MAGISTRATES' COURTS

and the state of the state of the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1976

3 - S.	Made	2nd April	1976
1	Coming into operation	1st May	1976
	To be laid before Parliament	· · · · ·	· · ·
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The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following rules: · · ·

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1976 and shall come into operation on 1st May 1976. Amendment of the 1974 rules 1.1

Amendment of the 1974 rules

2. The provisions of the Magistrates' Courts Rules (Northern Ireland) 1974(c) specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

Northern Ireland Office 2nd April 1976

Merlyn Rees One of Her Majesty's Principal Secretaries of State

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Amendments to Magistrates' Courts Rules (Northern Ireland) 1974 · · · · Provision Amendment After paragraph (4) there shall be inserted the following amended ... Rule 15 paragraphs— . "(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 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 that Article a warrant of commitment shall in every case be issued in pursuance of the order." Part VII After Rule 111 there shall be inserted the following rule-"CA. DEFERMENT OF SENTENCE Notification of conviction before expiration of period of deferment 111A. Where under Article 14 of the Treatment of Offenders (Northern Ireland) Order 1976 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 a court of assize or county court, give notice of the conviction to the clerk of the Crown and peace." After Form 88 there shall be inserted the following forms-Schedule: 1 MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 el altri a constante actività de la constante T**r**essa de la constante (Section 115; Rules 14, 15 and 128) 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 of Petty Sessions District of Complainant of County [Borough] of Defendant

amended	Amendme	ent ·
· · ·	WHEREAS it appears that the D day of 19, di at and was at tha imprisonment [term of detention which but for his discharge purs have expired on the day of	scharged from H.M. Prison at date serving a sentence o in a young offenders centre
	AND WHEREAS he was on the convicted by a magistrates' court petty sessions district of the follo offence(s) for which the court had of the Treatment of Offenders A have had] power to sentence him t	sitting for the above-named owing offence(s) (being [an [or would, but for section 1 cct (Northern Ireland) 1968
	committed on the day of the court ordered that	* 19 and
	(state court order(s) made on co court under Article 3(1) of the (Northern Ireland) Order 1976 defendant be returned to prison [a from the date of the order for the period such as is specified in Ar- namely—	he Treatment of Offender further ordered that the a young offenders centre] a ne following period (being a
	THIS IS TO COMMAND YOU, to wh to lodge the Defendant in Her Ma to be imprisoned there for the abo	om this Warrant is addressed jesty's Prison at
		ove period;
	And for this the Present Wa Authority to all whom it may con	arrant shall be a sufficien
		arrant shall be a sufficien
		arrant shall be a sufficien ncern. Resident Magistrate [or Justice of the Peace]
· · · ·	Authority to all whom it may con	arrant shall be a sufficien ncern. Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Session
· · · ·	Authority to all whom it may con This day of To the Superintendent	arrant shall be a sufficien ncern. Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Session
· · · · · · · · · · · · · · · · · · ·	Authority to all whom it may con This day of To the Superintendent	arrant shall be a sufficien ncern. Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Session

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Provision amended	Amendment		
,	FORM 88B		
	MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Section 115; Rules 14, 15 and 128)		
	TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976 (Article 3(4))		
•••	Warrant of Commitment to [Court of Assize] [County Court under Article 3(4) of the Treatment of Offenders (Northe Ireland) Order 1976		
	of		
	Petty Sessions District of		
	Complainant		
	of		
	County [Borough] of		
	Defendant		
	WHEREAS it appears that the Defendant was on the day of 19, discharged from H.M. Prison at and was on that date serving a sentence of imprisonment [term 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 [or would, but for section 1 of the Treatment of Offenders Act (Northern Ireland) 1968, have had] power to sentence him to imprison- ment), 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 term 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 H.M. Prison at in order that he may be brought before the [Court of Assize] [County Court] sitting at on the day of 19		
	Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Sessions]		
	This day of 19.		
	To the Superintendent Division		

Provision amended	Amena	dment Consistent	
· · · · · · · · · · · · · · · · · · ·	Та еда да Богм	88C	
1. 1. 1	MAGISTRATES' COURTS ACT (Sections 135, 136 a	(Northern Ireland) 1964 and 137; Rule 135)	
ladi zaman er	TREATMENT OF OFFENDERS (No. (Article)	orthern Ireland) Order 1976 e 3(4))	
n ag shana. Guni Ngalar	Recognizance to appear at Assize [or County Court] to be "dealt with for offence under Article 3(5) of the Treatment of Offenders (Northern Ireland) Order 1976		
le Marchilleu	of British Statisticanolis Complainant	Petty Sessions District of	
೧೯ ನಿರ್ದೇಶ	of La sparres Datebashest Defendant	County [Borough] of	
0 :			
un a de la complete 14 augusta - Stat 18 de la granda a d 19 de la complete	WHEREAS the Defendant 19, disch and was on imprisonment [term of detention which but for his discharge p have expired on the day	harged from H.M. Prison a that date serving a sentence of on in a young offenders centre pursuant to prison rules would	
	AND WHEREAS he was on the convicted by a magistrates' cou- petty sessions district of the f offence(s) for which the court h of the Treatment of Offenders have had] power to sentence him	urt sitting for the above-named following offence(s) (being [an ad [or would, but for section s Act (Northern Ireland) 1968	
5	court might have made an or Treatment of Offenders (Northe aforesaid on which his sentenc detention] would have so expir Defendant, as Principal Party t	ern Ireland) Order 1976 the data e of imprisonment [or term of ed exceeds twelve months; the to this recognizance, namely:	
an a State States a Maria States a	of hereby binds self to pe viz., to attend the next [Cou sitting at o 19 ;	(Name of Defendant) (Address) rform the following obligation	

Provision amended	tant with Amendment states
ind some and the	And the said Principal Party [together with of (<i>Address</i>) (<i>Address</i>) (<i>Name and occupation</i>) (<i>Name and occupation</i>)
	(Address) the undersigned sureties] hereby acknowledge(s) [himself [herself] [themselves] bound to forfeit to the Crown the sum following, viz:—
in na sid er	The Principal Party the sum of \pounds [the first-name surety the sum of \pounds and the second-named surety the sum of \pounds [in case the said Principal Party fails to per form the above obligation [and in lieu of sureties the said Principal Party hereby deposits the sum of \pounds or othe valuable security to the value of that sum] as security fo performance of the said obligation].
to júpaco.	E through Principal Part
n at seath a	tes
	Taken and acknowledged before me this day of 19 Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Sessions] [or Governor/Deputy Governo of Prison]

Magistrates' Courts

P rovision amended	Amendment				
	FORM 88D				
· · · ·	MAGISTRATES' COURTS ACT (Ru	r (Northern le 8)	I IRELAND) 1	964	
	TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976 (Article 5)				
	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				
	of	· } ·			
· · · · ·		Petty Se	ssions Distri	ct of	
• • •	Complainant				
	of	ĺ			
· .		County	[Borough] o	f	
	Defendant				
• .	I of that the Defendant was on the discharged from HM Prison a date serving a sentence of imi a young offenders centre] whi suant to prison rules would ha 19 ;	t prisonment [ch, but for	f and was term of dete such dischar	on oath] 19 at that ntion in ge pur- day of	
· · ·	AND WHEREAS he was on t 19 convicted by a [magistra of assize] sitting at of the	ates' court] [lay of county cour ffence(s), na	t] [court mely:—	
	(being [an] offence(s) for white for section 1 of the Treatment Ireland) 1968 have had] power ment) committed on the ordered that	ent of Offer	ders Act ()	Jorthern	
	(state court order made on co fendant has not been ordered to of Offenders (Northern Ireland prison [or a young offenders of record as is mentioned in Art consideration of his case the c	inder Article d) Order 197 entre] and t icle 3(7) of	e 3 of the Tr 76 to be retu hat there is that Order	reatment irned to no such (that on	
			Complainar [for Compl		
	Taken before me this County [Borough] of	day of	19	in the	
			Justice of tl	ne Peace	

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Provision amended	Amendment			
· ·	Form 88E			
	MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 9) 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			
	of			
	Petty Sessions District of			
	Complainant			
	of			
	County [Borough] of			
	Defendant			
	WHEREAS a complaint has been made before me that on the day of 19 you the said Defendant were discharged from HM Prison at and were at that date serving a sentence of imprisonment [term of de- tention in a young offenders centre] which, but for such dis- charge pursuant to prison rules would have expired on the day of 19 and that on the day of 19 you were convicted by a [court of assize for the above-named County [Borough]] [or a county court for the county court division of in the above-named County [Borough]] [or magistrates' court for the above-named petty sessions district and County [Borough]] sitting at of the following offence(s), namely:—			
	(being [an] offence(s) for which the court had [or would, but for section 1 of the Treatment of Offenders Act (Northern Ireland) 1968, have had] power to sentence you to imprison- ment) 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 under Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976 to be returned to prison [or a young offenders centre] and that there is no such record as is mentioned in Article 3(7) of that Order (that on consideration of your case the court made no such order);			

Magistrates' Courts

No. 120

Provision amended	* *** - *		Amendi	ment	i	a colocia tencia Babile da acon
	THIS IS 1 [or the count the above-naisiting at 19 at	TO COMMAN ty court] amed petty	D YOU to or a coun sessions on the o'clock	appear at rt of sum district an d in the	[the c mary j d Cou lay of r	ourt of assize] urisdiction for nty [Borough]] loon.
-		day of		19	Justic	e of the Peace
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jile or.	a, 19. m T 	· · · · · · · · · · · · · · · · · · ·	tala D			
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Provision amended	Amen 2015-1113-11-24-11-2	dment	no n on Sobriotek
red Sea Selficia (Sea Sector) Selficia (Sector)	Form Magistrates' Courts Act (Rules 14 Treatment of Offenders (N	(NORTHERN L and 128)	
	(Arther Marrant for arrest of person mentioned in Article 3(1)(a) (Northern Ireland) Order 1976 and who has not been order	cle 5) who has be of the Treatm after his discl	en convicted as ent of Offenders arge from prisor
	of	•	
a stol to a	des a la breach re al researce	Petty Sessio	ons District of
······································	Complainant		····· · ,
	of		
		County [Bo	orough] of
	Defendant		
-		· · ·	
		h H.M. Prison sentence of in lers centre] wh ules would have 9 and that be Defendant we named County urt division of cough]] [or a sessions distr	19 the sai at prisonment [tern lich, but for suc ve expired on th on the da as convicted by [Borough]] [or i magistrates' coun
	(being [an] offence(s) for whic for section 1 of the Treatme Ireland) 1968, have had] power imprisonment) committed on the and the court ordered that	nt of Offende er to sentence	rs Act (Norther
	(state court order made on co the Defendant was not ordere ment of Offenders (Northerr returned to prison [or a young is no such record as is mention (that on consideration of the I no such order);	d under Articl Ireland) Ord offenders cent ned in Article 2	e 3 of the Treat der 1976 to b re] and that ther 3(7) of that Orde

Provision amended	Ame	ndment
	addressed, to arrest the said him before [the court of assi at or if	YOU, to whom this Warrant is and bring ize] [or the county court] sitting that court is not sitting forthwith r the above-named petty sessions].
		Justice of the Peace
	This day of	19 .
、	To the Superintendent Division	
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Provision amended	Amendment
••••••••••••••••••••••••••••••••••••••	Form 88G
· · · ·	MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rule 9)
	TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976 (Article 14(5))
	Summons where court has deferred passing sentence on offender and proposes to sentence him on date originally specified by court
	of
	Petty Sessions District of
	Complainant
	of
	County [Borough] of
	Defendant
· ·	WHEREAS you were on the day of 19 convicted of the following offence(s):
· · · ·	by a magistrates' court for the above-named petty sessions district and the court deferred passing sentence upon you until the day of 19;
	THIS IS TO COMMAND YOU to appear for sentence before a court of summary jurisdiction for the above-named petty sessions district and County [Borough] sitting at
	on the day of 19 at o'clock in the noon.
	Resident Magistrate
	This day of 19
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Provision amended	W. SA	in int a	Amendment	To May 1
	••••••••••••••••••••••••••••••••••••••		Form 88H	· · · · · · · · · · · · · · · · · · ·
	MAGISTRA	TES' COUR	IS ACT (NORTHERN] (Rule 9)	reland) 1964
arri entra i de	TREATMENT	OFFEND	ers: (Northerny Irel) (Article 14(5))	and) Order 1976
na antainn a Na Stàite an A	Summons w offender and		t has deferred pass n convicted before ex of deferment	ing sentence on piration of period
	of	-) :	
	an di Miser		Petty Sessi	ons District of
	2 -	Complain	iant 1	
	of		· · · · · · · · · · · · · · · · · · ·	
$(x,y^{(1)}) \in \mathbb{R}$	estrady it	Ĩ	County [B	orough] of
		Defendar	nt will	
фţ.	WHEREAS convicted of	val no e you were o the followi	on the Declarston of the on the Declarston of the ng offence(s):	19
teringen (begin Michael Stragen)	by a magistra	tes' court	for the above-named rred passing sentence	petty sessions dis-
a studioś acestuj spiesy i brzanie sp	of the second	unty court]	19: vou were con [magistrates' court] (s); namely :	victed by a fcourt
ំប្រស្រែង អង្គ អូវ			od the device	
erendijski insbr	court of survive sessions distrion the in the	nmary jur of and Con day of	o xou to appear for isdiction for the a unty [Borough] sittin 19 ho yeb	bove-named petty giat at o'clock
			R	esident Magistrate
	This da	f	19	

Provision amended	
	Amendment
An Information	FOR the second states Form 881 and the second states if
	MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Rules 14 and 128)
λ	TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976 (Article 14(5))
··· · · · · · · · · · · · · · · · · ·	Warrant for arrest of offender where court has deferred passing sentence on him and he has been convicted before expiration of period of deferment
artelik etar.	ôf.
	Petty Sessions District of
	Complainant
	of
	County [Borough] of
	Defendant
	WHEREAS the Defendant was on the day of 19 convicted of the following offence(s):—
	by a magistrates' court for the above-named petty sessions district and the court deferred passing sentence on him until the day of 19 and on the day of 19 the Defendant was convicted by a [court of assize] [county court] [magistrates' court] sitting at of the following offence(s), namely:
	THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring him before a magistrates' court for the above-named County [Borough].
	Resident Magistrate
	This day of 19.
	To the Superintendent Division
	Nore: This form may be endorsed for bail as on Form 4."

Magistrates' Courts

EXPLANATORY NOTE

(This note is not part of the rules but is intended to indicate their general purport.)

These rules amend the Magistrates' Courts Rules (Northern Ireland) 1974.

They amend Rule 15 of those rules as to the procedure for issuing warrants where an order is made under Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976 and add to Schedule 1 of the 1974 Rules a number of forms to be used in relation to such an order.

A rule is added to Part VII of the 1974 Rules requiring a clerk of petty sessions to notify to a court which has deferred passing sentence under Article 14 of the 1976 Order any conviction by a magistrates' court before the expiration of the period of deferment and a number of forms are added to Schedule 1 of those rules to be used where sentence has been deferred.