

1977 No. 171

MAGISTRATES' COURTS

Magistrates' Courts (Amendment) Rules (Northern Ireland) 1977

Made 20th June 1977

Coming into operation 1st September 1977

To be laid before Parliament

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b), section 215(5C) of the Army Act 1955(c), section 215(5C) of the Air Force Act 1955(d) and section 124(6C) of the Naval Discipline Act 1957(e) 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) Rules (Northern Ireland) 1977 and shall come into operation on 1st September 1977.

Amendment of the 1974 rules

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

Northern Ireland Office
20th June 1977

Roy Mason
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) 1955 c. 18
(d) 1955 c. 19
(e) 1957 c. 53
(f) S.R. 1974 No. 334 (II, p. 1541)

SCHEDULE

Amendments to the Magistrates' Courts Rules (Northern Ireland) 1974

<i>Provision amended</i>	<i>Amendment</i>
Rule 32	Paragraph (5) of rule 32 shall be omitted.
Part VII	<p>After rule 107 there shall be inserted the following rule:</p> <p>“AA. FINANCIAL PENALTY ENFORCEMENT ORDERS</p> <p>107A. A financial penalty enforcement order under section 133A of the Army Act 1955, section 133A of the Air Force Act 1955 or section 128F of the Naval Discipline Act 1957 shall be registered by means of an entry of the particulars of the order in the Order Book signed by the clerk of petty sessions.”.</p>
Rule 108	<p>At the end of rule 108 there shall be added the following paragraph:</p> <p>“(5) Where an offender is dealt with by any of the methods specified in paragraphs (a), (b), (c) and (d) of section 19(1) of the said Act of 1968, the clerk of petty sessions for the petty sessions district in which the suspended sentence was passed shall enter a note of the particulars of the method by which the offender has been dealt with opposite the entry in the Order Book made at the time the suspended sentence was passed.”.</p>
Rule 110	<p>At the end of rule 110 there shall be added the following paragraph:</p> <p>“(3) A note relating to any variation or discharge of a probation order or the substitution for a probation order of an order for conditional discharge shall be made opposite the entry relating to the making of the probation order by the clerk of petty sessions for the petty sessions district in which it was made.”.</p> <p>After rule 110 there shall be inserted the following rule:</p> <p>“Entry of order made under section 4 or 6 of Probation Act (Northern Ireland) 1950 upon breach of probation order or commission of further offence</p> <p>110A. Where a court of summary jurisdiction makes an order under section 4(3) or section 6(5) or (7) or a county court or a court of assize makes an order under section 6(6) of the Probation Act (Northern Ireland) 1950, the clerk of petty sessions for the petty sessions district in which the order of conditional discharge or, as the case may be, the probation order was made shall make a note of the order under the said section 4 or 6 opposite the entry in the Order Book relating to the making of the order of conditional discharge or, as the case may be, the probation order.”.</p>

<i>Provision amended</i>	<i>Amendment</i>						
Rule 135	<p>After rule 135(3) there shall be inserted the following paragraphs:</p> <p>“(3A) A person authorised to take a recognizance may require a person offering himself as surety to a recognizance to produce evidence as to his means and to sign a certificate that he is possessed of sufficient means to pay the sum in which he is to be bound under the recognizance.</p> <p>(3B) Such certificate shall be attached to or endorsed on the recognizance.”.</p>						
Schedule 1	<p>After Form 13 there shall be inserted the following Form:</p> <p style="text-align: center;">“Form 13A</p> <p style="text-align: center;">MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Section 115; Rules 14, 15 and 128)</p> <p style="text-align: center;">CRIMINAL JUSTICE ACT (NORTHERN IRELAND) 1953 (Section 7)</p> <p style="text-align: center;">Warrant of Commitment to Borstal Institution</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; vertical-align: middle;">of</td> <td style="width: 40%; text-align: center; vertical-align: middle;">Complainant</td> <td style="width: 40%; border-left: 1px solid black; padding-left: 10px; vertical-align: middle;">Petty Sessions District of</td> </tr> <tr> <td style="vertical-align: middle;">of</td> <td style="text-align: center; vertical-align: middle;">Defendant</td> <td style="border-left: 1px solid black; padding-left: 10px; vertical-align: middle;">County [Borough] of</td> </tr> </table> <p>WHEREAS the Defendant appeared on the day of 19 before the Magistrates' Court sitting at</p> <p>AND WHEREAS the Defendant being under 21 years of age, having been born as far as has been ascertained, on the 19 [and being charged with an offence specified in Schedule 3 to the Magistrates' Courts Act (Northern Ireland) 1964 and having been given at least twenty-four hours' notice in writing of his right to be tried by a jury, having consented to be dealt with summarily and] having pleaded guilty is convicted of the following offence:</p> <p>being an offence punishable with imprisonment and the Defendant was remanded for a report to be made by or on behalf of the Secretary of State on his mental and physical condition and his suitability for Borstal training;</p> <p>AND WHEREAS at on the day of 19 the court considered that report and a copy thereof has been given by the court to the Defendant or his solicitor or counsel;</p>	of	Complainant	Petty Sessions District of	of	Defendant	County [Borough] of
of	Complainant	Petty Sessions District of					
of	Defendant	County [Borough] of					

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.

Provision is made for the entry in the Order Book of certain particulars relating to the variation, discharge and substitution of probation orders and to orders made upon the breach of a probation order or upon the commission of a further offence while a probation order or order for conditional discharge is in force.

Provision is made for the registration of financial penalty enforcement orders as provided under section 16 of and Schedule 8 to the Armed Forces Act 1976.

A person taking a recognizance may require a proposed surety to the recognizance to produce evidence as to his means.

Schedule 1 to the 1974 Rules (Forms) is also amended.