
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 417

**The Magistrates' Courts (Banning
Orders) Rules (Northern Ireland) 2011**

Application to vary or terminate a banning order

3.—(1) An application to—

- (a) vary a banning order under section 46 of the 2011 Act; or
- (b) terminate a banning order under section 47 of the 2011 Act,

shall be in Form 4.

(2) An application under paragraph (1) shall be served by the applicant on—

- (a) the clerk of petty sessions for the district in which the order was made;
- (b) the respondent; and
- (c) the Chief Constable.

(3) The respondent shall, within seven days of the date the notice was served on him, notify the applicant and the clerk of petty sessions, in writing, of his opposition and give reasons for it.

(4) Except where notice is received in accordance with paragraph (3), a magistrates' court may—

- (a) determine the application in favour of the applicant without a hearing; or
- (b) direct a hearing.

(5) Where a hearing is directed, the clerk of petty sessions shall notify each party to the proceedings of the time and place of the hearing.

(6) Without prejudice to the foregoing provisions of this rule the court may direct that a copy of the notice be served upon any person whom the court may consider a proper person to be served.

(7) In this rule “respondent” means either P or the prosecution.