

1976 No. 200

MAGISTRATES' COURTS**Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1976***Made* 6th July 1976*Coming into operation* 1st September 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), 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. 3) Rules (Northern Ireland) 1976 and shall come into operation on 1st September 1976.

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.

Northern Ireland Office
6th July 1976

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

SCHEDULE

Amendments to Magistrates' Courts Rules (Northern Ireland) 1974

<i>Provision amended</i>	<i>Amendment</i>
Rule 11	In paragraph (3) after the word "complainant" there shall be added the words "or a director, partner or employee of the complainant".
Part II	<p>After rule 22 there shall be inserted the following rule:</p> <p><i>"Signing of documents on behalf of clerk of petty sessions</i></p> <p>22A. Where these Rules provide that a document shall or may be signed by the clerk of petty sessions or that an affidavit or statutory declaration may be sworn or made before or recognizance may be taken by the clerk of petty sessions, that document may be signed by, or, as the case may be, that affidavit or declaration may be sworn or made before or that recognizance may be taken by a person holding a rank not lower than court clerk or relief clerk duly authorised by the clerk of petty sessions or by a resident magistrate to do so."</p>
Rule 26	<p>After paragraph (15) there shall be inserted the following paragraph:</p> <p>"(15A) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to the accused and inform him that he is so committed."</p>
Rule 28	<p>In paragraph (2) after sub-paragraph (b) there shall be inserted the following sub-paragraph:</p> <p>"(ba) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 26(2) or (3), a statement of the charges upon which the accused was committed for trial;"</p>
Rule 35	<p>After paragraph (10) there shall be added the following paragraph:</p> <p>"(11) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to him and inform him that he is so committed."</p>

<i>Provision amended</i>	<i>Amendment</i>
Rule 42	<p>In paragraph (1) for sub-paragraph (a) there shall be substituted the following sub-paragraphs:</p> <p>“(a) the original complaint if it is in writing; (ab) the statement of complaint; (ac) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 34(2) or (3), a statement of the charges upon which the accused was committed for trial;”</p>
Rule 133	<p>In paragraph (1) at the end there shall be added the words “or clerk of petty sessions”.</p>
Schedule 1	<p>In Form 26 the words from “<i>The Form of Receipt appended hereto</i>” to the end shall be omitted.</p>

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.

The rules are amended so as to preclude service of a summons by a director, partner or employee of the complainant.

Other rules amended relate to the reading of charges upon committal for trial, where they differ from those originally preferred, the swearing of affidavits and statutory declarations, the officers who may sign certain documents and the form of notice under section 2 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.