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STATUTORY RULES OF NORTHERN IRELAND

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**1998 No. 419**

**MAGISTRATES' COURTS**

**Magistrates' Courts (Amendment)  
Rules (Northern Ireland) 1998**

*Made - - - - 21st November 1998*  
*Coming into operation 14th December 1998*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) and of all other powers enabling him in that behalf, 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) 1998 and shall come into operation on 14th December 1998.

**Amendment to Schedule 1**

2. For Form 2B in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984(2), there shall be substituted the new Form 2B set out in the Schedule.

Dated 21st November 1998

*Irvine of Lairg, C.*

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(1) S.I.1981/1675 (N.I. 26)

(2) S.R. 1984 No. 225; to which the most recent relevant amendment was made by S.R. 1997 No. 428

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

SCHEDULE

Rule 2.

“Form 2B

ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996

(Articles 11, 28(5), 29, 49)

ROAD TRAFFIC (NEW DRIVERS) (NORTHERN IRELAND) ORDER 1998

(Schedule 1, paragraph 3(2), (3) and (5))

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Rule 8(7))

**Endorsement on Summons of requirement to produce licence and its counterpart and/or test certificate**

TAKE NOTICE that an offence in respect of which you are charged involves obligatory or discretionary disqualification.

By Article 11 of the Road Traffic Offenders (Northern Ireland) Order 1996 you are therefore required either to—

- (a) deliver your licence and its counterpart to the court; or
- (b) bring the licence and its counterpart to court with you at the hearing.

**If you are convicted of the offence and the court proposes to make an order disqualifying you or endorsing your licence and you fail to produce your licence and its counterpart to the court, you will be guilty of an offence AND your licence will be suspended automatically until it, and its counterpart, are produced to the court.**

If the offence with which you are charged involves obligatory endorsement and is alleged to have been committed during your probationary period and you hold a test certificate, you are also required by paragraph 3(2) of Schedule 1 to the Road Traffic (New Drivers) Order (Northern Ireland) 1998 either to—

- (a) deliver your test certificate to the court; or
- (b) bring the test certificate to court with you at the hearing.

**If you are convicted of the offence and fail to produce your test certificate to the court, you will be guilty of an offence.**

**Note:**

1. If you have applied for a new licence but have not yet received it, you must be able to satisfy the court of the truth of this.
2. If you have surrendered your licence and its counterpart on receiving a fixed penalty notice, the receipt issued must be delivered or produced to the court.
3. “Probationary period” means a period of 2 years beginning on the date of the first occasion on which you pass a test of competence to drive (taken on or after 14th December 1998.)”

## EXPLANATORY NOTE

*(This note is not part of the Rules.)*

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1984, to prescribe a new form of words, to be endorsed on relevant summonses, putting a defendant on notice that he is required to produce to the court either before or at the hearing—

- (a) his licence and its counterpart, in accordance with the Road Traffic Offenders (Northern Ireland) Order 1996; and/or,
- (b) his test certificate, in accordance with the Road Traffic (New Drivers) (Northern Ireland) Order 1998.