probation] [community Service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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

And that 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 him 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 last mentioned requirement 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 at (*place*) being satisfied that the defendant has failed without reasonable excuse to comply with the last mentioned requirement 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 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of Petty Sessions]

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69H

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraphs 7, 9, 12, 13 and 15)

Notice of Application for [Revocation] [Amendment] of [probation] [community service] [combination] order

of

Applicant } Petty Sessions District of

of

Defendant } County Court Division of

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

AND that 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].

[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 for the petty sessions district of sitting at (*place*) on the (*date*) , that the said order be [amended] [revoked] [and that the defendant should be dealt with in some other manner for the offence in respect of which the order was made].

Dated this day of 20 .

Applicant

To you the said defendant

(**a**) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69I

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 8 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraphs 7, 12 and 17)

Summons to Defendant to [Amend] [Revoke] a [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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

AND that 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].

AND, whereas by the said application (*name of applicant*) has applied that the said order be [amended] [revoked] [and the court deal with you in some other manner for the offence in respect of which the order was made].

THIS IS TO COMMAND YOU, to appear as a defendant on (*date*) , at 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 20 .

Lay magistrate

[Clerk of Petty Sessions]

To you the said defendant

(a) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69J

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14, 126 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraphs 7 and 17)

Warrant for Arrest of Defendant on Failure to appear in answer to summons to [Amend] [Revoke] a [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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

AND that 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].

AND a summons to [revoke] [amend] 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 him 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 20 .

District Judge (Magistrates' Courts)

[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.

(a) Words omitted by S.R. 2008 No. 251 with effect from 06.10.08

[*Supplt. No. 10 (January 1998)*]

FORM 69K

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14 and 126)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraphs 7, 12, 13 and 15)

Order to [Revoke] [Amend] a [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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*)

AND that 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].

AND WHEREAS has applied that the order should be [revoked] [amended] on the ground that:

[AND IT APPEARS to the court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be [revoked] [and that the court should deal with the defendant for the above offence in a manner in which it could deal with him if he had just been convicted by the court of the offence.]

IT IS ORDERED that the said order should be [revoked] [amended] (*insert details of order as appropriate*)

[The defendant has expressed his willingness to comply with the requirements of the order as amended.]

Dated this day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of Petty Sessions]

FORM 69L

[*Supplt. No. 10 (Jan. 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 126 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Schedule 2 paragraphs 3(1)(*d*), 7(2)(*a*)(ii))

Warrant of Commitment on [failure to comply with requirement(s)] [revocation] of a [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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*)

AND that 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 him 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 last mentioned requirement of the said order;] [having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that] the order should be revoked and that the court should deal with him for the above offence in a manner in which it could deal with the defendant if he had just been convicted by the court of the offence.

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 a custodial sentence can be justified for that offence because (*state reason*)] [where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him, because (*state reason*)] [proposed a community sentence which requires the consent of the defendant] [and the defendant refused to give that consent] [but assumes the defendant to have refused to give his consent on account of his wilful and persistent failure to comply with the requirements of a community order] AND [the court is of the opinion that a custody probation order under Article 24 of

[*Supplt. No. 10 (Jan. 1998)*]

the Criminal Justice (Northern Ireland) Order 1996 is not appropriate because (*state reason*)

] [the defendant refused to give his consent to a custody probation order].

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

[AND THE COURT ORDERED that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.]

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

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

[*Supplt. No. 10 (January 1998)*]

FORM 69M

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 126A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996

(Schedule 2 paragraph 3(4))

Certificate of failure to comply with requirement(s) of [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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*)

AND that 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 him to (*here set out requirement which is contravened*).

AND WHEREAS on the (*date*) a court of summary jurisdiction for the petty sessions district of sitting at (*place*) being satisfied, HEREBY CERTIFIES that the defendant has failed to comply with the last-mentioned requirement of the said order [in as much as he (*here specify particulars of breach*)].

Dated this day of 20 .

District Judge (Magistrates' Courts)

To the Crown Court sitting at

[*Supplt. No. 22 (October 2008)*]

[(a) 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

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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 20 .

District Judge (Magistrates' Courts)
[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.]

(a) Form 69N substituted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69O

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 126, 126A and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Schedule 2 [(**a**) paragraph 9(2)(*b*))]

Warrant of Commitment to Crown Court on Revocation of [probation] [community service] [combination] order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

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*)

AND that 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].

AND WHEREAS on the (*date*) a court of summary jurisdiction sitting at (*place*) being satisfied, having heard an application by the [defendant] [responsible officer] and having regard to circumstances which have arisen since the order was made, that it would be in the interests of justice that the order should be revoked [and that the defendant should be dealt with in some other manner for the offence in respect of which the order was made].

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 he may be brought before the Crown Court sitting at (*place*) .

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

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

(**a**) Words substituted by S.R. 2008 No. 251 with effect from 06.10.08

FORM 69P

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14, 126 and 126A)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 24)

Custody Probation Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the defendant was on the (*date*)
convicted by a magistrates' court sitting at (*place*)
of the following offence(s): (*state shortly particulars of offence*)
which is punishable with imprisonment of 12 months or more.

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 a custodial sentence can be justified for the offence because (*state reason*)] [where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him because (*state reason*)] [proposed a community sentence which requires consent of the defendant and the defendant refused to give that consent].

AND THE COURT is satisfied that it would be appropriate to make a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996 AND has explained in ordinary language to the defendant:

(*a*) why it is making the order;

(*b*) the effect of the probation order and its requirements;

(*c*) the consequences which may follow if he fails to comply with any of the requirements of the probation order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and

(*d*) that the court has power to review the probation order on the application of either the defendant or of the officer responsible for his supervision.

IT IS ORDERED that the defendant be imprisoned [detained] for

AND on his release from custody the defendant be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed

for or assigned to the district in which he will reside and shall comply with the following requirements:

[*Supplt. No. 10 (Jan. 1998)*]

(*a*) That he shall keep in touch with the probation officer in accordance with such instructions as he may from time to time be given by the probation officer, and shall notify him of any change of address;

(*b*) (*Here will follow any additional requirements*).

The defendant has consented to the making of this order.

AND WHEREAS if the defendant had not consented to this order the term of imprisonment [detention] would have been (*here state the term of the custodial sentence the court would have passed under Article 20 of the Criminal Justice (Northern Ireland) Order 1996 if the defendant had not consented to the order*).

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

FORM 69Q

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 126 and 143)

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1996
(Article 24)

Warrant of Commitment on sentence of Custody Probation Order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS it appears that the defendant was on the (*date*) convicted by a magistrates' court sitting at (*place*) on (*date*) of the following offence(s): (*state shortly particulars of offence*) which [is] [are] punishable with imprisonment of 12 months or more.

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 a custodial sentence can be justified for the offence because (*state reason*)]
[where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him because (*state reason*)]
[proposed a community sentence which requires the consent of the defendant and the defendant refused to give that consent].

AND the court is satisfied that it would be appropriate to make a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996.

IT IS ORDERED that the defendant be imprisoned [detained] for

AND on his release from custody be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to the district in which he will reside.

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. [*Supplt. No. 10 (Jan. 1998)*]

Dated this day of

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at]

FORM 70

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 95; Rule 108)

Transfer of Fine Order

[*Title as in Form 1*]

The above-named defendant was on the day of 20 , convicted by a magistrates' court for the above-mentioned petty sessions district sitting at of the following offence:—(*state shortly particulars of offence*) and was adjudged to pay a fine of £ [(**a**)[and offender levy of £]] [and £ for compensation] [and £ for costs] [by weekly [or monthly] instalments of £ ,] the first instalment of the said sum(s) to be paid forthwith [or not later than the day of 20] [and the court fixed the term of imprisonment [detention] in default as [weeks] [months];]

And the defendant has [paid £ in part payment, but has] made default in payment [of a balance of £];

[And the time for payment has not yet expired;]

And it appears that the defendant is residing at (state address) within [the petty sessions area of] [or the jurisdiction of the court of summary jurisdiction in Scotland];

[And no term of imprisonment has been fixed in the event of a future default in paying the sum(s) in question;].

A transfer of fine order is hereby made in pursuance of Article 95 of the Order that payment of the sum(s) be enforceable [in the petty sessions area] [or, by the Court] to the extent of that balance.

Dated this day of 20 .

Clerk of Petty Sessions

Steps taken to recover the sum:

Other information likely to assist enforcement:

NOTE: To be entered on the copy sent to the clerk of the court of enforcement.

(**a**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12

FORM 71

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 95 and 96; Rule 108)

Further Transfer of Fine Order

[*Title as in Form 1*]

The above-named defendant was on the day of 20 , convicted by a magistrates' court for the petty sessions area of sitting at
[or the Crown Court sitting at]
[or the court sitting at in Scotland]
of the following offence:- (*state shortly particulars of offence*)

And was adjudged to pay a fine of £ [(**a**) [and offender levy of £]] [and £ for compensation] [and £ for costs] [by weekly [or monthly] instalments of £] the first instalment of the said sum(s) to be paid forthwith [or not later than the day of 20] [and the magistrates' court for the petty sessions area of was required by the said Crown Court under section 32(1)(*a*) of the Powers of Criminal Courts Act 1973 to enforce payment of the said sum]: [and the [Crown] court fixed the period of imprisonment in default as];

By virtue of a transfer of fine order dated the day of 20 , the enforcement of payment of the said sum(s) was transferred to this petty sessions district;

And the defendant has [paid £ in part payment, but has] made default in payment [of a balance of £];

[And the time for payment has not yet expired;]

And it appears that the defendant is residing at in the [petty sessions area] [or within the jurisdiction of the court of summary jurisdiction in Scotland];

A further transfer of fine order is hereby made pursuant to Article 95 as applied by Article 96 of the Order that payment of the sum(s) be enforceable [in the petty sessions area] [or by the court] [to the extent of the balance.]

Dated this day of 20 .

Clerk of Petty Sessions

Steps taken to recover the sums:

Other information likely to assist enforcement:

To be entered on the copy sent to the clerk of the court for enforcement.

(**a**) Words inserted by S.R. 2012 No. 189 with effect from 06.06.12

FORM 72

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 96; Rule 109)

Notice of Transfer of Fine Order

[*Title as in Form 1*]

	£	p
Fine		
Compensation		
Costs		
Total		
Part Payment		
Balance		

On the day of 19 , you were adjudged by the magistrates' court [or crown court] sitting at [or by a court of summary jurisdiction in Scotland, namely the court at] to pay the sum(s) shown in the margin hereof [in instalments of £] and the said sum(s) [or the balance of £] remain(s) unpaid.

You are hereby given notice that in consequence of a transfer of fine order made on the day of 20 , the enforcement of payment of the said sum(s) [or balance] is enforceable by a magistrates' court acting for the above mentioned petty sessions district.

Payment of the said sum(s) [or balance] should be made forthwith [or before the day of 20] either by post in an envelope address to me, the clerk of petty sessions, at (address of courthouse) or made personally at the court office at (address) between the hours of and on the following days namely

If you cannot pay, you should within 14 days from the date of service hereof make application for [further] time [or payment by instalments] to be granted and the application must be made in person to the court at (address).

If you fail to pay or make such application within that time, a warrant may be issued committing you to prison in default of payment.

Dated this day of 20 .

Clerk of Petty Sesions

NOTE: Any communication sent by post must be properly stamped. Cash should not be sent.

[(a)FORM 72A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 109A)

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008
(Section 88)

Notice of a decision whether grounds for refusal apply

UPON THE RECEIPT on the [ ] day of [ ] 20[ ] of a request for enforcement under section 88 of the Criminal Justice and Immigration Act 2008 of a penalty for the sum [or the balance] of [*enter sum in currency of issuing state*], representing £[ ] against [ ] of [ ], the court decided that it was satisfied that [none of the grounds for refusal applies. Accordingly, I have served notice of enforcement on the person required to pay the financial penalty.] [the following grounds for refusal apply— .]

Dated this [ ] day of [ ] 20[ ].

Clerk of Petty Sessions

To the Lord Chancellor.

FORM 72B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 109A)

CRIMINAL JUSTICE AND IMMIGRATION ACT 2008
(Section 88)

Notice of enforcement

[*Title as in Form 1*]

On the [ ] day of [ ] 20[ ], you were adjudged by [ ] to pay the sum of [*enter sum in currency of issuing state*], representing £ [ ] and the said sum [or the balance of £ [ ]] remains unpaid.

You are hereby given notice that in consequence of the registration of this notice of enforcement on the [ ] day of [ ] 20[ ], the enforcement of payment of the said sum [or balance] is enforceable by a magistrates' court acting for the above mentioned petty sessions district.

Payment of the said sum [or balance] should be made before the [ ] day of [ ] 20[ ] either by post in an envelope addressed to Customer

(a) New Forms 72A and 72B inserted by S.R. 2010 No. 12 with effect from 1.3.10

Service Centre, P.O. Box 256, Londonderry or made personally at the court office at (address) between the hours of 9.30am and 1.00pm and 2.00pm to 4.30pm (Monday to Friday) (public holidays excepted). If you cannot pay, you should, within 28 days of service hereof, make application for further time [or payment by instalments] to be granted and the application must be made to the clerk of petty sessions at [ ] (address). [*Supplt. No. 24 (March 2010)*]

[If you fail to pay or make such application within that time, [a warrant may be issued committing you to prison in default of payment] [a warrant of distress may be issued].]

Dated this [ ] day of [ ] 20 [ ].

Clerk of Petty Sessions

NOTE: Any communications sent by post must be properly stamped. Cash should not be sent.]

FORM 73

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 101; Rules 111 and 112)

Attachment of Earnings Order—Maintenance **PRIORITY**

[*Title as in Form 1*]

To of
of

who works
at as a
(Works
No.) is required to make payments of £ [a week/month]
under a maintenance order made on 20 ,
by the (insert court). An application has been made for an attachement of earnings order to secure the payments and it appears that earnings are payable by you to him.

You are ordered to make out of those earnings periodical deductions in accordance with Article 102 of the Order. For the purpose of calculating the deductions the normal deduction rate shall be £ a [week/month] and the protected earnings rate shall be £ a [week/month] the first payment to be made on (date) .

And you are ordered to pay the sums deducted to the clerk of petty sessions for the above-named petty sessions district at
as and when the deductions are made, quoting reference number [ ].

Dated 20 .

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

Indorsement on copy sent to defendant

This is a copy of an attachment of earnings order directed to your employer. If you leave his employment or become employed or re-employed, you must notify the clerk of petty sessions in writing within seven days, giving particulars of your earnings and anticipated earnings from any new employment. Failure to do so may render you liable to a fine.

NOTE: Copies of Articles 102, 106 and 108 of the Magistrates' Courts (Northern Ireland) Order is annexed.

FORM 74

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 101; Rule 117)

Temporary Variation Order **PRIORITY**

[*Title as in Form 1*]

To of

An attachment of earnings order made by the magistrates' court sitting at in respect of of (hereinafter called the defendant) who works at as a (Works No.) has been served on you and the defendant has applied for a temporary variation in the order.

You are ordered to make deductions under that order as if it specified as the protected earnings rate the rate of £ a [week/month].

This variation shall remain in force for a period of [ ] weeks.

Dated this day of 19 .

Resident Magistrate
[Clerk of Petty Sessions]

NOTE: On the expiry of this temporary variation order, deductions should be made in accordance with the attachment of earnings order.

B. Orders in Debt Proceedings

FORM 75

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 128 to 130)

Enforcement Process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981

[*Title as in Form 33*]

WHEREAS the plaintiff alleges that the sum of £ is now due to him from the defendant in pursuance of a decree obtained by him against the defendant in a magistrates' court for the [above-named petty sessions district] [the petty sessions district of] on the day of 19 , whereby the defendant was ordered to pay to the plaintiff the sum of £ and the sum of £ for costs and witnesses' expenses;

AND WHEREAS no attachment of earnings order is in force;

THE DEFENDANT therefore is hereby required to appear personally before a magistrates' court at (place)
on (date) at (time) to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the decree to satisfy the sum payable in pursuance of the said decree; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the court shall direct.

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address].

NOTE: If the amount due, together with the sum of £ for the costs of this process, be paid to the plaintiff or his solicitor before the* day of 19 , proceedings will be stayed.

* Insert entry date.

FORM 76

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 128)

Enforcement Order under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981

[*Title as in Form 33*]

By the magistrates' court sitting at on the day of 19 .

It appearing to the court that a process was duly served on the defendant requiring him to appear personally before the above court and to show cause why an order committing him to prison should not be made against him for default made by him in payment of the sum of £ due by him in pursuance of a decree of a magistrates' court at (place) obtained by the plaintiff against the defendant on (date) whereby the defendant was ordered to pay to the plaintiff the sum of £ and the sum of £ for costs and witnesses' expenses or, in the alternative, to show cause why an order should not be made against the defendant for payment of the said sum by instalments or otherwise as the court should direct;

And the defendant having failed to show cause why an order should not be made and there being no attachment of earnings order in force in respect of the said sum;

IT IS THEREFORE ORDERED by the Court that the plaintiff do recover from the defendant the said sum of £ together with the sum of £ for costs of this order and witnesses' expenses, by instalments of £ on the day of each of , the first of each instalments to be paid on the day of 19 .

And the plaintiff's alternative application in the said process for the committal of the defendant is accordingly dismissed without prejudice to the same being renewed in case of the defendant's default.

Dated this day of 19 .

Clerk of Petty Sessions

Form 77

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 129)

Committal Process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981

[*Title as in Form 33*]

WHEREAS the plaintiff obtained an enforcement order against the defendant in the above-named court [or obtained an instalment order against the defendant under Article 30 of the second above-named Order from the Enforcement of Judgments Office] on the day of of , for the payment of the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses by instalments of £ ;

AND WHEREAS the plaintiff alleges that default has been made in payment of the sum of £ being the instalment due on the day of 19 , payable in pursuance of the said order;

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT is hereby required to appear personally before the magistrates' court at (place) on (date) at (time) to show cause why he should not be committed to prison for default made by him in payment of the said sum or in the alternative for such other order as the court has power to make either under Article 98 or 107 of the said Order.

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address].

NOTE: If the amount in respect of which the defendant has made default in payment, together with the sum of £ for the costs of this process, be paid to the plaintiff or his solicitor before the * day of 19 , further proceedings in respect thereof will be stayed.

* Insert entry date.

FORM 78

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 128 and 129)

Committal Order under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981

[*Title as in Form 33*]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process was duly served on the defendant requiring him to appear personally before the above-named court to show cause why he should not be committed to prison for default made by him in payment of £ [being the of the instalments due on the day of 19 , by] which he was ordered to pay to the plaintiff [the sum of £] by order of [the said court] [the magistrates' court sitting at] [or the Enforcement of Judgments Office] under Article 30 of the second above-named Order made on (date) .

And it appearing on the hearing of the said process that no attachment of earnings order is in force and that default has been made by the defendant in payment of the said sum of £ and that he now has [or has had] [or but for his act or default would have had since the making of the order] the means to pay the said sum, and has refused or neglected to pay the same, and the defendant having failed to show cause why he should not be committed to prison;

IT IS THEREFORE ORDERED by the court that for such default the defendant shall be committed to HM Prison at for the period of unless he shall sooner pay the said sum, together with the sum of £ for costs of this order and witnesses' expenses, and you to whom this order is addressed are hereby commanded to execute this order against the defendant.

Dated this day of 19 .

Amount due .. .. .. £
Costs of this order .. .. £
Witnesses' expenses .. .. £

Total .. .. £

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

C. Orders in Ejectment Proceedings

FORM 79

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 116; Rules 131 to 133)

Notice of Intention to Apply for the Issue of Ejectment Decree for Overholding

[*Title as in Form 33*]

TAKE NOTICE that an application will be made to the magistrates' court sitting at (place)
on (date) at (time) for
an order authorising the issue of a decree for the recovery of possession of the lands [or premises] situate at
at the said court on the day of 19 . granted

The said application will be made on the ground that default has been made by you in payment of the amounts which the court, at the time of the granting of the decree, ordered you to pay. You may, if you so desire, attend at the hearing of the application and make such representations to the court as you think fit.

Dated this day of 19 .

Plaintiff
[Solicitor for the Plaintiff]
[Address].

To the Defendant

Copy to the Clerk of Petty Sessions

D. Orders for the payment of sums (other than on conviction) made in proceedings upon complaint

FORM 80

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98 and 99; Rule 7)

Complaint for Arrears under an Order for Periodical [Lump Sum] Payment enforceable under Article 98 (as applied by Article 99) of the Order

[*Title as in Form 1*]

I, of
SAY upon oath that by an order duly made on (date) by
a magistrates' court [as varied on (date)].

of (hereinafter called "the defendant")

(insert details of order as appropriate)

And that the payments directed to be made by the said order have not been made according thereto by the defendant and that there is now in arrear for the same the sum of £ , being the amount due under the order until the day of 19 .

And the complainant prays that a warrant may issue for the arrest of the defendant.

Complainant
[for Complainant].

Arrears due .. .. .. £
Costs due .. .. £

Total .. .. £

Taken and sworn before me this day of 19 .

Justice of the Peace.

FORM 81

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(1)(*a*) and 99; Rule 8)

Summons for Arrears under an Order for Periodical [Lump Sum] Payment

[*Title as in Form 1*]

WHEREAS a complaint has been made before me that by an order duly made on (date) by a magistrates' court for the above-named district

(insert details of order as appropriate)

And that the payments directed to be made by the said order have not been made according thereto by you, and that there is now in arrear for the same the sum of £ being the amount due under the order up to and including the day of 19 .

THIS IS THEREFORE TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at the magistrates' court at (place) on (date) at (time) to show cause why an order should not be made against you in respect of the said sums.

Arrears due .. .. .. £
Costs due .. .. £

Total .. .. . . £

This day of 19 .

Justice of the Peace.
[Clerk of Petty Sessions]

To the said Defendant.

FORM 82

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(1)(*b*) and 99; Rules 14 and 143)

Warrant of Arrest for Arrears under an Order for Periodical [Lump Sum] Payment

[*Title as in Form 1*]

WHEREAS a complaint has been made on oath in writing on (date) that by an order duly made on (date) by a magistrates' court [as varied on (date)] (name) of (hereinafter called "the defendant")

(insert details of order as appropriate)

And that the payments directed to be made by the said order have not been made according thereto by him and that there is now in arrear for the same the sum of £ , being the amount due under the said order up to and including the day of 19 .

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, unless the said sum be sooner paid, forthwith to apprehend the said defendant, and to bring him before a resident magistrate in accordance with Article 98(1)(*b*) of the Order, to answer to the said complaint, and be dealt with according to law.

Arrears due .. .. .. £
Costs due .. .. £
Total .. .. £

This day of 19 .

Justice of the Peace.

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This Warrant may be endorsed as on Form 4.

FORM 83

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(4)(*a*) and 99; Rules 14, 143 and 144)

Warrant of Distress for Arrears

[*Title as in Form 1*]

WHEREAS a complaint has been made [upon oath] on (date) by a magistrates' court that an order duly made on (date)] the above-named [as varied on (date) defendant

(insert details of order as appropriate)

And the sum of duly appearing to the court to be due, an order was made by the court on (date) , to the following effect:—

IT IS HEREBY ORDERED that the sum of £ be levied by distress of the defendant's money and goods and sale of his goods.

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, unless the said sum be sooner paid, to execute the said order against the defendant as follows:—

To levy forthwith the said sum by distress of his money and goods and the sale of his goods, the sum levied to be paid to the clerk of petty sessions for the said district.

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

And I further command you to make return to this warrant on (date) , to the magistrates' court at (place) .

Arrears due	£
Costs due	£
Costs of Enforcement	£
Warrant Fee	£
Total	£

This day of 19 .

Resident Magistrate
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

FORM 84

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 98(5) and 99; Rules 14 and 143)

Warrant of Commitment in Default of Distress for Arrears under an Order for Periodical [Lump Sum] Payment

[*Title as in Form 1*]

Whereas a complaint has been made [upon oath] on (date) that by an order duty made on (date) by a magistrates' court [as varied on (date)] the above-named defendant

(insert details of order as appropriate)

And the sum of £ appearing to the said magistrates' court to be due by the defendant under the said order. It was ordered by the said court on (date) , that the said sum of £ , be forthwith levied by distress of the defendant's money and goods and the sale of his goods.

AND WHEREAS the return of the warrant of distress issued for the recovery of the said sum it appears to the court that no sufficient distress can be had wherewith to satisfy the said sum [and whereas the court is satisfied that the default is due to the wilful refusal or culpable neglect of the defendant to pay the said sum] the court ordered that the defendant be imprisoned for the period of

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, to convey the defendant to HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982], and this is also to command you, the Governor of the said prison [Young Offenders Centre] to receive the defendant into the said prison [Young Offenders Centre] and to imprison [detain] him there for the period of unless the said sum and costs [and the sum of £ , being reasonable expenses attending the distress] [and warrant fee] be sooner paid and satisfied. All sums received to be paid to the clerk of petty sessions at

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

Arrears due	...	...	...	£
Costs due	...	...	...	£
Warrant fee	...	...	...	£
Total ...	...	...	...	£

This day of 20 .

District Judge (Magistrates' Courts)

[Clerk of Petty Sessions]

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

[(**a**) FORM 85

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 118(1); Rule 8)

Summons to Witness [(b)(Non-Criminal Proceedings)]

To:—
of
witness in the case of
of

	[(**c**) . . .] [Plaintiff] [Appellant] [Applicant]	Petty Sessions District of
of		
	Defendant [Respondent]	County Court Division of

WHEREAS a [(**c**) . . .] [process has been issued by the plaintiff claiming] that the defendant [*or* a Notice of [Appeal] [Application] to a magistrates' court has been duly served.

AND WHEREAS I am satisfied that you are able to give material evidence on behalf of the *and/or* produce a document or thing; namely:—

THIS IS TO COMMAND YOU to appear as witness before a magistrates' court at (place) on (date) at (time)

[and there produce the said document or thing].

This day of 20 .

Lay magistrate

[Clerk of Petty Sessions]

NOTE: Failure to appear at the time and place shown above is a criminal offence for which you are liable to prosecution.

(**a**) Form 85 substituted by S.R. 1994 No. 387 with effect from 01.11.94
(**b**) Words inserted by S.R. 2011 No. 418 with effect from 01.01.12
(**c**) Words omitted by S.R. 2011 No. 418 with effect from 01.01.12

[(a) FORM 85A

THE MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 118A(1); Rule 149K)

Summons to Witness (Criminal Proceedings)

[Supplt. No. 26 (January 2012)]

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

TO

of

WHEREAS a complaint has been made that the defendant

AND WHEREAS I am satisfied that you are able to give material evidence on behalf of the complainant/defendant* and/or produce a document or thing; namely:—

*[THIS IS COMMAND YOU to produce the said document or thing for inspection at (place) on (date) at (time) and deliver it to (name) .]

THIS IS TO COMMAND YOU to appear as witness before a magistrates' court at (place) on (date) at (time) [and there produce the said document or thing].

This day of 20 .

District Judge (Magistrates' Courts)

[Clerk of Petty Sessions]

* delete as appropriate

NOTE: Failure to appear at the time and place shown above is a criminal offence for which you are liable to prosecution.]

(a) Form 85A inserted by S.R. 2011 No. 418 with effect from 01.01.12

FORM 86

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 123(*a*))

Certificate of Collecting Officer of Non-Payment of Sums Ordered to be Paid

I HEREBY CERTIFY that the payments due to me on behalf of
from
under an order made by the magistrates' court sitting at (*place*)
on (*date*)
under the

(*state statutory provisions*)

have not been made to me in full, and that there is now in arrear the sum of £ in respect of periodical [lump sum] payment due up to and including the day of 19 .

This day of 19 .

Collecting Officer

FORM 87

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT (NORTHERN IRELAND) 1968
(Section 1)

Statement of Witness to be Tendered in Evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

Name of Witness

Age (if over [(**a**) 18] say "over [(**a**) 18]")

[(**b**) . . .]

[(**b**) . . .]

I HEREBY DECLARE that this statement consisting of pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

This day of 19 .

Signature of Witness.

[**(For use only where witness cannot read)**

The said witness being unable to read the above statement, I of read it to him before he signed it and he assented to it in accordance with section 1(4)(*b*) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.

This day of 19 .

Reader.]

NOTE: Whenever possible statements should be on paper of A4 size. If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the clerk of petty sessions; and each page should have a wide margin on the left.

(**a**) Figures substituted by S.R. 1997 No. 529 with effect from 1.1.98
(**b**) Words deleted by S.R. 1990 No. 426 with effect from 1.1.91

FORM 88

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT
(NORTHERN IRELAND) 1968
(Section 1)

Notice by Complainant of Intention to Tender Written Statement at Summary Trial

[*Title as in Form 1*]

The purpose of this notice is to inform you that the complainant intends at the sitting of the magistrates' court at (place)
on (date) and on the hearing of any appeal to the Recorder's/County Court from the said magistrate's court to tender written statement(s) of the following witness(es), namely:—

to which this notice is appended [together with the following copy/copies of documentary exhibit(s) —

(here list any documentary exhibits)

referred to in the statement(s) of the witness(es)]

The following is a list of exhibits (other than the documentary exhibits referred to above) which will be produced or are referred to in the written statement(s) of the witness(es), namely—

Any of the exhibits referred to in this notice may be inspected by you at between the hours of and .

You have the right to inspect every exhibit by yourself or in consultation with your solicitor and any expert witness you may wish to call at the hearing before the Court.

You have the right to object to the written ststements of the witness(es) being tendered in evidence at the hearing and, if you do so, you should give notice of your objection to the complainant and to the clerk of petty sessions within seven days of receiving this notice and the written statements attached hereto in order to avoid any adjournment of the court and so that the complainant can secure the attendance of the witness(es) at the time of the hearing.

This day of 19 .

Complainant
[For Complainant]

To (name of Defendant)

at (address)

and to the Clerk of Petty Sessions

at

[(a)FORM 88A

[*Supplt. No. 23 (November 2009)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149AR(1))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004

(Article 5)

Application for leave to adduce evidence of non-defendant's bad character

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of applicant	
Name:	
Address:	
Case details	
Court venue:	The venue of the court hearing the case.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
[(b) ...]	
[(b) ...]	
[(c) PPSNI reference number]	
[(d) ICOS reference number if known]	

(a) Forms 88A to 88F inserted by S.R. 2005 No. 162 with effect from 18.04.05
(b) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(c) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(d) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

Details required	*Notes*
Details of the application Please provide the following details: • the particulars of the bad character evidence including how it is to be adduced or elicited in the proceedings (including the names of the relevant non-defendant and other relevant witnesses); and • the grounds for the admission of evidence of a non-defendant's bad character under Article 5 of the 2004 Order.	*Article 5 of the 2004 Order.* *Please attach any relevant documentation.*
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

[(**a**) This form should be served on the clerk of petty sessions and on every other party to the proceedings:

— within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor); or

— as soon as reasonably practicable, where the application concerns a non-defendant who is to be invited to give, or has given, evidence for a defendant; or

— in respect of a preliminary investigation or a preliminary inquiry, not less than 14 days before the date fixed for the hearing.

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 each of the other parties to the proceedings, and, where relevant and where known, with either the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996, or the date fixed for the hearing.

Note to party who receives a copy of this application:

If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you (7 days in respect of a preliminary investigation or preliminary inquiry), to notify the clerk of petty sessions and every other party to the proceedings in Form 88B of your opposition.]

(**a**) Words substituted by S.R. 2008 No. 361 with effect from 01.10.08

FORM 88B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AR(3))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004
(Article 5)

Notice of opposition to the admission of evidence of a non-defendant's bad character

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of party giving notice Name: Address:	State the name and address of the party giving notice of their opposition to the admission of evidence of a non-defendant's bad character. (If in custody give address where detained)
Case details Court venue: Date of next court appearance: Charges:	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.
[(**a**) ...] [(**a**) ...] [(**b**) PPSNI reference number:] [(**c**) ICOS reference number if known]	

(**a**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**b**) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

Details required	*Notes*
Details of the notice The details of the evidence of the non-defendant's bad character are as follows:	Give brief details of the evidence that you want to oppose the admission of. Specify whether you oppose the admission of all or part of that evidence.
Grounds for opposing the admission of the non-defendant's bad character	Set out the grounds for opposing the admission of the evidence of the non-defendant's bad character. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

[(**a**) This form should be served on the clerk of petty sessions and on every other party to the proceedings within 14 days of the date on which the notice of intention to adduce evidence of a non-defendant's bad character was served (7 days in respect of a preliminary investigation or preliminary inquiry).]

(**a**) Words substituted by S.R. 2008 No. 361 with effect from 01.10.08

[*Supplt. No. 23 (November 2009)*]

FORM 88C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 149AR(4) and (6))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004
(Article 6)

Notice of intention to adduce evidence of defendant's bad character

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of party giving notice Name: Address:	
Case details Court venue: Date of next court appearance: Charges: [(**a**) ...] [(**a**) ...] [(**b**) PPSNI reference number:] [(**c**) ICOS reference number if known]	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.

(**a**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**b**) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

Details required	*Notes*
Details of the notice To the named defendant: You are hereby given notice that bad character evidence, particulars of which are detailed below, is to be adduced or elicited in these proceedings. The particulars of that bad character evidence are as follows:	*In this section include:* *(a) a description of the bad character evidence and how it is to be adduced or elicited in the proceedings (including the names of any relevant witnesses);* *(b) the grounds for the admission of evidence of the defendant's bad character under Article 6 of the 2004 Order;* *(c) why the admission of that evidence is in the interests of justice, where Article 13 of the Order applies (evidence of conviction when under 14 used in proceedings for offence committed as an adult).* *Please attach any relevant documentation.*
Extension of time for service Please indicate whether you are applying for an extension of time for service. If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant

NOTE:

[(**a**) This form should be served on the clerk of petty sessions and every other party to the proceedings.

Where the notice is given by the prosecutor, it shall be served at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and

(**a**) Words substituted by 2008 S.R. No. 361 with effect from 01.10.08

Investigations Act 1996 (disclosure by the prosecutor); or, in respect of a preliminary investigation or preliminary inquiry, not less than 14 days before the date fixed for the hearing.

[*Supplt. No. 22 (October 2008)*]

Where the notice is given by a co-defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996; or, in respect of a preliminary investigation or preliminary inquiry, not less than 14 days before the date fixed for the hearing.

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 each of the other parties to the proceedings, and, where relevant and where known, with either the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996, or the date fixed for the hearing.

Note to defendant:

An application by a defendant to exclude bad character evidence shall be in Form 88D and shall be served on the clerk of petty sessions and on every other party to the proceedings within 7 days of the date the notice of intention to adduce the evidence of bad character was served on him.]

FORM 88D

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AR(8))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004
(Article 6)

Application to exclude evidence of defendant's bad character

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of the defendant Name: Address: Date of birth: If you are in custody, please give your prison number and the address of the establishment in which you are detained:	
Case details Court venue: Date of next court appearance: Charges:	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.

Details required	*Notes*
[(**a**) ...]	
[(**a**) ...]	
[(**b**) PPSNI reference number:]	
[(**c**) ICOS reference number if known]	
Date that you were served with the notice of intention to adduce bad character evidence in these proceedings:	
Details of the application	
Include the following information:	
(a) why the admission of bad character evidence would have such an adverse effect on the fairness of the proceedings that the Court should not admit it.	*Note that an application to exclude this evidence under Article 6(3) of the 2004 Order can only be made if you have been notified of a party's intention to adduce this evidence under Article 6(1)(d) (it is relevant to an important matter in issue between the defendant and the prosecution) or Article 6(1)(g) (that the defendant has made an attack on another person's character).*
(b) details as to the length of time between the matters to which the bad character evidence relates and the matters which form the subject of the offence charged.	Article 6(4) of the 2004 Order.
(c) if you are applying for the exclusion of this evidence on grounds other than Article 6(3) of the 2004 Order, please set out such objections.	
Extension of time for service	
Please indicate whether you are applying for an extension of time for service.	
If the answer is yes, please state your reasons:	

Dated this day of 20 .

Defendant
[Solicitor for Defendant]

NOTE:

This form should be served on the clerk of petty sessions and on every other party to the proceedings within 7 days of the date on which the notice of intention to adduce evidence of the defendant's bad character was served on the defendant.

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 each of the other parties to the proceedings.

(**a**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**b**) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

FORM 88E

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AS(2) and (4))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004
(Article 18)

Notice of intention to adduce hearsay evidence

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of party giving notice Name: Address:	State the name and address of the party giving notice of hearsay evidence. (If in custody give address where detained)
Case details Court venue: Date of next court appearance: Charges: [(**a**) ...] [(**a**) ...] [(**b**) PPSNI reference number:] [(**c**) ICOS reference number if known:]	 The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.

(**a**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**b**) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

Details required	*Notes*
Details of the notice To the named recipient of this notice: I hereby give you notice of my intention to adduce hearsay evidence, details of which are set out below, in these proceedings.	
Grounds for admission of hearsay evidence On which of the following grounds do you intend to adduce hearsay evidence? (a) Any statutory provision makes it admissible; ☐ (b) Any rule of law preserved by Article 22, Criminal Justice (Evidence) (Northern Ireland) Order 2004; ☐ (c) All parties to the proceedings agree to it being admissible; or ☐ (d) It is in the interests of justice for it to be admissible. ☐ Further details of grounds:	Tick as appropriate.
Details of hearsay evidence The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to adduce as hearsay evidence. A complete copy of that evidence must be attached to this notice. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .

Applicant

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

[*Supplt. No. 22 (October 2008)*]

NOTE:

[(a) Where the notice is given by the prosecutor, it shall be served at the same time as the prosecutor complies or purports to comply with section 3 of the Criminal Procedure and Investigations Act 1996 (disclosure by the prosecutor); or, in respect of a preliminary investigation or preliminary inquiry, not less than 14 days before the date fixed for the hearing.

Where the notice is given by a defendant, it shall be served within 14 days from the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996; or, in respect of a preliminary investigation or preliminary inquiry, not less than 14 days before the date fixed for the hearing.

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 each of the other parties to the proceedings, and, where relevant and where known, with either the date on which the prosecutor has complied or purported to comply with section 3 of the Criminal Procedure and Investigations Act 1996, or the date fixed for the hearing.

Note to party who receives a copy of this application:

If you wish to oppose this application you are required within 14 days of the date the notice of the application was served on you (7 days in respect of a preliminary investigation or preliminary inquiry), to serve notice in Form 88F on the clerk of petty sessions and every other party to the proceedings of your opposition, giving reasons for it.]

(a) Note substituted by S.R. 2008 No. 361 with effect from 01.10.08

[*Supplt. No. 23 (November 2009)*]

FORM 88F

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149AS(6))

CRIMINAL JUSTICE (EVIDENCE) (NORTHERN IRELAND) ORDER 2004
(Article 18)

Notice of opposition to the admission of hearsay evidence

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Details of party giving notice Name: Address:	State the name and address of the party giving notice of their opposition to the admission of hearsay evidence. (If in custody give address where detained)
Case details Court venue: Date of next court appearance: Charges: [(**a**) ...] [(**a**) ...] [(**b**) PPSNI reference number:] [(**c**) ICOS reference number if known]	The venue of the court hearing the case. Give brief details (including date and location of offence) of those charges to which this application applies.

(**a**) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(**b**) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(**c**) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

[*Supplt. No. 22 (October 2008)*]

Details required	*Notes*
Details of the notice The details of the hearsay evidence are as follows:	Give brief details of the evidence that you want to exclude from the proceedings. Specify whether you object to all or part of that evidence.
Grounds for excluding hearsay evidence	Set out the grounds for excluding the hearsay evidence that you object to. Any relevant skeleton argument or case law that might bear on the issue may be attached to this notice.
Extension of time Are you applying for an extension of time within which to give this notice? If the answer is yes, please state your reasons:	

Dated this day of 20 .

(Signed)

To the Clerk of Petty Sessions for the petty sessions district of

And to

(Insert names and addresses of each of the other parties to the proceedings)

NOTE:

[(**a**) This form should be served on the clerk of petty sessions and every other party to the proceedings within 14 days of the date on which the notice of intention to adduce hearsay evidence was served (7 days in respect of a preliminary invesigation or preliminary inquiry.]

(**a**) Words substituted by 2008 S.R. No. 361 with effect from 01.10.08

[(a) FORM 88G

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 149C)

POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989
(Article 80A)

Application for leave for witness (other than the accused) who is outside the United Kingdom to give evidence through a live link

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

Details required	*Notes*
Case details	
Court venue:	The venue of the court hearing the case.
Date of next court appearance:	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
[(b) ...]	
[(b) ...]	
[(c) PPSNI reference number:]	
[(d) ICOS reference number if known]	
Details of witness	
Details of witness	An application by the defence for evidence to be given by live link need not disclose who that witness is, except to the extent that the disclosure
Name of witness:	

(a) Forms 88G and 88H inserted by S.R. 2006 No. 413 with effect from 15.11.06
(b) Words omitted by S.R. 2009 No. 310 with effect from 30.9.09
(c) Words substituted by S.R. 2009 No. 310 with effect from 30.9.09
(d) Words inserted by S.R. 2009 No. 310 with effect from 30.9.09

Date of Birth of witness:	is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (alibi).
Details of application State the reasons given by the applicant in support of this application: Country in which the witness will give evidence: Place from which the witness will give evidence (if known):	
Extension or abridgement of time for service Please indicate whether you are applying for an extension/abridgement of time for service. If the answer is yes, please state you reasons:	

Dated this day of 20 .

Applicant
[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to
(Insert names and addresses of each of the other parties to the proceedings)

NOTE:
This form should be served on the clerk of petty sessions and every other party to the proceedings not less than 14 days before the day fixed for commencement of the preliminary investigation or preliminary inquiry.

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 each of the other parties to the proceedings.

Any party who wishes to oppose the application shall, within 7 days of the date that notice was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

[*Supplt. No. 21 (November 2006)*]

FORM 88H

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149C)

POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989

(Article 80A)

Notice of decision on application for leave for witness (other than the accused who is outside the United Kingdom to give evidence through a live link

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon the hearing of an application by (name of applicant), on (*date application heard*) under Article 80A of the Police and Criminal Evidence (Northern Ireland) Order 1989 for leave for a witness outside the United Kingdom to give evidence through a live link, the court made an order to the following effect, viz:—

Leave granted*/refused on the following grounds*—

To be completed where leave is granted

Country in which the witness will give evidence:

Place where the witness will give evidence (if known):

Where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 5(7) of the Criminal Procedure and Investigations Act 1996 (alibi), the name of witness:

The location of the court at which the court at preliminary investigation or preliminary inquiry will be held:

Name of person specified by the court under Rule 149C(10), in whose presence the witness shall give evidence (if applicable):

This day of 20 .

Clerk of Petty Sessions

* Delete as applicable]

[(a) FORM 88I

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 149F(1))

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

(Article 10)

Application for direction for witness to give evidence through a live link

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Details required	*Notes*
Case Details	
Court venue:	The venue of the court hearing the case.
Date of next court appearance	
Charges:	Give brief details (including date and location of offence) of those charges to which this application applies.
PPSNI reference number:	
ICOS reference number if known:	
Details of witness	
Name of witness:	An application by the defence for evidence to be given by live link need not disclose who that witness is, except to the extent that the disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996

(a) Forms 88I-88J inserted by S.R. 2008 No. 361 with effect from 02.02.09

[*Supplt. No. 22 (February 2009)*]

Date of birth of witness:

Details of application for a direction

State the reasons given by the applicant in support of this application

Place from which the witness will give evidence (if known):

Extension or abridgement of time for service

Please indicate whether you are applying for an extension/abridgement of time for service.

If the answer is yes please state your reasons:

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to:

(insert names and addresses of each of the other parties to the proceedings)

Note:

This form should be served on the clerk of petty sessions and every other party to the proceedings not less than 14 days before the day fixed for commencement of the proceedings to which it relates.

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 each of the other parties to the proceedings.

Any party who wishes to oppose the application shall within 7 days of the date that notice was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition giving reasons for it.

[*Supplt. No. 22 (February 2009)*]

FORM 88J

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149F(9) and 149G(4))

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

(Articles 10 and 11)

Notice of decision on application for direction/rescission of direction for witness to give evidence through a live link

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon the hearing of an application by ..... (*name of applicant*), on ..... (*date application heard*) under Article 10/Article 11* of the Criminal Justice (Northern Ireland) Order 2004 for a direction/rescission of a direction* for a witness to give evidence through a live link, the court made an order to the following effect, viz:—

Direction given/refused/rescinded/rescission refused*.

* If direction is refused or rescinded or an application for rescission of a direction is refused, state the grounds —

* If direction is given, state:

The place where the witness will give evidence (if known):

Where the witness is to give evidence on behalf of the prosecutor, or where disclosure is required by section 6A(2) of the Criminal Procedure and Investigations Act 1996, the name of the witness:

The location of the court at which the proceedings to which the application relates will be held:

Name of person specified by the court under Rule 149F(10), in whose presence the witness shall give evidence (if applicable):

This day of 20 .

Clerk of Petty Sessions

* Delete as applicable]

[(a) FORM 88K

[*Supplt. No. 26 (May 2013)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149H(1) and 149O(1))

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Articles 21A and 21BA)

Form of application for a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999

Form of application for the examination of an accused through an intermediary under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999

PART A – TO BE COMPLETED FOR AN APPLICATION FOR A LIVE LINK DIRECTION OR AN APPLICATION FOR A DIRECTION FOR THE EXAMINATION OF ACCUSED THROUGH INTERMEDIARY	
Details required	*Notes*
Case details: Complaint: .....Petty Sessions .....District of: Defendant .....County Court .....Division of:	
Court Venue	The venue of the court hearing the case.
Date of next court appearance:	Give brief details (including date and location of the offence) of those charges to which this application applies.
Charges: PPSNI reference number: ICOS number (if known)	

(a) Form 88K substituted by S.R. 2013 No. 89 with effect from 11.05.13

Details of accused: Name of accused: Date of birth of accused:	
PART B – TO BE COMPLETED WHERE AN APPLICATION FOR A LIVE LINK DIRECTION IS BEING MADE	
Details of application State the conditions under which Article 21A(4) or (5) upon which this application is based:	
Give a description of the evidence submitted in support of this application:	This requirement is optional. Examples of evidence might be birth certificate; medical report.
Arrangements available Give a description of the live link facilities which are available in the area in which it is likely the hearing will take place:	
Reasons for application Give the grounds for believing the live link direction being sought in this application will enable the accused to participate more effectively in the proceedings as a whole: Give the views of the accused as to why the live link direction sought in this application is required.	
Details of live link Give — (a) the address of any venue from which the accused will give evidence if the Court's own live link is not used: (b) the name of the person who it is proposed will accompany the accused: (c) the occupation of this person: (d) the relationship (if any) of this person to the accused:	
Grounds State why it is believed that this person should accompany the accused	

[*Supplt. No. 26 (May 2013)*]

PART C – TO BE COMPLETED WHERE AN APPLICATION FOR THE EXAMINATION OF THE ACCUSED THROUGH AN INTERMEDIARY IS BEING MADE	
Details of application (a) State the conditions under which Article 21A(5) or (6) upon which this application is based:	
(b) Give the grounds for believing that the use of an intermediary will enable the accused to participate more effectively in the proceedings as a witness giving oral evidence:	This requirement is optional. Examples of evidence might be birth certificate; medical report.
(c) Give a description of the evidence on which the application is based:	
(d) what is the name of the proposed intermediary:	
(e) What is the occupation of this person:	
(f) List any relevant skills or professional qualification:	
(g) What is the relationship (if any) of this person to the accused:	
(h) Is the proposed intermediary registered with the Department of Justice:	
(i) Has the intermediary made a declaration? If yes, please attach a copy. If a declaration has not yet been made, a copy of it must be submitted to the Court as soon as reasonably practicable after having been made:	
(j) Describe the accused's communication needs and the proposed arrangements for questioning the witness. Attach any relevant report including an intermediary's assessment. Ground rules for questioning may be discussed between the Court, the legal representatives and the intermediary before the accused gives evidence to establish (a) how questions should be put to help the accused understand them and (b) how the proposed intermediary will alert the Court if the witness has not understood or needs a break:	

(k) Has an intermediary been used in any other part of the investigation: (i) Was that intermediary the person named above (if no, please give the details sought in this Part in respect of that intermediary): (ii) Did that intermediary make a declaration before acting? If yes, please attach a copy of it: (l) Give a description of any other evidence submitted in support of this application: **Extension/abridgment of time for service** Please indicate whether you are applying for an extension or an abridgement of time for service. If the answer is yes, please state your reasons.	This requirement is optional. Examples of other types evidence might be birth certificate; medical report.

Dated this day of 20 .

Applicant

[Solicitor for Applicant]

To the Clerk of Petty Sessions for the petty sessions district of

And to

(*insert names and addresses of each of the parties to the proceedings*)

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 each of the other parties to the proceedings.

Note to party who receives a copy of this notice:

If you wish to oppose this application you are required within 7 days (or such other period as may be specified by the court) to notify the applicant and the clerk of petty sessions in writing of your opposition, stating the reasons for such.

FORM 88L

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149H(11) and 149I(3))

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Article 21A)

Notice of decision on application for a live link direction/application to discharge a live link direction under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon the hearing of an application on ..... (*date application heard*) under Article 21A of the Criminal Evidence (Northern Ireland) Order 1999 for a live link direction/for the discharge of a live link direction*, the court made an order to the following effect, viz:–

Live link direction given/refused/discharged/discharge refused* on the following grounds—

Dated this day of 20 .

Clerk of Petty Sessions

* *delete as appropriate*]

[(a) FORM 88M

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 149O(11) and 149P(11))

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(Articles 21BA and 21BB)

Notice of decision on application for examination of accused through an intermediary under Article 21BA of the Criminal Evidence (Northern Ireland) Order 1999

Notice of decision to vary or discharge a direction allowing the examination of accused through an intermediary under Article 21BB of the Criminal Evidence (Northern Ireland) Order 1999

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Upon hearing an application on .....(*date application heard*) under Article 21BA for a direction to allow the examination of the accused through an intermediary/under Article 21BB for the variation/discharge* of a direction allowing the examination of the accused through an intermediary, the Court made an order to the following effect, viz:—

(*please specify the name of the intermediary*)

Direction allowing the examination of the accused through an intermediary given/ refused/discharged/varied/discharged refused/variation refused*

Please state the reasons for that decision —

This ..... day of ..... 20....

Clerk of Petty Sessions

* *delete as appropriate*]

(a) Form 88M inserted by S.R. 2013 No. 89 with effect from 11.05.13

[(a) FORM 88N

[*Supplt. No. 26 (May 2013)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(RULE 149Q)

CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1999

(ARTICLES 17 AND 21BA)

Declaration for an intermediary under Article 17(5) Or Article 21BA(9) of the Criminal Evidence (Northern Ireland) Order 1999

I (insert name) solemnly, sincerely and truly declare (or I swear by Almighty God) that I will well and faithfully communicate questions and answers and make a true explanation of all matters and things as shall be required of me according to the best of my skill and understanding.

Signed:

(Intermediary)

Dated:

To the Clerk of Petty Sessions for the petty sessions district of

And to

(insert the names and addresses of each of the other parties to the proceedings).]

(a) Form 88N inserted by S.R. 2013 No. 89 with effect from 11.05.13

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

FORM 89

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 47 and 135 to 138; Rules 150 to 153)

Recognizance to Appear before a Magistrates' Court

[*Title as in Form 1*]

WHEREAS a complaint was made as set out at Order Book number:

The undersigned (name)

of the principal party to this recognizance, hereby binds himself to perform the following obligation, viz: to appear personally before a magistrates' court at (place)
on (date)
at (time) (and to appear personally at every time and place to which, during the course of proceedings, the hearing of the said complaint may from time to time be adjourned and not to depart the court without leave).

[And upon condition that he report to the Royal Ulster Constabulary at (place) each (day) at (time) .]

And the said principal party (together with (name)
of
and (name)
of
hereby acknowledges himself bound to forfeit to the Crown the sum of £
(and the said surety) in the sum of £ (each)) in case the said principal party fails to perform the above obligation.

(and in lieu of surety the said principal party hereby deposits the sum of £
or other valuable security to the value of that sum as security for the performance of the said obligation).

..... } Principal Party

..... } Suret .

.....

Taken before me this day of 19 .
(as to said Principal Party)
(as to said Surety)
.....
Governor/Deputy Governor of Prison

Taken before me this day of 19 .
(as to said Principal Party)
(as to said Surety)
.....
Clerk of Petty Sessions

[(a) FORM 89A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 134, 135, 137, 138; Rules 150 to 152)

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 5

Recognizance to Appear Before a Magistrates' Court

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint was made that

The undersigned of the principal party to this recognizance, binds himself to perform the following obligations, viz:—

To appear personally before a Magistrates' Court sitting at in the above-named Petty Sessions District on the day of 19 , at am and at every time and place to which, during the course of the proceedings, the hearing of the complaint may from time to time be adjourned and not to depart the court without leave.

The said principal party [together with of and of , the undersigned [surety] [sureties]] acknowledge[s] himself bound to forfeit to the Crown the sum[s] following viz:—

The principal party the sum of £ [and the said [surety] [sureties] the sum of £ [each] in case the said principal party fails to perform the above obligation] [and in lieu of surety the said principal party hereby deposits the sum of £ or other valuable security to the value of that sum as security for performance of the said obligation].

(a) Form 9A inserted by S.R. 1997 No. 428 with effect from 14.10.97

..... Principal Party
..... [Surety]
..... [Surety]

[*Supplt. No. 9 (October 1997)*]

Taken before me this day of 20 .

(as to the said Principal Party)

(as to the said Suret[y][ies]

.....

Governor/Deputy Governor

Taken before me this day of 20 .

(as to the said Principal Party)

(as to the said Suret[y][ies]

.....

District Judge (Magistrates' Courts)

[Lay magistrate]

[Clerk of Petty Sessions]

[Member of the Police Service of Northern Ireland]]

[*Supplt. No. 26 (June 2012)*]

[(a) FORM 89B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 134, 135, 137; Rules 150 to 152)

JUSTICE ACT (NORTHERN IRELAND) 2011

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 6

Recognizance to appear before a Magistrates' Court

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS a complaint was made that

The undersigned of

the principal party to this recognizance,

binds himself to perform the following obligations, viz:—

To appear personally before a Magistrates' Court sitting at in the above-named Petty Sessions District on the day of 20 at am and at every time and place to which, during the course of the proceedings, the hearing of the complaint may from time to time be adjourned and not to depart the court without leave.

The said principal party [together with

of

and of

acknowledge[s] himself bound to forfeit to the Crown the sum[s] following viz:—

(a) Form 89B inserted by S.R. 2012 No. 189 with effect from 06.06.12

The principal party the sum of £ [and the said [surety] [sureties] the sum of £ [each] in case the said principal party fails to perform the above obligation] [and in lieu of surety the said principal party hereby deposits the sum of £ or other valuable security to the value of that sum as security for performance of the said obligation].

[*Supplt. No. 26 (June 2012)*]

..... Principal Party

..... [Surety]

..... [Surety]

Taken before me this day of 20 .	Taken before me this day of 20 .
(as to the said Principal Party)	(as to the said Principal Party)
(as to the said Suret[y][ies]	(as to the said Suret[y][ies]
.....	.....
Governor/Deputy Governor	District Judge (Magistrates' Courts)
	[Lay magistrate]
	[Clerk of Petty Sessions]
	[Member of the Police Service of Northern Ireland]]

FORM 90

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 130(1)(*a*) and 135 to 138; Rule 152)

Recognizance [[(a) Police]] to appear before a Magistrates' Court

[Title as in form 1]

WHEREAS the undersigned principal party to this recognizance was taken into custody by

on the day of 20 , and [after being charged with] was released from custody at

[(**b**) police station] upon his entering into this recognizance, the undersigned (name) of

the principal party to this recognizance hereby binds himself to perform the following obligation, viz., to appear [personally] before a magistrates' court at

(place)

on (date) at (time) [and to appear [personally] at every time and place to which during the course of proceedings the hearing [of the said charge] may from time to time be adjourned and not to depart the court without leave].

And the said principal party (together with (name)

of and (name)

of the undersigned surety

] hereby acknowledge(s) bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Surety .
..... }

Taken before me this day of 20 .

[Rank]
PSNI in Charge of the said
[(**a**) police station]

(**a**) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09

FORM 91

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 130(1)(*b*) and 135 to 138; Rule 152)

Recognizance to Appear at a [(a) Police Station]

[*Title as in Form 1*]

Whereas the undersigned principal party to this recognizance was taken into custody by
on (date) , and whereas inquiries into certain matters concerning the said principal party cannot be completed forthwith and he has been released from custody at
[(**a**) police station], upon his entering into this recognizance, the under-signed
(name
of
the principal party to this recognizance hereby binds himself to perform the following obligation, viz., to attend at
[(**a**) police station] on (date)
at (time) unless he previously receives notice in writing from a member of the Police Service of Northern Ireland not below the rank of Inspector that his attendance is not required:

And the said principal party [together with (name)
of
and (name)
of the undersigned surety]
hereby acknowledge(s) bound to forfeit to the Crown
the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £]
in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Surety .
..... }

Taken before me this day of 20 .

[Rank]
PSNI in Charge of the said
[(**a**) police station]

(**a**) Words substituted by S.R. 2009 No. 310 with effect from 30.09.09

[(a) 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

Applicant } Petty Sessions District of

of

Respondent } County Court Division of

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 20 .

Applicant

[Solicitor for Applicant]

To the custody officer at

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

(a) Forms 91A and 91B substituted by S.R. 2008 No. 251 with effect from 08.12.08

NOTE:

[*Supplt. No. 22 (December 2008)*]

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.]

[*Supplt. No. 22 (October 2008)*]

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

Applicant } Petty Sessions District of

of

Respondent } County Court Division of

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 20 .

Clerk of Petty Sessions

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

[(a) FORM 91C

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 133A, Rule 153B)

[Supplt. No. 18 (July 2004)]

Application for reconsideration of a decision to grant bail

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

TAKE NOTICE that I, the undersigned, intend to apply to a magistrates' court for the above-named petty sessions district for the reconsideration of a decision to grant bail to the defendant taken on the (*insert date decision taken*) by [the court] [a custody officer at (*insert name of police station*)].

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

(Note: No application for the reconsideration of bail may be made unless it is based on information which was not available to the court or the custody officer when the decision was taken).

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

(Note: An application for the reconsideration of bail may only be made in relation to offences which are punishable on conviction on indictment (whether or not punishable only on conviction on indictment).

The decision to be reconsidered (including any conditions of bail which were imposed and the reasons they have been imposed) is as follows –

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

Dated this day of 20 .

Applicant

To the Defendant

of

[And to any surety specified in the application]

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

(a) Forms 91C-91E inserted by S.R. 2004 No. 299 with effect from 26.07.04

[*Supplt. No. 18 (July 2004)*]

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 be not 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 fixed for the hearing of the application.

The court may, when it determines this application –

- Vary or rescind the conditions of bail or impose further conditions;
- Impose conditions in respect of bail which has been granted unconditionally;
- Withhold bail.

If the court withholds bail, it shall remand you in custody or, in your absence, order that you surrender yourself to the custody of the court. Failure to surrender to custody as ordered will render you liable to arrest without warrant.

FORM 91D

[*Supplt. No. 18 (July 2004)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 133A, Rule 153B)

Notice of decision on application for reconsideration of a decision to grant bail

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

UPON THE HEARING of an application by (*name of applicant*), on (*date application heard*) under Article 133A of the Magistrates' Courts (Northern Ireland) Order 1981 for the reconsideration of a decision to grant bail to the defendant taken on the (*insert date decision taken*) by [the court] [a custody officer at (*insert name of police station*)], the court made an order to the following effect, viz:–

[The court [varied] [rescinded] [imposed further conditions] as set out below –

].

[The court imposed the following conditions in respect of bail which had been granted unconditionally, namely –

].

[The court withheld bail and [remanded the defendant in custody] [ordered that defendant surrender himself into the custody of the court forthwith]].

This day of 20 .

Clerk of Petty Sessions

To the defendant (and to any surety specified in the application)

[*Supplt. No. 18 (July 2004)*]

FORM 91E

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 133A, Rule 153B)

Order that a person surrender himself into the custody of the court following a decision under Article 133a of the Magistrates' Courts (Northern Ireland) Order 1981 to withhold bail

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

UPON THE HEARING of an application by (*name of applicant*), on (*date application heard*) under Article 133A of the Magistrates' Courts (Northern Ireland) Order 1981 for the reconsideration of a decision to grant bail to the defendant taken on the (*insert date decision taken*) by [the court] [a custody officer at (*insert name of police station*)], the court ordered that bail be withheld.

THIS IS TO COMMAND YOU, the above-named defendant, to surrender yourself forthwith into the custody of the magistrates' court sitting at (*place*).

If you fail to surrender to the custody of the court forthwith, you may be arrested without warrant by a constable.

Dated this day of 20 .

Clerk of Petty Sessions

To the defendant]

[(a) FORM 91F

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 161A)

JUSTICE (NORTHERN IRELAND) ACT 2004

(Section 10)

[*Supplt. No. 19 (October 2004)*]

Written notice of appeal by the Prosecution against the Grant of Bail by a Magistrates' Court

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS at a magistrates' court sitting at on the day of 20 , the said defendant was granted bail in respect of the following offence(s):- (*state shortly particulars of offence(s)*) which (is an offence) (are offences) punishable by imprisonment.

AND WHEREAS at am/pm oral notice of appeal was given by the prosecution at the conclusion of the proceedings in which bail was granted,

NOW TAKE NOTICE that the prosecution will appeal to the High Court against the granting of the said bail.

This day of 20 .

Signed
(on behalf of the Prosecution)

To:
The Clerk of Petty Sessions for the above-named Petty Sessions District.

The said defendant.

Served (date)
by
(insert manner of service)]

(a) Form 91F inserted by S.R. 2004 No. 433 with effect from 29.10.04

[(a) FORM 91G

[*Supplt. No. 19 (Oct. 2004)*]

Magistrates' Courts (Northern Ireland) Order 1981
(Rule 161A)

Justice (Northern Ireland) Act 2004

(Section 10)

NOTICE OF RELEASE ON BAIL: PROSECUTION'S FAILURE TO SERVE WRITTEN NOTICE OF APPEAL

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS at a magistrates' court sitting at

on the day of 20 , the said defendant was granted bail in respect of the following offence(s):- (state shortly particulars of offence(s))

which (is an offence) (are offences) punishable by imprisonment.

AND WHEREAS at am/pm oral notice of appeal to the High Court against the granting of the said bail was given by the prosecution at the conclusion of the proceedings in which bail was granted, the prosecution failed to serve written notice of appeal within two hours of the conclusion of such proceedings.

This is to command you to whom this notice is addressed to release the defendant on bail subject to the conditions set out below, unless (s)he is in your custody for some other cause.

This day of 20 .

Clerk of Petty Sessions

To: [the District Commander of the Police Service of Northern Ireland at .]

[the Governor of HM Prison [Young Offenders Centre]

ORDER FOR BAIL

The court ordered that the defendant be released on his own bail of £ [with suret(y)(ies) of £ (each)] [or valuable securities]

[AND subject to the following conditions:

] to appear before the (specify court) sitting at (place) on the (date) at (time) .

This day of 20 .

Clerk of Petty Sessions]

(a) Form 91G inserted by S.R. 2004 No. 433 with effect from 29.10.04

[(a) FORM 91H

Magistrates' Courts (Northern Ireland) Order 1981
(Rule 161A)

Justice (Northern Ireland) Act 2004
(Section 10)

NOTICE OF ABANDONMENT OF APPEAL BY THE PROSECUTION AGAINST THE GRANT OF BAIL BY A MAGISTRATES' COURT

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS at a magistrates' court sitting at

on the day of 20 , the said defendant was granted bail in respect of the following offence(s):- (state shortly particulars of offence(s))

which (is an offence) (are offences) punishable by imprisonment.

AND WHEREAS written notice of appeal to the High Court against the granting of the said bail was given by the prosecution on (date) ,

TAKE NOTICE that the prosecution now abandons the said appeal.

This day of 20 .

Signed
(on behalf of the Prosecution)

To:

The Clerk of Petty Sessions for the above-named Petty Sessions District.

The said defendant.]

(a) Form 91H inserted by S.R. 2004 No. 433 with effect from 29.10.04

[(a) FORM 91I

[Supplt. No. 19 (Oct. 2004)]

Magistrates' Courts (Northern Ireland) Order 1981
(Rule 161A)

Justice (Northern Ireland) Act 2004

(Section 10)

NOTICE OF RELEASE ON BAIL: PROSECUTION'S ABANDONMENT OF APPEAL

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS at a magistrates' court sitting at

on the day of 20 , the said defendant was granted bail in respect of the following offence(s):- (state shortly particulars of offence(s))

which (is an offence) (are offences) punishable by imprisonment.

AND WHEREAS written notice of appeal to the High Court against the granting of the said bail was given by the prosecution on (date) , the prosecution has this day given notice of its intention to abandon its appeal.

This is to command you to whom this notice is addressed to release the defendant on bail subject to the conditions set out below, unless (s)he is in your custody for some other cause.

This day of 20 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre].

ORDER FOR BAIL

The court ordered that the defendant be released on his own bail of £ [with suret(y)(ies) of £ (each)] [or valuable securities]

[AND subject to the following conditions:

] to appear before the (specify court) sitting at (place) on the (date) at (time) .

This day of 20 .

Clerk of Petty Sessions]

(a) Form 91I inserted by S.R. 2004 No. 433 with effect from 29.10.04

FORM 92

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 37, 51(4) and 135 to 138; Rules 150 and 153)

Recognizance to Appear at the Crown Court

[*Title as in Form 1*]

WHEREAS the defendant stands charged [that] [or as stated in the statement of complaint annexed]

[WHEREAS the defendant was on the day of 19 , discharged from HM Prison [Young Offenders Centre] at and was on that date serving a sentence of imprisonment [period of detention] in a Young Offenders Centre] which but for his discharge pursuant to prison rules would have expired on the day of 19]

the undersigned (name)

of

the principal party to this recognizance, hereby binds himself to perform the following obligation(s) viz., to attend the Crown Court at (place) on such day as may be notified to him at (time) [and there to surrender himself to the governor of the prison at and plead to any indictment presented against him for the said offence, and take his trial for the same, and not to depart the court without leave and so from court to court which the trial may be adjourned until this recognizance shall be discharged by the court.]

[And, in addition, to undergo medical examination by and for that purpose [attend at] [reside at] [from] [upon] (date) at (time) [when arrangements have been made for his reception until he is discharged therefrom]:

And the said principal party [together with (name)

of

and (name) of

the undersigned suret] hereby acknowledge(s) to forfeit to the Crown the sum(s) following, viz:—

The principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation

..... } Principal Party

..... } Suret .

.....

Taken before me this day of 20 .
at

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of petty sessions]
[Governor/Deputy Governor].

[(a) FORM 93

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 127; Rules 150 and 151)

Recognizance to keep the Peace [and] [or] to be of Good Behaviour

[*Title as in Form 1*]

WHEREAS a complaint was made that

AND IT WAS ORDERED by the magistrates' court

at that the said defendant should be bound by recognizance [to keep the peace] [and] [be of good behaviour, in particular the defendant shall not (*specify types of behaviour from which the defendant must refrain*)] for the period of .

The undersigned (*name*)

of

, the principal party to this recognizance, hereby binds himself to perform the following obligation, viz., [to keep the peace] [and] [be of good behaviour, in particular the defendant shall not (*specify types of behaviour from which the defendant must refrain*)] for the period of , and the said principal party [together with (*name*) of , and (*name*) , the undersigned surety] hereby acknowledge(s) bound to forfeit to the Crown the sum(s) following, viz:—

The principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation.

} Principal Party
Surety

Taken before me this day of 20 .

Clerk of Petty Sessions]

(a) Form 93 substituted by S.R. 2003 No. 477 with effect from 01.12.03

FORM 94

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 150(5) and (6))

Certificate of Proposed Surety as to Means

I propose to sign as surety for
(principal party to recognizance) in the sum of £ .

I understand my obligation under the recognizance.

I also unserstand the condition(s) which must be complied with by the principal party.

I am possessed of sufficient means to pay the sum of £
if required to do so.

Signed

Declared before me this day of 20 .

Clerk of Petty Sessions
[Court Clerk]
[Governor/Deputy Governor]
[Person in charge of Training School/Remand Home]
[Member of the Royal Ulster Constabulary]

[(**a**) FORM 95

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 138(2A)(b))

SUMMONS TO SURETY

To:–

of

surety in the case of [ ] (defendant)

WHEREAS on (date) you (name) entered into a recognizance as surety for the appearance of the above named defendant.

AND WHEREAS on (date) the defendant, being the principal party, to the said recognizance failed to appear before a magistrates' court.

THIS IS TO COMMAND YOU to appear before a magistrates' court at (place) on (date) at (time) at the hearing of estreatment proceedings to show due cause why you should not pay the sum in which you are bound.

This day of 20 .

[Clerk of Petty Sessions]

Note: If you fail to appear at the time and place shown above and the court is satisfied that this summons has been served on you, the court may proceed in your absence.]

(**a**) New Form 95 substituted by S.R. 2009 No. 310 with effect from 30.9.09

[(a) Form 95A

[*Supplt. No. 23 (November 2009)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 138(2A)(b) and Rule 11(7C))

Certificate of Service of Summons on Surety

I of hereby certify that I did serve a summons in this matter on the surety whose name appears below in the manner endorsed by me on the original summons.

Dated this day of 20

Signed .....
[Person who served the summons]

Name and Address of Surety]

(a) New Form 95A inserted by S.R. 2009 No. 310 with effect from 30.9.09

[(**a**) Form 95B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 138(2A)(b) and Rule 11(7D)

Acknowledgment by Surety of receiving summons by post

You have been commanded to appear before a magistrates' court sitting at (place) , on (date) , 20 at the hearing of estreatment proceedings to show due cause why you should not pay the sum in which you are bound.

IMPORTANT

*This acknowledgment of receipt of summons should be completed by you or your solicitor and returned within 14 *days*.

* The summons should be retained by you or your solicitor. Only this acknowledgment should be returned to the court named above.

* By signing this acknowledgment you are neither agreeing nor disputing that you should pay the sum in which you are bound.

* Before completing this acknowledgment you should read the Explanatory Notes overleaf.

* If you have any queries about this acknowledgment or its effect you should consult your solicitor.

EXPLANATORY NOTES

1. A summons requiring you to appear at court has been sent to you by post.

2. Either you or your solicitor should confirm that the summons and other related documents have been received by you by signing and dating the Acknowledgement Form on the opposite page.

3. Once signed, this completed acknowledgment should be returned within 14 days from the date on which you receive the papers.

4. The summons should be retained by you or your solicitor.

5. If you do not return this form within 14 days, or appear personally or through your solicitor, alternative arrangements will be made to serve the papers on you and the

(**a**) New Form 95B inserted by S.R. 2009 No. 310 with effect from 30.9.09

date given on the enclosed summons for the hearing of your case may have to be changed. [*Supplt. No. 23 (November 2009)*]

Acknowledgement

By completion of this acknowledgement you are ONLY confirming that you have received by post the documents indicated.

I of

hereby acknowledge having received a copy of the summons to a surety under Article 138(2A)(b) of the Magistrates' Courts (Northern Ireland) Order 1981.

Signed ..... Date .....

[Recipient/Solicitor on behalf of Recipient]

The completed form should be returned within 14 days.]

FORM 96

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 138(4); Rules 14, 143 and 144)

Warrant of Distress and Commitment in Default of Distress for Sum Forfeited upon the Estreat of a Recognizance

[*Title as in Form 1*]

WHEREAS on (date)
(name) entered into a recognizance
in the sum of £ conditioned that

AND WHEREAS on (date)
upon an application to a magistrates' court for the said district to estreat the recognizance, the court ordered the estreat of the recognizance to the amount of £] and the said court ordered the said amount to be levied by distress and in default of distress the defendant be imprisoned [detained] in HM Prison [Young Offenders Centre] at
for the period of unless the said amount be sooner paid.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, forthwith to make distress of the money and goods of the defendant and if the said amount, together with the reasonable expenses of making and keeping the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise, as the may in writing allow, and pay the proceeds of the said distress to the clerk of petty sessions for the above-named petty sessions district and if no such distress can be found the defendant is to be imprisoned [detained] in HM Prison [Young Offenders Centre] at in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] for the period of .

And for this the present warrant shall be a sufficient authority to all whom it may concern. The warrant to be returned within a reasonable time if not executed.

Amount .. .. .. £:
Warrant Fee .. .. £:_____
Total .. .. £:_____
Part Payment .. .. £:_____
Balance due .. .. £:_____

This day of 20 .

Clerk of Petty Sessions

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

[(a) FORM 96A

JUSTICE ACT (NORTHERN IRELAND) 2011

(Section 91)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 153C)

Application for compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011

[*Title as in Form 1*]

TAKE NOTICE that I, the undersigned, intend to apply under section 91 of the Justice Act (Northern Ireland) 2011 to a magistrates' court for the above-named petty sessions district for an order that I be released from custody (insert dates for release) for —

(Grounds on which the application is made)

on such terms and conditions as the court thinks just.

Please provide details of any previous bail applications made in the proceedings, specifying the outcome of those applications and, where bail was granted, any conditions which were imposed by the court.

Where possible, please indicate whether the police are agreeable to compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011 being granted. Where appropriate, please state any conditions which the police believe should be attached and if these conditions are agreed by the defence.

Please indicate whether the applicant/defendant consents to this application being dealt with in his absence.

YES/NO (delete as appropriate)

Dated this day of 20 .

Signed
Applicant/Defendant
[Solicitor for the Applicant/Defendant]

To: Clerk of Petty Sessions
Director of Public Prosecutions.]

(a) Form 96A inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 26 (June 2012)*]

[(a) FORM 96B

JUSTICE ACT (NORTHERN IRELAND) 2011

(Section 91)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 153C)

Notice of release on compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011

[*Title as in Form 1*]

UPON APPLICATION by the above named applicant/defendant.

IT IS ORDERED that the applicant/defendant be admitted to compassionate bail under section 91 of the Justice Act (Northern Ireland) 2011 him/herself in the sum of £ with surety[ies] in the sum of £ , for the personal appearance of the said applicant/defendant before [custodial establishment] in accordance with the condition(s) on which bail is granted,

AND IT IS ORDERED that bail is granted to the applicant/defendant subject to the following conditions:—

The applicant/defendant shall be released [release details] subject to the applicant/defendant being released into the custody of his surety/sureties who shall collect the applicant/defendant from [custodial establishment], and return him to the Governor of Her [custodial establishment] [return to custody details].

[other conditions]

AND IT IS ORDERED that upon the applicant/defendant and surety[ies] entering into recognizance in the above mentioned sums this Order shall be sufficient authority for the person for the time being in charge of [custodial establishment] on being satisfied as to the identity of sureties to release the applicant/defendant to sureties, unless he/she is in custody for some other cause.

This day of 20 .

Clerk of Petty Sessions

To the Governor of HM Prison]

(a) Form 96B inserted by S.R. 2012 No. 189 with effect from 06.06.12

APPEALS TO COUNTY COURT AND BY WAY OF CASE STATED TO COURT OF APPEAL

A. Appeals to County Court

FORM 97

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 144; Rule 154)

Notice of Appeal to the County Court

[*Title as in Form 1*]

TAKE NOTICE that I, the defendant [complainant] intend to appeal to county court sitting at (place)
on (date) against the convictions [sentences] [orders] made [passed] by magistrates' court on (date)

My appeal(s) is/are in respect of offence(s) briefly described:

_____

_____

_____

_____

Signed_____Party Appealing
[Solicitor or Agent for Party Appealing]

_____Address of Party Appealing
[Solicitor or Agent for Party Appealing]

This day of 19 .

To: of (address)

and to The Clerk of Petty Sessions for the above-named Petty Sessions District.

Served (date)
by
(insert manner of service)

FORM 98

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 154, 155 and 156)

Form of Appeal to County Court

[Title as in Form 1]

I CERTIFY that upon the hearing of [a complaint that] [a process claiming] [an application for] [an appeal against]

(state cause of complaint, nature of process, grounds of application or appeal)

AN ORDER WAS MADE on (date) , by a magistrates' court of the above district against the said to the following effect, viz:—

This day of 19 .

Clerk of Petty Sessions

I CERTIFY notice of appeal lodged and recognizance entered into.

This day of 19 .

Clerk of Petty Sessions

I CERTIFY that upon the hearing of the said appeal on the day of 19 , the county court ordered that

This day of 19 .

Chief Clerk

FORM 99

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 135 to 138 and 148; Rules 150 to 153)

Recognizance to Prosecute Appeal to County Court [Not] Conditioned for Bail

[*Title as in Form 1*]

WHEREAS a complaint was made that

The undersigned (name)
of

the principal party to this recognizance, hereby binds himself to perform the following obligation, viz:—To attend the sitting of the county court to be held at (place)
on (date) at (time)
or upon such other day as may be notified to him and there TO PROSECUTE THE APPEAL against the [conviction] [and] [sentence] [order] made [passed] by a magistrates' court for the above petty sessions district on the day of 19 , upon the said complaint and TO ABIDE BY THE JUDGMENT and order of the said county court thereon and TO PAY SUCH COSTS awarded by the said court [AND NOT TO ABSCOND pending the execution of the original order or of the judgment of the said county court AND NOT TO DEPART THE COURT WITHOUT LEAVE and so from court to court until this recognizance shall be discharged by the court.]

And the said principal party [together with (name)
of
and (name) of

the undersigned suret] hereby acknowledge(s)
bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £]
in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret .
.....

Taken before me this day of 19 .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Governor/Deputy Governor]

FORM 100

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 150(1))

Notice by Clerk of Petty Sessions to Chief Clerk of Abandonment of Appeal to the County Court

Petty Sessions District of

County Court Division of

Between

Appellant

and

Respondent

THIS IS TO GIVE YOU NOTICE that I have received from the above-named Appellant notice that he has abandoned his appeal to the county court against a [conviction] [and] [sentence] [order] made [passed] by the magistrates' court for the above-named petty sessions district sitting on the day of 19 .

Clerk of Petty Sessions

This day of 19 .

To the Chief Clerk
at
Copy to the Respondent
of

B. Appeals by way of Case Stated to Court of Appeal

FORM 101

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146; Rule 158)

Application to Court to State a Case

To , resident magistrate who sat as a magistrates' court for the petty sessions district of on the day of 19 .

In the matter of a [complaint] [process] [application] [appeal] wherein [I the undersigned] was [complainant] [plaintiff] [applicant] [appellant] [*or* I the undersigned] was [defendant] [respondent] heard and determined by the said magistrates' court sitting at on the day of 19 .

Being dissatisfied with the decision of the court on a point of law involved in the determination of the said court as being wrong in law, I hereby, pursuant to Article 146 of the Order make application to you to state a case for the opinion of the Court of Appeal on the following point of law:—

This day of 19 .

Appellant
[Solicitor for Appellant].
Address of Appellant
[Address of Solicitor for Appellant]

Copy to be served on the Respondent
of

FORM 102

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146(4))

Court's Certificate of Refusal to State a Case

Petty Sessions District of
County Court Division of

Before the magistrates' court sitting at

WHEREAS on the day of 19 , a certain decision upon a point of law in a proceeding before the court was made by me the undersigned [resident magistrate] [justice of the peace].

AND WHEREAS being dissatisfied with the said decision as being wrong in law has applied to me pursuant to Article 146 of the Order to state a case for the opinion of the Court of Appeal thereon.

Now I, being of the opinion that the application of the said is frivolous, hereby certify that such application is refused.

This day of 19 .

Resident Magistrate

FORM 103

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146; Rule 160)

Case Stated by Magistrates' Court

IN HER MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND

On Appeal by way of Case Stated under the Magistrates' Courts (Northern Ireland) Order 1981

BETWEEN

Complainant [or Plaintiff]
[or Appellant] [or Applicant]
and Appellant [or Respondent]

AND

Defendant [or Respondent]
and Respondent [or Appellant]

Case stated by a [resident magistrate] [justice of the peace for the county court division of] in respect of his adjudication at a magistrates' court sitting at

CASE

1. On the day of 19 , a [complaint] [process] [appeal] [application] was [preferred] [issued] [made] by the appellant [or respondent] against the respondent [or appellant] claiming that he

(state shortly particulars of complaint, process, appeal or application and refer to any relevant statutes.)

2. I heard the said [complaint] [process] [appeal] [application] on the day of 19 , and found the following facts:—

(set out in separate lettered paragraphs).

*[The following is a short statement of evidence:—

(set out so as to show relevant evidence given by each witness).]

3. It was contended by the appellant that

4. It was contended by the respondent that

5. I was referred to the following cases:—

6. I was of opinion that

(state grounds of decision)

and accordingly

(state decision including any sentence or order).

QUESTION

7. The question for the opinion of the Court of Appeal is

This day of 19 .

Resident Magistrate
[Justice of the Peace].

*Insert only if the opinion of the Court of Appeal is sought whether there was evidence upon which the magistrates' court could come to its decision.

FORM 104

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 135 to 138 and 148; Rules 150 to 153)

Recognizance to Prosecute Appeal to Court of Appeal [Not] Conditioned for Bail

[*Title as in Form 1*]

WHEREAS a complaint was made that

The undersigned (name) of
the principal party to this recognizance, hereby binds himself to perform the following obligation, viz:—TO PROSECUTE HIS APPEAL by way of case stated against the [conviction] [order] made by a magistrates' court made on (date) , upon the said complaint and TO ABIDE BY THE JUDGMENT OR ORDER of the Court of Appeal thereon and TO PAY COSTS as may be awarded by the said Court and except where sooner committed under a warrant of commitment issued consequent upon the affirmation of a sentence of imprisonment, [TO APPEAR before the magistrates' court within [ten] days after the judgment or order of the Court of Appeal has been given if and when he is so directed by that Court.]

And the said principal party [together with (name)
of and (name)
of the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation.

..... Principal Party
..... Suret .
.....

Taken before me this day of 19 .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Governor/Deputy Governor].

FORM 105

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 150(2))

Notice to Respondent that Appellant has Abandoned an Appeal by way of Case Stated

To of respondent in an appeal by way of case stated from a determination of a magistrates' court sitting at (place) made on (date) by appellant.

THIS IS TO GIVE YOU NOTICE that I have received notice from the said appellant that he has abandoned his appeal.

This day of 19 .

Clerk of Petty Sessions

MISCELLANEOUS

FORM 106

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 20)

Certificate of Conviction or Order

[*Title as in Form 1*]

I CERTIFY that upon the hearing of a complaint that

[a conviction] [an order] was made on (date)
by the magistrates' court for the said district to the following effect, viz:—

This day of 19 .

Clerk of Petty Sessions

FORM 107

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Part IX)

General Form for Enforcement of Conviction or Order

[*Title as in Form 1*]

WHEREAS upon the hearing of a complaint that

an order was made on (date)
by a magistrates' court against the said defendant
to the following effect, viz:—

AND WHEREAS the said order has not been complied with:

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute the said order against the said defendant
as follows:

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

The sum levied to be paid to the clerk of petty sessions at

This warrant is to be returned within a reasonable time if not executed.

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 108

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 23(2), 25(3), 81(2) and 126; Rule 11)

Affidavit of Service of Summons on Defendant

[*Title as in Form 1*]

I, of , a person entitled 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 [and accompanying documents.]

Sworn before me this day of 19 , at in the County Court Division of

Deponent

Justice of the Peace.
[Clerk of Petty Sessions]

FORM 109

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 23(2), 25(3) and 126; Rule 12)

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

[*Title as in Form 1*]

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
[Clerk to the Justices]
[Sheriff]
[Sheriff Clerk]

[*Suppl. No. 9 (October 1997)*]

[(a) FORM 109A

THE ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 76)

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS

(Northern Ireland) 1997; Regulation 4

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 12B)

Certificate of Service of Summons on Defendant

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of
certify that on the day of 20 I did serve a summons under Regulation 4 of the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 on the above-named defendant in the manner endorsed by me on the original summons.

Dated this day of 20 .

Signed:

(a) Form 109A-109C inserted by S.R. 1997 No. 428 with effect from 14.10.97

FORM 109B

THE ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 76(2))

ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS

(Northern Ireland) 1997; Regulation 3

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 12C)

Certificate of Service of Notice of Registration on Defaulter

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of hereby certify that on the day of 20 I did serve a Notice of Registration under Article 76(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 on the above-named defaulter in the manner endorsed by me on the original Notice.

Dated this day of 20 .

Signed:

[*Supplt. No. 9 (October 1997)*]

FORM 109C

THE ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 15)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 12D)

Certificate of Service of Requirement to identify driver of a vehicle

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of
hereby certify that on the day of 20 I did serve a Requirement under Article 177 of the Road Traffic (Northern Ireland) Order 1981 on the above-named defendant in the manner endorsed by me on the Requirement (a copy whereof is hereto annexed).

Dated this day of 20.

Signed:]

[*Supplt. No. 26 (June 2012)*]

[(a) FORM 109D

JUSTICE ACT (NORTHERN IRELAND) 2011

(Section 67)

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 4

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 12C)

Certificate of Service of Summons on Defendant

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of certify that on the day of 20 I did serve a summons under Regulation 4 of the Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012 on the above-named defendant in the manner endorsed by me on the original summons.

Dated this day of 20 .

Signed:]

(a) Form 109D inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 26 (June 2012)*]

[(**a**) FORM 109E

JUSTICE ACT (NORTHERN IRELAND) 2011

(Section 67(2))

THE PENALTY NOTICES (JUSTICE ACT (NORTHERN IRELAND) 2011) (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 2012;

Regulation 3

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 12E)

Certificate of Service of Notice of Registration on Defaulter

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of
hereby certify that on the day of 20 I did serve a Notice of Registration under Section 67(2) of Justice Act (Northern Ireland) 2011 on the above-named defendant in the manner endorsed by me on the original Notice.

Dated this day of 20 .

Signed:]

(**a**) Form 109E inserted by S.R. 2012 No. 189 with effect from 06.06.12

FORM 110

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 118(3) and 126; Rule 11)

Affidavit of Service of Summons on Witness

[*Title as in Form 1*]

I, of , a person entitled to serve summonses MAKE OATH AND SAY that I did serve a witness summons in this matter on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the original summons.

Sworn before me this day of 20 , at in the County

Deponent.

Court Division of

Lay magistrate

[Clerk of Petty Sessions]

Name(s) and Address(es) of Witness(es)

[**(a)** FORM 110A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(ARTICLES 23(2), 25(3), 81(2), 126; RULES 11, 12, 12A, 12B AND 13)

Certificate of Service of Summons on Defendant

[*Title as in Form 1*]

I, of hereby certify that on the day of 20 [**(b)** I did serve the summons and the accompanying documents] in this matter on the above-named defendant in the manner endorsed by me on the original summons.

Dated this day of 20 .

Signed:

[Person who served the summons]

(**a**) Form 110A-110C inserted by S.R. 1992 No. 541 with effect from 01.02.93

(**b**) Words substituted by S.R. 2009 No. 47 with effect from 10.04.09

[*Supplt. No. 23 (September 2009)*]

FORM 110B

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 12A)

Acknowledgement by Defendant of receiving summons(es) and related papers by post

[*Title as in Form 1*]

Summary of offence(s):—

Summoned to appear before the magistrates' court sitting at (place) on (date) 20 .

IMPORTANT

- This acknowledgement of receipt of summons(es) and related papers should be completed by you or your solicitor and returned in the enclosed prepaid envelope within *14 days*.
- The summons(es) and related papers should be retained by you or your solicitor. Only this acknowledgement should be returned in the prepaid envelope.
- By signing the acknowledgement you are NOT pleading guilty or not guilty to the offences with which you are charged and you should make arrangements to attend and/or be represented at court on the date and at the time stated on the summons.
- Before completing this form you should read the Explanatory Notes overleaf.
- If you have any queries about the form or its effect you should consult your solicitor.

EXPLANATORY NOTES

1. A summons requiring you to appear in court, together with other related documents, have been sent to you by post.
2. Either you or your solicitor should confirm that the summons and other related documents have been received by you by signing and dating *Section A* on the opposite page.
3. You may have received with the summons a *Notice of Intention to cite Previous Convictions*. If so, you or your solicitor should *also* sign and date Section B.
4. Once signed, this completed form should be returned in the prepaid envelope enclosed within *14 days* from the date on which you receive the papers.
5. The other papers should be retained by you or your solicitor.

[(**a**) 6. If you no not return this form within 14 days, or appear personally or through your solicitor, alternative arrangements will be made to serve the papers on you and the date given on the enclosed summons for the hearing of your case will have to be changed.]

(**a**) Paragraph substituted by S.R. 2009 No. 310 with effect from 30.09.09

[*Supplt. No. 6 (February 1993)*]

Acknowledgement

By completion of this acknowledgement you are ONLY confirming that you have received by post the documents indicated.

Section A

I of
hereby acknowledge having received:

(*a*) a copy of the summons(es) in respect of the offences summarised on page 1 of this form;

(*b*) a notice by complainant of intention to tender written statements at summary trial and a copy of the statements; namely—

Signed..... Date.....
[Recipient/Solicitor on behalf of Recipient]

If a notice of Intention to cite previous convictions was enclosed with the papers complete Section B. If no such Notice was enclosed the completed form should now be returned in the prepaid envelope provided.

Section B

(Do not detach)

I hereby acknowledge having received a Notice of Intention to city previous convictions.

Signed..... Date.....
[Recipient/Solicitor on behalf of Recipient]

The completed form should be returned within *14 days* in the prepaid envelope provided.]

FORM 110C

[*Supplt. No. 6 (February 1993)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 13A and 148)

Statutory Declaration that Defendant did not know of the summons or proceedings.

[Title as in Form 1]

I of
do solemnly and sincerely declare that until the day of 20 I had no knowledge of the summons or the proceedings in the above matter. I make this declaration by virtue of Article 25A of the Magistrates' Courts (Northern Ireland) Order 1981.

Declarant

Declared before me this day of 20 ,
at in the county court division of .

Lay magistrate
[Commissioner for Oaths]
[Clerk of Petty Sessions]

IMPORTANT

1. Article 25A of the Magistrates' Courts (Northern Ireland) Order 1981 provides that where an accused makes a statutory declaration that he did not know of the summons or the proceedings against him, the summons and proceedings are void.
2. If you knowingly and wilfully make a statement which is false in a material particular you will have committed an offence and be liable on conviction on indictment to a term of imprisonment or a fine or to both under Article 10 of the Perjury (Northern Ireland) Order 1979.]

[*Supplt. No. 9 (October 1997)*]

[(a) FORM 110D

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 77, 78)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 13B)

Statutory Declaration

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of

do solemnly and sincerely declare that

[(*a*) I was not the person to whom the fixed penalty notice number referred to in the [Notice of Registration] (or here state document received) served on me on the day of was given;]

[(*b*) I did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to this penalty until I received the [Notice of Registration] (or here state other document received);]

[(*c*) I was not the owner of the vehicle at the time of the alleged offence of which particulars were given in the relevant notice to owner and I have a reasonable excuse for failing to comply with that notice namely:—]

[(*d*) I gave notice requesting a hearing in respect of the alleged offence as permitted in the relevant fixed penalty notice or notice to owner before the end of the suspended enforcement period or period allowed for response to that notice.]

Declarant

Declared before me this day of 20 ,

at in the petty sessions district of

Lay magistrate

[Commissioner for Oaths]

(a) Form 110D inserted by S.R. 1997 No. 428 with effect from 14.10.97

IMPORTANT

[*Supplt. No. 9 (October 1997)*]

1. If you knowingly and wilfully make a statement which is false in a material particular you will have committed an offence and be liable on conviction on indictment to a term of imprisonment, or a fine, or both under Article 10 of the Perjury (Northern Ireland) Order 1979. This is in addition to any proceedings which may be taken against you under Article 72 of the Road Traffic Offenders (Northern Ireland) Order 1996.
2. Articles 77 and 78 of the Road Traffic Offenders (Northern Ireland) Order 1996 provides that where a statutory declaration is made in accordance with either of those provisions and the declaration is served on the relevant clerk of petty sessions within 21 days of receipt (unless a longer time is allowed by the court) the registration of the fine will be void but further proceedings arising from the alleged offence may be brought.]

[(a) FORM 110E

JUSTICE ACT (NORTHERN IRELAND) 2011

(Section 68)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 13C)

Statutory Declaration

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

I, of

do solemnly and sincerely declare that

[(a) I was not the person to whom the penalty notice number referred to in the [Notice of Registration] (or here state the document received) served on me on the day of was given;]

[(b) I did not know of the penalty concerned or of any penalty notice until I received the [Notice of Registration] (or here state other document received);]

[(c) I gave notice requesting a hearing in respect of the alleged offence as permitted in the relevant penalty notice before the end of the suspended enforcement period or period allowed for response to that notice.]

Declarant

Declared before me this day of 20

at in the petty sessions district of

Lay magistrate]

(a) Form 110E inserted by S.R. 2012 No. 189 with effect from 06.06.12

[*Supplt. No. 7 (November 1994)*]

FORM 111

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 126; Rules 58, 59 and 63)

Affidavit of Service of a Process by a Summons Server or a Person who has Received Permission to Serve the Process

[Title as in Form 1]

I, of
a person entitled to serve process, SAY ON OATH that I did serve the process in this matter on the above-named defendant at the time and place in the manner endorsed by me on the original process.

Sworn before me this day
of 20 , at
Deponent in the County of
Court Division of
Lay magistrate
[Clerk of Petty Sessions]

[(a) FORM 111A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 73(2) and 126; Rules 62, 63 and 63A)

Certificate of Service of a Process by a Summons Server or a Person who has Received Permission to Serve the Process

[Title as in Form 1]

I, of
a person entitled to serve the process in this matter, hereby certify that I did serve the process on the above-named defendant in the manner endorsed by me on the original process.

Dated this day of 20 .
Signed.....
[Person who served the process]]

(a) Form 111A inserted by S.R. 1994 No. 387 with effect from 01.11.94

FORM 112

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
Rule 143(4)

Receipt for Prisoner

H.M. Prison at

I HEREBY CERTIFY that I have received from
of the prisoner
together with a warrant of commitment under the hand of
resident magistrate [justice of the peace] [clerk of petty sessions] at the time he was delivered into my custody.

This day of 19 .

Governor
[Deputy Governor]

FORM 113

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 61)

Order for taking Finger-Prints and Palm-prints

[*Title as in Form 1*]

Whereas (hereinafter called "the defendant")
[having on the (date) been taken into custody] [has appeared before the magistrates' court sitting at (place) upon (date)]

(state shortly particulars of offence)

And application being made to me by (insert name and rank) of the Royal Ulster Constabulary.

IT IS ORDERED that the finger-prints and palm-prints of the defendant be taken by a constable.

Dated this day of 19 .

Resident Magistrate
[Justice of the Peace]



FORM 114

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 158; Rule 14)

Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946
(Section 1)

JUDGEMENTS ENFORCEMENT (NORTHERN IRELAND) ORDER 1981

Warrant directing person apparently entitled thereto to be put into Possession of Premises

[*Title as in Form 1*]

WHEREAS upon the hearing of a complaint made under section 1(1)(a) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 that the defendant on (date) with intent wrongfully to take possession of, or use, the premises at belonging to wilfully entered upon such premises, a magistrates' court for the said district on (date) convicted the defendant of an offence under the said section;

AN ORDER WAS MADE by the court directing that the complainant being the person appearing to the court to be lawfully entitled to possession of the said premises be put into possession thereof.

THIS IS THEREFORE TO DIRECT YOU to execute the said order accordingly and to remove the defendant and his goods therefrom and to put the said complainant into possession of the said premises forthwith.

Dated this day of 19 .

Resident Magistrate
[Clerk of Petty Sessions]

To the Chief Enforcement Officer,

The Enforcement of Judgments Office,

[Branch Office at].

FORM 115

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(ARTICLE 126; RULE 148)

General Form of Affidavit of Service of Notice, etc.

[*Title as in Form 1*]

I (full names and rank or description where applicable) of , a person entitled to serve notice or state other document served under (state statutory provision authorising service) MAKE OATH AND SAY that I did serve the notice [or state other document] dated on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the notice or other document.

Sworn before me this day of 19 , at in the County Court Division of

Deponent.

Justice of the Peace
[Commissioner for Oaths].
[Clerk of Petty Sessions].

Name(s) and address(es) of person(s) on whom notice served.

FORM 116

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 47; Rules 14, 143 and 163)

Warrant of Commitment on Remand in Hospital

[*Title as in Form 1*]

WHEREAS the defendant appeared this day before a magistrates' court upon a complaint that

AND WHEREAS the hearing of the said complaint has been adjourned to (place on (date) at (time).

THIS TO COMMAND YOU, to whom this warrant is addressed, to place the defendant in the custody of the Governor of H.M. Prison [Young Offenders Centre] at and under the control of a prison officer at Hospital, there to be kept in custody until he can be conveyed to the said prison [Young Offenders Centre] and produced at the above place or further remanded in accordance with Article 49 of the Order.

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

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

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

FORM 117

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 13(8)(e))

Certificate by or on behalf of Complainant that Summons Sent by Registered Post or Recorded Delivery Service and Returned as Undelivered will, if Delivered by Ordinary Post, come to Notice of Person to be Served

I
of
HEREBY CERTIFY that, having regard to the reason given by the Post Office for the non-delivery of the envelope containing the copy summons attached hereto, dated addressed to the defendant [or witness] stated in the form of advice (also attached) for the following reason, namely—

to the best of my knowledge and belief a copy of the summons if sent by ordinary post to the address of the defendant [or witness] stated in the sumons will come to his notice a reasonable time before (date) being the date on which he is summoned to appear before the court.

Complainant
[On behalf of Complainant]

Date

FORM 118

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

MAGISTRATES' COURTS RULES 1983
(Rules 28(2)(l) and 42(1)(o)

Statement of Dates on which Defendant Remanded

[*Title as in Form 1*]

Defendant first appeared at (place)
on (date) and was remanded [in custody] [on bail] to (date)
and was further remanded as set out below:

Date of remand	Date remanded to	In custody on bail	Remarks

Clerk of Petty Sessions

To:

The Chief Clerk
Crown Court

FORM 119

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 152)

Notice of Direction made by Court of Appeal

[*Title as in Form 85*]

WHEREAS upon the hearing of a [complaint] [process] [an application] [an appeal] (here set out complaint or as the case may be)

a magistrates' court sitting at (place) on the (date)
made the following order:—
(here set out order)

AND WHEREAS the said [complainant] [plaintiff] [applicant] [appellant] [defendant] [respondent] appealed to the Court of Appeal by way of case stated:

AND WHEREAS the Court of Appeal having heard the said appeal directed that:

TAKE NOTICE that a magistrates' court sitting at will proceed in accordance with such direction and that you are hereby notified to attend thereat on (date) at (time)

Dated this day of 19 .

Clerk of Petty Sessions

To the above-named
and

FORM 120

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 113)

Application Requesting that Warrant of Commitment be Cancelled

[*Title as in Form 1*]

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

The grounds of my request are as follows:—

Dated this day of 19 .

Defendant.

[(a) FORM 121

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 14)

POLICE AND CRIMINAL EVIDENCE (NORTHERN IRELAND) ORDER 1989
(Articles 44 and 45)

Warrant of Further Detention
[Title as in Form 1]

Case Details
Person to whom warrant applies:

Address:

Offence for which under arrest:

Starting time of detention: *(here specify the relevant time as defined in Article 42 of the Police and Criminal Evidence (Northern Ireland) Order 1989)*

WHEREAS a complaint has been made in writing and substantiated on oath and the court is satisfied that there are reasonable grounds for believing that the further detention of the person named above and brought before the court today is justified having regard to Article 44(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989, authorisation is hereby given to the Royal Ulster Constabulary to keep the person named above in police detention for [ ][1] hours from the time of issue of this warrant.

Date and time of issue of this warrant:

To: *(insert name of complainant)*

Signed .....
Resident Magistrate or
Justice of the Peace

(a) Form 121 inserted by S.R. 1989 No. 479 with effect from 1.1.90

[*Supplt. No. 4 (January 1990)*]

Endorsement of Extension

WHEREAS a complaint has been made in writing and substantiated on oath and the court, being satisfied that there are reasonable grounds for believing that the further detention of the person named above is justified, having regard to Article 44(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989, in exercise of its powers under Article 45 of that Order, hereby extends this warrant for [ ][2] hours from the expiry of the period authorised above.

Date and time of authorisation of this extension:

To: (*insert name of complainant*)

Signed.....
District Judge (Magistrates' Courts)
[Lay magistrate]

Endorsement of Further Extension

WHEREAS a complaint has been made in writing and substantiated on oath and the court, being satisfied that there are reasonable grounds for believing that the further detention of the person named above is justified having regard to Article 44(4) of the Police and Criminal Evidence (Northern Ireland) Order 1989, in exercise of its powers under Article 45 of that Order, hereby further extends this warrant for [ ] [2] hours from the expiry of the extended period authorised above by this warrant.

Date and time of authorisation of this further extension:

To: (*insert name of complainant*)

Signed.....
District Judge (Magistrates' Courts)
[Lay magistrate]

Notes

1. The period of further detention to be specified is such period as the court thinks fit having regard to the evidence before it but not longer than 36 hours [Article 44(11) and (12)].
2. The period of extension or further extension to be specified is such period as the court thinks fit having regard to the evidence before it but the period shall be not longer than 36 hours *and* shall not end later than 96 hours after the relevant time, as defined in Article 42 [Article 45(2) and (3)].]

[*Supplt. No. 9 (October 1997)*]

[(a) FORM 122

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 36, 37, 38)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 52A)

Application for [Review of Course Organiser's Notice] [Declaration of default]

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

TAKE NOTICE that I intend to apply under Article [37(6)] [37(7)] for a [review of a notice issued by a course organiser] [declaration that a course organiser has failed to issue a Certificate or Notice] to the (name of supervising court)
at (place) at (time)
[I attach a copy of the Notice of decision of the course organiser].

Dated this day of 20 .
Applicant:
Address:

To: Clerk of Petty Sessions
Course Organiser

(a) Forms 122 and 123 inserted by S.R. 1997 No. 428 with effect from 14.10.97

[*Supplt. No. 9 (October 1997)*]

FORM 123

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Article 27)

MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984

(Rule 52B)

Notice of Order to give Information of Date of Birth and Sex

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

TAKE NOTICE that this court having this day of convicted you of the following offence(s)—

[and imposed an interim disqualification for holding or obtaining a driving licence], ordered that [within days] you inform the court in writing of your [date of birth] [and] [sex].

Failure to comply with such an order is a criminal offence for which you are liable to prosecution.

Dated this day of 20 .

[Clerk of Petty Sessions]]

[*Supplt. No. 10 (January 1998)*]

[(a) FORM 124

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 147A)

MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

(Schedule 2A paragraphs 7(2), 8(1))

Application for amendment of supervision and treatment order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the Crown Court sitting at (*place*)
on the (*date*) found me [the Respondent]
charged with the following offence(s) namely: (*state shortly particulars of offence*)
[guilty by reason of insanity] [unfit to be tried and [he] [I] did the act or made the omission charged].

AND that on the (*date*) the said court made a supervision and treatment order which required [*here set out requirement which is to be amended*]

TAKE NOTICE that I intend to apply under Schedule 2A to the Mental Health (Northern Ireland) Order 1986 for an amendment of the above requirement to a court of summary jurisdiction for the petty sessions district of
sitting at (*place*) on (*date to be fixed*)
at (*time*)
I attach a copy of the supervision and treatment order.

Dated this day of 20 .

Applicant:
Address:

To Respondent

(a) Forms 124 and 125 inserted by S.R. 1997 No. 529 with effect from 01.01.98

FORM 125

[*Supplt. No. 10 (January 1998)*]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rules 14 and 147A)

MENTAL HEALTH (NORTHERN IRELAND) ORDER 1986

(Schedule 2, paragraphs 7(2), 11(1)(*b*))

Order amending supervision and treatment order

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

WHEREAS the Crown Court sitting at (*place*) on the (*date*) made a supervision and treatment order within the meaning of Schedule 2A to the Mental Health (Northern Ireland) Order 1986.

AND WHEREAS has applied that the order should be amended on the ground that

IT IS ORDERED that the said order should be amended (*here state particulars of amendment*)

Dated this day of 20 .

District Judge (Magistrates' Courts)
[Lay magistrate]
[Clerk of Petty Sessions]]

[(a) FORM 126

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 166(6) and Rule 168(4))

CORONERS AND JUSTICE ACT 2009

(Sections 77 and 80)

Notice of decision on application for an investigation anonymity order/application to discharge an investigation anonymity order

Applicant } Petty Sessions District of / County Court Division of

UPON THE DETERMINATION of an application by (insert name of applicant) on (insert date application considered) under section 77/section 80* of the Coroners and Justice Act 2009 for an investigation anonymity order/for the discharge of an investigation anonymity order*, the court made an order to the following effect, viz:—

This day of 20 .

Clerk of Petty Sessions

[*delete as appropriate].]

(a) Form 126 inserted by S.R. 2011 No. 59 with effect from 25.03.11

[*Supplt. No. 26 (December 2012)*]

[(a) FORM 127

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 172)

REGISTRATION OF CLUBS (NORTHERN IRELAND) ORDER 1996

(Article 41E)

LICENSING (NORTHERN IRELAND) ORDER 1996

(Article 69E)

Application for the consideration and extension of a closure order

of

Applicant } Petty Sessions District of

of

Respondent } County Court Division of

TAKE NOTICE that I, the undersigned, intend to apply to a court of summary jurisdiction for the above named Petty Sessions District sitting at [*insert venue*] on [*insert date*] at [*insert time*] for the consideration and extension of a closure order under [Article 41E of the Registration of Clubs (Northern Ireland) Order 1996] [Article 69E of the Licensing (Northern Ireland) Order 1996] in respect of (*insert name and address of the premises*)

The grounds on which the application is made are as follows:—

[*insert grounds*]

(a) Form 127 inserted by S.R. 2012 No. 415 with effect from 20.12.12

[*Supplt. No. 26 (December 2012)*]

The period for which the order is sought is as follows:—
[*insert period*]

I confirm that a copy of the closure order which is currently in force in respect of the premises is attached to this application.

This day of 20 .
Signed
(Rank)

To all parties in the proceedings
To the Clerk of Petty Sessions

NOTE

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

If you wish to oppose this application, you should give notice in writing to the clerk of petty sessions giving reasons for your opposition as soon as reasonably practicable after this notice is served on you but not later than 24 hours before the date set for the hearing of this application.]

[(a)FORM 128

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 174)

JUSTICE ACT (NORTHERN IRELAND) 2015

(Section 94)

[*Supplt. No. 26 (April 2016)*]

Application for defence access to premises

of

Complainant } Petty Sessions District of

of

Defendant } County Court Division of

Take notice that I intend to make application under section 94(1) of the Justice Act (Northern Ireland) 2015, for an order granting [me] [(*insert name of specified person*)] access to (*description of premises*) situate at (*address or location of premises*) .

(*Insert details of the purpose, date and estimated length of the proposed inspection*)

Dated this day of 20 .

Applicant/Solicitor for the Applicant

To: The Clerk of Petty Sessions

To: The Occupier

(*insert name and address of the occupier of the premises to which access is requested*)

To: PPS

And to:

(*insert name and addresses of any interested person as directed by the court*).

Where a hearing of the application is to be held, the clerk of petty sessions shall notify the applicant and every person served with this notice of the date and place of the hearing.

Note to the Applicant

The notice served on the clerk of pretty sessions shall be endorsed with the date upon which and the manner in which notice was served on the occupier of the premises and the PPS.

Note to the Occupier or Interested Person

If you wish to make representations to the court as to the conditions to be imposed in relation to any order made on foot of this application, you are required within 7 days (or such other period as may be specified by the court under Rule 174(9) to notify the applicant and the clerk of petty sessions in writing.]

(a) Form 128 inserted by S.R. 2016 No. 93 with effect from 01.04.16

SCHEDULE 2

Debt Proceedings

TABLE 1: PLAINTIFF'S COSTS (UNDEFENDED[1] PROCEEDINGS)

In proceedings where amount decreed— (1)	Solicitor's costs[2] (2)
(i) does not exceed £30	£10.00
(ii) exceeds £30	£15.00

[1] For proceedings treated as undefended see Rule 72.

[2] See Rule 57(2): Only 50% of costs specified in column (2) payable where defendant pays amount due before entry day.

Judgements Enforcement (Northern Ireland) Order 1981: Part VIII – Costs of enforcement order under Rule 128(2)(a) shall be in accordance with this Table as if the total amount ordered to be paid were the amount decreed. Costs of a committal order following upon an enforcement order or an attachment of earnings order shall be one half of amount of costs appropriate to an enforcement order.

TABLE 2: PLAINTIFF'S COSTS (DEFENDED PROCEEDINGS)

In actions where amount decreed— (1)	Solicitor's costs (2)	Counsel's fee (3)
(i) does not exceed £30	£12.00	£6.00
(ii) exceeds £30	£30.00	£12.00

TABLE 3: DEFENDANT'S COSTS (DEFENDED PROCEEDINGS)

In actions where amount claimed— (1)	Solicitor's costs (2)	Counsel's fee (3)
(i) does not exceed £30	£11.00	£6.00
(ii) exceeds £30	£28.00	£12.00

SCHEDULE 3

[*Supplt. No. 3 (June 1986)*]

Ejectment Proceedings*

TABLE 1: PLAINTIFF'S COSTS

Solicitor's costs[1 2 4] (1)	Counsel's fee[3 4] (2)
[(**a**) £36.75]	[(**a**) £19.95]

[1] See rule 57(2) and (3): Only 50% of solicitor's costs in column (1) payable where defendant delivers up possession and, where appropriate, pays any arrears of rent or any sum due under Article 69 of the Order before entry day.

[2] Where case of exceptional complexity or difficulty the court may certify an amount exceeding the scale figure.

[3] No fee allowed for counsel where proceedings undefended unless the court otherwise orders.

[4] This Table includes proceedings where a claim for rent or sums due under Article 69 of the Order is joined with a claim for recovery of premises.

*"Ejectment proceedings" means proceedings for the recovery of premises to which Article 67 of the Order applies (including cases of permissive occupancy) and see Note 4.

TABLE 2: DEFENDANT'S COSTS

Solicitor's costs (1)	Counsel's fee (2)
[(**a**) £34.65]	[(**a**) £19.95]

(**a**) Figure substituted by S.R. 1986 No. 175 with effect from 30.06.86

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