

SCHEDULES

SCHEDULE 1 **N.I.**

Articles 3(2) and 18(3).

MATTERS WHICH MAY BE DEALT WITH BY A JUSTICE OF THE PEACE OUT OF PETTY SESSIONS

PART I **N.I.**

Enactments passed before 1st January 1936, under which
functions may be exercised by a justice of the peace

1. The Justices of the Peace Act 1361^{F1} in so far as it authorises the taking of security for good behaviour or keeping the peace.

F1 1361 c. 1

2. Any enactment authorising a^{F2} lay magistrate] to sign summonses warrants, certificates or other documents or make or sign declarations, administer oaths or take affidavits, declarations, affirmations, informations, bonds or recognizances.

F2 2002 c. 26

3. Section 5(1) of the General Dealers (Ireland) Act 1903^{F3}.

F3 1903 c. 44

4. Section 2^{F4} . . . of the Game Preservation Act (Northern Ireland) 1928^{F5}.

F4 2002 c. 26

F5 1928 c. 25 (NI)

N.I.

Para. 5 rep. by 1985 NI 2

N.I.

Part. 2 rep. by 2002 c. 26

Status: Point in time view as at 07/06/2012.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

[^{F6}SCHEDULE 2 **N.I.**

INDICTABLE OFFENCES WHICH MAY BE DEALT WITH
SUMMARILY UPON CONSENT OF THE ACCUSED

F6 1986 NI 15

- 1. Offences at common law of public nuisance.

N.I.

Para. 2 rep. by 1996 NI 24

- 3. Offences consisting in contravention of section 13 of the Statutory Declarations Act 1835 (administration by a person of an oath etc., on matters in which he has no jurisdiction).

- 4. Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).

- 5. The following offences under the Offences against the Person Act 1861—

- (a) offences under—

- (i) section 16 (threats to kill);
- (ii) section 20 (inflicting bodily injury, with or without a weapon);
- (iii) section 26 (not providing apprentices or servants with food etc.);
- (iv) section 27 (abandoning or exposing child);
- (v) section 34 (doing or omitting to do anything so as to endanger railway passengers);
- (vi) section 36 (assaulting a clergyman at a place of worship etc.);
- [section 47 (assault occasioning actual bodily harm and common assault);]

^{F7}(via)

- (vii) ^{F8}.....

- (viii) section 57 (bigamy);

- (b) offences of concealing the birth of a child under section 60 (but only where it is not alleged that the child died other than from natural causes);

Sub#para. (c) rep. by 2003 NI 13

F7 1996 NI 24
F8 Sch. 2 para. 5(a)(vii) repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(a), **Sch. 3**; S.R. 2008/510, **art. 2**

- 6. Offences under section 20 of the Telegraph Act 1868 (disclosing or intercepting messages).

- 7. Offences under Part II of the Debtors Act (Ireland) 1872 (punishment of fraudulent debtors, absconding with property, fraudulently obtaining credit).

- 8. Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).

- 9. Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).

- 10. ^{F9}.....

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

F9 Sch. 2 para. 10 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(b), **Sch. 3**; S.R. 2008/510, **art. 2**

11. Offences under section 13 of the Stamp Duties Management Act 1891 (offences in relation to dies and stamps).

N.I.

Para. 12 rep. by 1988 NI 7

13. Offences under Part IV of the Bankruptcy Amendment Act (Northern Ireland) 1929 (bankrupt or arranging debtor gambling or failing to keep proper accounts).

N.I.

Para. 14 rep. by SI 2001/1149

15. Any offence which under section 105(1) and (2) (corrupt practice except where there may be occasion for the court to exercise a power to mitigate or remit incapacities under section 113(2) or (3)) of the Electoral Law Act (Northern Ireland) 1962 may be tried summarily.

16. Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), in so far as it relates to the contravention of any direction given under that Act before 20th March 1980.

17. Offences of publishing, exhibiting or selling any indecent or obscene book, writing, picture, or model, or any other indecent or obscene article or thing whatever, whether similar to the things mentioned or not.

18. Offences under the following provisions of the Criminal Law Act (Northern Ireland) 1967—

- (a) section 4(1) (assisting offenders);
- (b) section 5(1) (concealing arrestable offences and giving false information);

where the offence to which they relate is punishable on summary conviction (whether it is also punishable on conviction on indictment) or may be dealt with summarily (either under the provisions of this Order or otherwise).

19. Offences to which section 9 of the Criminal Law Act (Northern Ireland) 1967 applies (aiding, abetting etc., attempting, conspiring, inciting).

20. Any indictable offence under the Theft Act (Northern Ireland) 1969 except—

- (a) robbery, aggravated burglary, blackmail and assault with intent to rob;
- (b) burglary comprising the commission of, or an intention to commit, an offence which is punishable only on conviction on indictment;
- (c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.

21. Offences under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).

N.I.

Para. 22 rep. by 2003 c. 42

23. ^{F10}]

Status: Point in time view as at 07/06/2012.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

F10 Sch. 2 para. 23 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(c), **Sch. 3**; S.R. 2008/510, **art. 2**

SCHEDULE 3 **N.I.**

Articles 92(5), 96(2), 98(8), 99(8) and
138(4).

MINIMUM PERIODS OF IMPRISONMENT IN DEFAULT OF PAYMENT
OF SUM OR PART OF SUM ADJUDGED TO BE PAID BY A CONVICTION

1. Subject to the following provisions of this Schedule, the periods set out in the second column of the following Table shall be the maximum periods of imprisonment which may be imposed in default of payment of a sum adjudged to be paid by a conviction due at the time imprisonment is imposed:—

[^{F11}TABLE

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]

F11 1994 NI 15

2. Where the amount of the sum due at the time imprisonment is imposed is such part of the sum adjudged to be paid by the conviction of the court as remains due after part payment, the maximum period applicable to the amount shall, subject to paragraph 3, be the period applicable to the whole sum reduced by such number of days as bears to the total number of days in that period the same proportion as the part paid bears to the whole sum.

3. In calculating the reduction required under paragraph 2 any fraction of a day shall be left out of account.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

SCHEDULE 4 **N.I.**

Article 166.

CORPORATIONS

Modifications etc. (not altering text)

- C1** Sch. 4 applied (20.1.2007 for certain purposes, 6.4.2007 for certain purposes, 1.10.2007 for certain purposes, 6.4.2008 for certain purposes, 1.10.2008 for certain purposes, otherwise 1.10.2009) by Companies Act 2006 (c. 46), **ss. 1130(2)(b)(iii)**, 1300(2) (with s. 1133); S.I. 2006/3428, **art. 3(2)(b)** (subject to art. 5, Sch. 1 and with arts. 6, 8, Sch. 5); S.I. 2007/1093, **art. 2(2)(c)** (with art. 11(1)); S.I. 2007/2194, **art. 2(1)(l)(3)(h)** (with art. 12); S.I. 2007/3495, **arts. 3(3)(g), 5(3)(a)** (with arts. 7, 12); S.I. 2008/2860, **art. 3(s)** (with art. 8)
- C2** Sch. 4 applied (6.4.2008) by Companies Act 2006 (c. 46), **ss. 1257(4)**, 1300(2); S.I. 2007/3495, **art. 3(1)(u)** (with arts. 7, 12)
- C3** Sch. 4 applied (prosp.) by Health Act 2006 (c. 28), **ss. 77(4)(c)**, 83(4)-(8)
- C4** Sch. 4 applied (30.4.2007) by Smoking (Northern Ireland) Order 2006 (S.I. 2006/2957 (N.I. 20)), arts. 1(2), **13(8)(b)** (with art. 16); S.R. 2007/118, **art. 2**
- C5** Sch. 4 applied (6.4.2008) by Serious Crime Act 2007 (c. 27), **ss. 31(6)(b)(iii), 32(5)(b)(iii)**, 94(1); S.I. 2008/755, **art. 15(1)(f)**
- C6** Sch. 4 applied (15.12.2007) by Money Laundering Regulations 2007 (S.I. 2007/2157), **reg. 47(8)(c)**
- C7** Sch. 4 applied (15.12.2007) by Transfer of Funds (Information on the Payer) Regulations 2007 (S.I. 2007/3298), **reg. 16(8)(c)**
- C8** Sch. 4 applied (27.11.2008) by Counter-Terrorism Act 2008 (c. 28), **ss. 62, 100(2), Sch. 7 para. 37(2)(c)** (with s. 101(2), Sch. 7 para. 43)
- C9** Sch. 4 applied (prosp.) by Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13), **ss. 47(2)(b)**, 118(1) (with s. 73)
- C10** Sch. 4 applied (1.5.2009) by Payment Services Regulations 2009 (S.I. 2009/209), **regs. 1(2)(b)(xiii), 118(4)(c)**
- C11** Sch. 4 applied (E.W.S.) (9.3.2009) by Ozone-Depleting Substances (Qualifications) Regulations 2009 (S.I. 2009/216), **reg. 10(6)(b)(iii)**
- C12** Sch. 4 applied (9.3.2009) by Fluorinated Greenhouse Gases Regulations 2009 (S.I. 2009/261), **regs. 1(1)(b), 52(6)(b)(iii)**
- C13** Sch. 4 applied (27.4.2009) by Organic Products Regulations 2009 (S.I. 2009/842), **reg. 28(4)(c)**
- C14** Sch. 4 applied (1.1.2010) by Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263), **reg. 12(2)(b)(iii)**
- C15** Sch. 4 applied (8.3.2010) by Mercury Export and Data (Enforcement) Regulations 2010 (S.I. 2010/265), **regs. 2, 7(7)(b)(iii)**
- C16** Sch. 4 applied (31.3.2010) by Horse Passports Regulations (Northern Ireland) 2010 (S.R. 2010/40), **reg. 22(2)(b)**
- C17** Sch. 4 applied (6.4.2010) by Detergents Regulations 2010 (S.I. 2010/740), **regs. 1(2), 24(2)(b)(iii)**
- C18** Sch. 4 applied (25.6.2010) by Marketing of Fresh Horticulture Produce Regulations (Northern Ireland) 2010 (S.R. 2010/198), **reg. 21(7)(b)**
- C19** Sch. 4 applied (17.9.2010 with application as mentioned in reg. 3 of the amending Regulations) by Marketing of Fruit Plant Material Regulations 2010 (S.I. 2010/2079), **reg. 22(4)**
- C20** Sch. 4 applied (1.7.2011) by Bribery Act 2010 (c. 23), **ss. 15(2)(b)(ii)**, 19(1) (with ss. 16, 19(5)); S.I. 2011/1418, **art. 2**
- C21** Sch. 4 applied (with modifications) (30.12.2011) by Wine Regulations 2011 (S.I. 2011/2936), **reg. 16(2)(d)** (with **reg. 3(9)**)

1. Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, a magistrates' court may, on the preliminary investigation or the preliminary inquiry of such offence and if it is satisfied that the evidence offered on the part of the prosecution

Status: Point in time view as at 07/06/2012.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

is sufficient to put the accused corporation on trial, make an order empowering the prosecution to present to the Crown Court an indictment in respect of the offence named in the order or in respect of any offence founded on the same facts or evidence, and for the purpose of any enactments referring to the committal of persons for trial (including this Order) any such order shall be deemed to be a committal for trial.

2. If the corporation appears before a magistrates' court by a representative, any answers to the prescribed questions to be put, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the court may, notwithstanding, make an order under paragraph 1.

3. Subject to paragraph 4, where the preliminary investigation or the preliminary inquiry of the offence is conducted before a resident magistrate and the offence is an offence which in the case of an adult may with his consent be dealt with summarily, then, if the corporation does not appear before the resident magistrate by a representative or if he does so appear and consents by such representative that the offence should be so dealt with, the resident magistrate may deal with the offence summarily as if the corporation were an adult who had consented to summary trial.

4. Where any person is charged jointly with a corporation with an indictable offence which may be dealt with summarily and either that person or the corporation by its representatives does not consent that the offence should be dealt with summarily, the resident magistrate shall not have power to deal summarily with the offence in the case of the other party charged.

5. In this Schedule—

(a) “representative” in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Schedule authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation for any purpose other than those referred to in this Schedule or section 18 (3) of the Criminal Justice Act (Northern Ireland) 1945;

(b) “adult” has the same meaning as in Article 45(4).

6. A representative for the purposes of this Schedule need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Schedule shall be admissible without further proof as prima facie evidence that that person has been so appointed.

SCHEDULE 5 **N.I.**

Article 170(1)

TRANSITIONAL PROVISIONS, ETC.

PART I **N.I.**

TRANSITIONAL PROVISIONS

1. Where any enactment provides that proceedings may be taken, offences may be prosecuted or sums recovered in a summary manner or summarily without further provision such proceedings may be taken, offences may be prosecuted or sums recovered in accordance with this Order and magistrates' courts rules.

Status: Point in time view as at 07/06/2012.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

PART II **N.I.**

CONSTRUCTION OF REFERENCES

2. References in any enactment relating to proceedings before a magistrates' court to a penal sum shall be construed as including a reference to a sum adjudged to be paid by a conviction of such court.

3. References in any enactment to the preliminary investigation of an indictable offence shall be construed as including references to a preliminary inquiry.

4. References in any enactment in force on 30th November 1965 to the summary trial of indictable offences or to indictable offences which are triable summarily shall be construed, as the case may be, as references to the summary trial of indictable offences under Articles 45 and 46 or as references to indictable offences which are triable under those Articles.

5. References in any enactment to the Summary Jurisdiction Rules Committee or to summary jurisdiction rules shall be construed, as the case may be, as references to the Magistrates' Court Rules Committee or to magistrates' courts rules.

PART III **N.I.**

SAVINGS

Juvenile courts

6. Nothing in this Order shall affect the constitution of juvenile courts constituted in accordance with the provisions of Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 or the operation of section 63 of that Act deeming such courts to be courts of summary jurisdiction.

Existing rules

7. All rules (including summary jurisdiction rules) or orders relating to or affecting proceedings in magistrates' courts or costs in such proceedings (to whomsoever payable) made under any enactment repealed by the Magistrates' Courts Act (Northern Ireland) 1964 shall (in so far as they are not inconsistent with this Order or with magistrates' courts rules) continue in force and have effect as if they were magistrates' courts rules and may be varied or revoked by magistrates' courts rules.

Rights in ejectment proceedings

8.—(1) Nothing in the provisions of this Order relating to ejectment proceedings shall prejudice or affect the right of any owner of property entrusted to the care of any servant, herdsman or caretaker peaceably to resume the possession of it without process of law.

(2) The reference in paragraph (1) to owner shall include the executors or administrators or assigns of such owner and his or their agent duly authorised in writing and, in relation to premises subject to the enactments referred to in Article 67(1)(c), shall include any person entitled under those enactments to recover possession of the premises.

Rights of, and restrictions upon, appeals

9.—(1) Nothing in Part XII shall operate—

- (a) so as to prejudice any existing right of appeal for which no provision is made by that Part;
- (b) so as to remove any existing restriction on a right of appeal.

Status: Point in time view as at 07/06/2012.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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)

(2) In sub-paragraph (1) “existing” means existing at the commencement of Part XII by virtue of an enactment not repealed by this Order.

N.I.

Para. 10 rep. by 1988 NI 17

Other savings

11. Where a default to which the provisions of Article 99 or 112(3) applies occurred before 1st December 1980, the punishment for such a default as provided by those provisions shall not apply and the punishment for such a default as provided by section 109 of the Magistrates' Courts Act (Northern Ireland) 1964 as amended by section 130 of, and Part II of Schedule 4, to, the Judgements (Enforcement) Act (Northern Ireland) 1969^{F12} or, as the case may be, as provided by section 114(3) of that Act of 1964 shall apply, except that for such a default to which section 114(3) of that Act shall apply a person shall not, after 1st December 1980, be imprisoned for a term exceeding two months.

F12 1969 c. 30 (NI)

12. The repeal of paragraphs 10 and 12 of Schedule 3 to the Magistrates' Courts Act (Northern Ireland) 1964 and so much of section 52(1) of that Act as relates to those paragraphs shall not take effect until the date mentioned in section 33(3) of the Forgery and Counterfeiting Act 1981^{F13}.

F13 1981 c. 45

13. Nothing in this Schedule prejudices the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

N.I.

Schedule 6#Amendments

N.I.

Schedule 7#Repeals

Status:

Point in time view as at 07/06/2012.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981 is up to date with all changes known to be in force on or before 11 June 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.