

1976 No. 170

MAGISTRATES' COURTS

Magistrates' Courts (Extra-territorial Offences) Rules
(Northern Ireland) 1976

Made 2nd June 1976

Coming into operation 15th June 1976

To be laid before Parliament

The Secretary of State^(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964^(b) hereby, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, makes the following rules:

Citation and commencement

1. These rules may be cited as the Magistrates' Courts (Extra-territorial Offences) Rules (Northern Ireland) 1976 and shall come into operation on 15th June 1976.

Modification of 1974 Rules in relation to proceedings for extra-territorial offences

2. Where a person is charged with an extra-territorial offence within the meaning of the Criminal Jurisdiction Act 1975^(c) and, accordingly section 4(3) of that Act has effect in relation to the proceedings, the provisions of the Magistrates' Courts Rules (Northern Ireland) 1974^(d) specified in the first column of the Schedule shall, in relation to those proceedings, have effect subject to the modifications specified in the second column of the schedule.

Merlyn Rees

Northern Ireland Office
2nd June 1976

One of Her Majesty's Principal
Secretaries of State

(a) Formerly the Minister of Home Affairs for Northern Ireland; see S.I. 1973/2163 (1973 III, p. 7541).

(b) 1964 c. 21 (N.I.)

(c) 1975 c. 59

(d) S.R. 1974 No. 334 (II, p. 1541)

SCHEDULE

**Modification of 1974 Rules in relation to proceedings for an
extra-territorial offence within the meaning of the
Criminal Jurisdiction Act 1975**

<i>Provision Modified</i>	<i>Modification</i>
Rule 32	<p>For paragraph (1) there shall be substituted the following paragraphs:—</p> <p>“(1) The complainant or prosecutor on his behalf shall—</p> <p>(a) furnish a written notice of the proceedings in Form 26 accompanied by copies of the documents referred to in section 2(2)(a), (b) and (c) of the Act of 1968 to the clerk of petty sessions for the district in which the preliminary enquiry is to be held; and</p> <p>(b) cause a copy of the written notice together with the documents referred to in sub-paragraph (a) to be served on the accused, or if there is more than one accused person, upon each such person, a reasonable time before the day fixed for the conduct of the preliminary enquiry; and, accordingly, the said notice and documents shall be treated, for the purposes of the Act of 1968 and these rules, as if they had been furnished and served in pursuance of the said section 2.</p> <p>(1A) The list of witnesses referred to in Form 26 giving the number of pages in each written statement of evidence shall be in Form 27.”.</p> <p>For paragraph (4) there shall be substituted the following paragraph:—</p> <p>“(4) The notice, copies of the documents and list referred to in paragraphs (1) and (1A) shall be furnished to the clerk of the petty sessions in accordance with paragraph (1)—</p> <p>(a) by serving them upon him personally at his office or upon a responsible member of his office thereat; or</p> <p>(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.”.</p>
Rule 33	<p>For the words “section 2(2) of the Act of 1968” there shall be substituted the words “Rule 32(1) and (1A)”.</p>
Rule 34	<p>In paragraph (1) for the words “section 2(2) thereof” there shall be substituted the words “Rule 32(1)” and the words from “and of a preliminary investigation” to the end shall be omitted.</p> <p>In paragraph (2) the words from “and ask him” to the end shall be omitted.</p> <p>Paragraphs (4) and (5) shall be omitted.</p>
Rule 42	<p>In paragraph (2) for the words “section 2(1) of the said Act of 1968” there shall be substituted the words “Rule 32(1)”.</p>

<i>Provision Modified</i>	<i>Modification</i>
<p>Schedule 1 Form 26</p>	<p>For Form 26 there shall be substituted the following Form:—</p> <p style="text-align: center;">FORM 26</p> <p style="text-align: center;">CRIMINAL JURISDICTION ACT 1975 (Section 4(3))</p> <p style="text-align: center;">CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968 (RULE 32)</p> <p style="text-align: center;">Notice under Rule 32 of the Magistrates' Courts Rules (Northern Ireland) 1974 of proceedings for extra-territorial offence(s)</p> <p>of Complainant of Accused</p> <p style="text-align: right;">Petty Sessions District of County [Borough] of</p> <p>The purpose of this Notice is to inform you that a Magistrates' Court for the said Petty Sessions District and County [Borough] will sit at _____ on the day of _____ 19 _____ to consider the complaint(s) for the extra-territorial offence(s) set out in the attached statement of complaint.</p> <p>In accordance with section 4(3) of the Criminal Jurisdiction Act 1975 if the court decides to conduct an enquiry into the said complaint(s) the procedure will be by way of preliminary enquiry under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.</p> <p>I hereby serve on you —</p> <ol style="list-style-type: none"> (1) a statement of the complaint(s) on which I intend to ask the court to commit 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 enquiry and referred to in such statements; and * (5) where practicable, copies of each written exhibit referred to in the list referred to in paragraph (4) and in the statements referred to in paragraph (2).

Provision Modified	Modification
Form 28	<p>*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</p> <p>*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.</p> <p>The accused may object at the enquiry 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 enquiry 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.</p> <p>Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary enquiry in order to avoid any adjournment of the court he should so inform me a reasonable time before the commencement of the enquiry by writing to me at the following address—</p> <p>so that I can if practicable secure the attendance of the witness at the court at the time of the enquiry.</p> <p>Dated this day of 19</p> <p style="text-align: right;">Complainant/on behalf of Complainant</p> <p>To the Clerk of Petty Sessions at and to the Accused at</p> <p>* Delete where no exhibits.</p> <p>In the body of the Form for the words "section 2 of the above Act" there shall be substituted the words "Rule 32(1) of the Magistrates' Courts Rules (Northern Ireland) 1974".</p>

EXPLANATORY NOTE

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

Section 4(3) of the Criminal Jurisdiction Act 1975 provides that where a person is charged with an extra-territorial offence so much of section 1(1) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 as affords to the accused a right to object to a preliminary enquiry shall not apply, and the procedure shall be by way of preliminary enquiry under the said section and not by way of preliminary investigation under the Magistrates' Courts Act (Northern Ireland) 1964. Where section 4(3) of the 1975 Act has effect these rules modify the Magistrates' Courts Rules (Northern Ireland) 1974 in relation to the proceedings.