

**EXPLANATORY MEMORANDUM TO**  
**THE MAGISTRATES' COURTS (AMENDMENT) RULES (NORTHERN IRELAND)**

**2021 No. 51**

**1. Introduction**

- 1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 These rules amend the Magistrates' Court Rules (Northern Ireland) 1984 ("the principal rules") to insert rules relating to telephone hearings under the Crime (International Co-operation) Act 2003 ("the 2003 Act").
- 2.2 The Criminal Procedure (Amendment) (EU Exit) Regulations 2019 erroneously omitted from the principal rules rule 62A and its consequential provisions, which provided for telephone hearings under the 2003 Act. This was with effect from the end of the transition period of the United Kingdom's exit from the European Union i.e. on 'IP completion day'. To correct this error, these rules reinsert rule 62A and its consequentials into the principal rules.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 These rules were drafted in Northern Ireland by the Office of the Lord Chief Justice and were agreed and made by the Northern Ireland Magistrates' Courts Rules Committee. After making magistrates' courts rules, the Magistrates' Courts Rules Committee must submit them to the relevant authority. In relation to magistrates' courts rules which deal with an excepted matter, the relevant authority means the Lord Chancellor. As the 2003 Act contains excepted matters, the rules must be submitted to the Lord Chancellor, who consults the Lord Chief Justice before allowing them.
- 3.2 Section 49 of the 2003 Act provides for the making of rules relating to telephone hearings.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.3 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The extent of this instrument is Northern Ireland.
- 4.2 The territorial application of this instrument is Northern Ireland.

## **5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **6. Legislative Context**

- 6.1 Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981 provides that magistrates' courts rules may be made; and that there shall be a Magistrates' Courts Rules Committee which has the function of making magistrates' courts rules. Article 13 also provides that after making magistrates' courts rules, the Committee must submit them to the relevant authority, which means, in relation to magistrates' courts rules which deal with an excepted matter, the Lord Chancellor. The relevant authority must allow or disallow magistrates' court rules submitted to it.
- 6.2 Section 49 of the 2003 Act make provision for rules of court to be made on the practice and procedure to be followed in proceedings under the 2003 Act.

## **7. Policy background**

- 7.1 As indicated at 2.2 above, provision within the principal rules relating to telephone hearings under the 2003 Act was erroneously omitted by The Criminal Procedure (Amendment) (EU Exit) Regulations 2019. The amendments reinstate those provisions by reinserting rule 62A of the principal rules and its consequential.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union. However, as indicated at 2.2 above, it corrects an error contained within The Criminal Procedure (Amendment) (EU Exit) Regulations 2019.

## **9. Consolidation**

- 9.1 None.

## **10. Consultation outcome**

- 10.1 The rules were made by the Magistrates' Courts Rules Committee, which comprises representatives from the Judiciary, Northern Ireland Courts and Tribunals Service and legal profession.
- 10.2 Due to the representative nature of the Rules Committee, and the fact that the rules are procedural in nature (and therefore of limited public interest), no formal consultation was considered necessary on this occasion.

## **11. Guidance**

- 11.1 None is considered necessary

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 These rules have no impact of themselves on the public sector because they reinsert rules and procedures which were already in operation.
- 12.3 An Impact Assessment has not been prepared for this instrument.

**13. Regulating Small Business**

13.1 The legislation does not apply to activities that are undertaken by small businesses.

**14. Monitoring & review**

14.1 These rules will form part of the principal rules which are kept under review, as necessary, by the Magistrates' Courts Rules Committee.

**15. Contact**

15.1 Veronique Read at the Home Office, email: Veronique.read3@homeoffice.gov.uk, can be contacted with any queries regarding the instrument.

15.2 Matthew Gould, Deputy Director for Criminal Justice Strategy and Criminal Court Policy at the Ministry of Justice, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Alex Chalk MP, Parliamentary Under Secretary of State at the Ministry of Justice, can confirm that this Explanatory Memorandum meets the required standard.