
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART V

CRIMINAL JURISDICTION AND PROCEDURE

Summary trial

Issue of summons to accused or warrant for his arrest

[^{F1}20.—(1) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed a summary offence, the lay magistrate may issue a summons directed to that person requiring him to appear before a magistrates' court to answer to the complaint.

(2) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed an indictable offence, the lay magistrate may either—

- (a) issue a summons requiring him to appear before a magistrates' court; or
- (b) issue a warrant to arrest that person and bring him before a magistrates' court

(3) Where the offence charged in the complaint is an indictable offence, a warrant under this Article may be issued by a lay magistrate at any time notwithstanding that a summons has previously been issued and whether before or after the time mentioned in such summons for the appearance of the person summoned.

(4) Where a lay magistrate is satisfied that a summons issued under paragraph (1) has not been served, the lay magistrate may, without a complaint being made to him, re-issue the summons extending the time for the appearance of the person summoned.

(5) Where a district judge (magistrates' courts) is satisfied that a person suspected of having committed a summary offence cannot for any reason be served with a summons, the district judge (magistrates' courts) may issue a warrant for the arrest of that person notwithstanding that a summons has not been first issued.

(6) A warrant may be issued in respect of any offence notwithstanding that the offence was committed outside Northern Ireland if an indictment for the offence may legally be preferred in Northern Ireland.

(7) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath.]

F1 Art. 20 substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(8) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)

Status:

Point in time view as at 14/12/2020.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Section 20 is up to date with all changes known to be in force on or before 13 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.