

2000 No. 279

MAGISTRATES' COURTS

**The Magistrates' Courts (Amendment) Rules
(Northern Ireland) 2000**

Made 26th September 2000

Coming into operation 2nd October 2000

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a) and 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) 2000 and shall come into operation on 2nd October 2000.

Amendment

2. For Rule 156 of the Magistrates' Courts Rules (Northern Ireland) 1984(b), there shall be substituted the following new Rule—

“Procedure after appeal to county court is determined

156.—(1) After the county court has decided an appeal from a magistrates' court, the chief clerk for the county court division for which that county court is held, within seven days of such decision,

- (a) shall certify such decision; and
- (b) in any case in which the county court has determined that a right or rights of the appellant under Article 5 of the Convention were infringed by the making of the order to which the appeal relates shall so specify, at the foot of the form of appeal and shall transmit the form of appeal to the clerk of petty sessions who shall enter the details referred to in sub-paragraphs (a) and (b) as appropriate in his Order Book.

(2) In this Rule, “the Convention” has the same meaning as in section 21 of the Human Rights Act 1998(c).”

Dated 26th September 2000

Irvine of Lairg, C.

(a) 1981/1675 (N.I. 26)
(b) S.R. 1984 No. 255; to which there are no relevant amendments
(c) 1998 c. 42

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1984, in consequence of the Human Rights Act 1998, so as to provide that a finding by a county court on appeal that the making of the order appealed against has infringed the appellant's rights under Article 5 of the European Convention on Human Rights shall be certified on the notice of appeal and recorded in the Order Book.

Published and printed in the UK by The
Stationery Office Limited
under the authority and
superintendence of Carol
Tullo, Controller of
Her Majesty's Stationery
Office being the Government
Printer for Northern Ireland and
the Officer appointed to print the
Acts of the Northern Ireland Assembly
Dd. 600258. C4. 9/00. Gp. 130. 14567.
£1.00

ISBN 0-3379381-8-0