

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, PART VII is up to date with all changes known to be in force on or before 14 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## STATUTORY INSTRUMENTS

# 1981 No. 1675

## The Magistrates' Courts (Northern Ireland) Order 1981

### PART VII **N.I.**

#### APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

##### **Modifications etc. (not altering text)**

- C1** Pt. VII (art. 76) applied (31.12.2009) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(2), **8(4)(a)** (with art. 26); S.R. 2009/287, **art. 2(e)**
- C2** Pt. VII (art. 76) applied (15.3.2006) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(3)(c), **10(3)(a)** (with art. 26)
- C3** Pt. VII (art. 76) applied (31.12.2009) by Safety of Sports Grounds (Northern Ireland) Order 2006 (S.I. 2006/313 (N.I. 2)), arts. 1(2), **17(5)(a)** (with art. 26); S.R. 2009/287, **art. 2(j)**
- C4** Pt. VII (art. 76) applied (24.7.2006) by Products of Animal Origin (Third Country Imports) Regulations (Northern Ireland) 2006 (S.R. 2006/291), **art. 21(6)**
- C5** Pt. VII (art. 76) applied (with modifications) by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 55(3) (as substituted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **20(1)** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.
- C6** Pt. VII (art. 76) applied (with modifications) by Foyle Fisheries Act (Northern Ireland) 1952 (c. 5), s. 55B(4) (as inserted (1.6.2008) by Foyle and Carlingford Fisheries (Northern Ireland) Order 2007 (S.I. 2007/915 (N.I. 9)), arts. 1(3), **20(2)** (with art. 32)); S.R. 2008/232, **art. 2**, Sch.
- C7** Pt. VII (art. 76) applied (2.8.2010) by Road Traffic (Northern Ireland) Order 2007 (S.I. 2007/916 (N.I. 10)), arts. 1(3), **60(11)** (with art. 77); S.R. 2010/226, **art. 2**, Sch.
- C8** Pt. VII (art. 76) applied (prosp.) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 34(2)**, 59
- C9** Pt. VII (art. 76) applied (prosp.) by Taxis Act (Northern Ireland) 2008 (c. 4), **ss. 37(10)**, 59
- C10** Pt. VII (art. 76) applied (2.2.2009) by Beef and Veal Labelling Regulations (Northern Ireland) 2009 (S.R. 2009/2), **reg. 11(1)**
- C11** Pt. VII (art. 76) applied (6.4.2010) by Detergents Regulations 2010 (S.I. 2010/740), regs. 1(2), **29(3)**
- C12** Pt. VII (art. 76) applied (17.5.2010) by Beef and Veal Labelling Regulations (Northern Ireland) 2010 (S.R. 2010/155), **reg. 6(3)**
- C13** Pt. VII applied (18.1.2012 for specified purposes, 1.4.2012 in so far as not already in operation) by Clean Neighbourhoods and Environment Act (Northern Ireland) 2011 (c. 23), s. 78, **Sch. 2 para. 1(2)**; S.R. 2012/13, art. 2(1)(2), Sch. 1, Sch. 2

##### **Proceedings to be commenced by notice **N.I.****

**76.—(1)** Where an enactment—

- (a) provides for an appeal to be made to a court of summary jurisdiction and neither that enactment nor magistrates' courts rules provide for the procedure to be adopted on such appeal; or

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- (b) authorises an application for a licence, permit, certificate or other authorisation or for the removal of a disqualification or disability to be made to a magistrates' court and either that enactment or magistrates' courts rules direct that the provisions of this Part shall apply; or
- (c) authorises an application to a magistrates' court for the disposal, destruction or forfeiture of property;

such appeal or application shall be initiated by notice under this Part.

(2) A notice under this Part shall be served at such time as may be prescribed before the date upon which the appeal or application is to be made upon—

- (a) the clerk of the petty sessions acting for the court to which the appeal or application is to be made;
- (b) in the case of an appeal from any decision or determination of a public or local authority, that authority, and any other party to the appeal and any person by whom or on whose behalf representations were made to the authority in respect of the subject-matter of the decision or determination;
- (c) any such person as may be prescribed.

(3) The court shall hear—

- (a) the appellant or applicant;
- (b) any evidence relevant to the appeal or application;
- (c) any person (other than the clerk of petty sessions) served with notice under this Part or entitled to be heard on the appeal or application who opposes it and asks to be heard on it; and
- (d) any relevant evidence that person may adduce.

(4) Without prejudice to the foregoing provisions of this Article the court may direct that a copy of the notice be served upon any person whom the court may consider a proper person to be served.

(5) A magistrates' court may in any case where the public interest requires an immediate order for the destruction of property dispense with the service of a notice under paragraph (2) and order immediate destruction of the property in accordance with the enactment under which the order is made.

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