

1979 No. 132

**JUDICATURE, NORTHERN IRELAND
MAGISTRATES' COURTS****Magistrates' Courts (Amendment) Rules (Northern Ireland) 1979**

Made 27th March 1979

Coming into operation 18th April 1979

The Lord Chancellor, in exercise of the powers conferred on him by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) on the advice 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) 1979 and shall come into operation on 18th April 1979.

Amendment of the 1974 Rules

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

Dated 27th March 1979.

Elwyn-Jones, C.

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

(b) S.R. 1974 No. 334 (II, p. 1541) as amended by S.R. 1976 No. 120 (I, p. 490) and S.R. 1977 No. 171

SCHEDULE

Amendments to Magistrates' Courts Rules (Northern Ireland) 1974

Provision amended	Amendment
Rule 2	<p>After paragraph (2) there shall be inserted the following paragraph—</p> <p>“(3) In these Rules the expression “chief clerk” has the meaning assigned to it by section 152(1) of the County Courts Act (Northern Ireland), 1959.”.</p>
Rule 9	<p>For paragraph (4) there shall be substituted the following paragraph—</p> <p>“(4) A single summons may be issued against a person in respect of several complaints but the summons shall state each offence or cause of complaint separately and shall have effect (except for the purposes of an order made under section 116 of the Judicature (Northern Ireland) Act 1978) as several summonses, each issued in respect of one complaint.”.</p>
Rule 19	<p>In paragraph (1) for the words “Secretary of State” there shall be substituted the words “Lord Chancellor”.</p>
Rule 28	<p>In paragraph (1) for the words “clerk of the Crown and peace” there shall be substituted the words “chief clerk for the county court division in which is located the place of trial”.</p> <p>In paragraph (2) for the words from the beginning to “clerk of the Crown and peace” there shall be substituted the words “Within seven days after the committal of any person for trial, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial”.</p>
Rule 42	<p>In paragraph (1) for the words from the beginning to “clerk of the Crown and peace” there shall be substituted the words “Within seven days after the close of a preliminary enquiry at which any person is committed for trial, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial”.</p>
Rule 48	<p>In paragraph 4(a) for the words “clerk of the Crown and peace for the county in which the accused has been committed for trial” there shall be substituted the words “chief clerk for the county court division in which is located the place of trial”.</p>
Rule 51	<p>For rule 51 there shall be substituted the following rule—</p> <p>“<i>Accused to be told of his right to apply to High Court or Crown Court for bail</i></p> <p>51.—(1) Where a magistrates' court remands a person in custody it shall inform him of his right (where such right exists) to apply for bail to the High Court.</p> <p>(2) Where a magistrates' court commits a person for trial in custody it shall inform him of his right (where such right exists) to apply for bail to the Crown Court or the High Court.”.</p>

<i>Provision amended</i>	<i>Amendment</i>
Rule 93	<p>For paragraph (2) there shall be substituted the following paragraph—</p> <p>“(2) An amount corresponding to the fixed value of stamps upon documents issued on behalf of a successful party in debt proceedings, together with any witnesses’ expenses and any fixed fee paid by him to a summons server or other person for the service of a process shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.”.</p> <p>After paragraph (6) there shall be inserted the following paragraph—</p> <p>“(7) In this rule “fixed” means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.”.</p>
Rule 97	<p>For paragraph (2) there shall be substituted the following paragraph—</p> <p>“(2) An amount corresponding to the fixed value of stamps upon documents issued on behalf of a successful party in ejectment proceedings, together with any witnesses’ expenses and any fixed fee paid by him to a summons server or other person for the service of a process shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.”.</p> <p>After paragraph (4) there shall be inserted the following paragraph—</p> <p>“(5) In this rule “fixed” means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.”.</p>
Rule 109	<p>For rule 109 there shall be substituted the following rule—</p> <p><i>“Evidence of conviction to be sent to the Crown Court</i></p> <p>109.—(1) Where a magistrates’ court under section 20(3) of the Treatment of Offenders Act (Northern Ireland) 1968 commits an offender to the Crown Court, or, instead of doing so, furnishes written notice of the conviction to the chief clerk for the appropriate county court division, the clerk of petty sessions shall send to that chief clerk a certificate of the conviction by the magistrates’ court.</p> <p>(2) In this rule—</p> <p>“appropriate county court division” means the county court division in which is located the place at which the Crown Court sat when the suspended sentence was passed.”.</p>
Rule 110A	<p>For the words “a county court or a court of assize” there shall be substituted the words “the Crown Court”.</p>
Rule 111A	<p>For the words “a court of assize or county court” there shall be substituted the words “the Crown Court” and for the words “clerk of the Crown and peace” there shall be substituted the words “chief clerk for the appropriate county court division”.</p> <p>The following paragraph shall be added to the rule—</p> <p>“(2) In this rule—</p> <p>“appropriate county court division” means the county court division in which is located the place at which the Crown Court sat when it deferred passing sentence.”.</p>

<i>Provision amended</i>	<i>Amendment</i>
Rule 140	In paragraph 1 for the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk for the county court division in which the appeal will be heard".
Rule 141	For the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk for the county court division for which that county court is held".
Rule 142	Rule 142 shall be omitted.
Rule 143	For the words "clerk of the Crown and peace" there shall be substituted the words "chief clerk of the county court division for which that county court is held".
Rule 149	Rule 149 shall be omitted.

EXPLANATORY NOTE

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

These rules make amendments to the Magistrates' Courts Rules (Northern Ireland) 1974 which are consequential upon the implementation of the Judicature (Northern Ireland) Act 1978.