

1965. No. 206

[C]

MAGISTRATES' COURTS RULES

RULES, DATED 11TH OCTOBER, 1965, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

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I, the Right Honourable Robert William Brian McConnell, Minister of Home Affairs, in exercise of the powers conferred on me by section 23(4) of the Magistrates' Courts Act (Northern Ireland) 1964(a) do hereby, upon the recommendation of the Magistrates' Courts Rules Committee appointed under section 23(2) of that Act and after consultation with the Lord Chief Justice, make the rules hereinafter set forth.

Signed R. W. B. McConnell
 Minister of Home Affairs.

The scale of fees provided for in Schedule 2 has been fixed with the consent of the Ministry of Finance.

Sealed with the Official Seal of the Ministry of Finance this 11th day of October, 1965.

(L.S.)

Signed R. R. Butler
 Assistant Secretary.

PART I

Citation, Interpretation and Commencement, Etc.*Citation*

1. These rules may be cited as the Magistrates' Courts Rules (Northern Ireland) 1965.

Interpretation

2.—(1) In these rules "the Act" means the Magistrates' Courts Act (Northern Ireland) 1964.

(2) Any reference in these rules to members of the Royal Ulster Constabulary shall include a reference to members of the Ulster Special Constabulary on duty with the Royal Ulster Constabulary.

Commencement

3. These rules shall come into force on the 1st December, 1965.

Revocation of existing rules

4. The following rules are, in accordance with section 26(1) of the Act, hereby revoked as from the coming into force of these rules:—

the Illegitimate Children (Affiliation Orders) Rules 1925(a) in Schedule (A) Forms 17 to 23 and 30 to 32 and Schedule (B);

the Summary Jurisdiction (Separation and Maintenance) Rules (Northern Ireland) 1946(b) paragraphs 2 and 3, in the First Schedule Forms 12 to 25 and the Second Schedule;

the Illegitimate Children (Affiliation Orders) Rules 1947(c);

the Summary Jurisdiction (Debt Proceedings) Rules (Northern Ireland) 1953(d);

the Summary Jurisdiction (Ejectment Proceedings) Rules (Northern Ireland) 1954(e);

the Summary Jurisdiction (Service of Summons) Rules 1956(f);

the Summary Jurisdiction (Summons Servers' Fees) Rules (Northern Ireland) 1957(g);

the Summary Jurisdiction (Debt Proceedings) Amendment Rules (Northern Ireland) 1958(h);

the Summary Jurisdiction (Fees on Warrants) Rule (Northern Ireland) 1961(i).

Saving for Summary Jurisdiction (Children and Young Persons) Rules (Northern Ireland) 1950.

5.—(1) Subject to paragraph (2), nothing in these rules shall affect the operation of the Summary Jurisdiction (Children and Young Persons) Rules (Northern Ireland) 1950(j).

(2) The following amendment is hereby made to the said rules of 1950:—

After Rule 7 there shall be inserted the following rule:—

- (a) S.R. & O. (N.I.) 1925, No. 25.
 (b) S.R. & O. (N.I.) 1946, No. 161.
 (c) S.R. & O. (N.I.) 1947, No. 129.
 (d) S.R. & O. (N.I.) 1953, No. 170.
 (e) S.R. & O. (N.I.) 1954, No. 172.

- (f) S.R. & O. (N.I.) 1956, No. 113.
 (g) S.R. & O. (N.I.) 1957, No. 197.
 (h) S.R. & O. (N.I.) 1958, No. 40.
 (i) S.R. & O. (N.I.) 1961, No. 106.
 (j) S.R. & O. (N.I.) 1950, No. 56.

“7A. Paragraphs (1) to (3) of Rule 32 of the Magistrates' Courts Rules (Northern Ireland) 1965 shall apply to the summary trial under section 61 of the Act of an indictable offence by a child or young person as if for the reference in those paragraphs to a resident magistrate there were substituted a reference to a juvenile court.”

PART II

Documents

Wording, etc., of documents

6.—(1) Every complaint, summons, warrant or other document made or issued for the purpose of, or in connection with, any proceedings before a magistrates' court for an offence shall be sufficient if it describes the specific offence with which the accused is charged, or of which he is convicted, in ordinary language avoiding as far as possible the use of technical terms, and gives such particulars as may be necessary for giving reasonable information of the nature of the charge.

(2) Every complaint, summons, warrant or other document in proceedings upon complaint in a civil matter shall be sufficient if it describes the cause of complaint in ordinary language without necessarily stating all the facts upon which the complaint is founded and gives such particulars as may be necessary for giving reasonable information as to the nature of the complaint.

(3) If the offence charged or cause of complaint is one created by or under any Act, the description of the offence or cause of complaint shall contain a reference to the section of the Act, or, as the case may be, the rule, order, regulation, bye-law or other instrument giving rise to the offence or the cause of complaint unless such reference appears elsewhere on the face of any summons or warrant issued in respect thereof.

(4) Without prejudice to section 155(1) of the Act, unless the court otherwise determines, no objection shall be taken by any party to proceedings before a magistrates' court to the use of any forms authorised or used immediately before the commencement of these rules under any provision of any enactment repealed by the Act and which corresponds or is applicable to any provision of the Act or of these rules replacing such first-mentioned provision.

(5) Subject to the foregoing paragraphs, the forms set out in Schedule 1 of these rules or forms to the like effect shall, where appropriate, be used in connection with proceedings to which the rules relate.

Stamps

7.—(1) Subject to paragraph (2), the documents referred to in Schedule 2 shall be stamped in accordance with that Schedule.

(2) Any document which would otherwise in any proceeding (including proceedings on appeal) brought by or on behalf of the Attorney General, a member of the Royal Ulster Constabulary acting as such or by or on behalf of any department of the Government of Northern Ireland or the National Assistance Board for Northern Ireland require to be stamped by the complainant, plaintiff, applicant or appellant need not be so stamped but such document shall for the purposes of this rule be deemed to have been so stamped and any reference in the Act or these rules to the recovery of fees or costs shall have effect as though the document had been duly stamped by the complainant, plaintiff, applicant or appellant.

(3) Where fees are remitted by order of a magistrates' court under section 163(2) of the Act, the resident magistrate or justice of the peace shall

endorse the order on the forms or notify such remission by separate certificate and the reasons for the remission shall be stated on the endorsement or on the certificate.

Form of complaint

8.—(1) A complaint may be made by the complainant in person or by his solicitor or by any other person authorised in that behalf.

(2) Where it is intended that a summons only shall issue to require the attendance of any person, the complaint may be made either upon or without oath, and either in writing or not, as the justice of the peace receiving the complaint thinks fit.

(3) Where a complaint is in writing it shall be signed by the person making it and by the justice receiving it.

(4) Where it is intended that a warrant shall issue for the arrest of any person, the complaint shall be in writing and on oath of the complainant or of his solicitor or of any other person authorised in that behalf.

(5) Any person against whom a complaint has been made in writing or his counsel or solicitor shall be entitled on request to receive from the clerk of petty sessions a copy of such complaint.

(6) The original complaint shall be deposited with and, except as provided by Rule 26(2), retained by the clerk of petty sessions.

(7) In describing the property mentioned in any complaint—

(a) where the property belongs to or is in the possession of partners, trustees, joint tenants, coparceners, or tenants in common, it is sufficient to refer to such property as that of any such persons who are named and of another or others, as the case may be, without naming them; or

(b) where the property is that of a local or public authority, commissioners, directors, trustees, a body corporate or persons known by any other general designation it shall be sufficient to refer to it as the property of such persons without naming them individually.

(8) It shall not be necessary in a complaint to specify or negative an exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or cause of complaint contained in the enactment giving rise to the offence or on which the complaint is founded.

Form of summons

9.—(1) Every summons shall be signed by the justice of the peace who issues it.

(2) No summons shall be signed in blank.

(3) Every summons shall state shortly the offence or cause of complaint and shall state the time and place at which the person summoned is required to appear.

(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 as several summonses, each issued in respect of one complaint.

(5) The name and address of the complainant and the name and, where possible, the last-known address of the person summoned shall be stated in the summons.

Preparation of summons

10.—(1) Subject to paragraph (2), the complainant or, where the summons is a witness summons, the person applying for the issue of the summons shall be responsible for the preparation of any necessary summons.

(2) Where the complainant or the person applying for the issue of a witness summons is not a member of the Royal Ulster Constabulary the justice of the peace receiving the complaint or granting the application may direct the clerk of petty sessions to assist in the preparation of a summons.

(3) References in this rule to a summons include any copy thereof for service.

Service of summons

11.—(1) In cases of offences prosecuted by a member of the Royal Ulster Constabulary, the summons shall be served by any other member thereof.

(2) In all other cases, the summons shall be served by—

(a) the summons server of the petty sessions district in which the proceedings are brought or in which the defendant or witness resides; or

(b) by a member of the Royal Ulster Constabulary who has been directed by a resident magistrate or justice of the peace to serve the summons; or

(c) any other person who has received permission from such magistrate or justice to serve the summons,

and any such direction or permission shall be endorsed on the original summons and signed by the person giving it.

(3) In no case shall a summons be served by the complainant.

(4) Every summons shall be served upon the person to whom it is directed by delivering to him a copy of such summons, or, where the summons alleges a summary offence or is issued upon complaint in a civil matter or is a witness summons, by leaving it for him with some person apparently over the age of sixteen years at his usual or last-known place of abode or at his place of business.

(5) In the case of a corporate body, a summons shall be served by delivering a copy to the secretary or clerk of the body or by leaving a copy for him with some person apparently over the age of sixteen years at its registered or principal office or at any place of business maintained by such body in Northern Ireland, or by sending a copy by registered post or by the recorded delivery service in an envelope addressed to such corporate body at such office or place of business.

Notwithstanding anything in paragraph (2), in a case where service is effected by registered post or by the recorded delivery service, the envelope containing the copy summons may be posted by any person other than the complainant.

(6) Every summons shall be served a reasonable time before the hearing of the complaint.

(7) In every case the person who shall serve a summons shall endorse on the same the date, place and manner of service and unless service shall be proved by affidavit, shall attend at the hearing of the complaint to depose, if necessary, to such service and, in the case of service upon a corporate body by registered post or by the recorded delivery service under paragraph (5), shall attach to the affidavit or produce to the court the certificate of posting issued by the Post Office.

(8) Nothing in this rule shall affect the provisions of any enactment dealing with the time, and manner of service, and the person who may serve summons in particular cases.

Fees for service of summons

12.—(1) A person serving a summons (other than a member of the Royal Ulster Constabulary) shall be entitled to be paid by the complainant the sum specified in Schedule 3 for service of a summons.

(2) The fee shall be paid at the time when the summons is delivered for service to the person serving it or is handed to the clerk of petty sessions for delivery to such person.

Form of warrant

13.—(1) Every warrant shall be signed by the resident magistrate or justice of the peace who issues it or, where the warrant is a warrant of distress or a warrant of commitment, whether issued in default of distress or otherwise, or a warrant of discharge from custody, by the clerk of petty sessions.

(2) No warrant shall be signed in blank.

(3) Every warrant shall state shortly the offence charged in the complaint or the grounds on which the warrant is issued.

(4) A warrant shall name in full or otherwise describe the person against whom it is issued.

Separate warrants to be issued for each sentence imposed

14.—(1) Where a magistrates' court imposes more than one sentence upon a person convicted of more than one offence a separate warrant of distress or commitment shall be issued for the purpose of giving effect to each sentence.

(2) Where a sentence of imprisonment is imposed to run consecutively to another sentence of imprisonment, the fact shall be stated on the warrant of commitment.

Endorsement of warrants of commitment as to release on bail

15.—(1) Where a magistrates' court commits an accused for trial in custody in accordance with section 45 of the Act or remands an accused in custody in accordance with section 54 of the Act it may certify its consent to bail either on a separate form or by endorsement on the warrant of commitment.

(2) The certificate in addition to specifying the amount of the recognizance to be entered into by the accused shall also specify the amount of the recognizance to be entered into by any surety required by the court under section 136 of the Act or the amount of any sum of money or valuable security to be deposited under section 137 of the Act in lieu of sureties.

(3) Where an accused is remanded in custody or is committed for trial in custody and is subsequently granted bail before the expiration of the period for which he was originally remanded or before the sitting of the court to which he is committed for trial upon an application by or on behalf of the accused to the court, the court shall, when the necessary recognizance has been completed, issue a warrant for his discharge from prison.

Binding over complainant to prosecute or give evidence upon issue of warrant

16.—(1) When a resident magistrate or justice of the peace issues a warrant for the arrest of any person he may bind the person making the complaint by recognizance to appear at the court where such person is to be tried to prosecute or to give evidence, as the case may be.

(2) The recognizance may either be in a separate form or at the foot of the complaint.

Withdrawal of warrants

17. A resident magistrate or justice of the peace who orders the withdrawal of a warrant under section 159(1) of the Act shall endorse his reasons for such withdrawal upon the warrant.

The Order Book

18.—(1) In every proceeding (other than one to which Part VII of the Act applies) the clerk of petty sessions shall enter the particulars of the proceeding and the substance of the decision upon it in a book to be known as the "Order Book".

(2) Such entry shall be signed by the resident magistrate or justice of the peace who determined the proceeding and after such signature shall be deemed a conviction or order, as the case may be.

(3) Where a resident magistrate or justice of the peace has made a conviction or order out of petty sessions he shall, if an Order Book is not signed, sign and forward a certificate of the proceedings to the clerk of petty sessions, which certificate when signed shall be deemed a conviction or order, as the case may be.

(4) Upon receipt of the certificate referred to in paragraph (3) the clerk of petty sessions shall enter the particulars on the certificate in the Order Book and submit the entry to the resident magistrate or justice of the peace who signed the certificate for his signature. If the resident magistrate or justice of the peace does not for any reason sign the entry in the Order Book the clerk shall make a special entry to that effect in the Order Book opposite to the entry relating to the proceedings and shall preserve the original certificate as a record of the proceedings.

(5) Where a justice of the peace hears and determines out of petty sessions any charge against an adult for an offence specified in Part II of Schedule 2 to the Act, the fact that the person charged has consented to be dealt with in accordance with section 33(3) of the Act shall be entered in the Order Book as part of the order.

(6) Where at the hearing of a complaint charging a summary offence or where at the summary trial of an indictable offence the accused pleads guilty, the court shall cause the plea to be entered in the Order Book as part of the order.

(7) Where a court—

(a) tries summarily any offence for which the accused is entitled in accordance with section 41 of the Act to claim to be tried by a jury; or

(b) deals summarily under section 52 of the Act with any person charged with an indictable offence specified in Schedule 3 to the Act upon his consent to be so dealt with;

the court shall cause to be entered in the Order Book as part of the order his election to be tried summarily or as the case may be.

(8) Where a magistrates' court adjourns a case under section 57 or section 58 of the Act the court shall explain to the accused the reasons for the adjournment and shall cause a note of those reasons to be entered in the Order Book as part of the order.

(9) Where the sitting of a magistrates' court is adjourned by a clerk of petty sessions under section 162(4) of the Act he shall make a note of such adjournment in the Order Book.

(10) No erasure shall be made of the particulars entered upon the Order Book.

(11) Every interlineation or other alteration in the Order Book shall be initialled by the resident magistrate or justice of the peace signing the entry of the conviction or order.

Certificate of conviction or order

19.—(1) At the request of any person with a bona fide interest in any proceedings a resident magistrate, justice of the peace or clerk of petty sessions shall grant a certificate of the conviction or order made in such proceedings.

(2) The certificate shall be signed by the resident magistrate or justice of the peace who made the conviction or order or by any justice of the peace for the same petty sessions district or by the clerk of petty sessions.

(3) A certificate under this rule shall be prima facie evidence of the conviction or order and, except where it is proved that such a certificate purporting to be signed by a resident magistrate or justice of the peace or clerk of petty sessions was not in fact so signed, the certificate shall operate as a valid form of conviction or order for any purpose whatsoever.

Documents taken by or made before resident magistrates or justices of the peace sitting out of petty sessions

20. Every complaint, deposition, recognizance or other document taken by or made before a resident magistrate or justice of the peace sitting out of petty sessions shall as soon as practical be forwarded or delivered to the clerk of petty sessions district in which the resident magistrate or justice of the peace was sitting or acting.

Signature of one resident magistrate sufficient in certain cases

21. In prosecutions for offences, where two or more resident magistrates are required to hear and determine the complaint, the signature of one of such magistrates in the Order Book and on the forms of procedure shall be sufficient.

PART III

Criminal Proceedings

A. SUMMARY TRIAL

Order of proceedings on the hearing of a complaint charging a summary offence

22. The procedure for hearing a complaint charging a summary offence shall be as follows:—

- (a) the substance of the complaint shall be stated to the accused and, if necessary, explained to him before a plea is taken:
- (b) where the accused pleads guilty to the complaint the court shall, if it sees no reason to the contrary, convict or make an order against him accordingly but before making such conviction or order the court shall allow the prosecutor or his counsel or solicitor and then the accused or his counsel or solicitor to address the court:
- (c) where the accused does not plead guilty, the prosecutor or his counsel or solicitor shall call the evidence for the prosecution and before doing so may address the court:

- (d) at the conclusion of the evidence for the prosecution, the accused or his counsel or solicitor may address the court, whether or not he afterwards calls evidence:
- (e) at the conclusion of the evidence, if any, for the defence, the prosecutor or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence:
- (f) at the conclusion of the evidence, if any, for the defence and the evidence, if any, in rebuttal as aforesaid, the accused or his counsel or solicitor may address the court—
 - (i) if he has not previously done so; or
 - (ii) with the leave of the court, if the accused and any other witness have been called on the part of the accused:
- (g) if the court convicts the accused he or his counsel or solicitor may address the court in mitigation of sentence:

Provided always that, notwithstanding anything in the previous provisions of this rule, the court may permit or invite the accused or the prosecutor or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings and in that event the court shall permit the prosecutor or the accused or his counsel or solicitor, as the case may be, to reply.

B. RIGHT TO CLAIM TRIAL BY JURY FOR CERTAIN SUMMARY OFFENCES

Procedure in relation to certain offences to which section 41 of the Act applies

23.—(1) Where the accused is charged with an offence to which subsection (1) of section 41 of the Act applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall, subject to paragraph (2)—

- (a) address the accused as follows:—

“For the offence with which you are charged you may be tried summarily but you have a right to claim to be tried by jury”;

- (b) if desirable, give to the accused any information as to which court he may be committed for trial and any explanation as to the meaning of being tried summarily;

- (c) address the accused as follows:—

“Instead of being tried summarily do you wish to claim your right to be tried by a jury?”.

(2) Where the accused is charged with an offence to which section 41(4) of the Act applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall—

- (a) address the accused as follows:—

“For the offence with which you are charged you may be tried summarily but if you have previously been convicted of a like offence, but not otherwise, you may have the right to be tried by a jury”;

- (b) if desirable, give to the accused any information as to which court he may be committed for trial and any explanation as to the meaning of being tried summarily;

- (c) address the accused as follows:—

“If you have the right to be tried by a jury, do you wish to claim it or do you wish to be tried summarily?”;

(d) if the accused in answer to the last question claims to be tried by a jury, inquire into the record of the accused for the purpose of verifying his claim but such inquiry shall be confined to matters necessary for such verification.

(3) It shall be sufficient compliance with this rule requiring the court to address the accused for the presiding resident magistrate to cause the accused to be addressed in the appropriate manner by an official of the court.

C. PRELIMINARY INVESTIGATIONS

Proceedings at a preliminary investigation

24.—(1) A magistrates' court conducting a preliminary investigation shall cause the charge to be read to the accused and shall, if necessary, explain its nature in ordinary language.

(2) Before any evidence is taken the prosecutor or his counsel or solicitor may address the court.

(3) The court shall cause the evidence of each witness, including the evidence of the accused, but not including that of any witness merely as to his character, to be put into writing.

(4) After the examination of each witness the court shall cause his deposition to be read to him in the presence and hearing of the accused and shall cause the witness to sign the deposition.

(5) The presiding resident magistrate or justice of the peace shall sign the deposition.

(6) After the evidence for the prosecution has been given, the charge shall, unless the court has decided not to commit the accused for trial, be again read to the accused and the court shall inform him that he has the right, if he so desires, to give evidence on his own behalf and call witnesses.

(7) Next the court shall address the accused to the following effect:—

“You are not obliged to say anything in answer to the charge unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge?”

(8) Whatever the accused says in answer to the charge shall be taken down in writing, read over to him and signed by the presiding resident magistrate or justice of the peace and, if the accused wishes, by him.

(9) Immediately after complying with the requirements of this rule relating to the statement of the accused, and whether or not the accused has made a statement, the court shall ask him whether he wishes to give evidence himself and call witnesses and shall, before doing so, explain that he is not obliged to give evidence or to call witnesses and that anyone giving evidence is liable to be cross-examined.

(10) If the accused in answer to the question states that he wishes to give evidence or to call witnesses, or both to give evidence and to call witnesses, the court shall proceed to take the evidence of the accused if the accused wishes to give evidence himself, and of any witnesses called by the accused who know anything tending to show the innocence of the accused.

(11) Where the accused is represented by counsel or a solicitor, his counsel or solicitor shall be heard on his behalf, at his discretion, and may, if the

accused gives evidence himself and calls witnesses, he heard on his behalf both before and after such evidence is taken.

(12) The court may, notwithstanding anything in this rule, permit or invite the accused or the prosecutor or counsel or the solicitor for the accused or for the prosecutor to make a submission on a point of law arising at any stage of the proceedings, but where it does so, it shall permit the prosecutor or the accused or counsel or the solicitor for the prosecutor or for the accused to reply.

(13) Nothing in this rule shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.

(14) It shall be sufficient compliance with the provisions of this rule requiring the court to address the accused (whether in reading the charge, asking any questions, giving information, administering a warning or otherwise) for the presiding resident magistrate or justice of the peace to cause the accused to be addressed in the appropriate manner by an official of the court.

Procedure for binding witnesses and prosecutor over to attend trial

25.—(1) The court shall bind over a witness as required by section 44 of the Act as soon as practicable after his deposition has been taken.

(2) Every recognizance under section 44 of the Act shall be acknowledged and signed by the person entering into the recognizance and signed by the presiding resident magistrate or justice of the peace.

(3) The recognizance may be on a separate form or at the foot of the deposition at the discretion of the court.

Documents and exhibits to be sent to the court of trial

26.—(1) The clerk of the petty sessions district in which a person has been committed for trial shall, unless the court committing the accused orders otherwise, forward to the clerk of the Crown and peace, together with the documents and exhibits specified in paragraph (2), any documents or exhibits produced before the court by a witness whom it has bound over, or directed to be treated as bound over, to attend the trial conditionally.

(2) Within seven days after the committal of any person for trial, and in any case before the first day of the sitting of the court to which he is committed, the clerk of petty sessions shall send to the clerk of the Crown and peace—

- (a) the original complaint, if it is in writing;
- (b) the depositions;
- (c) the recognizance of the prosecutor and witnesses (if separate from depositions);
- (d) all statements made by the accused before the magistrates' court;
- (e) if the accused is committed for trial on bail, the recognizance of the accused;
- (f) any recognizance entered into by any person as surety for the accused;
- (g) a certificate of the names, addresses and occupations of the witnesses who have been, or are treated as having been, bound over to attend the trial conditionally;

(h) such of the documents and exhibits produced in evidence before the court as have been retained by him.

(3) Paragraph (2) of this rule shall apply to the committal for trial of persons under section 48 of the Act as if paragraphs (a) to (d) and (g) to (h) were omitted.

Supply of depositions and complaint to accused

27. The person having custody of the depositions on which any person has been committed for trial shall, as soon as practicable after application is made to him by or on behalf of the accused, supply to the accused copies of the depositions and, if the complaint is in writing, of the complaint.

Accused to be told of right to apply to High Court for bail

28. Where a magistrates' court committing a person for trial for an offence does not release him on bail, it shall inform him of his right (where such right exists) to apply for bail to a judge of the High Court.

Adjourned preliminary investigation

29. Where a preliminary investigation is adjourned under section 43 of the Act and the adjourned investigation is held before a magistrates' court acting for the petty sessions district in which the place to which the investigation is adjourned is situated, the complaint and any depositions and recognizances already taken in the matter shall be transmitted to the clerk of petty sessions for that district and be brought before such court.

D. INDICTABLE OFFENCES DEALT WITH SUMMARILY

Accused to appear before resident magistrate prior to preliminary investigation by justice of the peace

30.—(1) Subject to paragraph (2), where an adult is charged with an indictable offence specified in Schedule 3 to the Act, a justice of the peace (other than a resident magistrate) shall not take any depositions (other than a deposition for the purpose of a remand) until after the accused has appeared or been brought before a resident magistrate and either—

- (a) the accused has informed the resident magistrate that he wishes to be tried by a jury; or
- (b) the resident magistrate has decided that it is not expedient to deal with the charge summarily under section 52 of the Act.

(2) Paragraph (1) shall not have effect where the justice of the peace is informed that the Attorney General has directed that proceedings be taken by way of indictment.

Written notice under section 52(1) of the Act

31.—(1) The written notice to be given to the accused under section 52(1) of the Act giving him notice in writing of his right to be tried by a jury may be served on him together with or contained in a summons alleging the offence or, if he is arrested, given to him as soon as practicable after he is formally charged with the offence after arrest.

(2) Unless—

- (a) a written waiver of the requirement of such notice has been signed by the accused and handed to the court; or
- (b) the Attorney General has directed that the proceedings be taken by way of indictment.

the accused shall not be dealt with (other than by remand) until the expiration of twenty-four hours after such notice is given to the accused.

Procedure where court decides to deal with an indictable offence summarily under section 52 of the Act

32.—(1) The procedure shall until the resident magistrate assumes the power to deal with the offence summarily be the same in all respects as if the offence were to be dealt with throughout as an indictable offence.

(2) The evidence of any witness taken before the resident magistrate assumed such power need not be taken again, but every such witness shall if the accused or the prosecutor or his counsel or solicitor so require be recalled for the purpose of cross-examination.

(3) From and after the time when the resident magistrate assumes the power to deal with the offence summarily (subject to the remaining provisions of this rule) the procedure before and powers exercisable by the resident magistrate shall be the same as in the hearing of a complaint charging a summary offence.

(4) After deciding that it is expedient to deal with the case summarily the resident magistrate shall cause the charge to be read to the accused and, if he considers it desirable, explain the meaning of the case being dealt with summarily and of committing an accused for trial by a jury at the county court or court of assize. Such explanation shall include a statement as to the county court or assize at which the accused may be tried.

(5) The resident magistrate shall next cause the accused to be addressed to the following effect:—

“Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?”

If the accused consents to be dealt with summarily, the resident magistrate shall forthwith ask him “Do you plead guilty or not guilty?”

Conviction of offence other than that charged where indictable offence dealt with summarily

33. Where a resident magistrate in the exercise of the power conferred by section 53(3) of the Act having dealt summarily with a charge for an indictable offence, convicts the accused of an offence in the alternative to that charged, an entry to that effect shall be made in the Order Book and specifying the alternative offence of which he was convicted.

Preservation of depositions where indictable offence is dealt with summarily

34. The clerk of petty sessions for the district in which a person charged with an indictable offence has been tried summarily under section 52 of the Act by a resident magistrate shall preserve for a period of at least three years such depositions as have been taken.

E. DEPOSITIONS OF SICK OR DYING PERSONS

Taking of depositions under section 40 or 49 of the Act

35.—(1) Where an application for the taking of the deposition of a person under section 40 or section 49 of the Act is granted by a resident magistrate or justice of the peace, such resident magistrate or justice of the peace shall cause to be served on the accused and the prosecutor a notice in writing specifying where and when the deposition is to be taken.

(2) Where a person in prison custody has received a notice under paragraph (1) the governor of the prison in which the person is confined shall cause him to be conveyed to the place mentioned in the notice for the purpose of being present at the taking of the deposition and subsection (3) of section 16 of the Prison Act (Northern Ireland) 1953(a) shall apply to a person who is so conveyed as though the Ministry of Home Affairs had made a direction under subsection (1) of that section.

(3) The resident magistrate or justice of the peace taking the deposition shall sign it and attach thereto a statement of his reason for taking it and of the day when and the place where it was taken and of the names of the persons, if any, present at the taking thereof.

(4) The resident magistrate or justice of the peace taking the deposition shall cause it to be transmitted with his statement under paragraph (3)—

- (a) if the deposition is taken under section 49 of the Act and relates to an offence for which the accused is already committed for trial, to the clerk of the Crown and peace for the county in which the accused has been committed for trial; or
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

F. REMANDS

Remand for inquiry into physical or mental condition

36. On exercising the powers conferred by section 58 of the Act in remanding a person for a report on his mental or physical condition a magistrates' court shall—

- (a) where the person is remanded in custody, send to the place to which he is committed; and
- (b) where the person is released on bail, send to the hospital or place at which, or the person by whom, he is to be examined;

a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and any information before the court about his physical or mental condition.

PART IV

Debt and Ejectment Proceedings

A. RULES APPLICABLE TO BOTH DEBT AND EJECTMENT PROCEEDINGS

Definitions

37. In these rules the following expressions have the meanings hereby assigned to them:—

- “debt proceedings” or “ejectment proceedings”, where necessary, include proceedings for the enforcement of orders made in such proceedings;
- “formal order” refers to the document issued by the court and includes a decree, a dismissal, a renewal and an order under the Debtors Act (Ireland) 1872(b);
- “process” includes a renewal process and an application for a duplicate of an order, and (save as expressly excepted by Rules 42 and 44) an enforcement or committal process under the said Act of 1872.

(a) 1953. c. 18.

(b) 35 & 36 Vict. c. 57.

Time of issue of process

38. A process shall be deemed to have been issued when it has been stamped, signed, and handed or sent by post to a summons server or to such other person as may be authorised to serve it, or to the clerk of petty sessions of the petty sessions district in which a proceeding is brought for delivery to a summons server or when service is effected in accordance with Rule 44.

Signature on process

39. Every process and every copy thereof for service shall be signed by the plaintiff or by his solicitor or firm of solicitors, or in the name of such solicitor by some person duly authorised to sign.

Times of hearing of processes

40. Processes shall be issued for hearing at such sittings of the court of summary jurisdiction as may from time to time be directed by the resident magistrate acting for the petty sessions district for which the court in which a proceeding is brought acts.

Costs of process to be stated

41. The amount of the costs of a process payable by the defendant if the claim is paid, or if possession of the premises the recovery of which is sought is surrendered before entry day as provided by Rule 51 shall be stated on the face of the process. If the amount of the claim is paid or if possession is surrendered and such costs are so paid before entry day the proceeding shall be stayed.

Modes of service of process

42.—(1) Except where otherwise provided by these rules service of a process shall be effected—

- (a) by delivering to the defendant personally a true copy thereof; or
- (b) subject to paragraph (2), by leaving a true copy thereof for the defendant at his usual or last known place of abode or at his place of business with some person apparently over the age of sixteen years.

(2) Sub-paragraph (b) of paragraph (1) shall not apply to the service of an enforcement process or a committal process.

(3) Without prejudice to paragraph (1), a process in ejectment proceedings may be served on the tenant and on any person in actual possession or occupation of the land or premises.

(4) If for any reason service of a process issued in ejectment proceedings cannot be effected in accordance with paragraphs (1) or (3), such process may be deemed to be served if a true copy thereof is affixed to some conspicuous part of the premises.

(5) The provisions of this rule shall be in addition to and not in derogation of the provisions of any enactment authorising the service of documents in any proceedings upon any person or body.

Persons entitled to servé processes

43.—(1) Subject to paragraph (2) and to Rules 44, 93(2) and 99(2), no person other than a summons server for the petty sessions district in which proceedings are brought shall have authority to serve a process.

(2) Where in any such district a summons server is absent or unable to carry out his duties through illness or other cause, or when the office of summons server is vacant, a process may be served by some other person, if permission for such other person to serve the process has been given by a resident magistrate or by the clerk of petty sessions and has been endorsed or signed by him on the original process.

(3) Nothing in this rule shall affect the provisions of section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1953(a).

Special mode of service

44.—(1) Notwithstanding anything in Rules 42 and 43, where—

- (a) it is made to appear to a resident magistrate or clerk of petty sessions that a process cannot be served because the defendant is evading service or admission cannot be gained to his residence or business premises, he may give permission by an endorsement signed by him on the original process for service to be effected by registered post or by the recorded delivery service or in such other manner as may seem to him appropriate or sufficient and such service shall be deemed to be sufficient service; or
- (b) a solicitor represents that he is authorised to accept service of a process on behalf of any defendant, such service may be effected by the delivery by any person of a copy of the process to that solicitor provided that solicitor endorses and signs on the original a memorandum stating that he is so authorised as aforesaid and that he accepts service accordingly.

(2) This rule shall not apply to the service of an enforcement process or a committal process.

Time for service

45. In all cases service of a process shall be effected at least ten days before the date of hearing.

Service fees

46.—(1) The fees specified in Schedule 4 shall be payable for the service of processes.

(2) The fee shall be paid at the time when the process is delivered for service to a summons server or to such other person as may be authorised to serve it, or is handed to the clerk of petty sessions for the district in which proceedings are brought for delivery to a summons server.

Summons servers' Process Book

47.—(1) A summons server shall keep a book (called a Process Book) in which he shall enter the names of the parties to any process handed to him for service, with the date on which he receives it and the date and place of service and the manner in which he has served it.

(2) In any case in which a process has not been duly served, the summons server shall enter the cause of non-service in the Process Book.

(3) The summons server shall endorse upon the original of each process he has served the date, place, and manner of service, and sign the endorsement.

(4) The summons server shall lodge his Process Book with the clerk of petty sessions and, except where the court allows proof of the service of a process by affidavit in accordance with section 127 of the Act or where

(a) 1953. c. 24.

a resident magistrate otherwise directs, shall attend at each sitting of a court of summary jurisdiction for the hearing of processes served by him and produce his Process Book or give evidence as to service, as may be directed by the court.

(5) In case of the death, illness, or unavoidable absence of a summons server from a sitting of a court at which he would otherwise be required to attend, his Process Book, if produced to the court and verified on oath as to his handwriting by some credible person, shall be prima facie evidence of any matter entered therein.

Person other than summons server to prove service

48. In any case where a process is served by a person other than a summons server, except as provided by Rule 44(1)(b), that person shall endorse upon the original the date, place and manner of service and affix his signature thereto, and shall also, unless proof of service is given by affidavit in accordance with section 127 of the Act, attend the sitting of the court at which the process is to be heard, and give such evidence as to the date, place and manner of service as the court may require.

Service deemed good

49. A resident magistrate may in any case declare the service of a process however effected sufficient.

Process Register and extract therefrom

50.—(1) The clerk of petty sessions shall keep a register (to be called the Process Register) in which he shall make the entries relating to each proceeding as specified by the headings to the columns in the register.

(2) Separate Process Registers shall be kept for debt and ejectment proceedings and are referred to in these rules as “the Debt Process Register” or “the Ejectment Process Register”, respectively.

(3) The Process Register shall be signed at the foot of each page by the resident magistrate who had adjudicated upon the proceedings entered thereon, but in case any page contains records of proceedings heard on more than one date or by more than one resident magistrate, it shall be signed by the appropriate resident magistrate at the last entry on each date, or at the last entry of any proceedings heard by him.

(4) Any person who satisfies a resident magistrate or a clerk of petty sessions that he has a bona fide interest in the matter may obtain from the clerk of petty sessions, upon payment of the prescribed fee, a memorandum of a proceeding entered in the Process Register.

Entry of process

51.—(1) When it is desired to enter or re-enter a process for hearing, the plaintiff or his solicitor shall lodge the original with the clerk of petty sessions on or before the entry day and details of such process shall be entered into the Process Register and where the hearing is adjourned or after the court has made an order in favour of the plaintiff the process shall be returned to the plaintiff or his solicitor.

(2) For the purposes of Rule 41 and of this rule the entry day shall be the fourth day before the hearing; but when such day is a Saturday, Sunday or a public holiday, the entry shall be made on the previous week-day other than Saturday.

Re-entry of process where hearing adjourned

52.—(1) Where the hearing of a debt or ejection proceeding is adjourned the court shall not continue with the proceeding until the process is re-entered in accordance with Rule 51.

(2) Where the court in the absence of the defendant or his solicitor adjourns the proceedings, the plaintiff or his solicitor shall notify the defendant or his solicitor of the fact that the process has been re-entered and of the time and place of the adjourned hearing.

Striking out of proceeding

53. The entry of the words "Struck Out" in the Process Register shall be a sufficient record of the striking out of a proceeding under section 83(3) of the Act.

Withdrawal of proceeding

54. Where the court acting under section 83(4) of the Act allows a proceeding to be withdrawn the word "Withdrawn" shall be entered in the appropriate column of the Process Register.

Order on consent where defendant appears

55.—(1) In a proceeding in which a defendant appears and admits that the amount stated in the process is due by him, or agrees to surrender possession of the premises sought to be recovered by the plaintiff and to pay any rent or arrears of rent which may be due to the plaintiff, the court may without hearing evidence make an order against him for the amount or for recovery of possession with costs, and, without prejudice to section 84 or 117 of the Act, in granting an order under this rule the court may postpone the issue of the decree or, where it is issued, order a stay of execution of the decree for such period and upon such terms as it thinks just.

(2) Where the plaintiff does not appear before the court in person an order shall be made under this rule only where the plaintiff's solicitor or counsel is present and applies for it to be made.

Order on written consent

56. If a defendant in the presence of a solicitor or his apprentice or clerk, has signed a document consenting to an order, other than a committal order, being made against him the court may make such order with costs, upon such proof of the defendant's signature to the consent as the court may require.

Undefended proceedings

57. For the purposes of these rules a claim in debt or ejection proceedings shall be treated as undefended where—

- (a) the defendant fails to appear and the court, after proof of service of the process, makes an order against him; or
- (b) where an order is made on the consent of the defendant; or
- (c) the court so directs.

Order where more than one defendant

58.—(1) In a proceeding in which two or more persons are named as defendants in a process, the court may make an order for payment of the amount claimed or for the recovery of possession of premises sought to be recovered against one or more of these persons, and strike out, dismiss, or allow to be withdrawn the proceeding against the remainder.

(2) Where a proceeding is dismissed under this rule, the court may order that any costs awarded on the dismissal, and which the plaintiff is liable to pay, shall be recovered by way of recoupment by the plaintiff from the defendant or defendants against whom an order is made, in addition to the plaintiff's costs of the order.

Dismiss

59. Where the court dismisses a claim upon the merits or without prejudice to a further claim in the same matter, the court shall so state by its formal order and the entry of the words "Dismissed on the Merits" or, as the case may be, "Dismissed Without Prejudice" in the appropriate Process Register shall be a sufficient record of the order.

Procedure where previous dismiss is produced

60. Where in a proceeding a defendant produces a dismiss without prejudice obtained by him against the plaintiff for the same cause of action, the plaintiff shall not be at liberty to proceed until he has paid to, or satisfied the defendant for the amount for costs shown in such dismiss.

Where process not entered by plaintiff it may be entered on application of defendant

61.—(1) Where a process which has been duly served has not been entered or re-entered for hearing by the plaintiff or his solicitor, the defendant or his solicitor may, on the day of the hearing, lodge in court the copy served on the defendant and apply to have it entered or re-entered as the case may be.

(2) Upon such an application the court may order the process to be entered or re-entered and dismiss the claim without prejudice to a further claim in the same matter, with costs.

Preparation of forms in debt or ejectment proceedings

62.—(1) The party who brings the proceedings, or his solicitor, shall be responsible for the preparation of the process and all copies required for service.

(2) The party in whose favour an order is made in a proceeding, or his solicitor, shall be responsible for the preparation of the formal order to be issued by the court.

Disposal of process

63.—(1) A plaintiff in whose favour an order has been made shall lodge the original process with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return the process to the plaintiff or his solicitor together with the formal order.

(2) Where a process has been entered or re-entered by the plaintiff for hearing and upon the hearing the court orders a dismiss, the defendant or his solicitor shall lodge the copy of the process served on him with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return it to the defendant or his solicitor together with the formal order.

(3) A copy process entered or re-entered by the defendant or his solicitor in accordance with Rule 61, and in respect of which a dismiss without prejudice with costs has been obtained, may be returned to the defendant or his solicitor for the purpose of preparing the formal order and shall otherwise be dealt with as an original process under paragraph (1).

Signing of formal orders in debt or ejectment proceedings

64.—(1) A formal order issued by the court shall be signed by the resident magistrate who made the order or by some other resident magistrate or, except where the order is a committal order, by the clerk of petty sessions.

(2) A formal order shall be deemed to be issued for the purposes of section 119 of the Act on the earliest day it may lawfully be issued whether or not in fact it is actually issued on that day and such day shall be entered on the formal order as the date of issue.

Transfer of proceedings to county court

65. Where the court orders proceedings to be transferred to the county court under section 85 of the Act, it shall cause the clerk of petty sessions to transmit forthwith the original process and any notice of set-off or counter-claim or other document lodged in court in relation to the matter, together with a statement of the reasons for the transfer, to the county court, and, at the same time, to send all parties to the proceeding notice in writing of the transfer.

Enlargement or abridgement of times

66. The court may, upon such terms as it thinks fit, enlarge or abridge any of the times fixed by these rules for taking any step or doing any act in debt or ejectment proceedings, or declare any step taken or act done to be sufficient even though not taken or done within the time or manner prescribed by the rules.

Effect of non-compliance with rules

67.—(1) Non-compliance with any of the rules in this Part shall not render any proceeding void, but, in case of such non-compliance, the court may direct that the proceeding be treated as void, or that it may be set aside in part as irregular, or that it be amended or otherwise dealt with in such manner or upon such terms as the court thinks fit.

(2) The clerk of petty sessions shall make a note of any ruling under paragraph (1) in the appropriate Process Register.

(3) When the court directs that the proceeding be treated as void, it shall have power to award, if it thinks fit, such costs as it could have awarded if it had dismissed the proceeding.

Claims for rent joined under section 82(3) of the Act with claims in ejectment

68. In a proceeding in which a claim for rent or sums due under section 78 of the Act is joined to a claim for the recovery of premises in accordance with section 82(3) of the Act, so much of Rules 70 to 76 as is applicable shall have effect in relation to the proceeding.

B. RULES APPLICABLE TO DEBT PROCEEDINGS*Contents of process in debt proceedings*

69.—(1) A process issued in debt proceedings shall set forth the full name and address of the plaintiff and of the defendant, the nature and amount of the claim and reasonable particulars thereof.

(2) Where an amount is abandoned under section 73 of the Act in order to bring the sum claimed within the jurisdiction of a court of summary jurisdiction, there shall be inserted in the process a statement of the fact of such abandonment after the particulars of claim.

(3) Two or more causes of action may be joined in the same process, provided that the amount claimed in respect of each such cause be stated in the particulars of claim and, except in cases to which section 71(2) of the Act applies, the total amount does not exceed £50.

(4) In a proceeding brought for a sum exceeding £50 the process shall state the enactment declaring such sum to be a debt or civil debt recoverable summarily.

(5) In a proceeding on a bill of exchange, promissory note, or other security for money, the process shall state the date of such security, the sum for which it was given, the parties thereto, the sums claimed to be due thereon for principal and interest respectively, and the times at which such sums respectively became due and payable.

(6) In a proceeding for rent, or for use and occupation, the process shall state the amount claimed, the time up to which the amount is alleged to be due, and the situation of the lands or premises in respect of which the claim is made, and when brought upon a lease or other instrument, the date thereof and the parties thereto respectively.

(7) In a proceeding brought by an assignee of a debt, the process shall state the name and the description of the assignor, and the nature and date of the assignment.

(8) In a proceeding brought upon any written document not mentioned before in this rule, the process shall state the date and nature of the document, and the parties thereto.

Set-off or counterclaim

70.—(1) Where a defendant desires to set-off any sum, or to make any counterclaim, he shall give to the plaintiff notice in writing specifying the amount of the set-off or counterclaim and giving reasonable particulars thereof at least six days before the hearing, and shall also at least two days before the hearing lodge a copy of such notice with the clerk of petty sessions.

(2) Where an amount is abandoned under section 73 of the Act in order to bring the sum specified in the notice of set-off or counterclaim within the jurisdiction of a court of summary jurisdiction there shall be inserted in the said notice a statement of the fact of such abandonment after the particulars of the set-off or counterclaim.

Details of claim, set-off or counterclaim may be demanded

71.—(1) A defendant who desires to be supplied with further or detailed particulars of a claim made against him in a process or a plaintiff who desires similar particulars of a set-off or counterclaim may give written notice demanding such particulars.

(2) A notice under this rule shall be given at least four days before the date of hearing.

(3) Where particulars have not been furnished in compliance with this rule the court may either proceed with the hearing or may, upon such terms as it thinks fit, adjourn the case and order such particulars to be delivered.

Order where debt paid before hearing

72.—(1) Where a defendant has paid the amount claimed in a process before the date of hearing, but has not paid the appropriate costs up till

the date of payment, the court may make an order for the payment of the amount in the process with the costs, and direct that credit be given to the defendant for the amount paid.

(2) Where a claim in debt proceedings is not defended, evidence by the solicitor for the plaintiff that the full amount claimed has been received from the defendant after the issue of the process may be accepted as evidence that the amount claimed was due from the defendant at the time the process was issued.

Order where payments made on account before hearing

73. Where a defendant, subsequent to the issue of a process but before the hearing, makes any payment on account of the amount claimed which would have the effect of reducing it to an amount which would carry a smaller sum for costs than the amount claimed, the court may, upon proof of the date of such payment, make an order for the payment of the amount proved to be due at the issue of the process, with the appropriate costs, and direct that credit be given to the defendant for any sum paid.

Dismiss on proof of set-off or counterclaim

74. Where a dismiss is given by reason of the defendant establishing a set-off or counterclaim, that reason shall be stated on the dismiss.

Cross decrees

75. If cross decrees are made by the court between the same parties or shall at the same time be unexecuted or only partially executed, the court may, upon the application of either party, order that such decrees be set off against each other, and if of unequal amounts that a decree only upon which the larger sum is due be issued or executed as the case may be, and the same shall be issued or executed only for such sum as shall remain due after deducting the sum due upon the other decree.

Tender

76.—(1) Where the defence is a tender before action brought, such defence shall not be available unless the defendant lodges with the clerk of petty sessions, at least two days before the hearing, the amount alleged to have been tendered and serves notice of such lodgment on the plaintiff.

(2) At the time of the making of an order in a proceeding where the amount of the tender has been lodged with the clerk, the court shall in addition order that the amount lodged be paid out to the parties upon such conditions and in such manner as it may think fit.

Issue of instalment decree

77.—(1) Where an amount is ordered to be paid by instalments, the particulars of the instalments and the days on which they are to be paid shall be set out on the face of the decree.

(2) An instalment decree, when lodged for signature, shall not be issued until default has been made in payment of an instalment, and an affidavit or statutory declaration setting out particulars of the default has been lodged with the clerk of petty sessions.

Costs in debt proceedings

78.—(1) Costs of the amount set forth in the appropriate scale in Schedule 5 shall be recovered by a successful party in debt proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the value of stamps according to paragraph 2 of Schedule 2 upon documents issued on behalf of a successful party in debt proceedings, together with any witnesses' expenses and any fee paid by him to a summons server or other person in accordance with Rule 46 shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fee paid or to be paid by him, but no other costs.

C. RULES APPLICABLE TO EJECTMENT PROCEEDINGS

Contents of process in ejectment proceedings

79.—(1) Every process issued in ejectment proceedings shall set forth the full name and address of the plaintiff and of the defendant and contain a statement identifying the premises possession of which is sought to be recovered in the proceedings and the grounds on which possession is claimed.

(2) In a case to which paragraph (a) of section 76(1) of the Act applies the period and rent for which the premises were let, the date on which the interest of the tenant in the premises ended or, as the case may be, the date on which the notice to quit which determined the tenancy expired and the date on which such notice was served shall be stated in the process.

(3) In a case to which paragraph (b) of section 76(1) of the Act applies the capacity in which the defendant was put into possession and the date on which the demand for possession was made shall be stated in the process.

(4) In a case to which paragraph (c) of section 76(1) of the Act applies the process shall refer to the enactment under which proceedings for the recovery of possession of the premises is taken and, if relevant, contain the particulars specified in paragraph (2).

(5) Where a claim for the recovery of rent or for any sum for which the defendant is liable under section 78 of the Act in respect of the period during which he has overheld the premises is joined in the same process as a claim for recovery of possession of those premises the provisions of paragraph (6) of Rule 69 shall apply to such process.

Costs in ejectment proceedings

80.—(1) Costs of the amount set forth in the appropriate scale in Schedule 6 shall be recovered by a successful party in ejectment proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the value of stamps according to paragraph 3 of Schedule 2 upon documents issued on behalf of a successful party in ejectment proceedings, together with any witnesses' expenses and any fee paid by him to a summons server or other person in accordance with Rule 46 shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceeding.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fees paid or to be paid by him, but no other costs.

PART V

**Appeals or Applications commenced by Notice
under Part VIII of the Act***Signature on notice*

81. A notice under Part VIII of the Act shall be signed by the appellant or applicant or by his solicitor or firm of solicitors, or in the name of the appellant or applicant or of such solicitor or firm of solicitors by some person duly authorised so to sign.

Time of service of notice

82.—(1) Subject to section 86(5) of the Act, a notice under Part VIII thereof shall be served on the other party to the proceedings at least fourteen days and on the clerk of petty sessions at least seven days before the hearing of the appeal or application.

(2) Without prejudice to the provisions of any enactment providing for the time within which an appeal may be made to a court of summary jurisdiction, the court shall not hear and determine such appeal unless a notice under Part VIII of the Act is served under paragraph (1) upon the other party to the proceedings from which the appeal is brought within three months after the making of the decision or determination appealed from has been notified to the appellant.

Copy of decision or determination appealed from to be lodged

83. A copy of the decision or determination from which an appeal is brought shall be lodged with the clerk of petty sessions by the appellant at least seven days before the hearing of the appeal.

Manner of service of notice

84. A notice under Part VIII of the Act may be served by the appellant or applicant or any person authorised by him to serve such notice in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954(a).

Times of hearing of appeals or applications

85.—(1) The hearing of appeals or applications shall be at such sittings of the court as from time to time may be directed by the resident magistrate acting for the petty sessions district in which the hearing is to take place.

(2) The court may, notwithstanding that Rule 82(1) or 83 has not been complied with, order, upon such terms as it thinks fit, that the appeal or application shall be heard.

PART VI

Proceedings upon a Complaint in a Civil Matter*Order of Proceedings at the hearing of a complaint in a civil matter*

86. The procedure upon the hearing of a complaint in a civil matter shall be as follows:—

- (a) the substance of the complaint shall be stated to the defendant and, if necessary, explained to him; whereupon, unless precluded from making an order without hearing evidence, the court shall ask him whether or not he admits the truth of the complaint:

- (b) where the defendant admits the truth of the complaint or consents to the making of an order against him under section 90(3) of the Act the court may be addressed first by the complainant or his counsel or solicitor and then by the defendant or his counsel or solicitor:
- (c) where the defendant does not admit the truth of the complaint or consents to the making of an order against him, the complainant or his counsel or solicitor shall call his evidence and before doing so may address the court:
- (d) at the conclusion of the evidence for the complainant, the defendant or his counsel or solicitor may address the court whether or not he afterwards calls evidence:
- (e) at the conclusion of the evidence, if any, for the defence, the complainant or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence:
- (f) at the conclusion of the evidence, if any, for the defence and the evidence in rebuttal as aforesaid, the defendant or his counsel or solicitor may address the court—
 - (i) if he has not previously done so; or
 - (ii) with the leave of the court, if the defendant and any other witness have been called on the part of the defendant:

Provided always that notwithstanding anything in the previous provisions of this rule, the court may permit or invite the defendant or complainant or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings and in that event shall permit the complainant or defendant or his counsel or solicitor, as the case may be, to reply.

Entries in Order Book

87.—(1) Where the defendant or his representative on his behalf admits the truth of the complaint or consents to the making of an order under section 90(3) of the Act, an entry to that effect shall be made in the Order Book as part of the order.

(2) Where the court under section 94 of the Act dismisses a complaint in a civil matter without prejudice to a further complaint alleging the same cause of complaint or upon the merits, the entry of the words "Dismissed without prejudice" or, as the case may be, "Dismissed on the merits" in the Order Book shall be a sufficient record of the order.

Method of making periodical payments

88.—(1) A court of summary jurisdiction ordering periodical payments to be made through a collecting officer under section 95 of the Act shall notify both parties of the times at which, and the place at which, payments are to be made and received.

(2) A collecting officer may send by post any periodical payments to the person entitled to them at the request, and at the risk and expense, of that person.

(3) If a person makes any periodical payments to a collecting officer by post, he shall do so at his own risk and expense.

PART VII

Satisfaction and Enforcement of Orders**A. SUMS ADJUDGED TO BE PAID BY A CONVICTION***Notice to defendant of sum adjudged to be paid by a conviction in his absence*

89.—(1) Where a person is absent and unrepresented when a sum is adjudged to be paid by him upon conviction, the clerk of petty sessions shall serve upon such person notice in writing stating the amount of the sum, the date on which the sum is to be paid and the manner in which payment is to be made.

(2) Unless a resident magistrate otherwise directs, a warrant of distress or commitment shall not be issued until the preceding provisions of this rule have been complied with.

(3) A notice under this rule shall be served by delivering it to the offender or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Orders for supervision

90.—(1) Unless an order under section 104 of the Act is made in the offender's presence, the clerk of petty sessions shall deliver to the offender or serve on him by ordinary post notice in writing of the order.

(2) It shall be the duty of any person for the time being appointed under the said section to advise and befriend the offender with a view to inducing him to pay the sum adjudged to be paid by a conviction and thereby avoid committal to custody and to give any information required by the court about the offender's conduct and means.

(3) Without prejudice to Rule 18, any order under section 104 of the Act placing a person under supervision pending payment of a sum adjudged to be paid by a conviction shall be entered in the Order Book.

B. ENFORCEMENT OF ORDERS MADE IN DEBT PROCEEDINGS*Enforcement Process and Order*

91.—(1) Proceedings under section 6 of the Debtors Act (Ireland) 1872 shall be commenced by a process (in these rules referred to as an "enforcement process") requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated.

(2) On the hearing of an enforcement process the court may make—

(a) an order (in these rules referred to as an "enforcement order") requiring the debtor to pay the amount due in such manner or by such instalments as the court thinks fit; or

(b) such an order committing the debtor to prison as may be made under Rule 92.

(3) An enforcement process shall specify the date of the original order made against the debtor and of any renewal thereof and the amount he was ordered to pay thereunder and such order and any such renewal shall be produced at the hearing.

Committal Process and Order

92.—(1) If the debtor defaults in payment of any instalment due under an enforcement order, the creditor may serve on the debtor a process (in these rules referred to as a “committal process”) requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the enforcement order was made to show cause why an order (in these rules referred to as a “committal order”) should not be made committing him to prison for his default in complying with the enforcement order.

(2) Upon proof of the making of the enforcement order, or, where the committal order is made under Rule 91(2)(b) upon proof of the original order for payment and any renewal thereof (which shall be given by the production of the original order or orders) and of the means of the debtor required by section 6 of the said Act of 1872, the court may, if the debtor fails to show cause why an order should not be made, make with costs such order committing him to prison as is authorised by that Act.

Service of process issued under Rules 91 and 92

93.—(1) Service of a process issued in accordance with Rule 91 or Rule 92 shall be effected by delivering to the defendant personally a true copy thereof.

(2) Where the person against whom a committal process is issued no longer resides or uses or occupies any business premises in the petty sessions district in which the enforcement order was made, a committal process may be served by the summons server of the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated and such service may be proved by affidavit.

C. ENFORCEMENT OF ORDERS MADE IN EJECTMENT PROCEEDINGS

Postponement of issue of or stay of execution of decree for possession and application for the issue of the decree or to remove stay

94.—(1) Where a decree has been granted directing that a plaintiff be put in possession of premises to which paragraph (a) of section 76(1) of the Act applies, and the court has postponed the issue of or stayed the execution of the decree under section 117 of the Act for a period or periods conditional upon the arrears of rent or sums due under section 78 of the Act by the defendant and, where costs are ordered to be paid, the costs of the proceedings being paid by instalments either in addition to the current rent or otherwise, the decree shall not, subject to section 118 of the Act, issue from the court or where it has been issued shall not be executed until after default has been made in payment of an instalment and an order has been made by the court authorising the issue of the decree or removing the stay of execution as provided by this rule.

(2) Where default has been made as aforesaid, the plaintiff may apply to the court for an order authorising the issue of the decree or to remove the stay of execution upon giving the defendant notice in writing of his intention to make the application not less than seven days before the date of hearing of the application.

(3) Upon the hearing of the application the court may order that the decree be issued or remove the stay of execution, or may from time to time adjourn the application or may further postpone the issue of or stay the execution of the decree upon the existing conditions, or upon such new conditions as it thinks fit as to payment by instalments or otherwise.

(4) Where the court makes any such order, other than an order of adjournment, it may award to the plaintiff a sum not exceeding twenty shillings for the costs of the application, which shall be in addition to, and recovered in the same manner as any costs awarded on the original decree.

(5) The details of the application and the date on which it is heard shall be entered in the Ejectment Process Register.

(6) Where an application under this rule is adjourned other than in the presence of the defendant or his solicitor the plaintiff or his solicitor shall notify the defendant or his solicitor of the date, time and place of the adjourned hearing.

Signature on notice of application for the issue of or to remove stay of execution of decree for possession

95. A form of notice of application under Rule 94 may be signed by the plaintiff or by his solicitor or firm of solicitors or in the name of such solicitor or firm of solicitors by some person duly authorised to sign.

Service and lodgment of notice of application

96.—(1) A notice of application signed in accordance with Rule 95 may be served in the same manner as a process under Rule 42 or Rule 44(1)(b) or may be sent by the applicant or his solicitor to the person to whom it is to be given by registered post or by the recorded delivery service in an envelope addressed to that person at his last known or usual place of abode.

(2) A copy of such notice shall be lodged with the clerk of petty sessions at least four days before the date of the hearing of the application and if the notice has been served by sending it by registered post or by the recorded delivery service, the receipt for the letter shall be attached to the copy so lodged and no further proof of service shall be required.

(3) In reckoning the four days referred to in paragraph (2) no account shall be taken of a Saturday, Sunday or a public holiday.

Endorsement of order on original decree for possession and entry on the Register

97.—(1) Any order, other than an order of adjournment, made upon an application to remove a stay of execution of a decree for possession shall be written upon the original decree and signed by the resident magistrate who made the order or by some other resident magistrate or by the clerk of petty sessions.

(2) A minute of any order whatsoever made upon an application under Rule 94 shall be entered in the Ejectment Process Register.

D. OTHER PROVISIONS AS TO THE ENFORCEMENT OF ORDERS
IN DEBT OR EJECTMENT PROCEEDINGS

Fees, etc., payable to Under-Sheriff

98. There shall be payable to the Under-Sheriff upon the lodgment or execution of all formal orders such fees as are payable to him upon the lodgment or, as the case may be, execution of the like orders in the like proceedings in the county court and which are prescribed by county court rules in accordance with section 86 of the County Courts Act (Northern Ireland) 1959(a) or any other provision for the time being prescribing such fees and the Under-Sheriff shall have the same rights and powers of recovering such fees, poundage or expenses as are contained in any such rule or provision.

(a) 1959. c. 25.

Renewal process

99.—(1) An application to renew a decree or dismiss shall be made to a court of summary jurisdiction acting for the same petty sessions district as that by which the decree or dismiss was made or, where the decree or dismiss was made in debt proceedings, acting for the petty sessions district in which the person against whom the order was made resides or in which any business premises used or occupied by him are situated and shall be commenced by the issue of a renewal process in which shall be recited the date of issue of the decree or dismiss entered upon the formal order under Rule 64(2).

(2) Where the person against whom it is sought to renew a decree or dismiss is not residing in the petty sessions district in which the application is made, a renewal process may be served by the summons server of the petty sessions district in which that person resides or in which any business premises used or occupied by him are situated and proof of such service may be given by affidavit.

(3) If the original decree or dismiss was issued in debt proceedings the renewal process shall recite the amount ordered to be paid and the amount claimed to be outstanding at the time of the issue of the renewal process.

(4) If the original decree or dismiss was issued in ejectment proceedings the renewal process shall recite the address of the premises, the subject of the proceedings, and in the case of a decree the fact that the tenant or occupier continues to overhold or occupy the premises and the amount of any arrears of rent, sums due under section 78 of the Act or any costs ordered to be recovered under the original decree or dismiss and the amount claimed to be outstanding at the time of the issue of the renewal process.

(5) Where there has been a previous renewal particulars of such renewal shall be recited in the renewal process.

Proof of amount outstanding or fact of overholding or occupation at time of entry

100.—(1) Proof of the amount due upon a decree or dismiss or of the fact that a tenant or occupier continues to overhold or occupy premises in respect of which a decree has been issued may be given orally at the hearing or by lodgment with the clerk of petty sessions, on the day appointed for entry, of an affidavit, or of a statutory declaration, made by the plaintiff or by some person in his employment or acting under his direction and having personal knowledge of the matters stated therein.

(2) Where any affidavit or statutory declaration has been lodged the court may, in addition, in any case in which it appears to be necessary or desirable require oral evidence to be given on the hearing.

Granting of renewal

101.—(1) Where it appears to the court, upon proof by oral evidence or by affidavit or declaration as aforesaid, that the amount stated in the renewal process was due at the time of the issue thereof, it may grant a renewal in respect of that amount or such lesser amount as appears to be due at the time of the hearing, with costs.

(2) Where a renewal is sought of a decree for the recovery of possession of premises the court, if satisfied upon proof by oral evidence or by affidavit or declaration that the premises specified in the renewal process continue to

be overheld or occupied at the time of the hearing, may grant a renewal of the decree with costs.

Production of original decree or dismissal upon application for renewal

102. The original decree or dismissal shall, upon the hearing of an application for renewal, be handed in to the court, and the fact of renewal and the date on which it was granted shall be noted thereon and signed by the clerk of petty sessions.

Issue of renewal where amount due payable by instalments

103. If the amount for which renewal of a decree is granted is ordered to be paid by instalments, the same conditions shall apply as to the setting out of particulars thereof and of issue from the court as in the case of an original decree.

Duplicate orders

104.—(1) Where a formal order has been lost or destroyed, or has improperly got into the hands of the person against whom the order was made or his agent, an application may be made to the court for the issue of a duplicate of such order, and the court may order that a duplicate be issued.

(2) Particulars of any such application and a minute of any order made thereon shall be entered in the appropriate Process Register.

(3) No costs of the application shall be awarded to any applicant for a duplicate order, except in a case where it is proved to the court that the loss or destruction was caused by the other party or his agent, or where it is proved that the order is improperly in the possession of the other party or his agent.

(4) Any duplicate order issued under this rule shall bear the word "Duplicate" in large letters on its face and shall have the same effect as the original order.

(5) Where costs are awarded under paragraph (3) the court may issue a decree for the recovery thereof.

E. OTHER MATTERS IN RELATION TO THE ENFORCEMENT OF ORDERS

Order allowing time for payment or for payment by instalments in proceedings upon complaint

105. Without prejudice to Rule 18, where a magistrates' court allows time to pay a sum adjudged to be paid by a conviction or any other sum ordered to be recovered in proceedings upon complaint or orders payment of any such sum by instalments, an entry to that effect shall be made in the Order Book as part of the order.

Application for further time to pay or for payment to be by instalments in proceedings upon complaint

106.—(1) An application for further time to pay a sum adjudged to be paid by a conviction or other sum ordered to be paid in proceedings upon complaint or to be allowed to pay such sum in instalments may, unless the court requires the applicant to attend, be made in writing.

(2) Such application may be made to a resident magistrate sitting out of petty sessions and a minute of the order made on such application shall be entered on the Order Book.

Direction that money found on defaulter shall not be applied in satisfaction of sum adjudged to be paid by a conviction or in proceedings under section 110 of the Act

107. Where the defaulter is committed to, or ordered to be detained in a prison or other place of detention, any direction given under section 112(2) of the Act shall be endorsed on the warrant of commitment.

To whom payments of sums ordered to be paid in proceedings upon complaint are to be made

108.—(1) Except when the court otherwise directs, a person ordered to pay a sum by a magistrates' court in proceedings upon complaint shall, unless a warrant to enforce payment thereof has been issued, pay that sum or any instalment thereof to the clerk of petty sessions.

(2) The provisions of this rule shall not derogate from those of section 5 of the Fines Act (Ireland) 1851(a).

Payment where imprisonment imposed

109.—(1) The persons authorised for the purposes of section 113 of the Act to receive payment are:—

- (a) unless there has been issued to the Royal Ulster Constabulary a warrant of commitment; the clerk of petty sessions;
- (b) any member of the Royal Ulster Constabulary holding the warrant of commitment;
- (c) any governor of the prison in which the prisoner is confined or any other person having lawful custody of the prisoner.

(2) No person shall be required to receive in part payment under section 113(2) of the Act an amount which, or so much of an amount as, will not procure a reduction of the period for which the defaulter is committed or ordered to be detained.

(3) Where a person having custody of the prisoner receives payment of any sum he shall note receipt of the sum on the warrant of commitment and shall pay over the said sum to the clerk of petty sessions.

(4) Nothing in this rule shall derogate from the provisions of section 5 of the Fines Act (Ireland) 1851.

Part payment of sums to clerk of petty sessions

110. Where before a warrant is issued to enforce payment of a sum adjudged to be paid by the conviction or order of a magistrates' court, part of that sum has been paid to the clerk of petty sessions, he shall attach to or endorse on the warrant a certificate in the prescribed form.

Execution of warrants in proceedings upon complaint

111.—(1) Subject to this rule, a warrant issued by a resident magistrate or justice of the peace in proceedings upon complaint shall be addressed to and executed by the district inspector of the Royal Ulster Constabulary acting for the place in which the warrant is issued and all members of the Royal Ulster Constabulary to whom the warrant may be delivered for execution.

(2) A warrant of discharge from prison and, where necessary, a warrant of commitment may be addressed to the prison governor.

(a) 14 & 15 Vict. c. 90.

(3) On receipt of a warrant of commitment the prison governor or his deputy shall receive the person named in the warrant (or shall detain him if he is already in custody) for the period specified in the warrant.

(4) The prison governor or his deputy shall, upon receiving a prisoner into his custody together with a warrant of commitment, give to the person charged with the execution of the warrant a receipt for the prisoner.

(5) Where the person named in the warrant is to be produced in court after an adjournment or remand the prison governor shall, subject to section 54(5) of the Act, cause such person to be so produced at the time and place fixed by the warrant.

(6) Every warrant of distress such as is referred to in section 159(2) of the Act issued by a court of summary jurisdiction for the recovery of any local or other rate shall be directed to the several Under Sheriffs in Northern Ireland or to any other person who consents to be nominated and is nominated by the complainant and shall be executed in like manner as if it were a decree by the county court having jurisdiction to make it.

Execution of distress warrant by the Royal Ulster Constabulary

112.—(1) Sums adjudged to be paid by a conviction or order of a magistrates' court and levied under a warrant of distress addressed to a district inspector of the Royal Ulster Constabulary shall be paid over to the clerk of petty sessions.

(2) A warrant of distress shall authorise the person charged with its execution to take any money as well as the goods of the person against whom distress is to be levied and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant.

(3) Upon payment or tender of the sum to be levied and any expenses already incurred in connection with the distress to the person charged with executing the warrant, that person shall refrain from executing it.

(4) The person charged with the execution of a warrant of distress may sell the property distrained after the expiration of the period specified in the warrant, or if no period is fixed, after three days from the date of the distress, unless the sum for recovery of which the warrant was issued and the expenses of the distress are paid within that period.

(5) Where property is sold under a distress warrant, the person executing the warrant shall render to the owner of the property the balance of the proceeds of sale, if any, after retaining the sum to be levied and the expenses of the distress.

(6) A district inspector of the Royal Ulster Constabulary empowered to distrain goods under a warrant of distress may sell or cause such goods to be sold by public auction or in such other manner as the person against whom the distress is levied may in writing allow and may deduct the costs of such sale from the proceeds of sale.

Warrants of distress issued under section 111 of the Act

113. A warrant of distress issued under section 111 of the Act shall be enforced in the same manner as a warrant issued in proceedings upon complaint.

PART VIII

Evidence

Affidavits and declarations

114.—(1) For the purposes of these rules an affidavit may be sworn, or a statutory declaration may be made, before a justice of the peace or before a commissioner to administer oaths in the Supreme Court.

(2) A fee paid to a commissioner for oaths on the swearing of an affidavit or the making of a statutory declaration shall not be recoverable by the person paying the fee from the other party.

PART IX

Recognizances

Taking of recognizances

115.—(1) Every recognizance shall specify in full the name, address and occupation of each party bound and the amount in which each party is bound thereby.

(2) A recognizance may be taken by a resident magistrate, justice of the peace, clerk of petty sessions, or, where the person to be bound thereby is in prison or is a surety for such person, the governor or deputy governor of the prison.

(3) Every recognizance shall be signed by each party acknowledging that he is bound thereby and by the person taking it.

(4) Where the party to be bound is a body corporate the recognizance shall be signed by a director or officer thereof.

(5) Where a person has deposited a sum of money or other valuable security with the clerk of petty sessions in lieu of sureties to a recognizance to prosecute an appeal to the county court or by way of case stated to the Court of Appeal, that recognizance may, where the person to be bound is outside Northern Ireland or is ill or is unable to attend at the time when he is required to enter it, be signed by his solicitor on his behalf and in his name.

Deposit of recognizance with clerk of petty sessions

116. Without prejudice to Rule 20, where the condition of a recognizance is to appear before a magistrates' court or to be of good behaviour or to keep the peace or to be of good behaviour and keep the peace, the recognizance shall be deposited with the clerk of petty sessions.

Recognizances taken under section 130 or 131 of the Act

117.—(1) Where a person is discharged from custody upon his entering into a recognizance under section 130 or 131 of the Act, the member of the Royal Ulster Constabulary in charge of the constabulary station shall give such person a copy of the recognizance before he leaves the constabulary station.

(2) Where a person is released from custody under section 131(1)(a) of the Act upon his entering into a recognizance to appear before a magistrates' court, such recognizance need not be conditioned for his personal appearance before such court if the complaint into which enquiries are being made charges a summary offence.

Taking recognizances of accused and sureties where court has certified consent to bail and accused has been remanded in custody

118.—(1) Where an accused has been remanded or committed for trial in custody and the court has certified its consent to his being released on bail, upon production of the certificate to a clerk of petty sessions or to any resident magistrate or justice of the peace attending at the prison where the accused is in custody or to the governor or deputy governor of the prison, such clerk, resident magistrate, justice or governor or deputy governor may admit him to bail according to the terms of the certificate.

(2) If it is not convenient for the surety or sureties to attend the prison to join the accused in his recognizance of bail a resident magistrate or justice of the peace or the governor or deputy governor of the prison may issue a certified copy of the certificate of consent to bail and upon such certificate being produced to any resident magistrate, justice of the peace or clerk of petty sessions before the sitting of the court at which the accused is remanded to appear such resident magistrate, justice of the peace or clerk of petty sessions may take the recognizance of the surety or sureties in conformity with the certificate.

(3) Upon receipt of the recognizance of the surety or sureties taken under paragraph (2) the governor or deputy governor of the prison may take the recognizance of the accused and discharge him from custody.

PART X

Appeals

A. APPEAL TO COUNTY COURT

Notice of appeal, recognizances, etc.

119.—(1) The notice of appeal to be given to the other party and the copy of the notice to be lodged with the clerk of petty sessions under section 144(1) of the Act shall be prepared and signed by the appellant or by his solicitor or other duly authorised agent.

(2) Where an appeal is against conviction or sentence or both conviction and sentence the notice of appeal shall so state.

(3) As soon as practicable after the clerk of petty sessions has received the copy of the notice of appeal and the appellant has, where he is required to do so, entered into a recognizance under section 148 or section 149 of the Act the resident magistrate or justice of the peace from whose conviction or order the appeal is to be brought or the clerk of petty sessions shall sign a form (in these rules referred to as a "form of appeal") setting out the terms of the conviction or order appealed against which shall include a certificate signed by the clerk of petty sessions to the effect that notice of appeal has been given and that such recognizance has, where necessary, been duly entered.

Documents to be sent to the clerk of the Crown and peace and to the parties to the appeal

120.—(1) As soon as practicable after complying with Rule 119, the clerk of petty sessions shall send to the clerk of the Crown and peace:—

- (a) the copy of the notice of appeal;
- (b) the recognizance, if any, entered into by the appellant under section 148 or under section 149 of the Act;
- (c) the form of appeal duly completed; and
- (d) all other proceedings in the case.

(2) The clerk of petty sessions shall at the same time send to the appellant and to the respondent a copy of the form of appeal.

Procedure after appeal to county court is determined

121. After the county court has decided an appeal from a magistrates' court, the clerk of the Crown and peace shall certify such decision at the foot of the form of appeal and shall return the form of appeal to the clerk of petty sessions, who shall enter such decision in his Order Book.

Certificate by clerk of the Crown and peace that appeal has not been duly prosecuted

122.—(1) The certificate of the clerk of the Crown and peace under section 151(3) of the Act that an appeal to the county court has not been duly prosecuted shall be entered upon any recognizance entered into by the appellant under section 148 or section 149 of the Act and in any case upon the foot of the form of appeal.

(2) The recognizance and form of appeal shall be returned by the clerk of the Crown and peace to the clerk of petty sessions.

Return of recognizance where notice of abandonment of appeal to the county court has been given

123. After he receives a notice of abandonment of an appeal to the county court the clerk of the Crown and peace shall return any recognizance of the appellant entered into under section 148 or 149 of the Act to the clerk of petty sessions.

B. APPEAL BY WAY OF CASE STATED

Contents of and signature upon written application for case stated

124. A written application under section 146 of the Act for a case to be stated for the opinion of the court of appeal shall:—

- (a) specify the point of law involved in the determination by the magistrates' court of the proceeding or any issue as to its jurisdiction; and
- (b) be prepared and signed by the appellant or his solicitor or counsel.

Notification of decision to grant application for case stated

125. As soon as the court grants an application for a case stated, it shall notify the parties to the proceeding of its decision to grant the application.

Preparation and contents of case stated

126.—(1) A case stated by a magistrates' court under section 146 of the Act shall be prepared and signed by the resident magistrate or where the decision on which the case is stated was made in a proceeding brought for the prosecution of an offence specified in Part II of Schedule 2 to the Act and was heard by a justice of the peace other than a resident magistrate, by such justice.

(2) A resident magistrate or justice of the peace in preparing a case stated shall refer copies of the draft thereof to the parties to the proceeding in which the decision was made upon which the case is to be stated.

(3) Without prejudice to paragraph (1), after copies of the draft case stated have been referred to the parties under paragraph (2) any party may make written representations to the resident magistrate or justice of the peace on

such draft within such time as the resident magistrate or justice of the peace may fix and a copy of the document in which such representations are made, dated and signed by the party making the same or his solicitor, shall be served by such party on any other party to the proceeding or his solicitor.

(4) A case stated by a magistrates' court shall state the facts found by the court and, unless one of the questions on which the opinion of the Court of Appeal is sought is whether there was evidence on which the magistrates' court could come to its decision, shall not contain a statement of the evidence.

Entry of order made by Court of Appeal

127. Where a copy of the order of the Court of Appeal has been received by the clerk of petty sessions pursuant to section 151(1) of the Act he shall enter a minute of the order in the Order Book and attach such copy thereto.

C. OTHER MATTERS IN RELATION TO APPEALS TO THE COUNTY COURT AND BY WAY OF CASE STATED

Appellant to be told of his right to apply to the High Court for release from custody or reduction of bail pending hearing of appeal

128. Where a magistrates' court or any justice of the peace having jurisdiction in the petty sessions district for which the court acted refuses to allow a person to be released from custody or has fixed the amount of a recognizance under section 148(1) of the Act pending his appeal to the county court or by way of case stated to the Court of Appeal, the magistrates' court or justice shall inform him of his right to apply to the High Court or to a Judge thereof in accordance with subsections (2) and (3) of section 148 of the Act for his release from custody or for reduction of the amount of the recognizance he or any surety has been required to enter or of the amount of any security to be given in lieu of sureties to the recognizance.

SCHEDULE 1

FORMS

LIST OF FORMS

CRIMINAL PROCEEDINGS

A. Forms used in connection with both Summary Trial and Preliminary Investigation

1. Complaint (*Section 35; Rules 8 and 16*)
2. Summons to defendant to answer complaint (*Section 35(1) and (2); Rule 9*)
3. Warrant for arrest of defendant (*Sections 35(2), (3) and (4); Rules 13 and 111*)
4. Endorsement on warrant for arrest for release on bail (*Section 130*)
5. Warrant for arrest of defendant on failure to surrender to bail (*Sections 35(3) or 37(2) and 138(5); Rules 13 and 111*)
6. Warrant of commitment on remand (*Section 54; Rules 13 and 111*)
7. Consent to bail on remand (*Section 54; Rule 15*)
8. Warrant of commitment on further remand of person in custody unable to appear by reason of illness or accident (*Section 56; Rules 13 and 111*)
9. Order bringing up prisoner before expiration of period of remand or in connection with a recognizance (*Sections 45(3) and 54(5)*)
10. Notice of time and place of taking of deposition of sick or dying person or person unable to attend before the court (*Sections 40(3), 49 and 50(5); Rule 35*)

B. Forms used in connection with Summary Trial

11. Warrant for arrest of defendant on failure to appear after service of a summons or where a defendant is evading service (*Section 37; Rules 13 and 111*)
12. Warrant for arrest of defendant on failure to appear at adjourned hearing (*Section 37; Rules 13 and 111*)
13. Warrant of commitment on sentence of imprisonment (*Section 115; Rules 13, 14 and 111*)
14. Warrant of commitment on remand for enquiries after conviction or for medical examination (*Sections 54, 57 and 58; Rules 13 and 111*)

C. Forms used in connection with Preliminary Investigation

15. Deposition of a witness (*Section 44; Rules 24 and 25*)
16. Statement of the accused (*Section 42; Rule 24*)
17. Statement of an accused corporation (*Sections 42 and 167 and Schedule 5; Rule 24*)
18. Warrant to commit for trial (*Section 45; Rules 13 and 111*)
19. Order committing corporation for trial (*Section 167 and Schedule 5*)
20. Warrant of commitment of witness for refusing to enter recognizance (*Section 44(5); Rules 13 and 111*)
21. Warrant for discharge of accused committed for trial from prison on entering recognizance (or for discharge of witness committed) (*Sections 44(5) and 45(3); Rules 13, 15(3) and 111*)
22. Notice to clerk of the Crown and peace requesting that a witness conditionally bound over, or treated as conditionally bound over, be notified that his attendance is required at court of trial (*Section 44(3)*)
23. Notice by clerk of the Crown and peace requiring attendance of witness bound over, or treated as bound over, conditionally (*Section 44(3)*)
24. Certificate of clerk of petty sessions of witnesses bound over, or treated as having been bound over, conditionally (*Section 44; Rule 26(2)(g)*)

D. Forms used in connection with Committal for Trial of Person against whom an Indictment has been found

25. Certificate of indictment being found or presented (*Section 48(1)*)
26. Warrant to arrest person indicted (*Section 48(3); Rules 13 and 111*)
27. Warrant of commitment of person indicted (*Sections 45(2) and 48(4); Rules 13 and 111*)

E. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 3 to the Act

28. Summons to defendant to answer complaint charging an indictable offence specified in Schedule 3 to the Act (*Sections 35 and 52; Rules 9 and 31(1)*)
29. Notice under section 52 of the Act to be given to an arrested person accused of an offence specified in Schedule 3 to the Act after he has been formally charged with such offence (*Section 52; Rule 31(1)*)
30. Written waiver of requirement of notice under section 52 of the Act (*Section 52; Rule 31(2)*)

DEBT PROCEEDINGS

31. Process in debt proceedings (*Section 71; Rules 39, 41 and 69*)
32. Notice of set-off or counterclaim in debt proceedings (*Rule 70*)
33. Notice of lodgment in court of amount tendered (*Rule 76(1)*)
34. Decree in debt proceedings (*Section 84; Rule 64*)
35. Decree by instalments in debt proceedings (*Section 105; Rules 64 and 77*)
36. Affidavit of default in payment of decree by instalments (*Rules 77(2) and 114*)

37. Statutory declaration of default in payment of decree by instalments (*Rules 77(2) and 114*)
38. Dismiss in debt proceedings (*Sections 83(6), 84 and 169; Rule 64*)
39. Decree where costs by way of recoupment are ordered to be paid in debt proceedings (*Sections 84 and 169; Rules 58 and 64*)
40. Order for payment of costs of adjournment in debt proceedings (*Section 164(3)*)
41. Process register in debt proceedings (*Rule 50*)
42. Memorandum of a debt proceeding entered in the process register (*Rule 50(4)*)

EJECTMENT PROCEEDINGS

43. Process in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Section 76; Rules 39, 41 and 79*)
44. Process in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under section 78 of the Act (*Sections 76, 78 and 82(3); Rules 39, 41 and 79(5)*)
45. Process in ejectment proceedings in respect of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Section 76; Rules 39, 41 and 79(3)*)
46. Process in ejectment proceedings in respect of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76 and 81; Rules 39, 41 and 79(4)*)
47. Decree for recovery of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Sections 76 and 84; Rule 64*)
48. Decree for recovery of lands or premises to which paragraph (a) of section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under section 78 of the Act (*Sections 76, 78, 82(3) and 84; Rule 64*)
49. Decree for recovery of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Sections 76 and 84; Rule 64*)
50. Decree for recovery of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76, 81 and 84; Rule 64*)
51. Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Sections 76, 84 and 169; Rules 59 and 64*)
52. Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and where arrears of rent or sums due under section 78 of the Act were claimed (*Sections 76, 78, 82(3), 84 and 169; Rules 59 and 64*)
53. Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Sections 76, 84 and 169; Rules 59 and 64*)
54. Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76, 81, 84 and 169; Rules 59 and 64*)
55. Decree where costs by way of recoupment are ordered to be paid in ejectment proceedings (*Sections 76, 84 and 169; Rules 58 and 64*)
56. Decree where costs by way of recoupment are ordered to be paid in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and in which a claim for the recovery of arrears of rent or sums due under section 78 of the Act was made (*Sections 76, 84 and 169; Rules 58 and 64*)
57. Order for payment of costs of adjournment in ejectment proceedings (*Section 164(3); Rule 64*)
58. Process register in ejectment proceedings (*Rule 50*)
59. Memorandum of an ejectment proceeding entered in the process register (*Rule 50(4)*)

APPEALS AND APPLICATIONS TO COURTS OF
SUMMARY JURISDICTION

60. Notice of appeal to court of summary jurisdiction (*Section 86; Rule 81*)
61. Notice of application to court of summary jurisdiction (*Section 86; Rule 81*)

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

62. Complaint (*Section 89; Rule 8*)
63. Summons to defendant to answer complaint (*Section 89; Rule 9*)
64. Complaint to vary, etc., order for periodical payment (*Sections 87, 89 and 96; Rule 8*)
65. Summons to vary, etc., order for periodical payment (*Sections 89 and 96; Rule 9*)
66. Order varying, etc., order for periodical payment (*Section 96*)

SATISFACTION AND ENFORCEMENT OF ORDERS

A. Orders in Criminal Proceedings

67. Notice to defendant of sum adjudged to be paid by a conviction made in his absence (*Rule 89*)
68. Warrant of distress for sum adjudged to be paid by a conviction (*Sections 101 and 102(1)(a); Rules 13, 89, 111 and 112*)
69. Warrant of commitment for sum adjudged to be paid by a conviction (other than where time is allowed for payment) (*Sections 102(1)(b) and 103; Rules 13 and 111*)
70. Warrant of commitment for sum adjudged to be paid by a conviction where time for payment allowed (*Sections 101 and 102(1)(b); Rules 13, 89 and 111*)
71. Warrant of commitment where sum adjudged to be paid by a conviction ordered to be paid by instalments (*Sections 101, 102(1)(b), 113 and 115; Rules 13, 89 and 111*)
72. Warrant of commitment in default of distress for sum adjudged to be paid by a conviction (*Sections 101 and 102(1)(c); Rules 13, 89 and 111*)
73. Warrant of distress and commitment in default of distress for sum adjudged to be paid by a conviction (*Sections 101 and 102(1)(a) and (c); Rules 13, 89, 111 and 112*)
74. Notice of supervision of person under twenty-one years (*Section 104; Rule 90*)

B. Orders in Debt Proceedings

75. Enforcement process under the Debtors Act (Ireland) 1872 (*Section 106; Rules 91 to 93*)
76. Enforcement order under the Debtors Act (Ireland) 1872 (*Section 106; Rule 91*)
77. Committal process under the Debtors Act (Ireland) 1872 (*Section 106; Rule 92*)
78. Committal order made under the Debtors Act (Ireland) 1872 (*Section 106; Rules 91 and 92*)
79. Renewal process in debt proceedings (*Section 119; Rule 99*)
80. Affidavit to obtain a renewal of a decree or dismiss in debt proceedings (*Section 119; Rule 100*)
81. Statutory declaration to obtain a renewal of a decree or dismiss in debt proceedings (*Section 119; Rule 100*)
82. Renewal of a decree or dismiss in debt proceedings (*Section 119; Rule 101(1)*)
83. Renewal decree by instalments (*Section 119; Rule 103*)
84. Application for the issue of a duplicate decree or dismiss in debt proceedings (*Rule 104*)

C. Orders in Ejectment Proceedings

85. Notice of intention to apply for the issue of ejectment decree for overholding (*Section 117(1); Rules 94 to 96*)
86. Notice of intention to apply for removal of stay of execution on ejectment decree for overholding (*Section 117(2); Rules 94 to 96*)
87. Renewal process in ejectment proceedings (*Section 119; Rule 99*)
88. Affidavit to obtain a renewal of a decree or dismiss in ejectment proceedings (*Section 119; Rule 100*)
89. Statutory declaration to obtain a renewal of a decree or dismiss in ejectment proceedings (*Section 119; Rule 100*)
90. Renewal of a decree or dismiss in ejectment proceedings (*Section 119; Rule 101*)
91. Application for the issue of a duplicate decree or dismiss in ejectment proceedings (*Rule 104*)

D. Orders for the Payment of Sums (other than on Conviction) made in Proceedings upon Complaint

92. Warrant of distress for sum (other than a sum adjudged to be paid by a conviction) ordered to be recovered in proceedings upon complaint (*Section 109; Rules 13 and 111*)
93. Warrant of distress for rates (*Section 159(2); Rules 13 and 111(6)*)
94. Complaint for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1); Rule 8*)
95. Summons for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1)(a); Rule 9*)
96. Warrant of arrest for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1)(b); Rules 13 and 111*)
97. Recognizance for appearance before a resident magistrate under section 110 of the Act (*Sections 110(3), 135, 136 and 137; Rule 115*)
98. Warrant of commitment by justice of the peace until defendant can be brought before a resident magistrate under section 110 of the Act (*Section 110(3); Rules 13 and 111*)
99. Endorsement of consent to release on bail upon warrant of commitment until defendant can be brought before a resident magistrate (*Section 110(3)*)
100. Warrant of distress (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(a); Rules 13 and 111*)
101. Warrant of distress (where warrant of arrest is issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(a); Rules 13 and 111*)
102. Warrant to arrest (detain) defendant and keep him in custody pending return to distress warrant (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(b); Rules 13 and 111*)
103. Warrant to detain defendant and keep him in custody pending return to distress warrant (where warrant of arrest issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(b); Rules 13 and 111*)
104. Recognizance for appearance at return to warrant of distress issued under section 110 of the Act (*Sections 110(4)(b), 135, 136 and 137; Rule 115*)
105. Warrant of commitment in default of distress (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(5); Rules 13 and 111*)
106. Warrant of commitment in default of distress (where warrant of arrest issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(5); Rules 13 and 111*)

107. Summons under section 110 of the Act to attach pension or income (*Section 110(7); Rule 9*)
108. Order under section 110 of the Act to attach pension or income (*Section 110(7)*)

WITNESSES AND EVIDENCE

109. Summons to witness (*Section 120(1); Rule 9*)
110. Affidavit that it is probable that a person will not attend as witness at a preliminary investigation (*Section 120(2)*)
111. Warrant for arrest of witness required at preliminary investigation (*Section 120(2); Rules 13 and 111*)
112. Affidavit where witness has failed to appear in answer to a summons (*Section 120(3)*)
113. Warrant for arrest of witness on failure to appear to summons etc. (*Section 120(3); Rules 13 and 111*)
114. Warrant of commitment of witness refusing to be sworn or to testify or produce document or thing (*Section 122; Rules 13 and 111*)
115. Certificate of [clerk of petty sessions] [collecting officer] of non-payment of sum ordered to be paid (*Section 125(a)*)

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

116. Recognizance to appear before a magistrates' court (*Sections 54 and 135 to 138; Rules 115 to 118*)
117. Recognizance [constabulary] to appear before a magistrates' court (*Sections 131(1)(a) and 135 to 138; Rule 117*)
118. Recognizance to appear at a constabulary station (*Sections 131(1)(b) and 135 to 138; Rule 117*)
119. Recognizance to appear at assize or county court (*Sections 45, 58(3) and 135 to 138; Rules 115 to 118*)
120. Recognizance for attendance at examination by medical practitioner (*Sections 58 and 135 to 138; Rules 115 and 118*)
121. Recognizance to keep the peace [and] [or] to be of good behaviour (*Section 128; Rule 115*)
122. Notice to estreat recognizance before court of summary jurisdiction (*Section 138(3)*)
123. Warrant of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 13, 111(1) and 112*)
124. Warrant of commitment in default of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 13 and 111(1)*)
125. Warrant of distress and commitment in default of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 13, 111 and 112*)

APPEALS TO COUNTY COURT AND BY WAY OF CASE STATED TO THE COURT OF APPEAL

A. Appeals to the County Court

126. Notice of appeal to county court (*Section 144; Rule 119*)
127. Form of appeal to county court (*Rules 119 to 122*)
128. Recognizance to prosecute appeal to county court conditioned for bail (*Sections 135 to 138 and 148; Rules 115 and 118*)
129. Recognizance to prosecute appeal to county court not conditioned for bail (*Sections 135 to 138 and 149; Rule 115*)

- 130. Certificate by clerk of Crown and peace that appeal has not been duly prosecuted (*Section 151(3); Rule 122*)
- 131. Notice of abandonment of appeal to county court (*Section 150(1)*)
- 132. Notice by clerk of petty sessions to clerk of the Crown and peace that appellant has abandoned his appeal to the county court (*Section 150(1)*)
- 133. Warrant to enforce an order by a county court made on appeal (*Section 153; Rules 13 and 111*)

B. Appeals by way of Case Stated to Court of Appeal

- 134. Application to state a case (*Section 146; Rule 124*)
- 135. Court's certificate of refusal to state a case (*Section 146(4)*)
- 136. Case stated by magistrates' court (*Section 146; Rule 126*)
- 137. Recognizance to prosecute appeal to Court of Appeal conditioned for bail (*Sections 135 to 138 and section 148; Rules 115 and 118*)
- 138. Recognizance to prosecute appeal to Court of Appeal not conditioned for bail (*Sections 135 to 138 and section 149; Rule 115*)
- 139. Notice of abandonment of appeal by way of case stated (*Section 150(2)*)
- 140. Notice by clerk of petty sessions to respondent that appellant has abandoned an appeal by way of case stated (*Section 150(2)*)
- 141. Warrant to enforce an order made on appeal by way of case stated to Court of Appeal (*Section 153; Rules 13 and 111*)

MISCELLANEOUS

- 142. Order Book (*Rule 18*)
- 143. Certificate of conviction or order (*Rule 19*)
- 144. General form for enforcement of conviction or order (*Part X*)
- 145. Certificate endorsed on unexecuted warrant (*Section 116(2)*)
- 146. Endorsement on warrant as to withdrawal thereof (*Section 159(1); Rule 17*)
- 147. Endorsements under sections 26 and 27 of the Petty Sessions (Ireland) Act 1851
- 148. Particulars of service to be endorsed on summons (*Rule 11(7)*)
- 149. Affidavit of service of summons on defendant (*Sections 37(3), 91(2) and 127; Rule 11*)
- 150. Affidavit of service of summons on witness (*Sections 120(3) and 127; Rule 11*)
- 151. Particulars of service to be endorsed on process (*Rule 47(3)*)
- 152. Affidavit of service of a process by a summons server or a person who has received permission to serve the process (*Section 127; Rules 42, 43 and 48*)
- 153. Warrant to discharge defendant from prison (other than where he has been committed for trial in custody) (*Section 54(5); Rules 13, 15(3) and 111*)
- 154. Receipt for prisoner (*Rule 111(4)*)
- 155. Order for taking fingerprints (*Section 70*)
- 156. Certificate of payment of part of a sum adjudged to be paid (*Rule 110*)

CRIMINAL PROCEEDINGS

A. Forms used in connection with both Summary Trial and Preliminary Investigation

FORM 1

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 35; Rules 8 and 16)

Complaint

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

I, say [on oath] that

of

[And the said Complainant binds himself to attend when and where called on to prosecute or to give evidence against the Defendant for the said offence or otherwise to forfeit to the Crown the sum of £ : : .]

Complainant
[for Complainant].

Taken before me this
in the County [Borough] of

day of

19

Justice of the Peace.

FORM 2

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 35(1) and (2); Rule 9)

Summons to Defendant to answer Complaint

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas a complaint has been made before me that on the _____ day
of _____ 19____, at _____
[in the said district and County [Borough]]
you, the said Defendant.

This is to command you to appear as a Defendant on the hearing of the
said complaint at _____ on the _____ day
of _____ 19____, at _____ o'clock in the
noon before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This _____ day of _____ 19____

To the said Defendant.

FORM 3

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35(2), (3) and (4); Rules 13 and 111)

Warrant for Arrest of Defendant

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made on oath, and in writing, that the Defendant

This is to command you, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough] to answer to the said complaint.

Resident Magistrate
[or Justice of the Peace].

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This form may be endorsed for bail as on Form 4.

FORM 4

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 130)

Endorsement on Warrant for Arrest for Release on Bail

I hereby direct that the Defendant may be bailed by Recognizance(s) h self in the sum of [with sureties in the sum of each] [or accompanied by the deposit of the sum or other valuable security to the value of that sum in lieu of sureties].

Resident Magistrate
[or Justice of the Peace].

FORM 5

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35(3) or 37(2) and 138(5); Rules 13 and 111)

Warrant for Arrest of Defendant on failure to surrender to Bail

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made on oath, and in writing, that the Defendant

And whereas the Defendant was released on the _____ day of 19____, upon a recognizance conditioned for his appearance before a Magistrates' Court sitting at _____ on the _____ day of 19____ at the hour of _____ o'clock in the _____ noon [and at every time and place to which during the course of proceedings against the Defendant the hearing might from time to time be adjourned unless the Court otherwise ordered];

And whereas in breach of the said recognizance the Defendant has failed so to appear.

This is to command you, to whom this Warrant is addressed, to arrest the said _____ and bring h _____ before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 6

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54; Rules 13 and 111)

Warrant of Commitment on Remand

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas the Defendant appeared this day before a Magistrates' Court for the said Petty Sessions District and County Borough upon a complaint that

And whereas the hearing of the said complaint has been adjourned to the
day of 19 , at the hour of o'clock
in the noon at ;

This is to command you to whom this Warrant is addressed to convey the Defendant to the Prison at there to be kept in custody by the Governor of the said Prison until the above time when he shall produce the Defendant at the above place.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 7.

FORM 7

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54; Rule 15)

Consent to Bail on Remand

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas on the _____ day of _____ 19____,
the Defendant _____ charged with _____ was committed
to the Prison at _____

I hereby consent to the said Defendant being bailed by Recognizance(s)
h_____ self in the sum of _____ [with sureties to the sum
of _____ or other valuable security to the value of that sum
in lieu of sureties].

This _____ day of _____ 19____

Resident Magistrate
[or Justice of the Peace].

FORM 8

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 56; Rules 13 and 111)

Warrant of Commitment on further Remand of Person in Custody unable to appear by reason of Illness or Accident

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas the Defendant was on the _____ day of _____ 19____ committed to your custody under a warrant of commitment on remand by a Magistrates' Court until to-day;

And the court is now satisfied that the Defendant is unable by reason of illness [or accident] to appear personally before the court;

This is to command you to whom this Warrant is addressed to keep the Defendant in your custody until the _____ day of _____ 19____ at the hour of _____ o'clock in the _____ noon when you shall produce the Defendant before a Magistrates' Court sitting at _____

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the Governor of the Prison at _____

FORM 9

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 45(3) and 54(5))

Order bringing up Prisoner before expiration of period of Remand or in connection with Recognizance

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas the Defendant was committed to your custody under a warrant of commitment by a Magistrates' Court dated the _____ day of _____, 19____, [on remand until the _____ day of _____, 19____] [or state other circumstances of commitment];

[And it since appears expedient to continue the hearing of the charge against the Defendant before the expiration of the period of remand] you are hereby ordered to bring the Defendant on the _____ day of _____, 19____ at the hour of _____ o'clock in the _____ noon, before the Magistrates' Court sitting at _____ [to be further dealt with according to law] [or that he may enter into a recognizance].

Resident Magistrate
[or Justice of the Peace].

19

This _____ day of _____
To the Governor of the Prison at _____

FORM 10

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 40(3), 49 and 50(5); Rule 35)

Notice of time and place of taking of Deposition of sick or dying person or person unable to attend before the Court

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas an application was made under section [40] [49] of the Magistrates' Courts Act 1964 on the _____ day of _____ 19____, to [Resident Magistrate] [Justice of the Peace] for the taking of the deposition of _____ of _____ and such application was granted;

THIS IS TO GIVE YOU NOTICE that it is proposed to take the said deposition at the hour of _____ o'clock in the _____ noon upon the _____ day of _____, 19____, at _____

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To:—

of

B. Forms used in connection with Summary Trial

FORM 11

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 37; Rules 13 and 111)

Warrant for arrest of Defendant on failure to appear after service of a Summons or where a Defendant is evading Service

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made on oath, and in writing, that the Defendant

And whereas it has been proved on the oath of _____, a Justice of the Peace having jurisdiction in the above-named Petty Sessions District, a summons requiring the Defendant to appear at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon and that the Defendant [was on the _____ day of _____ 19____, duly served with a copy of the said summons] and has failed to appear at the time and place appointed by the said summons [is evading service of the said summons].

This is to command you to whom this Warrant is addressed, to arrest the said _____ of _____ and to bring h _____ before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 4.

FORM 12

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 37; Rules 13 and 111)

Warrant for arrest of Defendant on failure to appear at adjourned Hearing

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas a complaint has been made on oath and in writing that the Defendant

And whereas a summons was duly served on the Defendant to appear at _____ on the _____ day of _____ 19____, and the Defendant appeared before the Court at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon at the hearing of the said complaint;

And whereas the hearing of the said complaint was adjourned until the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon and the Defendant having failed to appear the Court considers it undesirable by reason of the gravity of the offence to proceed in the absence of the Defendant and the Court is satisfied that the Defendant had notice of the time and place of the adjourned hearing;

This is to command you to whom this Warrant is addressed to arrest the said Defendant and to bring him before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 4.

FORM 13

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 115; Rules 13, 14 and 111)

Warrant of Commitment on Sentence of Imprisonment

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas upon the hearing of a complaint that

An Order was made on the _____ day of _____ 19____,
by the Magistrates' Court sitting at _____ against the
Defendant to the following effect, viz:—

(Here insert Order of Court.)

This is to command you, to whom this Warrant is addressed, to execute the
said Order against the said person, as follows:—

To lodge h _____ in the Prison at _____ to be imprisoned
there for the period of _____ month(s).

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____
and to all other members of the
Royal Ulster Constabulary to whom this Warrant may be delivered
for execution.

FORM 14

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 54, 57 and 58; Rules 13 and 111)

Warrant of Commitment on Remand for enquiries after Conviction or for Medical Examination

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas the Defendant appeared this day before the Magistrates' Court sitting at charged

(State shortly particulars of offence.)

[And, the Defendant having been convicted of the said offence, the court decided to adjourn the hearing and remand the Defendant for the purpose of enabling enquiries to be made [and] [or of determining the most suitable method of dealing with the case];]

[And the court, being satisfied that the Defendant did the act or made the omission charged but being of opinion that an inquiry ought to be made into his physical [and] [or mental] condition before the method of dealing with him was determined, decided to adjourn the hearing and remand the Defendant;]

This is to command you to whom this Warrant is addressed to convey the Defendant to the Prison at and there deliver him to the Governor thereof, together with this Warrant; and you, the Governor of the said Prison, to receive him into your custody and unless you, the said Governor, shall be otherwise ordered in the meantime, to keep him until the day of 19, at the hour of o'clock in the noon when the Defendant shall be produced before the said court;

[And you, the said Governor, are hereby requested to arrange for an inquiry to be made into the Defendant's physical [and] [or mental] condition by a duly qualified medical practitioner, in order that a report be made thereon to the court.]

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 7.

C. Forms used in connection with Preliminary Investigation

FORM 15

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44; Rules 24 and 25)

Deposition of a Witness

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

The deposition of _____ of _____
taken in the presence and hearing of the Defendant who stands charged
that _____

The said Deponent saith on his oath that _____

And the said Deponent binds _____ self [upon notice being given to him/her
requiring his/her attendance] to attend and [to prosecute or] to give evidence
at the trial of the said Defendant for the said offence or otherwise to forfeit to
the Crown the sum of _____ pounds.

Taken before me this _____ day of _____ Deponent.
year 19 _____ at _____ in the said County [Borough]. _____ in the

Resident Magistrate
[or Justice of the Peace].

FORM 16

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 42; Rule 24)

Statement of the Accused

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

A charge having been made against
(hereinafter called "the Accused") before the undersigned Justice that

And the witnesses for the prosecution having been severally examined in the presence of the Accused;

And the said charge being read and its nature explained in ordinary language to the Accused;

And the Accused being informed of his right, if he so desired, to give evidence on his own behalf and to call witnesses;

The Accused was then addressed as follows:—

"You are not obliged to say anything in answer to the charge unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge?"

Whereupon the Accused in reply said:—

The Accused, having [made the statement above set out] [not made any statement] in answer to the charge was then asked whether he desired to give evidence on his own behalf and whether he desired to call witnesses;

The Accused, having been informed that he was not obliged to give evidence or to call witnesses and that anyone giving evidence was liable to be cross-examined, in reply said:—

Taken before me this day of 19 ,
at

Resident Magistrate
[or Justice of the Peace].

FORM 17

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 42 and 167 and Schedule 5; Rule 24)

Statement of an Accused Corporation

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

A charge having been made against
(hereinafter called "the Accused Corporation") before the undersigned Justice
that

And the witnesses for the prosecution, having been severally examined in
the presence of _____, a representative
of the Accused Corporation;

And the said charge being read and the nature explained in ordinary language
to the said representative;

And the said representative being informed of his right, if he so desired,
to give evidence on behalf of the Accused Corporation and to call witnesses;

The said representative was then addressed as follows:—

"You are not obliged to say anything in answer to the charge unless you desire
to do so, but whatever you say will be taken down in writing and may be given in
evidence upon the trial of the Accused Corporation. Do you wish to say anything
in answer to the charge?"

Whereupon the said representative in reply said:—

The said representative, having [made the statement above set out] [not made
any statement] in answer to the charge, was then asked whether he desired to
give evidence on his own behalf, and whether he desired to call witnesses;

The said representative, having been informed that he was not obliged to
give evidence or to call witnesses and that anyone giving evidence was liable to be
cross-examined, in reply said:—

Taken before me this _____ day of _____ 19 _____

Resident Magistrate
[or Justice of the Peace].

FORM 18

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.
(Section 45; Rules 13 and 111)

Warrant to commit for Trial

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

Whereas the Defendant
the following offence(s):—

stands charged with

And whereas the Defendant has been committed for trial at the next Court of Assize [or Belfast Recorder's Court] [or Londonderry Recorder's Court] [or County Court] to be held at in and for the County [Borough] of on the day of 19 ;

This is to command you, to whom this Warrant is addressed, to lodge the said Defendant in the Prison at there to be imprisoned by the Governor of the said Prison as follows:—

Until h trial for the said offence and h shall be discharged by due course of Law.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 7.

FORM 19

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 167 and Schedule 5).

Order committing Corporation for Trial

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

To
of

(full name of prosecutor)

Whereas (full title of Corporation)
(hereinafter called "the Accused Corporation") was this day charged before the
Magistrates' Court conducting the preliminary investigation at
with

(state shortly particulars of offence).

And the said Court after investigation of the said offence having
determined to commit the Accused Corporation for trial [and you the said
having this day been bound over to
prosecute the Accused Corporation] at the Court of Assize [or Belfast Recorder's
Court] [or Londonderry Recorder's Court] [or County Court] for the County
[Borough] of] to be held at
on the day of 19

You the said are hereby empowered, as
prosecutor, to prefer at the said Court of Assize [or Recorder's Court] [or County
Court] a bill of indictment in respect of the said offence.

Resident Magistrate
[or Justice of the Peace].

This day of

19

FORM 20

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(5); Rules 13 and 111)

Warrant of Commitment of Witness for refusing to enter Recognizance

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas a complaint was made on the _____ day of
19____, on the oath of
that

And whereas _____ a witness, has, without just
excuse, refused to enter into a recognizance to give evidence on the trial of the
Defendant;

This is to command you to whom this Warrant is addressed to convey the
said _____ of _____
to the Prison at _____ there to be kept in custody
by the Governor of the said Prison as follows:—

Until the trial of the said _____ unless the
witness shall in the meantime enter into such recognizance as required.

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____
and to all other members of the
Royal Ulster Constabulary to whom this Warrant may be delivered
for execution.

FORM 21

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.
(Sections 44(5) and 45(3); Rules 13, 15(3) and 111).

**Warrant for discharge of Accused committed for trial from prison on entering
Recognizance (or for Discharge of Witness Committed)**

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint was made that

(offence alleged with time and place).

And whereas

(prisoner)

of

(address of prisoner)

[(*for Accused*) was committed to Prison until his trial for the said offence, but has now duly entered into a recognizance to appear at his trial] [(*for Witness*) was committed for refusing to enter into recognizance to give evidence on the trial of for the said offence but has now done so] [*or* and the said committed for trial].] has not been

This is to command you to discharge the said person so committed, unless he shall be in your custody for some other cause.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of

19

To the Governor of the Prison at

FORM 22

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(3))

Notice to Clerk of the Crown and Peace requesting that a Witness conditionally bound over, or treated as conditionally bound over, be notified that his attendance is required at Court of Trial

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas _____ of _____
was on the _____ day of _____ 19____, bound over
[directed to be treated as bound over] by a recognizance in the sum of
£ _____ to appear upon notice being given to h _____ at the court
specified in the notice and there to give evidence on the trial of the Defendant.

This is to give you notice that I wish the said
to attend at the said trial.

Prosecutor/Defendant.

This

day of

19

To the Clerk of the Crown and Peace
at

FORM 23

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(3))

Notice by Clerk of the Crown and Peace requiring attendance of Witness bound over, or treated as bound over, conditionally

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas you of
were on the day of 19, bound over
[directed to be treated as bound over] by a recognizance to appear upon notice
being given to you at the court specified in such notice and there to give evidence
on the trial of

THIS IS TO GIVE YOU NOTICE that you ARE required to appear at the next
Court of Assize [or Belfast Recorder's Court] [or Londonderry Recorder's Court]
[or County Court] for the County [Borough] of
to be held at on the day of
19, and there to give evidence accordingly and that unless you do so the
said recognizance will be forthwith enforced against you.

Clerk of the Crown and Peace
at

This day of 19

FORM 24

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44; Rule 26(2)(g))

Certificate of Clerk of Petty Sessions of Witnesses bound over, or treated as having been bound over, conditionally

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

I, _____, Clerk of Petty Sessions for the above-named Petty Sessions District, do hereby certify that the deposition(s) of the witness(es), whose name(s) and address(es) are set out below, was/were taken in the presence and hearing of the above-named Defendant and that the said Defendant or his Solicitor or Counsel had an opportunity of cross-examining such witness(es).

The Magistrate considered the attendance of the said witness(es) at the trial to be unnecessary and bound him/her over [or directed that he/she be treated as bound over] to attend the trial conditionally in accordance with section 44(2) of the Magistrates' Courts Act (Northern Ireland) 1964.

Name	Address

This

day of

19

Clerk of Petty Sessions.

D. Forms used in connection with Committal for Trial of Person against whom an Indictment has been found

FORM 25

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 48(1))

Certificate of Indictment being found [or presented]

County [Borough] of

I hereby certify that upon the _____ day of _____ 19 _____,
at the _____ held at _____
in the said County [Borough] a Bill of Indictment was [found by the Grand
Jury] [presented] against _____ for that he

(state particulars of offence(s) alleged in indictment)

and that the said _____ has not appeared and pleaded to the
said indictment.

Clerk of the Crown and Peace.

This _____ day of _____ 19 _____

FORM 26

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 48(3); Rules 13 and 111)

Warrant to arrest Person Indicted

of

Complainant	}	Petty Sessions District of
Defendant	}	County [Borough] of

of

Whereas a complaint has been made on oath and in writing that the Defendant

And whereas it has been certified to me that

This is to command you, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the County [Borough].

Justice of the Peace.

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for Bail as on Form 4.

FORM 27

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 45(2) and 48(4); Rules 13 and 111)

Warrant of Commitment of Person Indicted

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas a complaint was made on the _____ day of _____ 19____, on oath of _____ Defendant that the

And whereas a Bill of Indictment has been [found] [presented] against the said _____ for the said offence.

This is to command you, to whom this Warrant is addressed, to lodge the said Defendant _____ of _____ in the Prison at _____ there to be imprisoned by the Governor of the said Prison as follows:—

Until his trial for the said offence and he shall be discharged by due course of Law.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Resident Magistrate
[or Justice of the Peace];
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed as on Form 7.

E. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 3 to the Act

FORM 28

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35 and 52; Rules 9 and 31(1))

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 3 to the Act

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

Whereas a complaint has been made before me that on the _____ day of _____ 19____, at _____ [in the said district and County [Borough]] you, the said Defendant,

This is to command you to appear in person as a Defendant on the hearing of the said complaint at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon before a Magistrates' Court of the said County [Borough]

Justice of the Peace.

This _____ day of _____ 19____

Notice under section 52 of the said Act of 1964

The [following] offence(s) [that is to say—]

for which you are hereby summoned to appear before the court [is] [are] [an] indictable offence(s) specified in Schedule 3 to the said Act of 1964 which may be dealt with summarily by a Resident Magistrate in accordance with section 52 of that Act.

The purpose of this notice is to inform you that the offence is one for which you have a right to be tried by jury and which may be dealt with summarily by a Resident Magistrate only with your consent in accordance with the said section. The Magistrates' Court may, however, even if you consent to be dealt with summarily, commit you for trial by a jury if it thinks it expedient to do so.

To the said Defendant
of

FORM 29

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 52; Rule 31(1))**Notice under Section 52 of the Act to be given to an Arrested Person accused of an Offence specified in Schedule 3 to the Act after he has been formally charged with such Offence**

The following offence(s), that is to say—

with which you are charged [is] [are] [an] indictable offence(s) specified in Schedule 3 to the Magistrates' Courts Act (Northern Ireland) 1964 which may be dealt with summarily by a Resident Magistrate in accordance with section 52 of that Act.

The purpose of this notice is to inform you that the offence is one for which you have a right to be tried by jury and which may be dealt with summarily by a Resident Magistrate only with your consent in accordance with the said section. The Magistrates' Court may, however, even if you consent to be dealt with summarily, commit you for trial by a jury if it thinks it expedient to do so.

Signed

Dated this day of 19 at o'clock in the noon.

To:—

of

FORM 30

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 52; Rule 31(2))**Written Waiver of Requirement of Notice under Section 52 of the Act**

I hereby waive my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried by Jury for the offence(s) specified in Form 29 in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1965 which form I have duly received and I fully understand that the said offence(s) [is] [are] one(s) which may be dealt with summarily by a Resident Magistrate only with my consent.

Defendant.

Dated this day of 19 at o'clock in the noon.

DEBT PROCEEDINGS

FORM 31

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 71; Rules 39, 41 and 69)

Process in Debt Proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

The Defendant is hereby required to appear before the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon to answer the Plaintiff's claim for the sum of £ _____ : _____ : _____ for

Dated this _____ day of _____ 19____

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If the amount of the above claim, together with the sum of £ _____ : _____ : _____ for the costs of this process, be paid to the Plaintiff or his solicitor before the * _____ day of _____ 19____, proceedings will be stayed.

*Insert entry date.

FORM 32

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 70)

Notice to Set-off or Counterclaim in Debt Proceedings

of

Plaintiff

Petty Sessions District of

Plaintiff

of

Defendant

County [Borough] of

Defendant

Take NOTICE that the Defendant intends at the hearing of the process issued in this case to claim a set-off [or make a counterclaim] against the Plaintiff's claim, the particulars of which are as follows:—

Date	Nature of set-off or counterclaim	Amount

Dated this

day of

19

Defendant
[or Solicitor for the Defendant
Address].

To the Plaintiff and to
the Clerk of Petty Sessions
for the above District.

FORM 33

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 76(1))

Notice of Lodgment in Court of amount tendered

of

Plaintiff

of

Defendant

Petty Sessions District of

County [Borough] of

Take NOTICE that the Defendant has paid into court the sum of
£ : : the amount previously tendered to the Plaintiff in
satisfaction of the Plaintiff's claim [for :].

Dated this day of 19

Defendant/Solicitor.

FORM 34

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 84; Rule 64)

Decree in Debt Proceedings

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

Before the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court
was duly served on the Defendant, claiming that he was indebted to the Plaintiff
in the sum of £ : : for

And it appearing to the court upon the hearing that the Defendant is justly
indebted to the Plaintiff in the said sum [or the sum of £ : :]

It is therefore ordered by the court that the Plaintiff do recover from the
Defendant the said sum of £ : : together with the sum of
£ : : for costs and the sum of £ : : for
witnesses' expenses, and in default of payment thereof, the several under-sheriffs
in Northern Ireland are hereby commanded to take in execution the goods of
the Defendant to satisfy the said debt, costs and witnesses' expenses.

Issued on the day of 19

Debt	£	:	:
Costs	£	:	:
Witnesses' Expenses .	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 35

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 105; Rules 64 and 77)

Decree by Instalments in Debt Proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at
on the day of 19
It appearing to the court that a process to appear before the above court
was duly served on the Defendant, claiming that he was indebted to the Plaintiff
in the sum of £ for

And it appearing to the court upon the hearing that the Defendant is justly
indebted to the Plaintiff in the said sum [or the sum of £ : :]
It is therefore ordered by the court that the Plaintiff do recover from the
Defendant the said sum of £ ; together with the sum of
£ for costs and the sum of £ for
witnesses' expenses, payable by instalments of on the day
of each the first of such instalments to be paid on
the day of 19 and in default of
payment of the said instalments or any of them, the several under-sheriffs in
Northern Ireland are hereby commanded to take in execution the goods of the
Defendant to satisfy the said debt, costs and witnesses' expenses or so much
thereof as shall remain unpaid.

Issued on the day of 19

Debt	£	:	:
Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions]

FORM 36

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 77(2) and 114)

~~Form~~ Affidavit of Default in Payment of Decree by Instalments

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

I, _____, of _____, in the County [Borough] of _____, make oath and say as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____, the sum of £ _____ for costs, and the sum of £ _____ for witnesses' expenses, by instalments of _____ payable on the _____ day of each _____ the first of such instalments to be paid on the _____ day of _____ 19____.
2. The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____ balance of the sum so ordered to be paid aforesaid, is now due by him on foot of the said order.
3. I am * _____ and the above facts are within my own personal knowledge.

Sworn before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____
Deponent.

Justice of the Peace
[or Commissioner for Oaths].

*The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction.

FORM 37

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 77(2) and 114)

Statutory Declaration of Default in payment of Decree by Instalments

of

Plaintiff

Petty Sessions District of

of

County [Borough] of

Defendant

I, _____, of _____, do solemnly and sincerely declare as follows:—

- At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____ : _____ : _____ the sum of £ _____ : _____ : _____ for costs and the sum of £ _____ : _____ : _____ for witnesses' expenses, by instalments of _____ payable on the _____ day of each _____ the first of such instalments to be paid on the _____ day of _____ 19____.
- The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____ : _____ : _____, balance of the sum so ordered to be paid as aforesaid, is now due on foot thereof.
- I am * _____ and the above facts are within my own personal knowledge. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

Declarant. _____ Declared before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____

Justice of the Peace [or Commissioner for Oaths].

*The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction.

FORM 38

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 83(6), 84 and 169; Rule 64)

Dismiss in Debt Proceedings

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19
It appearing to the court that a process to appear before the above court
was duly served on the Defendant claiming the sum of £ : :
alleged to be due to the Plaintiff for

and the Plaintiff has failed to prove the said Claim.
It is therefore ordered by the court that the said Claim be dismissed [on the
merits] [without prejudice], and that the Defendant do recover from the Plaintiff
the sum of £ : : for costs and the sum of £ : :
for witnesses' expenses, and in default of payment thereof, the several under-
sheriffs in Northern Ireland are hereby commanded to take in execution the
goods of the Plaintiff to satisfy the said costs and expenses.

Issued on the day of , 19 .

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 39

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 84 and 169; Rules 58 and 64)

Decree where Costs by way of Recoupment are ordered to be paid in
Debt Proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court
was duly served on the Defendants, claiming that they were indebted to the
Plaintiff in the sum of £ for

And it appearing to the court upon the hearing that the Defendant
is justly indebted to the Plaintiff in [the said
sum] [the sum of £]

And it further appearing to the court that the Plaintiff has failed to prove his
claim against the Defendant

It is therefore ordered by the court that the Plaintiff do recover from the
Defendant the said sum of £

together with the sum of £ for costs and the sum of
£ for witnesses' expenses. And whereas the proceeding
against the Defendant was dismissed

[on the merits] [without prejudice] and it was ordered that the Defendant
do recover from the Plaintiff the sum

of £ for costs of the dismiss and witnesses' expenses. And
whereas the Plaintiff has paid the sum of £ to the Defendant

on foot of the said dismiss.

It is therefore further ordered by the court that the Defendant
do pay to the Plaintiff by way of recoupment the

said sum of £ for costs and witnesses' expenses which the
Plaintiff was ordered to pay and has paid to the Defendant

making the sum to be paid to the Plaintiff by the
Defendant the total amount of

£

And in default of payment of the last mentioned sum, the several under-
sheriffs in Northern Ireland are hereby commanded to take in execution the
goods of the Defendant to satisfy the
said sum.

Issued on the day of 19

Debt	£	:	:
Costs	£	:	:
Costs of Dismiss	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 40

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 164(3))

Order for Payment of Costs of Adjournment in Debt Proceedings

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court
was duly served on the Defendant claiming the sum of £ :
for

And Whereas the at the sitting of the
court applied for an adjournment of the said process, and the court ordered that
the hearing be adjourned until the day
of 19, and further ordered that the
do pay to the
the sum of £ : by way of costs and the sum of £ :
for witnesses' expenses incurred in respect of the adjournment.

It is therefore ordered by the court that the :
do recover from the the sum of £ :
for costs and witnesses' expenses and in default of payment thereof, the several
under-sheriffs in Northern Ireland are hereby commanded to take in execution
the goods of the to satisfy the said costs
and expenses.

Issued on the		day of	19
Costs	£	:	:
Witnesses' Expenses	£	:	:
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 41

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 50)

COUNTY [BOROUGH] OF PETTY SESSIONS DISTRICT OF

Process Register in Debt Proceedings

Number	Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff _____ Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of Adjudication	Date of issue of order

Resident Magistrate.

FORM 42

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 50(4))

COUNTY [BOROUGH] OF PETTY SESSIONS DISTRICT OF

Memorandum of a Debt Proceeding entered in the Process Register of the Court of Summary Jurisdiction sitting at
, the day of , 19

Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for complainant and defendant	Plaintiff _____ Defendant	Amount sued for and cause of action	Names of witnesses (including names of persons making affidavits or statutory declarations)	Minute of adjudication

I certify the above extract to be a true copy.

Resident Magistrate
[or Clerk of Petty Sessions].

Dated the day of

19

EJECTMENT PROCEEDINGS

FORM 43

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 76; Rules 39, 41 and 79)

Process in Ejectment Proceedings in respect of lands or premises to which Paragraph (a) of Section 76(1) of the Act applies

of

of

Plaintiff

Defendant

Petty Sessions District of

County [Borough] of

Whereas the Plaintiff claims that the Defendant has neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at

in the above-named petty sessions district, which the Defendant held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of , which tenancy [was duly determined by a notice to quit served on the day of 19] [or which tenancy ended on the day of 19].

The Defendant is hereby required to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock in the noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19 .

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ : : for the costs of this process be paid to the Plaintiff or his solicitor before the * day of 19 , proceedings will be stayed.

*Insert Entry Day.

FORM 44

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 78 and 82(3); Rules 39, 41 and 79(5))

Process in Ejectment Proceedings in respect of lands or premises to which Paragraph (a) of Section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under Section 78 of the Act

of	Plaintiff Defendant	Petty Sessions District of
of		County [Borough] of

Whereas the Plaintiff claims that the Defendant has neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district, which the Defendant held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of _____, which tenancy [was duly determined by a notice to quit served on the _____ day of _____ 19 ____] [or which tenancy ended on the _____ day of _____ 19 ____].

And Whereas the Plaintiff claims that the Defendant is indebted to him in the sum of £ _____ : _____ : _____ in respect of arrears of rent up till the _____ day of _____ 19 ____ [and the sum of £ _____ : _____ : _____ due to him under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] [arising from such tenancy under a lease dated _____] [granted by [the Plaintiff] to [the Defendant]].

The Defendant is hereby required to appear before the Court of Summary Jurisdiction sitting at _____ on _____ the _____ day of _____ 19 ____, at the hour of _____ o'clock in the _____ noon, to answer to the Plaintiff's claim for possession of the said lands [or premises] and for recovery of the said sum(s).

Dated this _____ day of _____ 19 ____

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ _____ : _____ : _____ in respect of [arrears of rent [and sums due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964]] and for the costs of this process be paid to the Plaintiff or his solicitor before the _____ day of _____ 19 ____, proceedings will be stayed.

*Insert Entry Day

FORM 45

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 76; Rules 39, 41 and 79(3))

Process in Ejectment Proceedings in respect of lands or premises to which
Paragraph (b) of Section 76(1) of the Act applies

of	Plaintiff Defendant	Petty Sessions District of County [Borough] of
----	------------------------	---

Whereas the Plaintiff claims that the Defendant, having been put into possession of the lands [or premises] situate at _____ in the above-named petty sessions district by permission of the Plaintiff as [servant] [herdsman] [caretaker] has refused [or omitted] to quit and deliver up possession of the lands [or premises] on demand made on the _____ day of 19____, by [the agent or receiver of] the Plaintiff.

The Defendant is hereby required to appear before the Court of Summary Jurisdiction sitting at _____ on _____ the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ _____ : _____ for costs of this process be paid to the Plaintiff or his solicitor before the * _____ day of _____ 19____, proceedings will be stayed.

*Insert Entry Day.

FORM 46

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76 and 81; Rules 39, 41 and 79(4))

Process in Ejectment Proceedings in respect of lands or premises to which
Paragraph (c) of Section 76(1) of the Act applies

of	Plaintiff Defendant	Petty Sessions District of
of		County [Borough] of

Whereas the Plaintiff claims that he is entitled to recover possession of the lands [or premises] situate at in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken) by ejectment proceedings under and in accordance with Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 by reason of

(here state cause of action and include a claim, if necessary, for arrears of rent or sums due under section 78 of the Act).

The Defendant is hereby required to appear before the Court of Summary Jurisdiction sitting at the day of , 19 , on at the hour of o'clock in the noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ : : for the costs of this process be paid to the Plaintiff or his solicitor before the * day of 19 , proceedings will be stayed.

*Insert Entry Day.

FORM 47

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76 and 84; Rule 64)

Decree for recovery of lands or premises to which Paragraph (a) of Section 76(1) of the Act Applies

of	Petty Sessions District of
	Plaintiff
of	County [Borough] of
	Defendant

By the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____

It appearing to the court that a process to appear before the above court was duly served on the Defendant, claiming that the Defendant had neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district which he lately held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of _____ per [quarter] [month] [week] which tenancy [was duly determined by a notice to quit served on the day of _____ 19____, which expired on the day of _____ 19____] [ended on the _____ day of _____ 19____]

And it appearing to the court that the Defendant still neglects [or refuses] to deliver up possession of the said lands [or premises] and proof of the said holding, its [determination] [or end] and the time and manner thereof has been duly given and the Defendant has failed to show to the satisfaction of the court cause why possession should not be given.

It is therefore ordered that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ _____ : _____ : _____ for costs and the sum of £ _____ : _____ : _____ for witnesses' expenses.

And the under-sheriff for the county in which the said lands [or premises] are situate in whole or in part is hereby commanded to take possession of the said lands [or premises] and to deliver up the same to the Plaintiff; and the several under-sheriffs in Northern Ireland are also hereby commanded to take in execution the goods of the said Defendant to satisfy the said costs and witnesses' expenses.

Issued on the _____ day of _____ 19____

Resident Magistrate
[or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

FORM 49

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76 and 84; Rule 64)

Decree for recovery of lands or premises to which Paragraph (b) of Section 76(1) of the Act applies

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming that the Defendant had refused [or omitted] to quit and deliver up to the Plaintiff the possession of the lands [or premises] situate at in the above-named petty sessions district on demand made by [the agent or receiver of] the Plaintiff on the day of 19 , into the possession of which lands [or premises] the Defendant had been put by permission of the Plaintiff as [servant] [herdsman] [caretaker].

And it appearing to the court that the Defendant still refuses [or omits] to deliver up possession of the said lands [or premises] and proof of the said permissive possession, its determination and the time and manner thereof has been duly given and the Defendant has failed to show to the satisfaction of the court cause why possession should not be given.

It is therefore ordered that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ : : for costs and the sum of £ : : for witnesses' expenses.

And the under-sheriff for the county in which the said lands [or premises] are situate in whole or in part is hereby commanded to take possession of the said lands [or premises] and to deliver up the same to the Plaintiff; and the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the said Defendant to satisfy the said costs and witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

FORM 50

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 81 and 84; Rule 64)

Decree for recovery of lands or premises to which Paragraph (c) of Section 76(1) of the Act applies

of	} Plaintiff	Petty Sessions District of
of		County [Borough] of
		Defendant

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming that the Plaintiff was entitled to recover possession of the lands [or premises] situate at in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken)
by ejectment proceedings under and in accordance with Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 by reason of

(here state grounds on which possession is claimed).
And it appearing to the court that the Plaintiff is justly entitled to possession of the said lands [or premises]

(here refer to section of the enactment under which possession is claimed)
proof having been given that

(here state reasons why recovery of possession is ordered).
It is therefore ordered that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ : : for costs and the sum of £ : : for witnesses' expenses.

And the under-sheriff for the county in which the said lands [or premises] are situate in whole or in part is hereby commanded to take possession of the said lands [or premises] and to deliver up the same to the Plaintiff; and the several under-sheriffs in Northern Ireland are also hereby commanded to take in execution the goods of the said Defendant to satisfy the said costs and expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
Total	£	:	:

FORM 51

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 59 and 64)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (a) of Section 76(1) of the Act applies

of	}	Petty Sessions District of
		Plaintiff
of	}	County [Borough] of
		Defendant

By the Court of Summary Jurisdiction sitting at
 on the day of 19

It appearing to the court that a process to appear before the above court was served on the Defendant claiming possession of the lands [*or* premises] situate at
 in the above-named petty sessions district being lands [*or* premises] which the Plaintiff alleged that the Defendant held from the Plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding fifty-five pounds a year [which tenancy the Plaintiff alleged had been duly determined by a notice to quit served on the day of 19] [*or* which tenancy the Plaintiff alleged had ended on the day of 19] and the Plaintiff has failed to prove the said claim.

It is therefore ordered by the court that the said claim be dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ : : for costs and the sum of £ : : for witnesses' expenses, and in default of payment thereof, the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Plaintiff to satisfy the said costs and expenses.

Issued on the day of 19

Resident Magistrate
[*or* Clerk of Petty Sessions]

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

FORM 52

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 78, 82(3), 84 and 169; Rules 59 and 64)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (a) of Section 76(1) of the Act applies and where arrears of rent or sums due under Section 78 of the Act were claimed

of	} Plaintiff	Petty Sessions District of
of		County [Borough] of
	} Defendant	

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was served on the Defendant claiming possession of the lands [or premises] situate at

in the above-named petty sessions district and County [Borough] being lands [or premises] which the Plaintiff alleged that the Defendant held from the Plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding fifty-five pounds a year [which tenancy the Plaintiff alleged had been duly determined by a notice to quit served on the day 19] [or which tenancy the Plaintiff alleged had ended on the day of 19] and claiming that the Defendant is indebted to the Plaintiff in the sum of £ in respect of arrears of rent up till the day of 19 , [and the sum of £ due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] and the Plaintiff has failed to prove the said claim(s).

It is therefore ordered by the court that the said claim [for possession] [and] [for arrears of rent] and [such sum] be dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses, and in default of payment thereof, the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Plaintiff to satisfy the said costs and expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

FORM 53

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 59 and 64)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which
Paragraph (b) of Section 76(1) of the Act applies

of	}	Petty Sessions District of
		Plaintiff
of		County [Borough] of
	}	Defendant

By the Court of Summary Jurisdiction sitting at _____
 on the _____ day of _____ 19____

It appearing to the court that a process to appear before the above court
 was duly served on the Defendant claiming possession of the lands [or premises]
 situate at _____
 in the above-named petty sessions district being lands [or premises] into possession
 of which the Plaintiff alleged the Defendant had been put by permission of the
 Plaintiff as [servant] [herdsman] [caretaker] and which the Defendant had refused
 [or omitted] to deliver up and the Plaintiff has failed to prove the said claim.
 It is therefore ordered by the court that the said claim is dismissed [on the
 merits] [without prejudice] and that the Defendant do recover from the Plaintiff
 the sum of £ _____ for costs and the sum of £ _____
 for witnesses' expenses, and in default of payment thereof, the several under-
 sheriffs in Northern Ireland are hereby commanded to take in execution the goods
 of the Plaintiff to satisfy the said costs and expenses.

Issued on the _____ day of _____ 19____

Resident Magistrate
[or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

FORM 54

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 81, 84 and 169; Rules 59 and 64)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (c) of Section 76(1) of the Act applies

of	}	Petty Sessions District of
		Plaintiff
of		County [Borough] of
	}	
		Defendant

By the Court of Summary Jurisdiction sitting at _____
 on _____ the _____ day of _____ 19____
 It appearing to the court that a process to appear before the above court
 was duly served on the Defendant claiming possession of the lands [or premises]
 situate at _____
 in the above-named petty sessions district under the provisions of _____

(state enactment under which proceedings taken)
 by reason of _____

and the Plaintiff has failed to prove the said claim.
 It is therefore ordered by the court that the said claim be dismissed [on the
 merits] [without prejudice] and that the Defendant do recover from the Plaintiff
 the sum of £ _____ for costs and the sum of £ _____
 for witnesses' expenses, and in default of payment thereof, the several under-
 sheriffs in Northern Ireland are hereby commanded to take in execution the goods
 of the Plaintiff to satisfy the said costs and expenses.

Issued on the _____ day of _____ 19____

Resident Magistrate
 [or Clerk of Petty Sessions].

Costs	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

FORM 55

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 58 and 64)

Decree where Costs by way of recoupment are ordered to be paid in
Ejectment Proceedings

of _____
 of _____
 Defendants

Plaintiff

Petty Sessions District of _____
 County [Borough] of _____

By the Court of Summary Jurisdiction sitting at _____
 on the _____ day of _____ 19 ____

It appearing to the court that a process to appear before the above court was duly served on the Defendants claiming possession of the lands [or premises] situate at _____

in the above-named petty sessions district being premises (*here state allegation in process*)

And it appearing to the court that the Plaintiff's claim against the Defendant should be granted and that the Plaintiff has failed to prove his claim against the Defendant

It is therefore ordered that the Plaintiff do recover from the Defendant the said lands [or premises], the sum of £ _____ : _____ for costs and the sum of £ _____ : _____ for witnesses' expenses.

And whereas the proceeding against the Defendant was dismissed [on the merits] [without prejudice] and it was ordered that the Defendant do recover from the Plaintiff the sum of £ _____ : _____ for costs of the dismiss and witnesses' expenses. And whereas the Plaintiff has paid the sum of £ _____ : _____ to the Defendant on foot of the said dismiss.

It is therefore further ordered by the court that the Defendant do pay to the Plaintiff by way of recoupment the sum of £ _____ : _____ for costs and witnesses' expenses which the Plaintiff was ordered to pay and has paid to the Defendant making the sum to be paid to the Plaintiff by the Defendant the total amount of £ _____ : _____

And in default of payment of the last-mentioned sum, the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Defendant to satisfy the said sum.

Issued on the _____ day of _____ 19 ____

Resident Magistrate
[or Clerk of Petty Sessions].

Costs of Claim	£	:	:
Costs of Dismiss	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

FORM 56

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 58 and 64)

Decree where Costs by way of recoupment are ordered to be paid in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (a) of Section 76(1) of the Act applies and to which a claim for the recovery of arrears of rent or sums due under section 78 of the Act was made

of	}	Petty Sessions District of
of		County [Borough] of
	Plaintiff	
	Defendants	

By the Court of Summary Jurisdiction sitting at
on the _____ day of _____ 19 ____

It appearing to the court that a process to appear before the above court was duly served on the Defendants claiming possession of the lands [or premises] situate at _____ in the above-named petty sessions district being lands [or premises]

(here state allegation in process)

and claiming that the Defendants were indebted to the Plaintiff in the sum of £ : : in respect of arrears of rent [and the sum of £ : : due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] in respect of the said lands [or premises].

And it appearing to the court that the Plaintiff's claim against the Defendant should be granted and that the Plaintiff has failed to prove his claim against the Defendant

It is therefore ordered that the Plaintiff do recover from the Defendant the said lands [or premises] together with the sum of £ : : in respect of the said arrears of rent [and the said sum due under the said section 78], the sum of £ : : for costs and the sum of £ : : for witnesses' expenses.

And whereas the proceeding against the Defendant was dismissed [on the merits] [without prejudice] and it was ordered that the Defendant do recover from the Plaintiff the sum of £ : : for costs of the dismiss and witnesses' expenses.

And whereas the Plaintiff has paid the sum of £ : : to the Defendant on foot of the said dismiss.

It is therefore further ordered by the court that the Defendant do pay to the Plaintiff by way of recoupment the sum of £ : : for costs and witnesses' expenses which the Plaintiff was ordered to pay and has paid to the Defendant making the sum to be paid to the Plaintiff by the Defendant the total amount of £ : :

And in default of payment of the last-mentioned sum, the several undersheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Defendant to satisfy the said sum.

Issued this _____ day of _____ 19 ____

Arrears of rent or sums due under section 78 of the Act	£	:	:
Costs of Claim	£	:	:
Costs of Dismiss	£	:	:
Witnesses' Expenses	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

Total £ : :

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 50)

COUNTY [BOROUGH] OF PETTY SESSIONS DISTRICT OF

Process Register in Ejection Proceedings

Number	Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff _____ Defendant	Description of lands or premises possession of which claimed	Grounds on which possession claimed, i.e., whether paragraph (a), (b) or (c) of section 76(1) of the Act applies; and, if (c) applies, enactment under which proceedings brought	Names of witnesses (including persons making affidavits or statutory declarations)	Minute of Adjudication	Date of issue of Order

Resident Magistrate.

FORM 59

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 50(4))

COUNTY [BOROUGH] OF PETTY SESSIONS DISTRICT OF

Memorandum of an Ejectment Proceeding entered in the Process Register of the Court of Summary Jurisdiction sitting at
the day of , 19

Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff _____ Defendant	Lands or premises the subject of the proceedings	Grounds upon which possession claimed, i.e., whether paragraph (a), (b) or (c) of section 76(1) of the Act applies, and, if (a) applies, enactment under which proceeding brought	Names of witnesses (including persons making affidavits or statutory declarations)	Minute of Adjudication

I certify the above extract to be a true copy.

Dated the day of 19 .

Resident Magistrate
[or Clerk of Petty Sessions].

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Magistrates' Courts Rules

No. 206

APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

FORM 60

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 86; Rule 81)

Notice of Appeal to Court of Summary Jurisdiction

of	Appellant Respondent	Petty Sessions District of
of		County [Borough] of

Take notice that I, the undersigned Appellant, intend to appeal to a Court of Summary Jurisdiction for the above-named petty sessions district sitting at _____ on _____ the _____ day of _____ 19____, against the decision of _____
(here state decision appealed against)

given under _____
(here state enactment under which decision appealed against was given).

Dated this _____ day of _____ 19____

Appellant
[or Solicitor for Appellant].

To the Respondent
of _____
and to the Clerk of Petty Sessions for the above-named petty sessions district.

FORM 61

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 86; Rule 81)

Notice of Application to Court of Summary Jurisdiction

of

Petty Sessions District of

Applicant

of

County [Borough] of

Respondent

Take notice that I, the undersigned Applicant, intend to apply to a Court of Summary Jurisdiction for the above-named petty sessions district sitting at _____ on _____ the _____ day of _____ 19____, for [a licence, permit, certificate or authorisation, etc.] [an order authorising the disposal, destruction, forfeiture] under [state enactment].

Dated this _____ day of _____ 19____

Applicant
[or Solicitor for Applicant].

To [the Respondent
of _____
and to] Clerk of Petty Sessions for the above-named petty sessions district.

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

FORM 62

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 89; Rule 8)

Complaint

of	} Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

I, say [on oath] that

of Complainant
[for Complainant].

Taken before me this
in the County [Borough] of

day of 19

Justice of the Peace.

FORM 63

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 89; Rule 9)

Summons to Defendant to Answer Complaint

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made before me that on the _____ day
of _____ 19____, at _____
[in the said district and County [Borough]]
you, the said Defendant,

This is to command you to appear as a Defendant on the hearing of the
said complaint at _____ on the _____ day
of _____ 19____, at _____ o'clock in the _____ noon
before a Court of Summary Jurisdiction of the County [Borough].

Justice of the Peace,

This _____ day of _____ 19____
To the said Defendant.

FORM 64

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 87, 89 and 96; Rule 8)

Complaint to vary, etc., Order for periodical payment

of	} Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

I, _____ of _____
 say [upon oath] that by an order made on the _____ day of _____
 19____, under the _____ Act, _____, by the
 Court of Summary Jurisdiction sitting at _____
 in the said Petty Sessions District [the Defendant] [the Complainant] [or other
 person by whom payment to be made] was ordered

*(state shortly terms of the original order and mention any
 subsequent order and effect thereof)*

And the Complainant _____ now applies for the
 said order to be varied [or revived, revoked, suspended or discharged] on the
 ground that

(state grounds of application)

Complainant
 [for Complainant].

Taken before me this _____ day of _____
 in the County [Borough] of _____

19____

Justice of the Peace.

FORM 65

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 89 and 96; Rule 9)

Summons to vary, etc., Order for periodical payments

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint has been made to me by the [Complainant] [Defendant] who states that by an order made on the _____ day of _____ 19____, under the _____ Act by a Court of Summary Jurisdiction sitting for the said petty sessions district the [Complainant] [Defendant] was ordered

(state shortly terms of the original order and mention any subsequent order and effect thereof)

And the [Complainant] [Defendant] now applies for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(state grounds of application)

This is to command you the said [Complainant] [Defendant] to appear on _____ the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon, before the Court of Summary Jurisdiction sitting at _____, to answer the said complaint.

Justice of the Peace.

This _____ day of _____

19____

To the said [Complainant] [Defendant].

FORM 66

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 96)

Order varying, etc., Order for periodical payment

of	} Complainant	Petty Sessions District of
of		County [Borough] of
	} Defendant	

Complaint has been made by the [Complainant] [Defendant] who states that by an order made on the _____ day of _____ 19____, under the _____ Act by a Court of Summary Jurisdiction sitting for the said petty sessions district the [Complainant] [Defendant] was ordered

(state shortly terms of the original order and mention any subsequent order and effect thereof)

And the [Complainant] [Defendant] has applied for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(state grounds of application)

It is this day adjudged that the said order be [forthwith] varied [or revoked, suspended or discharged] as follows:—

and the [Complainant] [Defendant] is ordered to pay the sum of £ _____ : _____ for costs.

Resident Magistrate.

This _____ day of _____

19 _____

SATISFACTION AND ENFORCEMENT OF ORDERS

A. Orders in Criminal Proceedings

FORM 67

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 89)

Notice to Defendant of sum adjudged to be paid by a conviction made in his absence

Petty Sessions Office,
Court House,

19

Order Book No.

TAKE NOTICE that at the Magistrates' Court held at _____
on the _____ day of _____ 19____, you were convicted
of [an offence] [offences] and ordered to pay the following sums:—

Fine	£	:	:
Compensation, etc.	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

The court allowed you *until the _____ day of _____ 19____, to pay these sums and ordered that if payments are not made on or before that day a Warrant to enforce the order be issued against you.

The issue of a Warrant would increase the amount due by additional costs.

Payment may be made to me within the time allowed at my office or the above address, or may be sent by post to me at the above address at your own risk.

A payment made by post must be accompanied by this notice and postage must be prepaid.

To:—

Clerk of Petty Sessions.

**If instalments allowed so state by this notice.*

FORM 68

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(a); Rules 13, 89, 111 and 112)

Warrant of Distress for sum adjudged to be paid by a conviction

of	} Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

Whereas, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____,
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ : : [and for compensation the sum of £ : :] and for costs the sum of £ : : [by weekly [or monthly] instalments, the first instalment of] the said sum(s) to be paid [forthwith] [not later than the _____ day of _____ 19____], [the sum of £ : : to be added to the costs if a Warrant is issued,] and that in default of payment the said sum(s) be levied by distress;

And [a notice under Rule 89 of the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on the Defendant] [no notice under Rule 89 of the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on the Defendant because [a Resident Magistrate directed accordingly] [the order was made in the presence of the defendant or his counsel or solicitor]] and default having been made in payment;

This is to command you to whom this Warrant is addressed forthwith to make distress of the money and goods of the Defendant; and if the sum stated at the foot of this Warrant, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as Defendant may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named petty sessions district, and if no such distress can be found, to certify the same to the court within [the period of _____ days] [a reasonable time].

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].
19

This _____ day of _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the

Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 69

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 102(1)(b) and 103; Rules 13 and 111)**Warrant of Commitment for sum adjudged to be paid by a conviction (other than where time is allowed for payment)**

of

Petty Sessions District of

Complainant

of

County [Borough] of

Defendant

Whereas, upon the hearing of a complaint that

an order was made on the . . . day of . . . 19 . . .
by a Magistrates' Court sitting at . . . against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ . . . : . . . [and for compensation the sum of £ . . . : . . .] and for costs the sum of £ . . . : . . . forthwith and in default of payment to be imprisoned in the Prison at . . . unless the said sums be sooner paid;

And whereas the said order for payment has not been complied with and for the reason that the Defendant—

appeared to have sufficient means to pay the said sums forthwith;

[or, on being asked by the court whether he wished to have time for payment, the Defendant did not ask for time;]

[or, the court was satisfied that he had no fixed abode in Northern Ireland;]

[or

(state other special circumstances)].

This is to command you, to whom this Warrant is addressed, to execute the said order against the Defendant as follows:—

To lodge him in the Prison at . . . there to be imprisoned for the period of . . . unless the said sums be sooner paid;

And for this the Present Warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in . . . days] [within a reasonable time] if not executed.

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:

Total	£	:	:
-----------------	-------------	-------------	-------------

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This . . . day of . . .

19 . . .

To the District Inspector of the Royal Ulster Constabulary at . . . and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 70

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(b); Rules 13, 89 and 111)

**Warrant of Commitment for sum adjudged to be paid by a conviction where
time for payment allowed**

of	Complainant	} Petty Sessions District of
of		
	Defendant	} County [Borough] of

Whereas, upon the hearing of a complaint that

an order was made on the _____ day of _____, 19____,
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint
is hereby convicted of the said offence and ordered to pay for fine the sum
of £ _____ : _____ [and for compensation the sum of £ _____ : _____]
and for costs the sum of £ _____ : _____ in _____ days and in
default of payment to be imprisoned in the Prison at _____
for the period of _____ unless the said sums be sooner paid
[the sum of _____ to be added to the costs if a Warrant is issued].

And [a notice under Rule 89 of the Magistrates' Court Rules (Northern
Ireland) 1965 having been served on the Defendant] [no notice under Rule 89 of
the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on the
Defendant because [a Resident Magistrate directed accordingly] [the order was
made in the presence of the Defendant or his counsel or solicitor]] and whereas
the said order has not been complied with.

This is to command you, to whom this Warrant is addressed, to execute the
said order against the Defendant as follows:—

To lodge h _____ in the Prison at _____ there to be
imprisoned for the period of _____ unless the said sums be
sooner paid.

And for this the Present Warrant shall be a sufficient authority to all whom
it may concern. The sum levied to be paid to the Clerk of Petty Sessions.
The Warrant to be returned [in _____ days] [within a reasonable
time] if not executed.

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____
and to all other members of the
Royal Ulster Constabulary to whom this Warrant may be delivered
for execution.

FORM 71

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101, 102(1)(b), 113 and 115; Rules 13, 89 and 111)

**Warrant of Commitment where sum adjudged to be paid by a conviction
ordered to be paid by instalments**

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

Whereas, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19 _____
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint]
is hereby convicted of the said offence and ordered to pay for fine the
sum of £ : : [and for compensation the sum of £ : :]
and for costs the sum of £ : : , and in default of payment to be
imprisoned in the Prison at _____ for the period
of _____ unless the said sums be sooner paid. Warrant not
to issue so long as Defendant pays _____ instalments of
commencing on the _____ day of _____ 19 _____, but in
default of payment of the said several instalments or any one of them, the
Defendant is to be imprisoned for such period, calculated in accordance with the
provisions of section 113(2) of the Magistrates' Courts Act (Northern Ireland) 1964
as would be appropriate, having regard to the above-mentioned period in default
of payment of the total sum, unless the sum remaining due be sooner paid. [The
sum of _____ to be added to the costs if a Warrant is issued.]

And [a notice under Rule 89 of the Magistrates' Courts Rules (Northern
Ireland) 1965 having been served on the Defendant] [no notice under Rule 89 of
the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on
the Defendant because [a Resident Magistrate directed accordingly] [the order was
made in the presence of the Defendant or his counsel or solicitor]] and whereas the
Defendant has made default in payment of the said instalments, and there now
remains due on foot of the said order the sum of £ : : . This is to
command you to whom this Warrant is addressed, to execute the said order against
the Defendant as follows:—

To lodge h _____ in the Prison at _____, there to be
imprisoned for [the period of _____] [such period, calculated in
accordance with the provisions of section 113(2) of the Magistrates' Courts Act
(Northern Ireland) 1964, as would be appropriate, having regard to the amount
remaining due and to the above-mentioned period in default of payment of the
total sums, unless the sum remaining due be sooner paid].

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern. The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:
Amount paid	£	:	:
<hr/>			
Balance due	£	:	:

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions].

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 72

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(c); Rules 13, 89 and 111)

**Warrant of Commitment in default of distress for sum adjudged to be paid
by a conviction**

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

Whereas, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____,
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ : : [and for compensation the sum of £ : :] and for costs the sum of £ : : [forthwith] [in _____ days] [by instalments of £ : : commencing on _____] and in default of payment or distress to be imprisoned in the Prison at _____ for the period of _____ unless the said sums be sooner paid; [the sum of _____ to be added to the costs if a Warrant is issued;]

And whereas [(the Defendant admits that] [or] [it has been returned to a warrant of distress that] he has no [sufficient] goods [it appears that no sufficient distress whereon to levy the said sums could be found].

And whereas default has been made in payment [of a balance of £ : :].

This is to command you to whom this Warrant is addressed to execute the said order against the Defendant as follows:—

To lodge him in the Prison at _____ there to be imprisoned for the period of _____ unless the said sums be sooner paid.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____

19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 73

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(a) and (c); Rules 13, 89, 111 and 112)

Warrant of Distress and Commitment in default of distress for sum adjudged to be paid by a conviction

of	}	Petty Sessions District of
Complainant		
of	}	County [Borough] of
Defendant		

Whereas upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence alleged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ _____ : _____ [and for compensation the sum of £ _____ : _____] and for costs the sum of £ _____ : _____ [by weekly [or monthly] instalments, the first instalment of] the said sum(s) to be paid [forthwith] [not later than the _____ day of _____ 19____], [the sum of _____ to be added to the costs of a Warrant is issued,] and the said sum(s) be levied by distress and in default of distress the Defendant to be imprisoned in the Prison at _____ for the period of _____ unless the said sums be sooner paid.

And [a notice under Rule 89 of the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on the Defendant] [no notice under Rule 89 of the Magistrates' Courts Rules (Northern Ireland) 1965 having been served on the Defendant because [a Resident Magistrate directed accordingly] [the order was made in the presence of the Defendant or his counsel or solicitor]] and default having been made in payment [of a balance of £ _____ : _____]

This is to command you to whom this Warrant is addressed forthwith to make distress of the money and goods of the Defendant; and if the sum stated at the foot of this Warrant, together with the reasonable expenses of making and keeping the said distress be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as the Defendant may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named petty sessions district, and if no such distress can be found the Defendant is to be imprisoned in the Prison at _____ for the period of _____ month(s).

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern. The Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Fine	£	:	:
Compensation	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of

19

To the District Inspector of the Royal Ulster Constabulary at
and to all other members of the
Royal Ulster Constabulary to whom this Warrant may be delivered
for execution.

FORM 74

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 104; Rule 90)

Notice of supervision of person under twenty-one years

of	} Complainant	Petty Sessions District of
of		County [Borough] of
		} Defendant

You, the above-named Defendant, were on the _____ day of 19____, adjudged by a conviction of a Magistrates' Court sitting at _____ to pay the sum(s) shown at the foot hereof and given until the _____ day of _____ 19____, to pay the said sum(s) and were, by order of the court, placed under the supervision of _____ until [the said sum(s)] [a balance of _____] be paid or further order be made.

Clerk of Petty Sessions.

This	day of	19
Fine	£	: :
Compensation	£	: :
Costs	£	: :
Total	£	: :
Deduct for part-payment	£	: :
Balance	£	: :

To—
Address—

B. Orders in Debt Proceedings

FORM 75

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 106; Rules 91 to 93)

Enforcement Process under the Debtors Act (Ireland) 1872

of	}	Petty-Sessions District of
	}	County [Borough] of
of		
	Plaintiff	
	Defendant	

Whereas the Plaintiff alleges that the sum of £ : : is now due to him from the Defendant in pursuance of a decree obtained by him against the Defendant in a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [the Petty Sessions District of] on the day of 19 , whereby the Defendant was ordered to pay to the Plaintiff the sum of £ : : and the sum of £ : : for costs and witnesses' expenses [and of a renewal of the said decree granted on the day of 19].

The Defendant therefore is hereby required to appear personally before a Court of Summary Jurisdiction for the first-named Petty Sessions District at the hour of o'clock on the day of 19 , to be examined on oath touching the means he has or has had since the date of the decree to satisfy the sum payable in pursuance of the said decree; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or, in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the court shall direct.

Dated this day of 19

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If the amount due, together with the sum of £ : : for the costs of this process, be paid to the Plaintiff or his Solicitor before the * day of 19 , proceedings will be stayed.

*Insert Entry Date.

FORM 76

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 106; Rule 91)

Enforcement Order under the Debtors Act (Ireland) 1872

of	Plaintiff Defendant	Petty Sessions District of County [Borough] of
of		

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process was duly served on the Defendant requiring him to appear personally before the above court and to show cause why an order committing him to prison should not be made against him for default made by him in payment of the sum of £ : : due by him in pursuance of a decree of a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [Petty Sessions District of] obtained by the Plaintiff against the Defendant on the day of 19 , whereby the Defendant was ordered to pay to the Plaintiff the sum of £ : : and the sum of £ : : for costs and witnesses' expenses [and of a renewal of the said decree granted on the day of 19] or, in the alternative, to show cause why an order should not be made against the Defendant for payment of the said sum by instalments or otherwise as the court should direct.

And the Defendant having failed to show cause why an order should not be made.

It is therefore ordered by the court that the Plaintiff do recover from the Defendant the said sum of £ : : , together with the sum of £ : : for costs of this order and witnesses' expenses, by instalments of £ : : on the day of each , the first of such instalments to be paid on the day of 19

Dated this day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 77

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 106; Rule 92)

Committal Process under the Debtors Act (Ireland) 1872

of

of

Plaintiff

Defendant

Petty Sessions District of

County [Borough] of

The Defendant is hereby required to appear personally before the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon, to show cause why he should not be committed to prison for default made by him in payment of £ _____ : _____ : _____, the instalment due on the _____ day of _____ 19____, being one of the instalments by which he was ordered to pay to the Plaintiff the sum of £ _____ : _____ : _____ by order of the said court made on the _____ day of _____ 19____.

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If the amount in respect of which the Defendant has made default in payment, together with the sum of £ _____ : _____ : _____ for the costs of this process, be paid to the Plaintiff or his Solicitor before the * _____ day of _____ 19____, further proceedings in respect thereof will be stayed.

*Insert Entry Date.

FORM 79

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 99)

Renewal Process in Debt Proceedings

of	Plaintiff Defendant	Petty Sessions District of County [Borough] of
of		

Whereas at the Court of Summary Jurisdiction sitting at _____ issued on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____ and the sum of £ _____ for costs and witnesses' expenses, making a total sum of £ _____

[And whereas at the said court on the _____ day of _____ 19____, a renewal of the said order was granted to the Plaintiff for the sum of £ _____ and the sum of £ _____ for costs of the renewal and witnesses' expenses, making a total sum of £ _____]

And whereas there is still due and owing to the Plaintiff on foot of the said order [and renewal thereof] the sum of £ _____

The Defendant is therefore required to appear before the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____ at the hour of _____ o'clock in the _____ noon, when the Plaintiff intends to make application to renew the said order for the balance now due.

Dated this _____ day of _____ 19____

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If the balance due, as stated above, together with the sum of £ _____ for costs of this renewal process, be paid to the Plaintiff or his Solicitor before the * _____ day of _____ 19____, proceedings will be stayed.

*Insert Entry Date.

FORM 80

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 100)

Affidavit to obtain a renewal of a decree or dismiss in debt proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

I, _____ of _____, make oath and say
in the County [Borough] of _____ as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____ and the sum of £ _____ for costs and witnesses' expenses [and the said order was renewed on the _____ day of _____ 19____, for the sum of £ _____ and the sum of £ _____ for costs of the renewal and witnesses' expenses].
2. The sum of £ _____ still remains due and unpaid of the sums so ordered to be paid.
3. I am * _____ and the above facts are within my own personal knowledge.

Deponent. _____ Sworn before me this _____ day of _____ 19____, at [Borough] of _____ in the County _____

Justice of the Peace
[or Commissioner for Oaths].

*The Plaintiff. A person in the employment of the Plaintiff. A person acting under the direction of the Plaintiff.

FORM 81

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 100)

Statutory declaration to obtain a renewal of a decree or dismiss in debt proceedings

of	}	Petty Sessions District of
		Plaintiff
of		County [Borough] of
	}	Defendant

I, _____ of _____ do solemnly and sincerely declare as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____ : _____ and the sum of £ _____ : _____ for costs and witnesses' expenses [and the said order was renewed on the _____ day of _____ 19____, for the sum of £ _____ : _____ and the sum of £ _____ : _____ for costs of the renewal and witnesses' expenses].
2. The sum of £ _____ : _____ still remains due and unpaid of the sums so ordered to be paid.
3. I am *

and the above facts are within my own personal knowledge.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declarant. _____ Declared before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____

Justice of the Peace
[or Commissioner for Oaths].

*The Plaintiff. A person in the employment of the Plaintiff. A person acting under the direction of the Plaintiff.

FORM 82

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 101(1))

Renewal of a decree or dismiss in debt proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a renewal process to appear before the above court was duly served on the Defendant, giving him notice that an application would be made to renew an order of the said court on the day of 19, whereby he was ordered to pay to the Plaintiff a sum of £ : : and the sum of £ : : for costs and witnesses' expenses, making a total sum of £ : : :

[And that a previous renewal was granted on the day of 19, for the sum of £ : : and the sum of £ : : for costs of the renewal and witnesses' expenses, making a total sum of £ : :]

And proof having been given that the sum of £ : : is still due and owing on foot of the said order [and renewal].

It is therefore ordered by the court that the said order be and the same is hereby [further] renewed for the sum of £ : : , together with the sum of £ : : for costs of this renewal and witnesses' expenses, and in default of payment thereof the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Defendant to satisfy the said debt, costs and expenses.

Issued on the day of , 19

Amount due . . .	£	:	:
Costs renewal . . .	£	:	:
Witnesses' Expenses .	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 83

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 103)

Renewal decree by instalments

of	}	Petty Sessions District of
	} Plaintiff	County [Borough] of
of		
	} Defendant	

By the Court of Summary Jurisdiction sitting at
on the day of 19 .
It appearing to the court that a renewal process to appear before the above
court was duly served on the Defendant, giving him notice that an application
would be made to renew an order of the said court made on the day
of 19 , whereby he was ordered to pay to the Plaintiff
a sum of £ : : and the sum of £ : : for costs and
witnesses' expenses, making a total sum of £ : : .
[And that a previous renewal was granted on the day of
19 , for the sum of £ : : and the sum of £ : :
for costs of the renewal and witnesses' expenses, making a total sum of
£ : : .]

And proof having been given that the sum of £ : : is still due
and owing on foot of the said order [and renewal].
It is therefore ordered by the court that the said order be and the same is
hereby [further] renewed for the sum of £ : : , together with the
sum of £ : : for costs of this renewal and witnesses' expenses,
payable by instalments of on the day
of each , the first of such instalments to be paid on the day
of 19 , and in default of payment of the said instalments
or any of them, the several under-sheriffs in Northern Ireland are hereby commanded
to take in execution the goods of the Defendant to satisfy the said debt, costs and
expenses or so much thereof as shall remain unpaid.

Dated this day of 19 .

Amount due	£	:	:
Costs renewal	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 84

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 104)

Application for the issue of a duplicate decree or dismiss in debt proceedings

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

The Defendant is hereby required to take notice that an application will be made to the Court of Summary Jurisdiction sitting at on the day of 19 for the issue of a duplicate of a court on the day of 19 granted at the said court on the day of 19, which has been lost [destroyed] [or which has improperly got into the hands of the Defendant or his agent].

Dated this day of 19

Plaintiff
[or Solicitor for the Plaintiff]
Address].

C. Orders in Ejectment Proceedings

FORM 85

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 117(1); Rules 94 to 96)

Notice of intention to apply for the issue of Ejectment Decree for overholding
of

	}	Petty Sessions District of
Plaintiff		
of	}	
Defendant		County [Borough] of

Take NOTICE that an application will be made to the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon for an order authorising the issue of a decree for the recovery of possession of the lands [or premises] situate at _____ granted at the said court on the _____ day of _____ 19____.

The said application will be made on the ground that default has been made by you in payment of the amounts which the court, at the time of the granting of the decree, ordered you to pay. You may, if you so desire, attend at the hearing of the application and make such representations to the court as you think fit.

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff
Address].

To the Defendant.
Copy to the Clerk of Petty Sessions.

FORM 86

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 117(2); Rules 94 to 96)

Notice of intention to apply for removal of Stay of Execution on Ejectment
Decree for overholding

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

Take NOTICE that an application will be made to the Court of Summary
Jurisdiction sitting at _____ on _____ the _____ day
of _____ 19 _____, at the hour of _____ o'clock in
the _____ noon for an order to remove the stay of execution placed upon
the decree for the recovery of possession of the lands [or premises] situate
at _____ granted at the said court on the _____ day
of _____ 19 _____. The said application will be made upon
the ground that default has been made by you in payment of the amounts which
the court, at the time of the granting of the decree, ordered you to pay. You may,
if you so desire, attend at the hearing of the application and make such
representations to the court as you think fit.

Dated this _____ day of _____ 19 _____

Plaintiff
[or Solicitor for the Plaintiff
Address].

To the Defendant.
Copy to the Clerk of Petty Sessions.

FORM 87

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 99)

Renewal Process in Ejectment Proceedings

of	}	Petty Sessions District of
of	}	County [Borough] of
	Plaintiff	
	Defendant	

Whereas at the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, [a decree was granted for the recovery by the Plaintiff of the possession of lands [or premises] situate at _____ in the above district and] the Defendant was ordered to pay to the Plaintiff [the sum of £ _____ : _____ : _____ in respect of arrears of rent [and the sum of £ _____ : _____ : _____ due under section 78 of the said Act of 1964 and]] the sum of £ _____ : _____ : _____ for costs and witnesses' expenses.

[And whereas at the said court on the _____ day of _____ 19____, a renewal of the said decree was granted to the Plaintiff and the sum of £ _____ : _____ : _____ for costs of the renewal and witnesses' expenses.]

And whereas [possession of the said lands [or premises] has not been delivered up by the Defendant to the Plaintiff] and there is still owing to the Plaintiff on foot of the said decree [and renewal thereof] the sum of £ _____ : _____ : _____. The Defendant is therefore required to appear before the Court of Summary Jurisdiction sitting at _____ on _____ the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon, when the Plaintiff intends to make application to renew the said decree [for possession and] for the balance now due.

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff
Address].

NOTE: If [possession of the above lands [or premises] is delivered up to the Plaintiff together with] the balance due and [the sum of £ _____ : _____ : _____ in respect of arrears of rent [and sums due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964 and] the sum of £ _____ : _____ : _____ for the costs of this renewal process be paid to the Plaintiff or his solicitor before the * _____ day of _____ 19____, proceedings will be stayed.

*Insert Entry Date.

FORM 88

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 100)

Affidavit to obtain a Renewal of a Decree or Dismiss in Ejectment Proceedings

of

of

Plaintiff	}	Petty Sessions District of
Defendant		County [Borough] of

I, _____ of _____, make oath and say
in the County [Borough] of _____, as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to [deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district and ordered to] pay to the Plaintiff [the sum of £ _____ : _____ : _____ in respect of arrears of rent [and the sum of £ _____ : _____ : _____ due under section 78 of the said Act of 1964 and]] the sum of £ _____ : _____ : _____ for costs and witnesses' expenses [and the said order was renewed on the _____ day of _____ 19____, [for possession of the said lands [or premises] and] for the sum of £ _____ : _____ : _____ and the sum of £ _____ : _____ : _____ for costs of the renewal and witnesses' expenses].
2. [The Defendant [still refuses] [has failed] to deliver up possession of the said lands [or premises] and] the sum of £ _____ : _____ : _____ still remains due and unpaid of the sums so ordered to be paid.
3. I am * _____ and the above facts are within my own personal knowledge.

Sworn before me this _____ day
of _____ 19____, at
[Borough] of _____ in the County _____

Deponent. _____

Justice of the Peace for the said County [Borough]
[or Commissioner for Oaths].

*The Plaintiff. A person in the employment of the Plaintiff. A person acting under the direction of the Plaintiff.

FORM 89

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 100)**Statutory Declaration to obtain a Renewal of a Decree or Dismiss in Ejectment Proceedings**

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

I, _____ of _____, do sincerely
in the County [Borough] of _____, declare as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to [deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district and ordered to] pay to the Plaintiff [the sum of £ _____ : _____ : _____ in respect of arrears of rent [and the sum of £ _____ : _____ : _____ due under section 78 of the said Act of 1964 and]] the sum of £ _____ : _____ : _____ for costs and witnesses' expenses [and the said order was renewed on the _____ day of _____ 19____, [for possession of the said lands [or premises] and] for the sum of £ _____ : _____ : _____ and the sum of £ _____ : _____ : _____ for costs of the renewal and witnesses' expenses]].
2. [The Defendant [still refuses] [has failed] to deliver up possession of the said lands [or premises] and] the sum of £ _____ : _____ : _____ still remains due and unpaid of the sums so ordered to be paid.
- 3: I am *
and the above facts are within my own personal knowledge. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declaration Act 1835.

Declared before me this _____ day
of _____ 19____, at
Declarant. _____ in the County
[Borough] of _____

Justice of the Peace for the said County [Borough]
[or Commissioner for Oaths].

*The Plaintiff. A person in the employment of the Plaintiff. A person acting under the direction of the Plaintiff.

FORM 90

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 119; Rule 101)

Renewal of a Decree or Dismiss in Ejectment Proceedings

of	}	
		Petty Sessions District of
of		County [Borough] of
	}	Plaintiff
		Defendant

By the Court of Summary Jurisdiction sitting at
 on the day of 19

It appearing to the court that a renewal process to appear before the above court was duly served on the Defendant, giving him notice that an application would be made to renew a decree of the said court made on the day of 19 , whereby he was ordered [to deliver up to the Plaintiff possession of the said lands [or premises situate at in the above-named petty sessions district and] to pay to the Plaintiff [the sum of £ : : in respect of arrears of rent [and the sum of £ : : due under section 78 of the said Act of 1964 and]] the sum of £ : : for costs and the sum of £ : : for witnesses' expenses.

[And that a previous renewal was granted on the day of 19 , [for possession of the said lands [or premises] and] for the sum of £ : : and the sum of £ : : for costs of the renewal and the sum of £ : : for witnesses' expenses, making a total sum of £ : : .]

And proof having been given that [the Defendant [still refuses] [has failed] to deliver up possession of the said lands [or premises] and] the sum of £ : : is still due and owing on foot of the said decree [and renewal].

It is therefore ordered by the court that the said decree be and the same is hereby [further] renewed for [possession of the said lands [or premises] and] for the sum of £ : : together with the sum of £ : : for costs of this renewal and the sum of £ : : for witnesses' expenses, and the under-sheriff of the County [Borough] in which the lands [or premises] are situate is hereby commanded to put the Plaintiff in possession of the said lands [or premises] and, in default of payment of the said sums, the several under-sheriffs in Northern Ireland are hereby commanded to take in execution the goods of the Defendant to satisfy the said sums.

Issued this day of 19

Amount due on original decree	£	:	:
[Amount due on previous renewal	£	:	:
Costs of this present renewal	£	:	:
Witnesses' Expenses	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 91

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 104)

**Application for the Issue of a Duplicate Decree or Dismiss in
Ejectment Proceedings**

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

The Defendant is hereby required to take notice that an application will be made to the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, for the issue of a duplicate of a _____ granted at the said court on the _____ day of _____ 19____, which had been lost [destroyed] [or which has improperly got into the hands of the Defendant or his agent].

Dated this _____ day of _____ 19____

Plaintiff
[or Solicitor for the Plaintiff].

D. Orders for the Payment of Sums (other than on Conviction) made in Proceedings upon Complaint

FORM 92

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 109; Rules 13 and 111)

Warrant of Distress for sum (other than a sum adjudged to be paid by a conviction) ordered to be recovered in Proceedings upon Complaint

of	}	Petty Sessions District of
		Complainant
of		County [Borough] of
	}	Defendant

Whereas upon the hearing of a complaint that an order was made on the _____ day of _____ 19____ by the Court of Summary Jurisdiction against the said [Complainant] [Defendant] to the following effect, viz. :—

[and to pay the sum of £ : : and] the sum of £ : : for costs [by weekly [or monthly] instalments, the first instalment of], the said sum(s) to be paid [forthwith] [not later than the _____ day of _____ 19____] and that in default of payment the said sum(s) be levied by distress;

And default having been made in payment;

This is to command you to whom this Warrant is addressed forthwith to make distress of the money and goods of the [Complainant] [Defendant] and if the sum stated at the foot of this Warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as the [Complainant] [Defendant] may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named petty sessions district, and if no such distress can be found, to certify the same to the court within [within the period of _____ days] [a reasonable time].

Sum ordered to be paid	£	:	:
Costs	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 93

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159(2); Rules 13 and 111(6))

Warrant of Distress for Rates

Rate Collector of the

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

Whereas upon the hearing of a complaint that the Defendant, having been duly served with a six-day Notice, refused, omitted and failed to pay the Complainant, the duly authorised Rate Collector of his district, the sum of £ : : , being the amount due to the as [Poor] Rate, in respect of rateable property situate at in the said County [Borough]

An order was made on the day of 19 by the Court of Summary Jurisdiction against the said of

to the following effect, viz:—To pay for [Poor] Rate the sum of £ : : And for costs the sum of £ : :

And whereas the said order has not been complied with.

This is to command you, to whom this Warrant is addressed, unless the said sums be sooner paid, to execute the said order against the said person as follows:—

To levy the said sums by distress of h money and goods and the sale of h goods.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

The Warrant to be returned [in days] [within a reasonable time] if not executed.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This day of 19

To the [Under-sheriff of the above County [Borough]]
[Person nominated by the Complainant to execute this Warrant].

FORM 94

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1); Rule 8)

Complaint for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of	Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

I, _____ of _____, say [upon oath] that by an order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction held [in and for the said Petty Sessions District and County [Borough] [as varied on _____] of _____ (hereinafter called "the Defendant") [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years or, if he/she should die under that age, until the date of his/her death] [was ordered to pay the maintenance of _____, his wife, and her _____ children of the marriage committed to her custody, a weekly sum of £ _____ : _____ : _____] [was ordered to pay the sum of £ _____ : _____ : _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And the payments directed to be made by the said Order have not been made according thereto by the Defendant and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the Order until the _____ day of _____ 19____ [and the Complainant has been requested in writing by _____ to proceed in his/her name as collecting officer for the recovery of the said sums].

And the Complainant prays that [a summons may issue against] [a warrant may issue for the arrest of] the Defendant.

Complainant
[for Complainant].

Arrears due £ _____ : _____ : _____

Taken and sworn before me this _____ day of _____ 19____

Justice of the Peace.

FORM 95

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1)(a); Rule 9)

Summons for Arrears under an Order for Periodical Payment enforceable
under Section 110 of the Act

of

Petty Sessions District of

Complainant

of

County [Borough] of

Defendant

Whereas a complaint has been made [upon oath] on the _____ day
of _____ 19____, by _____
of _____ (hereinafter called "the Complainant")
that by an order duly made on the _____ day of _____ 19____,
by a Court of Summary Jurisdiction [held in and for the said Petty Sessions
District and County [Borough]] [as varied on _____]
[you were adjudged to be the putative father of an illegitimate child of which
_____ was the mother and were ordered to pay the
weekly sum of £ _____ for the maintenance and education of the
said child from the _____ day of _____ 19____, until the said
child should attain the age of _____ years or if he/she should die
under that age, until the date of his/her death] [you, the husband
of _____ were ordered to pay the main-
tenance of _____ and her children of the marriage
committed to her custody a weekly sum of £ _____] [you were
ordered to pay the sum of £ _____ [per week] [per month]
to _____ under [a Contribution Order under section 122
of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made
under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order
made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been
made according thereto by you, and that there is now in arrear for the same
the sum of £ _____, being the amount due under the Order until
the _____ day of _____ 19____

This is therefore to command you to appear as a Defendant on the hearing
of the said complaint at the Petty Sessions Courthouse,
on _____ the _____ day of _____ 19____, at
o'clock in the _____ noon before such Resident Magistrate as shall be
there, to show cause why an Order should not be made against you in respect
of the said sums.

Justice of the Peace.

This _____ day of _____

19____

To the said Defendant.

FORM 96

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1)(b); Rules 13 and 111)

Warrant of Arrest for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of

Petty Sessions District of

Complainant

of

County [Borough] of

Defendant

Whereas a complaint has been made on oath and in writing on the _____ day of _____ 19____, by _____ (hereinafter called "the Complainant") that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [held in and for the said Petty Sessions District and County [Borough]] [as varied on _____ of _____ (hereinafter called "the Defendant") was adjudged to be the putative father of an illegitimate child of which _____ was the mother and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____ until the said child should attain the age of _____ years or if he/she should die under that age, until the date of his/her death [was ordered to pay for the maintenance of his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]].

And that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____ being the amount due under the said Order.

This is therefore to command you, to whom this Warrant is addressed, unless the said sums be sooner paid, forthwith to apprehend the said Defendant, and to bring him before a Resident Magistrate acting for the Petty Sessions District of _____ or for any other Petty Sessions District within the said County, to answer to the said complaint, and be dealt with according to law.

Arrears due £ : :

Justice of the Peace.

This day of 19

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed as on Form 4.

FORM 97

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 110(3), 135, 136 and 137; Rule 115)

Recognizance for appearance before a Resident Magistrate under Section 110 of the Act

of	}		Petty Sessions District of
		Complainant	
of			County [Borough] of
		Defendant	

Whereas the Defendant has been taken into custody upon a warrant of arrest for failing to comply with an Order made by the Court of Summary Jurisdiction [acting for the Petty Sessions District of _____ in the said County] on the _____ day of _____ 19____, whereby he was ordered to pay certain sums as therein set forth.

And whereas it is not practicable to bring the Defendant before a Resident Magistrate within twenty-four hours after he has been so taken into custody, and he has, pursuant to section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 been brought before a Justice of the Peace for the said County, who has thought fit to discharge him upon his entering into this recognizance.

The undersigned _____ (name and occupation) of _____, the Defendant, being the Principal Party to this Recognizance, hereby binds himself to perform the following obligation, viz., To appear before a Resident Magistrate at _____ in the said County at _____ o'clock in the _____ noon on the _____ day of _____ 19____

And the said Principal Party [together with _____ (name and occupation) of _____ and _____ (name and occupation) of _____ suret to this Recognizance], hereby acknowledge(s) [himself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ _____ : _____ : _____ [and the said suret the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the foregoing obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for the performance of the said obligation].

..... } Principal Party.
 } Suret

Taken and acknowledged before me, this _____ day of _____ 19____

 Justice of the Peace
 [or Clerk of Petty Sessions].

I order that the sum of £ _____ : _____ : _____ be levied off the property of the said _____ [and the sum of £ _____ : _____ : _____ off the property of each of the said sureties] [and the [sum of £ _____ : _____ : _____] deposited as security in lieu of sureties, be forfeited].

This _____ day of _____ 19____ Resident Magistrate.

FORM 98

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(3); Rules 13 and 111)

Warrant of Commitment by Justice of the Peace until Defendant can be brought before a Resident Magistrate under Section 110 of the Act

of	}	Petty Sessions District of
of		Complainant
		County [Borough] of
		Defendant

Whereas the Defendant has been taken into custody upon a warrant of arrest for failing to comply with an Order made by the Court of Summary Jurisdiction [acting for the Petty Sessions District of _____ in the said County] on the _____ day of _____ 19____, whereby he was ordered to pay certain sums as therein set forth.

And whereas it is not practicable to bring the Defendant before a Resident Magistrate within twenty-four hours after he has been so taken into custody, and he has, pursuant to section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 been brought before a Justice of the Peace for the said County.

This is therefore to command you to whom this Warrant is addressed to convey the Defendant to the Prison at _____ and you, the Governor of the said Prison, to receive the Defendant into the said Prison and keep him in custody until he can be brought before a Resident Magistrate. And it is further directed that he be brought before a Resident Magistrate as soon as practicable and in any case not later than eight days from this date.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Justice of the Peace
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 99

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(3))

**Endorsement of Consent to release on Bail upon Warrant of Commitment
until Defendant can be brought before a Resident Magistrate**

Petty Sessions District of
County [Borough] of

Whereas on the
named Defendant
to the prison at
the said Defendant .

day of

19 , the within-

was committed
as stated within I hereby consent to
being bailed by Recognizance

[and suret in the sum of
a deposit of £ : :
sum in lieu of sureties].

himself in the sum of

each] [or accompanied by

or other valuable security to the value of that

Justice of the Peace.

This day of

19

FORM 100

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(a); Rules 13 and 111)

Warrant of Distress (where Summons issued) for Arrears under an Order for
Periodical Payment enforceable under Section 110 of the Act

of	Complainant Defendant	Petty Sessions District of
of		County [Borough] of

Whereas a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County [Borough]] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of _____ was the mother and was ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____ and her children of the marriage committed to her custody, a weekly sum of £ _____ : _____ : _____] [was ordered to pay the sum of £ _____ : _____ : _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by him, and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the said Order.

And whereas a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction acting for the said Petty Sessions District to show cause why an Order should not be made against him in respect of the said sum. And the Defendant [having duly appeared, and not having shown any cause why the said sums should not be paid] [having failed to appear and proof having been given that the summons was duly served on him], and the sum of £ _____ : _____ : _____ duly appearing to the Court upon oath to be due by the Defendant under the said Order, an Order was made by the Court on the _____ day of _____ 19____, to the following effect:—

It is hereby ordered that the sum of £ _____ : _____ : _____, together with the further sum of £ _____ : _____ : _____ for costs attending the summons and the making of this Order, be levied by distress of the Defendant's money and goods and sale of his goods.

This is therefore to command you, to whom this Warrant is addressed, unless the said sums be sooner paid, to execute the said Order against the Defendant as follows:—

To levy forthwith the said sums by distress of his money and goods and the sale of his goods, the sums levied to be paid to the Clerk of Petty Sessions for the said District.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

And I further command you to make return to this Warrant on the _____ day of _____ 19____, to a Resident Magistrate at _____

Amount due	£	:	:
Cost of summons, etc.	£	:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Clerk of Petty Sessions]

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 101

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(a); Rules 13 and 111)

Warrant of Distress (where Warrant of Arrest is issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of	}	Complainant	Petty Sessions District of
of		Defendant	County [Borough] of

Whereas a complaint has been made on oath on the day of
 19 , by the above-named Complainant, that by an Order duly made on
 the day of 19 , by a Court of Summary
 Jurisdiction [acting for the said Petty Sessions District and County [Borough]]
 [as varied on] the above-named Defendant [was adjudged
 to be the putative father of an illegitimate child of which
 was the mother, and was ordered to pay the weekly sum of £ : :
 for the maintenance and education of the said child from the day
 of 19 , until the said child should attain the age
 of years, or if he/she should die under that age, until
 the date of his/her death] [was ordered to pay for the maintenance
 of , his wife, and her children of the
 marriage committed to her custody, a weekly sum of £ : :
 [was ordered to pay the sum of £ : : [per week] [per month]
 to under [a Contribution Order under section 122
 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made
 under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order
 under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been
 made according thereto by him, and that there is now in arrear for the same
 the sum of £ : : , being the amount due under the said Order;

And whereas by Warrant issued in pursuance of section 110 of the Magistrates'
 Courts Act (Northern Ireland) 1964 the District Inspector of the Royal Ulster
 Constabulary to whom the Present Warrant is addressed was commanded forth-
 with to apprehend the Defendant and convey him before a Resident Magistrate,
 acting in and for the said County, to answer to the said complaint and be dealt
 with according to law. And the Defendant, being brought before a Resident
 Magistrate, as aforesaid, to show cause why the said sum should not be paid.
 and the sum of £ : : duly appearing upon oath to be due by the
 Defendant under the said Order an Order was made on the day
 of 19 , to the following effect:—

It is hereby ordered that the sum of £ : : , together with the
 further sum of £ : : for the costs attending the Warrant, apprehension
 and bringing up of the Defendant and the making of this Order, be levied by
 distress of the Defendant's money and goods and sale of his goods.

This is therefore to command you, to whom this Warrant is addressed, unless
 the said sums be sooner paid, to execute the said Order against the Defendant as

follows:—To levy forthwith the said sums by distress of his money and goods and the sale of his goods, the sums levied to be paid to the Clerk of Petty Sessions for the said District.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

And I further command you to make return to this Warrant on the _____ day of _____ 19____, to a Resident Magistrate at _____

Amount due	£	:	:
Cost of Warrant, etc.	£	:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 102

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(b); Rules 13 and 111)

Warrant to arrest (detain) Defendant and keep him in Custody pending return to Distress Warrant (where Summons issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of

of

	}	Petty Sessions District of
Complainant		
	}	County [Borough] of
Defendant		

Whereas a complaint has been made upon oath on the _____ day of 19____, by the above-named Complainant, that by an Order duly made on the _____ day of 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County [Borough]] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____ : _____ : _____] [was ordered to pay the sum of £ _____ : _____ : _____] [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by him, and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the said Order;

And whereas a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction acting for the said Petty Sessions District to show cause why an Order should not be made against him in respect of the said sums. And the Defendant [having duly appeared, and not having shown any cause why the said sums should not be paid] [having failed to appear and proof having been given that the summons was duly served on him] and the sum of £ _____ : _____ : _____ duly appearing to the court upon oath to be due by the Defendant under the said Order, an Order was made by the court on the _____ day of _____ 19____, to the following effect:—It is hereby ordered that the sum of £ _____ : _____ : _____, together with the further sum of £ _____ : _____ : _____ for the costs attending the summons and making of this Order, be levied by distress of the Defendant's money and goods and the sale of his goods.

And whereas a Warrant of Distress has been issued in pursuance of the said Order, and the Defendant [not being present and] not having entered a recognizance to the satisfaction of the court for his appearance on the _____ day appointed for the return to the Warrant, namely the _____ day of _____

19 , an Order was made on the day of 19 , to the following effect:—It is ordered that a Warrant do issue commanding the District Inspector of the Royal Ulster Constabulary at to [arrest and] detain the Defendant and lodge him in the Prison at to be there kept in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the following recognizance for his appearance at the time and place aforesaid:—

This is therefore to command you to whom this Warrant is addressed to [arrest and] detain the Defendant and lodge him in the Prison at and you, the Governor of the said Prison, to receive the Defendant and keep him in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the before-mentioned recognizance for his appearance at the time and place aforesaid.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Amount due	£	:	:
Costs of Summons and making this Order, etc.	£	:	:
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

This day of 19 .

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 103

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(b); Rules 13 and 111)

**Warrant to detain Defendant and keep him in Custody pending return to Distress
Warrant (where Warrant of Arrest issued) for Arrears under an Order for
Periodical Payment enforceable under Section 110 of the Act**

of	}		Petty Sessions District of
		Complainant	
of		Defendant	County [Borough] of

Whereas a complaint has been made on oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County [Borough]] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____ : _____ : _____] [was ordered to pay the sum of £ _____ : _____ : _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by him, and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the said Order;

And whereas by Warrant issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 the District Inspector of the Royal Ulster Constabulary to whom the Present Warrant is addressed was commanded forthwith to apprehend the Defendant and convey him before a Resident Magistrate acting in and for the said County to answer to the said complaint and be dealt with according to law. And the Defendant being brought before a Resident Magistrate as aforesaid, to show cause why the said sums should not be paid, and not having shown any cause why the same should not be paid, and the sum of £ _____ : _____ : _____ duly appearing on oath to be due by the Defendant under the said Order, an Order was made on the _____ day of _____ 19____, to the following effect:—It is hereby ordered that the sum of £ _____ : _____ : _____, together with the further sum of £ _____ : _____ : _____ for costs attending the Warrant, apprehension and bringing up of the Defendant and the making of this Order, be levied by distress of the Defendant's money and goods and the sale of his goods.

And whereas a Warrant of Distress has been issued in pursuance of said Order, and the Defendant not having entered a recognizance to the satisfaction

of the Resident Magistrate for his appearance on the day appointed for the return to the Warrant, namely the day of 19 , an Order was made on the day of 19 , to the following effect:—It is ordered that a Warrant do issue commanding the District Inspector of the Royal Ulster Constabulary at to detain the Defendant and to lodge him in the Prison at to be there kept in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the following recognizance for his appearance at the time and place aforesaid :—

This is therefore to command you to whom this Warrant is addressed to detain the Defendant and to lodge him in the Prison at and you, the Governor of the said Prison, to receive the Defendant and keep him in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the before-mentioned recognizance for his appearance at the time and place aforesaid.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Amount due	£	:	:
Costs of Warrant, etc.	£	:	:
	<hr/>		
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions]

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom the Present Warrant may be delivered for execution.

FORM 104

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 110(4)(b), 135, 136 and 137; Rule 115)

Recognizance for Appearance at return to Warrant of Distress issued under Section 110 of the Act

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Whereas a complaint was made that the Defendant did fail to comply with an Order made at the Court of Summary Jurisdiction [acting for the Petty Sessions District of _____ in the said County] on the _____ day of _____ 19____, whereby he was ordered to pay certain sums of money as therein set forth.

And whereas upon the hearing of the said complaint it was ordered that a Warrant of Distress be issued to recover by distress of the Defendant's money and goods and the sale of his goods the sum of £ _____ : _____ : _____ due upon the said Order, together with the further sum of £ _____ : _____ : _____ for costs attending such complaint and the making of the Order, and it was further ordered that return be made to the said Warrant on the _____ day of _____ 19____

The undersigned _____ (name and occupation) of _____, the Defendant, being the Principal Party to this Recognizance, hereby binds himself to perform the following obligation, viz., To attend and appear before the Resident Magistrate sitting at _____ in the said County [Borough] at _____ o'clock on the _____ day of _____ 19____, being the day appointed for the return to the Warrant of Distress as aforesaid.

And the said Principal Party [together with _____ (name and occupation) of _____ and _____ (name and occupation) of _____, suret _____] hereby acknowledge(s) [himself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ _____ : _____ : _____ [and the said suret the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the foregoing obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for the performance of the said obligation].

..... Principal Party.
..... } Suret
..... }

Taken and acknowledged before me this _____ day of _____ 19____

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

I order that the sum of £ _____ : _____ : _____ be levied off the property of the said _____ [and the sum of £ _____ : _____ : _____ off the property of each of the said sureties] [and the sum of £ _____ : _____ : _____ deposited as security in lieu of sureties be forfeited].

Resident Magistrate.

This _____ day of _____

19____

FORM 105

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(5); Rules 13 and 111)**Warrant of Commitment in default of Distress (where Summons issued) for
Arrears under an Order for Periodical Payment enforceable under Section
110 of the Act**

of

Petty Sessions District of

Complainant

of

County [Borough] of

Defendant

Whereas a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____ : _____ : _____] [was ordered to pay the sum of £ _____ : _____ : _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the said Order;

And whereas a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction for the said Petty Sessions District to show cause why an Order should not be made against him in respect of the said sums. And the Defendant [having duly appeared and not having shown any cause why the said sums should not be paid] [having failed to appear and proof having been given that the summons was duly served on him] and the sum of £ _____ : _____ : _____ appearing on oath to the said Court of Summary Jurisdiction to be due by the Defendant under the said Order. It was ordered by the said court on the _____ day of _____ 19____, that the said sum of £ _____ : _____ : _____ together with the sum of £ _____ : _____ : _____ for the costs attending the said summons and making of the Order, be forthwith levied by distress of the Defendant's money and goods and the sale of his goods.

[And whereas upon the return to the Warrant of Distress issued for the recovery of the said sums it appears to the court that no sufficient distress can be had wherewith to satisfy the said sums] [And whereas upon the admission of the

Defendant it appears to the court that no sufficient distress can be had wherewith to satisfy the said sums and no Warrant of Distress has been issued] the court ordered that the Defendant be imprisoned for the period of month(s).

This is therefore to command you to whom this Warrant is addressed to convey the Defendant to the Prison at _____ and this is also to command you, the Governor of the said Prison, to receive the Defendant into the said Prison and to imprison him there for the period of _____ month(s) unless the said sum and costs [and the sum of £ _____ : _____ : _____, being the reasonable expenses attending the distress] be sooner paid and satisfied.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Amount due	£	:	:
Costs	£	:	:
Expenses attending distress £		:	:
<hr/>			
Total	£	:	:
<hr/>			

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____

19 _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution

FORM 106

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(5); Rules 13 and 111)

**Warrant of Commitment in Default of Distress (where Warrant of Arrest issued)
for Arrears under an Order for Periodical Payment enforceable under Section
110 of the Act**

of	Complainant Defendant	Petty Sessions District of
of		County [Borough] of

Whereas a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction, [acting for the said Petty Sessions District and County] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____ : _____] [was ordered to pay the sum of £ _____ : _____ [per week] [per month] to _____ under [a Contribution Order made under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____ : _____, being the amount due under the said Order;

And whereas by Warrant issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 the District Inspector of the Royal Ulster Constabulary to whom the Present Warrant is addressed was commanded forthwith to apprehend the Defendant and convey him before a Resident Magistrate acting in and for the said County to answer to the said complaint and be dealt with according to law. And the Defendant being brought before a Resident Magistrate as aforesaid to show cause why the said sum should not be paid, and not having shown any cause why the same should not be paid, and the sum of £ _____ : _____ duly appearing upon oath to be due by the Defendant under the said Order. It was ordered by the said Resident Magistrate on the _____ day of _____ 19____, that the said sum of £ _____ : _____, together with the further sum of £ _____ : _____ for the costs attending the said Warrant, apprehension and bringing up of the Defendant and the making of the Order be forthwith levied by distress of the Defendant's money, goods and chattels and sale of his goods and chattels.

[And whereas upon the return to the Warrant of Distress issued for the recovery of the said sums it appears that no sufficient distress can be had wherewith to satisfy the said sums] [And whereas upon the admission of the Defendant it appears that no sufficient distress can be had wherewith to satisfy the said sums and no Warrant of Distress has been issued] the court ordered that the Defendant be imprisoned for the period of _____ month(s).

This is therefore to command you to whom this Warrant is addressed to convey the Defendant to the Prison at _____ and this is also to command you, the Governor of the said Prison, to receive the Defendant into the said Prison and to imprison him there for the period of _____ month(s) unless the said sum and costs [and the sum of £ _____ : _____ : _____, being the reasonable expenses attending the distress] be sooner paid and satisfied.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Amount due	£	:	:
Costs	£	:	:
Expenses attending distress £		:	:
<hr/>			
Total	£	:	:

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____ 19 _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 107

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(7); Rule 9)

Summons under Section 110 of the Act to attach Pension or Income

of	}	
		Petty Sessions District of
of		Complainant
	}	County [Borough] of
		Defendant

Whereas a complaint has been made to me by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [held in and for the said Petty Sessions District and County [Borough]] [as varied on _____] [you were adjudged to be the putative father of an illegitimate child of which _____ was the mother and were ordered to pay the weekly sum of £ _____ : _____ : _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [you were ordered to pay for the maintenance of _____, your wife, and the children of the marriage committed to her custody a weekly sum of £ _____ : _____ : _____] [you were ordered to pay the sum of £ _____ : _____ : _____ [per week] [per month] to _____ under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]];

And that the payments directed to be made by the said Order have not been made according thereto by you and that there is now in arrear for the same the sum of £ _____ : _____ : _____, being the amount due under the Order, and there is payable to you a certain pension [or income] capable of being attached, namely:—

(insert particulars).

This is therefore to command you to appear as a Defendant on the hearing of the said complaint at the Petty Sessions Courthouse on the _____ day of _____ 19____, at _____ o'clock in the _____ noon before such Resident Magistrate as shall be there, to show cause why an Order should not be made that the sum of £ _____ : _____ : _____ or such part thereof as the court may order be attached out of the said pension (or income).

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the said Defendant.

FORM 108

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(7))

Order under Section 110 of the Act to attach Pension or Income

of	}	
		Petty Sessions District of
of		Complainant
	}	County [Borough] of
		Defendant

Whereas an Order was made by the court on the _____ day of _____ 19 _____ [as varied on _____] whereby the Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19 _____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and the children of the marriage committed to her custody a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to

[under [a Contribution Order under section 122 of the Children and Young Persons Act (Northern Ireland) 1950] [an Order made under section 20 of the National Assistance Act (Northern Ireland) 1948] [an Order made under section 11 of the Welfare Services Act (Northern Ireland) 1949]].

And a complaint has been made that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____

And whereas it appears to the court that there is payable to the Defendant a certain pension (or income) capable of being attached, namely:—
(insert particulars).

And whereas the court is satisfied after giving the Defendant an opportunity of being heard that he has without reasonable cause made default in payment under the said Order and that there is now due thereunder the sum of £ _____

It is ordered that the sum of £ _____ be attached out of the said pension (or income) and paid [to the Complainant personally] [for the use of the Complainant to the Clerk of Petty Sessions for the said District] [to _____ on her behalf] in accordance with the terms of the said Order.

And it is further ordered that the Defendant do pay to the Complainant [through the Clerk of Petty Sessions for the said District] the sum of £ _____ for the costs incurred in obtaining this Order.

Resident Magistrate.

This _____ day of _____ 19 _____

WITNESSES AND EVIDENCE

FORM 109

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(1); Rule 9)

Summons to Witness

of Complainant [or Plaintiff] Petty Sessions District of
[or Appellant]
of [or Applicant]
Defendant County [Borough] of
[or Respondent]

Whereas [a [Complaint has been made] [a Process has been issued by the Plaintiff claiming] that the Defendant] a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

And whereas I am satisfied that you are able to give material evidence on behalf of the or produce a document or thing;
This is to command you to appear as witness before a Magistrates' Court at on the day of 19
at o'clock in the noon.

Justice of the Peace.

This day of 19

To:—
of

FORM 110

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(2))

Affidavit that it is probable that a person will not attend as Witness at a Preliminary Investigation

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

Whereas a complaint has been made on oath and in writing that the Defendant

I (if member of Royal Ulster Constabulary state rank) say on oath that I believe that it is probable that of being required as a witness at a preliminary investigation into such complaint will not attend such investigation and I therefore pray that a Warrant be issued for h arrest.

Sworn before me this day of 19, at Deponent. [Borough] of in the County

Justice of the Peace

FORM 111

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(2); Rules 13 and 111)

Warrant for Arrest of Witness required at Preliminary Investigation

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

Whereas a complaint has been made on oath and in writing that the Defendant

And whereas oath has been made that of _____ can give material evidence at a preliminary investigation into the said complaint but will not attend voluntarily.

This is to command you, to whom this Warrant is addressed, to arrest the said _____ and bring h _____ before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This _____ day of _____ 19 _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 4.

FORM 112

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(3))

Affidavit where Witness has failed to appear in answer to a Summons

of

Complainant
[or Plaintiff]
[or Appellant]
[or Applicant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Whereas [a [Complaint has been made] [a Process has been issued by the Plaintiff claiming] that the Defendant] [a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

I

say on oath that I caused

of

being a material witness to be summoned to attend before a Magistrates' Court sitting at _____ on the _____ day of _____ 19 _____ at _____ o'clock in the _____ noon and that he did not attend* in answer to the summons and no just excuse was shown for such failure to attend.

Sworn before me this _____ day of _____ 19 _____ at

Deponent

[Borough] of

in the County

Justice of the Peace

*See Affidavit of Service. Form 150.

FORM 113

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(3); Rules 13 and 111)

Warrant for arrest of Witness on failure to appear to Summons, etc.

of

Complainant
[or Plaintiff]
[or Appellant]
[or Applicant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Whereas [a [Complaint has been made] [a Process has been issued by the Plaintiff claiming] that the Defendant] [a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

And whereas it has been proved by the oath of that of a material witness was duly summoned to attend before a Magistrates' Court sitting at on the day of 19 [and on the oath of that the said was on the day of 19, duly served with a copy of the summons*].

And whereas the said [failed to attend* at the time and place appointed by the said summons] [is evading service of the summons] and no just excuse has been offered for h failure to attend.

This is to command you, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This day of 19

To the District Inspector of the Royal Ulster Constabulary at and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

NOTE: This Warrant may be endorsed for bail as on Form 4.

*See Affidavit of Service, Form 150.

FORM 114

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 122; Rules 13 and 111)

Warrant of Commitment of Witness refusing to be sworn or to testify or produce Document or Thing

of

Complainant
[or Plaintiff]
[or Appellant]
[or Applicant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Whereas [a [Complaint has been made] [a Process has been issued] by the Plaintiff claiming] that the Defendant] [a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

And whereas _____ of a material witness has, without just excuse, refused to [make oath as a witness] [answer certain questions] [and to produce a certain document or thing].

This is to command you, to whom this Warrant is addressed, to convey the said _____ to the Prison at there to be imprisoned as follows:—Until he shall be produced before the Magistrates' Court at _____ on the _____ day of _____ 19 _____ at _____ o'clock in the _____ noon unless he shall in the meantime consent [to be sworn] [or to answer the said questions] [or to produce the said document or thing].

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Justice of the Peace.

This _____ day of _____ 19 _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

FORM 116

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Sections 54 and 135 to 138; Rules 115 to 118)

Recognizance to appear before a Magistrates' Court

of
Complainant
Defendant
Petty Sessions District of
County [Borough] of

Whereas a complaint was made that

the undersigned (name and occupation) of in the County [Borough] of, the Principal Party to this Recognizance, hereby binds self to perform the following Obligation, viz., to appear personally before a Magistrates' Court at on the day of 19, at o'clock in the noon [and to appear personally at every time and place to which during the course of proceedings the hearing of the said complaint may from time to time be adjourned and not to depart the Court without leave].

And the said Principal Party [together with (name and occupation) of in the County [Borough] of and

(name and occupation) of in the County [Borough] of the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of pounds [and the said sureties the sum of pounds each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ : : or other valuable security to the value of that sum] as security for the performance of the said Obligation].

Principal Party.

Taken before me this day of 19 at

Resident Magistrate [or Justice of the Peace] [or Clerk of Petty Sessions] [or Governor/Deputy Governor of Prison.]

I order the sum of to be levied off the property of the said [and the sum of off the property of each of the said sureties] [and the [sum of] , deposited as security in lieu of sureties, be forfeited].

This day of 19 Resident Magistrate.

FORM 117

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 131(1)(a) and 135 to 138; Rule 117)

Recognizance [Constabulary] to appear before a Magistrates' Court

of	} Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

Whereas the undersigned Principal Party to this Recognizance was taken into custody by _____ on the _____ day of _____ 19 _____, and [after being charged with _____] was released from custody at _____ Constabulary Station upon his entering into this Recognizance, the undersigned

(name and occupation) _____ of _____ in the County [Borough] of _____ the Principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to appear [personally] before a Magistrates' Court at _____ on the _____ day of _____ 19 _____ at _____ o'clock in the _____ noon. [and to appear [personally] at every time and place to which during the course of proceedings the hearing [of the said charge] may from time to time be adjourned and not to depart the Court without leave].

And the said Principal Party [together with (name and occupation) _____ of _____ the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—
The said Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

..... Principal Party.
 } Sureties.

Taken before me this _____ day of _____ 19 _____ at _____

[Rank]
R.U.C. in charge of the said Constabulary Station.

I order that the sum of _____ be levied off the property of the said _____ [and the sum of _____ off the property of each of the said sureties] [and the [sum of _____] [deposited as security in lieu of sureties, be forfeited].

This _____ day of _____ 19 _____ Resident Magistrate.
Petty Sessions District.

FORM 118

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 131(1)(b) and 135 to 138; Rule 117)

Recognizance to appear at a Constabulary Station

of	}	Petty Sessions District of
of		County [Borough] of
	Complainant	
	Defendant	

Whereas the undersigned Principal Party to this Recognizance was taken into custody by _____ on the _____ day of _____ 19____, and whereas inquiries into certain matters concerning the said Principal Party cannot be completed forthwith he has been released from custody at _____ Constabulary Station, upon his entering into this Recognizance, the undersigned _____ (name and occupation) of _____ in the County [Borough] of _____ the Principal Party to this Recognizance hereby binds _____ self to perform the following Obligation, viz., to attend at _____ Constabulary Station on the _____ day of _____ 19____, at _____ o'clock in the _____ noon unless he previously receives notice in writing from a member of the Royal Ulster Constabulary not below the rank of Head Constable that his attendance is not required;

And the said Principal Party [together with _____ (name and occupation) of _____ in the County [Borough] of _____ and _____ (name and occupation) of _____ in the County [Borough] of _____ the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

..... Principal Party.
 } Sureties.

Taken before me this _____ day of _____ 19____

[Rank]

R.U.C. in charge of Constabulary Station.

I order that the sum of _____ be levied off the property of the said _____ [and the sum of _____ off the property of each of the said sureties] [and the [sum of _____], deposited as security in lieu of sureties, be forfeited].

Resident Magistrate.

This _____ day of _____ 19____

FORM 119

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 45, 58(3) and 135 to 138; Rules 115 and 118)

Recognizance to appear at Assize or County Court

of	}	
		Petty Sessions District of
of		Complainant
	}	County [Borough] of
		Defendant

Whereas the Defendant stands charged that

the undersigned

(name and occupation)

of
in the County [Borough] of _____, the Principal Party to this
Recognizance, hereby binds _____ self to perform the following Obligation(s), viz.,
to attend the next _____ Court of _____
to be held at _____ for the County [Court Division]
of _____ on the _____ day of _____ 19____
at _____ o'clock in the _____ noon and there to surrender h self
to the Governor of the Prison at _____ and plead to any
indictment found against h for the said offence, and take trial
for the same, and not to depart the court without leave and so from court to court
to which the trial may be adjourned until this Recognizance shall be discharged
by the court.

[And, in addition, to undergo medical examination by _____

and for that purpose [attend at] _____
[reside at] _____ [from] [upon] the _____ day
of _____ 19____ at _____ o'clock] [when arrangements
have been made for his reception until he is discharged therefrom;]

And the said Principal Party [together with
(name and occupation) _____ of _____, and
in the County [Borough] of _____
(name and occupation) _____ of _____
in the County [Borough] of _____, the undersigned sureties] hereby
acknowledge _____ bound to forfeit to the Crown the sum(s)
following, viz:—

The Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the
sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform
the above Obligation [and in lieu of sureties the said Principal Party hereby
deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value
of that sum] as security for performance of the said Obligation].

..... Principal Party.
..... } Sureties.
..... }

FORM 120

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 58 and 135 to 138; Rules 115 and 118)

Recognizance for attendance at examination by Medical Practitioner

of	}	Petty Sessions District of	
of			Complainant
			Defendant
		County [Borough] of	

Whereas a complaint was made that the Defendant

and the Magistrates' Court before which he was charged therewith being satisfied that he [did the act] [or] [made the omission] charged and being of the opinion that an inquiry ought to be made into his [physical] [mental] condition, the court adjourned the hearing of the complaint until the _____ day of _____ 19____, at _____ o'clock, the undersigned

(name and occupation) _____ of _____, the Principal Party to this Recognizance, hereby binds _____ self to perform the following Obligation, viz:—

To undergo medical examination by _____ and for that purpose [attend at] [reside at] [from] [upon] the _____ day of _____ 19____, at _____ o'clock [when arrangements have been made for his reception until he is discharged therefrom] and to appear before the court at the said adjourned hearing and not to depart therefrom without leave;

And the said Principal Party [together with (name and occupation) _____ of _____, and (name and occupation) _____ of _____, the undersigned sureties] hereby acknowledge _____ bound to forfeit to the Crown the sum(s) following, viz:—

The Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for performance of the said Obligation].

.....	}	Principal Party.
.....		Sureties.
.....		

FORM 121

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 128; Rule 115)

Recognizance to keep the Peace [and] [or] to be of Good Behaviour

of	} Complainant	Petty Sessions District of
of		} Defendant

Whereas a complaint was made that

And it was ordered by the Magistrates' Court at that the said Defendant should be bound by recognizance [to keep the peace] [and] [be of good behaviour] to all Her Majesty's liege subjects and particularly towards the Complainant for the period of _____ months. The undersigned (name and occupation) of _____

in the County [Borough] of _____, the Principal Party to this Recognizance, hereby binds _____ self to perform the following Obligation, viz., [to keep the peace] [and] [to be of good behaviour] towards all Her Majesty's liege subjects and particularly towards the Complainant for the period of _____ months now next ensuing, and the said Principal Party [together with (name and occupation) of _____, and (name and occupation) of _____] the undersigned sureties] hereby bound to forfeit to the Crown the sum(s) following, viz:—

The Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

..... Principal Party.
 } Sureties.

Taken before me this _____ day of _____ 19 _____

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

I order that the sum of _____ be levied off the goods of the said _____ [and the sum of _____ off the goods of each of the said sureties] [and the [sum of _____] , deposited as security in lieu of sureties, be forfeited].

This _____ day of _____ 19 _____ Resident Magistrate.

FORM 122

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(3))

Notice to estreat recognizance before Court of Summary Jurisdiction

Petty Sessions District of	} TAKE NOTICE, that the Recognizance		
County [Borough] of		entered into on the	day
	of	19	,

by you the undernamed persons conditioned that

having become forfeited, an application will be made to the Court of Summary Jurisdiction to be held at the Petty Sessions Courthouse in the County [Borough] of _____ on _____ the _____ day of _____ 19____, at _____ o'clock in the _____ noon, to estreat the said Recognizance so entered into by you and each of you, and it is intended to sustain such application on the following grounds, viz:—that the said Principal Party to the said Recognizance failed to perform the conditions thereof, and contrary thereto did

Given under my hand, at _____ this _____ day
of _____ 19_____

District Inspector of the Royal Ulster Constabulary.

To _____ the Principal Party
and _____ of _____
and _____ of _____
the sureties to the said Recognizance.

FORM 123

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 13, 111(1) and 112)

Warrant of Distress for sum forfeited upon the estreat of a Recognizance

of	}	
		Petty Sessions District of
of		Complainant
	}	County [Borough] of
		Defendant

Whereas upon the _____ day of _____ 19____, entered into a recognizance in the sum of £ _____ : _____ : _____ conditioned that

And whereas on the _____ day of _____ 19____, upon an application to a Court of Summary Jurisdiction for the above-named Petty Sessions District by _____ to estreat the said recognizance, proof was given on oath that notice in writing (stating the general grounds upon which the application was made) was served personally on [or left at the usual place of abode of] the said _____ at least seven days before the said application was made and whereas it was proved in open court that the conditions of the recognizance had not been performed, the said court ordered the estreat of the said recognizance to the amount of £ _____ : _____ : _____;

And whereas default has been made in payment of the said amount and the said court ordered that the said amount be levied by distress;

This is to command you, to whom this Warrant is addressed, forthwith to make distress of the money and goods of the said _____; and if the said amount, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise, as the said _____ may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named Petty Sessions District, and if no such distress can be found, to certify the same to the court [within the period of _____ days] [within a reasonable time].

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 124

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 13 and 111(1))

**Warrant of Commitment in default of distress for sum forfeited upon the
estreat of a Recognizance**

of	Complainant	} Petty Sessions District of
of		
	Defendant	}

Whereas upon the _____ day of _____ 19____, entered into a recognizance in the sum of £ _____ : _____ : _____ conditioned that

And whereas on the _____ day of _____ 19____, upon an application to a Court of Summary Jurisdiction for the above-named Petty Sessions District by _____ to estreat the said recognizance, proof was given on oath that notice in writing (stating the general grounds upon which the application was made) was served personally on [or left at the usual place of abode of] the said _____ at least seven days before the said application was made and whereas it was proved in the open court that the conditions of the recognizance had not been performed, the said court ordered the estreat of the said recognizance to the amount of £ _____ : _____ : _____ ;

And whereas [the said _____ has or admits that] [or] [it has been returned to a warrant of distress that] he has no [sufficient] [goods] [it appears that no sufficient distress whereas to levy the said amount could be found].

And whereas default has been made in payment [of the said amount] [of a balance of £ _____ : _____ : _____] and the said court ordered that the said _____ be imprisoned for the period of _____ month(s);

This is to command you, to whom this Warrant is addressed, to execute the said order against the Defendant as follows:—

To lodge h _____ in the Prison at _____ there to be imprisoned for the period of _____ unless the said amount be sooner paid.

And for this the Present Warrant shall be a sufficient Authority to all those to whom it may concern.

The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Resident Magistrate
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 125

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 13, 111 and 112)

Warrant of Distress and Commitment in default of distress for sum forfeited upon the estreat of a Recognizance

of	Complainant	Petty Sessions District of
of		
Defendant		

Whereas upon the _____ day of _____ 19____, entered into a recognizance in the sum of £ _____ : _____ : _____ conditioned that

And whereas on the _____ day of _____ 19____, upon an application to a Court of Summary Jurisdiction for the above-named Petty Sessions District by _____ to estreat the said recognizance, proof was given on oath that notice in writing (stating the general grounds upon which the application was made) was served personally on [or left at the usual place of abode of] the said _____

at least seven days before the said application was made and whereas it was proved in open court that the conditions of the recognizance had not been performed, the said court ordered the estreat of the said recognizance to the amount of £ _____ : _____ : _____

And whereas default has been made in payment of [the amount] [a balance of £ _____ : _____ : _____] and the said court ordered the said amount be levied by distress and in default of distress the said _____ be imprisoned in the Prison at _____ for the period of _____ unless the said amount be sooner paid.

This is to command you, to whom this Warrant is addressed, forthwith to make distress of the money and goods of the said _____; and if the said amount, together with the reasonable expenses of making and keeping the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise, as the said _____ may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named Petty Sessions District and if no such distress can be found the said _____ is to be imprisoned in the Prison at _____ for the period of _____ month(s).

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern. The Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____
To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

APPEALS TO COUNTY COURT AND BY WAY OF CASE STATED TO COURT OF APPEAL

A. Appeals to County Court

FORM 126

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 144; Rule 119)

Notice of Appeal to the County Court

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Take NOTICE that it is the intention of the above-named [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] to appeal to the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court for the Division of] sitting on the day of 19 , against the [Conviction] [and] [Sentence] [Order] made [passed] by a Magistrates' Court for the above-named Petty Sessions District sitting at on the day of 19

Signed

Party Appealing
[or Solicitor or Agent for
Party Appealing].

To:—

of
and to the Clerk of Petty Sessions
for the above-named Petty Sessions
District.

FORM 127

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 119 and 122)

Form of Appeal to County Court

of	Complainant [or Plaintiff]	Petty Sessions District of
	[or Applicant]	
of	Defendant [or Respondent]	County [Borough] of

I certify that upon the hearing of [a complaint that] [a process claiming] [an application for] [an appeal against]

(state cause of complaint, nature of process, grounds of application or appeal) an order was made on the _____ day of _____ 19____, by [a Magistrates' Court] [a Court of Summary Jurisdiction] of the above District against the said _____ of _____ to the following effect, viz:—

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

I certify that notice of the appeal to the County Court was duly given by the said Complainant [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] upon the _____ day of _____ 19____, [and that he/she has duly entered into a recognizance to prosecute the said appeal and to pay any costs which may be awarded against him/her [together with sureties] [and has given with the consent of the court security

(state nature and amount of security) in lieu of sureties to that recognizance]] and the said appeal will be heard at the County Court to be held at _____ on the _____ day of _____ 19____

Clerk of above Petty Sessions.

This _____ day of _____ 19____

I certify that upon the hearing of the said appeal on the _____ day of _____ 19____, the County Court ordered that

Clerk of the Crown and Peace.

This _____ day of _____ 19____

FORM 128

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and Section 148; Rules 115 and 118)

Recognizance to prosecute Appeal to County Court Conditioned for Bail

of	Complainant	Petty Sessions District of
of -		
Defendant		

Whereas a complaint was made that

The undersigned (name and occupation)

in the County [Borough] of _____, the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—
 To attend the sitting of the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court] to be held at _____ [in and for] the County [Borough] [County Court Division of _____] on the _____ day of _____ 19____, at _____ o'clock in the _____ noon and there to prosecute his appeal against the [conviction] [and] [sentence] [order] made [passed] by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above petty sessions district made on the _____ day of _____ 19____, upon the said complaint and to abide by the judgment and order of the said [Recorder's] [County] Court thereon and to pay such costs as may be awarded by the said Court and not to abscond pending the execution of the original order or of the judgment of the said [Recorder's] [County] Court and not to depart the Court without leave and so from court to court until this Recognizance shall be discharged by the Court.

And the said Principal Party [together with (name and occupation) _____ of _____

in the County [Borough] of _____ and _____ of _____
 (name and occupation) _____ of _____ the undersigned sureties] hereby acknowledge _____ bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to value of that sum] as security for the performance of the said Obligation].

..... Principal Party.
 } Sureties.

Taken before me this

day of

19

Resident Magistrate

[or Justice of the Peace]

[or Clerk of Petty Sessions]

[or Governor/Deputy Governor of

Prison].

I order that the sum of £ : : to be levied off the property of
 the said [and the sum of £ : :
 off the property of each of the said sureties] [and the [sum of £ : :]
 , deposited as security in lieu of sureties, be forfeited].

Resident Magistrate.

This

day of

19

FORM 129

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and Section 149; Rule 115)

Recognizance to prosecute Appeal to County Court not Conditioned for Bail

of	Complainant [or Plaintiff] [or Applicant] [or Appellant]	} Petty Sessions District of
of		
	Defendant [or Respondent]	} County [Borough] of

Whereas [a complaint was made] [a process was issued by the Plaintiff claiming] [an application was made for] [an appeal against]

The undersigned (name and occupation) of in the County [Borough] of , the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute its appeal to the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court] against the order made by the court of the above petty sessions district made on the day of 19 , at the hearing of the said [complaint] [process] [application] [appeal] and to abide by the judgment and order of the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court] thereon and to pay such costs as may be awarded by the said court.

And the said Principal Party [together with

(name and occupation) of and in the County [Borough] of

(name and occupation) of the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ : : [and the said sureties the sum of £ : : each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ : : or other valuable security to the value of that sum] as security for the performance of the said Obligation].

..... Principal Party.
 } Sureties.

Taken before me this day of 19

Resident Magistrate.
[or Justice of the Peace]
[or Clerk of Petty Sessions].

I order the sum of £ : : to be levied off the property of the said [and the sum of £ : : off the property of each of the said sureties] [and the [sum of £ : :] , deposited as security in lieu of sureties, be forfeited].

This day of 19 Resident Magistrate.

FORM 130

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 151(3); Rule 122)

Certificate by Clerk of Crown and Peace that Appeal has not been duly prosecuted

I hereby certify that the said appeal has not been duly prosecuted.

(Signed)

Clerk of the Crown and Peace.

Dated this day of 19

FORM 131

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(1))

Notice of Abandonment of Appeal to County Court

To the Clerk of Petty Sessions for the Petty Sessions District
of in the County [Borough] of

This is to give you notice that, whereas on the day of
19 , I lodged a copy of my notice of appeal to the County Court from
a [conviction] [and] [sentence] [order] of the Court of Summary Jurisdiction
[Magistrates' Court] for the above-named Petty Sessions District sitting
at made on the day of 19
[and duly entered into a recognizance to prosecute the said appeal];
I am abandoning the said appeal.

Signed
Appellant.

This day of 19

FORM 132

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(1))

**Notice by Clerk of Petty Sessions to Clerk of the Crown and Peace that
Appellant has abandoned his Appeal to the County Court**

County [Borough] of [Division of]
Petty Sessions District of
Between
and
Appellant
Respondent

This is to give you notice that I have received from the above-named Appellant notice that he has abandoned his appeal to the County Court against a [conviction] [and] [sentence] [order] made [passed] by the Court of Summary Jurisdiction [Magistrates' Court] for the above-named petty sessions district sitting on the day of 19

Signed
Clerk of Petty Sessions.

This day of 19

To the Clerk of the Crown and Peace
at
Copy to the Respondent
of

FORM 133

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 153; Rules 13 and 111)

Warrant to enforce an Order by a County Court made on Appeal

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Whereas a Magistrates' Court for the above-named Petty Sessions District sitting at _____ on the _____ day of _____ 19 _____, made the following Order:—

And whereas the said [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] appealed to the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court for the Division of _____] sitting at _____ and on the _____ day of _____ 19 _____, the last-mentioned Court ordered that:—

This is to command you, to whom this Warrant is addressed, to execute the said Order as follows:—

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Clerk of the Crown and Peace
[or Resident Magistrate]
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19 _____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

B. Appeals by way of Case Stated to Court of Appeal

FORM 134

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 146; Rule 124)

Application to Court to state a Case

To _____, Esq., Resident Magistrate
[Justice of the Peace] who sat as [a Court of Summary
Jurisdiction] [Magistrates' Court] for the Petty Sessions District
of _____ on the _____ day of _____ 19 _____

In the matter of a [complaint] [process] [application] [appeal] wherein
[I the undersigned]
was [Complainant] [Plaintiff] [Applicant] [Appellant] [or I the undersigned]
was [Defendant] [Respondent]
heard and determined by the said [Court of Summary Jurisdiction] [Magistrates'
Court] sitting at _____ on the _____ day of
19 _____

Being dissatisfied with the decision of the court on a point of law involved
in the determination of the said court as being wrong in law, I hereby, pursuant
to section 146 of the Magistrates' Courts Act (Northern Ireland) 1964 make
application to you to state a case for the opinion of the Court of Appeal on the
following point of law:—

Signed
Appellant
[or Solicitor for Appellant].

This _____ day of _____ 19 _____

Copy to be served on the Respondent
of _____

FORM 135

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 146(4))

Court's Certificate of Refusal to state a Case

In the County [Borough] of _____
Petty Sessions District of _____

Before the [Court of Summary Jurisdiction] [Magistrates' Court] sitting
at _____

Whereas on the _____ day of _____ 19 _____, a certain
decision upon a point of law in a proceeding before the court was made by me
the undersigned [Resident Magistrate] [Justice of the Peace] and whereas
being dissatisfied with the said decision
as being wrong in law has applied to me pursuant to section 146 of the said
Act of 1964 to state case for the opinion of the Court of Appeal thereon.

Now I, being of the opinion that the application of the said _____
is frivolous, hereby certify that such
application is refused.

Resident Magistrate
[or Justice of the Peace for the said County [Borough]].

This _____ day of _____ 19 _____

.. FORM 136

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 146; Rule 126)

Case stated by Magistrates' Court

Before the Court of Appeal in Northern Ireland
Between

and
Appellant
Respondent

Case stated by a [Resident Magistrate] [Justice of the Peace for the County
[Borough] of] in respect of his adjudication at a
Court of Summary Jurisdiction [Magistrates' Court] sitting at

CASE

1. On the day of 19 , a [complaint]
[process] [appeal] [application] was [preferred] [issued] [made] by the
Appellant [or Respondent] against the Respondent [or Appellant]
claiming that he/she

*(state shortly particulars of complaint, process, appeal or application
and refer to any relevant statutes.)*

2. I heard the said [complaint] [process] [appeal] [application] on the day
of 19 , and found the following
facts:—

(set out in separate lettered paragraphs).

*[The following is a short statement of the evidence:—

(set out so as to show relevant evidence given by each witness).]

3. It was contended by the Appellant that
4. It was contended by the Respondent that
5. I was referred to the following cases:—
6. I was of opinion that

(state grounds of decision)

and accordingly

(state decision including any sentence or order).

QUESTION

7. The question for the opinion of the Court of Appeal is

Resident Magistrate
[or Justice of the Peace].

This day of 19

*Insert only if the opinion of the Court of Appeal is sought whether there was evidence upon which
the Magistrates' Court could come to its decision.

FORM 137

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and Section 148; Rules 115 and 118)

Recognizance to prosecute Appeal to Court of Appeal Conditioned for Bail

of	}	Petty Sessions District of
of		Complainant
		Defendant
		County [Borough] of

Whereas a complaint was made that

The undersigned (name and occupation)
of in the County [Borough] of
the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute his appeal by way of case stated against the [conviction] [order] made by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above petty sessions district made on the day
of 19, upon the said complaint and to abide by the judgment or order of the Court of Appeal thereon and to pay such costs as may be awarded by the said Court and to appear before the [Court of Summary Jurisdiction] [Magistrates' Court] within [ten] days after the judgment or order of the Court of Appeal has been given unless the determination in respect of which the case is stated is reversed by that judgment or order and the [conviction] [order] appealed against is quashed.

And the said Principal Party [together with in the County [Borough]
of and
(name and occupation) of
hereby acknowledge the undersigned sureties
bound to forfeit to
the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ : : [and the said sureties
the sum of £ : : each] in case the said Principal Party fails to
perform the above Obligation [and in lieu of sureties the said Principal Party
hereby deposits [the sum of £ : : or other valuable security to the value
of that sum] as security for the performance of the said Obligation].

..... Principal Party.
..... } Sureties
..... }

Taken before me this day of 19

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions]
[or Governor/Deputy Governor of Prison].

I order the sum of £ : : to be levied off the property of the
said [and the sum of £ : :
off the property of each of the said sureties] [and the [sum of £ : :]
, deposited as security in lieu of sureties, to be forfeited].

Resident Magistrate.

This day of 19

FORM 138

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and Section 149; Rule 115)

Recognizance to prosecute Appeal to Court of Appeal Not Conditioned for Bail

of	Complainant [or Plaintiff] [or Applicant] [or Appellant]	} Petty Sessions District of
of		
	Defendant [or Respondent]	

Whereas [a complaint was made that] [a process was issued by the Plaintiff claiming that] [an application for _____ was made] [an appeal was made]

The undersigned _____ (name and occupation) of _____ in the County [Borough] of _____ the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute his appeal by way of case stated against the [conviction] [order] made by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above petty sessions district made on the _____ day of _____ 19____ upon the said [complaint] [process] [application] [appeal] and to abide by the judgment or order of the Court of Appeal thereon and to pay such costs as may be awarded by the said Court.

And the said Principal Party [together with _____ (name and occupation) of _____ in the County [Borough] of _____ and _____ (name and occupation) of _____ in the County [Borough] of _____ the undersigned sureties] hereby acknowledge _____ bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ : _____ : _____ [and the said sureties the sum of £ _____ : _____ : _____ each] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ : _____ : _____ or other valuable security to the value of that sum]] as security for the performance of the said Obligation.

.....	} Sureties.
.....	
.....	

Taken before me this _____ day of _____ 19____

Justice of the Peace
[or Clerk of Petty Sessions].

I order the sum of £ _____ : _____ : _____ to be levied off the property of the said _____ [and the sum of £ _____ : _____ : _____ off the property of each of the said sureties] [and the [sum of £ _____ : _____ : _____] deposited as security in lieu of sureties, to be forfeited].

This _____ day of _____ 19____ Resident Magistrate.

FORM 139

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(2))

Notice of Abandonment of Appeal by way of Case stated

To the Clerk of Petty Sessions for the Petty Sessions District of
in the County [Borough] of

This is to give notice that, whereas on the _____ day of
19____, I applied for a case to be stated for the opinion of the Court of Appeal
by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above-named
Petty Sessions District sitting at _____ upon a determination
of the said Court made on the _____ day of _____ 19____ ;
I am abandoning my appeal by way of case stated.

Signed
Appellant.

This _____ day of _____ 19____

FORM 140

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(2))

**Notice by Clerk of Petty Sessions to Respondent that Appellant has abandoned
an Appeal by way of Case stated**

To _____ of _____ Respondent
in an appeal by way of case stated from a determination of a
[Court of Summary Jurisdiction] [Magistrates' Court] sitting
at _____ made on the _____ day
of _____ 19____, by _____ Appellant.

This is to give you notice that I have received notice from the said Appellant
that he has abandoned his appeal.

Signed
Clerk of Petty Sessions.

This _____ day of _____ 19____

FORM 141

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 153; Rules 13 and 111)

**Warrant to enforce an Order made on Appeal by way of Case stated
to the Court of Appeal**

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

Whereas a Magistrates' Court for the above-named Petty Sessions District sitting at _____ on the _____ day of _____ 19 _____, made the following Order:—

And whereas the said [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] appealed to the Court of Appeal and on the _____ day of _____ 19 _____, the said Court ordered that:—

This is to command you, to whom this Warrant is addressed, to execute the said Order as follows:—

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This

day of

19

MISCELLANEOUS

FORM 142

County [Borough] of
Petty Sessions District
of

**Order Book, as prescribed by the Magistrates' Courts Rules (N.I.) 1965
made under the Magistrates' Courts Act (N.I.) 1964**

(Rule 18)

DATE OF ORDER

Number	Parties	Names of Witnesses examined	Cause of complaint or nature of appeal or application	Particulars of Order (where money is ordered to be paid, the amount is to be written in words)

(FORM 142 (continued))

Signature of Resident Magistrate or Justice	Proceedings subsequent to the hearing:— Result of Appeal or Petition Grant of further time to pay, etc.	Name of person ordered to pay money

FORM 143

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 19)

Certificate of Conviction or Order

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

I certify that upon the hearing of a complaint that

[a conviction] [an order] was made on the
19 , by the Magistrates' Court sitting at
to the following effect, viz:—

day of

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This

day of

19

FORM 144

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Part X)

General Form for Enforcement of Conviction or Order

of	}	
		Petty Sessions District of
of		Complainant
		County [Borough] of
		Defendant

Whereas upon the hearing of a complaint that

an Order was made on the _____ day of _____ 19____
by a Magistrates' Court against the said
to the following effect viz:—

And whereas the said Order has not been complied with:

This is to command you to whom this Warrant is addressed to execute the said Order against the said as follows:—

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

[The sum levied to be paid to the Clerk of Petty Sessions.]

This Warrant to be returned [in _____ days] [within a reasonable time] if not executed.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions]

This _____ day of _____ 19____

To the District Inspector of the Royal Ulster Constabulary at _____ and to all other members of the Royal Ulster Constabulary to whom this Warrant may be delivered for execution.

FORM 145

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 116(2))

Certificate endorsed on Unexecuted Warrant

I certify that after diligent search (and for the following reasons)

[insert reasons].

[full names of person against whom Warrant is issued] [or sufficient property of (name of person)] cannot be found.

Signed

to whom this
Warrant was
delivered for
execution.

This day of 19

FORM 146

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159(1); Rule 17)

Endorsement on Warrant as to withdrawal thereof

I, , certify that because
this Warrant is withdrawn.

Justice of the Peace
[or Resident Magistrate].

FORM 147

PETTY SESSIONS (IRELAND) ACT 1851
(Gb under section 26)

Endorsements under sections 26 and 27 of the Petty Sessions (Ireland) Act 1851

I certify that I have reason to believe that the person against whom the within Warrant was issued [is to be found] [has goods] at
in the County of
and that I believe the signature to the within Warrant to be in the handwriting of the said Justice.

Signed

{ to whom this
Warrant was
delivered for
execution.

This day of 19

To:—
of

(Gc under section 27)

It being certified to me as above, I hereby endorse the within Warrant for execution in the County of

Signed

Inspector General
[or Deputy Inspector General]
[or County Inspector] of the
Royal Ulster Constabulary.

This day of 19

To:—
of

FORM 148

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 11(7))

Particulars of Service to be endorsed on Summons

Served the within summons on the day of 19
at
*by delivering a copy to [Defendant] [Witness]
*by leaving a copy for [Defendant] [Witness] with a person apparently over the age of 16, at the [Defendant's] [Witness's] usual/last known place of abode/place of business.

Signed

*Delete as necessary

FORM 149

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 37(3), 91(2) and 127; Rule 11)

Affidavit of Service of Summons on defendant

of	}	Petty Sessions District of
of		County [Borough] of
		Complainant
		Defendant

I, _____ of _____, a person entitled to serve summonses under Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1965, make oath and say that I did serve the summons in this matter on the above-named Defendant at the time and place and in the manner endorsed by me on the original summons.

Deponent. Sworn before me this _____ day of _____ 19____ at [Borough] of _____ in the County _____

Justice of the Peace

FORM 150

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 120(3) and 127; Rule 11)

Affidavit of Service of Summons on witness

of	}	
		Petty Sessions District of
of		Complainant
	}	County [Borough] of
		Defendant

I, _____ of _____, a person entitled to serve summonses under Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1965, make oath and say that I did serve a witness summons in this matter on the person(s) whose name(s) appear at the foot hereof at the time and place and in the manner endorsed by me on the original summons.

Deponent. Sworn before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____

Justice of the Peace.

Name(s) and Address(es) of Witness(es).

FORM 151

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 47(3))

Particulars of Service to be endorsed on Process

Served the within process on the _____ day of _____ 19____ ,
at _____
*by delivering a copy to Defendant;
*by leaving a copy for Defendant with a person apparently over the age of 16,
at the Defendant's usual/last known place of abode/place of business.

Signed

Summons server
[or person who has received permission
to serve the process].

*Delete as necessary.

FORM 152

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 127; Rules 42, 43 and 48)

Affidavit of Service of a Process by a Summons Server or a person who has
received permission to Serve the Process

of _____
Plaintiff } Petty Sessions District of _____
of _____
Defendant } County [Borough] of _____

I, _____ of _____
in the County [Borough] of _____ [summons server for the
above-named petty sessions district] [being a person who has received permission
from a [Resident Magistrate] [Clerk of Petty Sessions] to serve the process],
say on oath that I did serve the process in this matter on the above-named
Defendant at the time and place and in the manner endorsed by me on the
original process.

Deponent. Sworn before me this _____ day
of _____ 19____ , at _____
[Borough] of _____ in the County

Justice of the Peace.

FORM 153

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54(5); Rules 13, 15(3) and 111)

Warrant to discharge Defendant from prison (other than where he has been committed for trial in custody)

of	Complainant	Petty Sessions District of
of		County [Borough] of
		Defendant

Whereas a complaint was made that

And whereas the hearing of the said complaint was adjourned to the _____ day of _____ 19____, and the Defendant was by a Warrant of Commitment issued on the _____ day 19____, remanded in custody until that day and [on the _____ day of _____ 19____,] the court [has since] certified its consent to the Defendant being released on bail by a recognizance conditioned for h appearance before a Magistrates' Court sitting at _____ on the _____ day of _____ 19____, h _____ self in the sum of £ _____ : _____ : _____ [together with sureties to the sum of £ _____ : _____ : _____ each] [or accompanied by the deposit of the sum of £ _____ : _____ : _____ [or other valuable security to the value of that sum] in lieu of sureties] and whereas such recognizance has been entered into, this is to command you to discharge the said Defendant from prison unless he be in your custody from some other cause.

Resident Magistrate
[or Justice of the Peace]
[or Clerk of Petty Sessions].

This _____ day of _____ 19____

To the Governor of the Prison at _____

FORM 154

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 111(4))**Receipt for Prisoner**

H.M. Prison at

I hereby certify that I have received from
of the prisoner
together with a Warrant of Commitment under the hand of
Esq., [Resident Magistrate] [Justice of the Peace]
[Clerk of Petty Sessions] at the time he was delivered into my custody.

Signed

Governor
[or Deputy Governor] of the
Prison at

This day of 19

FORM 155

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 70)**Order for taking Finger-prints**

of

of

Complainant

Defendant

Petty Sessions District of

County [Borough] of

Whereas (hereinafter called
"the Defendant") [having on the day of 19
been taken into custody] [has appeared before the Magistrates' Court sitting
at upon the day of 19]
charged that

(state shortly particulars of offence)

And application being made to me by
(insert name and rank) of the Royal Ulster Constabulary;

It is ordered that the finger-prints of the Defendant be taken by a
Constable.

Dated this day of 19

Resident Magistrate
[or Justice of the Peace].

FORM 156

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 110)

Certificate of Payment of part of a sum adjudged to be paid

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

I certify that I have received the sum of £ : : in part
payment of the sum adjudged to be paid.

Clerk of Petty Sessions for the above-
named Petty Sessions District.

This

day of

19

SCHEDULE 2

STAMPS

In proceedings other than Debt proceedings, ejection proceedings and proceedings on Appeal

1. The following documents shall be stamped by adhesive stamp to the value stated in the following table:—

	s.	d.
A summons to a defendant upon complaint other than a summons issued under section 110 of the Act	2	0
A notice of appeal to a court of summary jurisdiction	5	0
A notice of application to a court of summary jurisdiction under Part VIII of the Act	5	0
A warrant of distress or warrant of commitment in respect of the non-payment of a sum adjudged to be paid on a conviction for payment of which time has been allowed	5	0
A certificate of order	5	0

Debt Proceedings

2.—(1) The following documents in debt proceedings shall be stamped by impressed or adhesive stamp to the value stated in the following table:—

	s.	d.
An ordinary, enforcement, or committal process for an amount not exceeding £10	3	0
An ordinary, enforcement, or committal process for an amount exceeding £10 but not exceeding £30	4	6
An ordinary, enforcement, or committal process for an amount exceeding £30	5	0
A renewal process	4	6

(2) The following documents in debt proceedings shall be stamped by adhesive stamp to the value stated in the following table:—

	s.	d.
A set-off or counterclaim	3	0
A decree, enforcement order, or committal order for an amount awarded not exceeding £10	2	6
A decree, enforcement order, or committal order for an amount awarded exceeding £10 but not exceeding £30	3	0
A decree, enforcement order, or committal order for an amount awarded exceeding £30	5	0
A dismiss if the amount sued for does not exceed £10	2	6
A dismiss if the amount sued for exceeds £10 but does not exceed £30	3	0
A dismiss if the amount sued for exceeds £30	5	0
A renewal order	2	0
A notice for a duplicate order	4	6
A duplicate order	2	0
A certified extract from the register	3	0

Ejectment Proceedings

3.—(1) The following documents in ejectment proceedings (including proceedings where a claim for rent or sums due under section 78 of the Act are joined with a claim for possession) shall be stamped by impressed or adhesive stamp to the value stated in the following table:—

	s.	d.
A process issued for the recovery of premises where the yearly rent does not exceed £27	3	0
A process issued for the recovery of premises where the yearly rent exceeds £27 but does not exceed £40	4	6
A process issued for the recovery of premises where the yearly rent exceeds £40	5	0
A process issued in a case of permissive occupancy	4	6
A renewal process	4	6

(2) The following documents in ejectment proceedings shall be stamped by adhesive stamp to the value stated in the following table:—

	s.	d.
A decree where the yearly rent of the premises recovered does not exceed £27	2	6
A decree where the yearly rent of the premises recovered exceeds £27 but does not exceed £40	3	0
A decree where the yearly rent exceeds £40	5	0
A decree in a case of permissive occupancy	3	0
A dismiss where the yearly rent of the premises sought to be recovered does not exceed £27	2	6
A dismiss where the yearly rent of the premises sought to be recovered exceeds £27 but does not exceed £40	3	0
A dismiss where the yearly rent of the premises sought to be recovered exceeds £40	5	0
A dismiss in a case of permissive occupancy	3	0
A renewal order	2	0
A notice for a duplicate order	4	6
A duplicate order	2	0
A certified copy of an extract from the register	3	0

Appeals

4.—(1) The following documents issued in connection with appeals to the county court shall be stamped by adhesive stamp to the value stated in the following table:—

	s.	d.
A copy notice of appeal lodged with the clerk of petty sessions	7	6
A notice of abandonment of an appeal	2	6

(2) The following documents issued in connection with appeals by way of case stated shall be stamped by adhesive stamp to the value stated in the following table:—

	s.	d.
A written application for a case stated	10	0
A case stated	15	0
A notice of abandonment of an appeal by way of case stated	5	0

5. Nothing in this Schedule shall affect any requirement as to the stamping of documents or payment of fees under any enactment not repealed by the Act.

SCHEDULE 3

FEES PAYABLE FOR SERVING SUMMONSES

	s.	d.
For the service of a summons where the distance from the Petty Sessions Courthouse to the place where the summons is to be served does not exceed four miles	5	0
For the service of a copy on each additional defendant residing in the same dwelling-house	1	0
For the service of a summons in any case where there are two or more defendants not residing in the same dwelling-house there shall be a separate fee for each defendant	3	6

Where the distance from the Petty Sessions Courthouse to the place where the summons is to be served exceeds four miles the above fees shall be doubled. In reckoning distance under this Schedule the return journey shall not be taken into account.

Where service is required to be personal the fees prescribed by this Schedule shall be increased by one third.

SCHEDULE 4

FEES PAYABLE FOR SERVING PROCESSES

The following fees shall be payable to summons servers for serving processes:—

	s.	d.
For the service of a process where the distance from the Petty Sessions Courthouse to the place where the summons is to be served does not exceed four miles	5	0
For the service of a copy on each additional defendant residing in the same dwelling-house	1	0
For the service of a process in any case where there are two or more defendants not residing in the same dwelling-house there shall be a separate fee for each defendant	3	6
For the service of a notice of application for a duplicate order	3	0

Where the distance from the Petty Sessions Courthouse to the place where the process is to be served exceeds four miles the above fees shall be doubled. In reckoning distance under this Schedule the return journey shall not be taken into account.

Where service is required to be personal the fees prescribed by this Schedule shall be increased by one-third.

SCHEDULE 5

Solicitors' Costs and Counsel's Fees in Debt Proceedings

The costs between party and party shall be according to the following scales and shall be payable by the defendant to the plaintiff in the case of a decree, according to the amount awarded, or by the plaintiff to the defendant in the case of a dismissal, according to the amount claimed.

Solicitors' Costs

Ordinary, Enforcement and Committal Processes

To the plaintiff's solicitor	In proceedings where amount awarded—				
	does not exceed £5	exceeds £5 but does not exceed £10	exceeds £10 but does not exceed £20	exceeds £20 but does not exceed £40	exceeds £40
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions, drawing process and copy	7 6	10 0	15 0	1 10 0	2 10 0
Entry, preparation for and attending hearing	10 0	15 0	1 0 0	2 10 0	5 0 0
Drawing decree or enforcement or committal order	2 6	5 0	5 0	10 0	15 0
Where proceeding is defended in addition to above (to include brief, if any, for counsel)	15 0	1 5 0	2 5 0	3 10 0	5 10 0

For each additional copy process served after the first there shall be payable a further sum of 2s. 6d.

To the defendant's solicitor	In proceedings where the amount claimed—				
	does not exceed £5	exceeds £5 but does not exceed £10	exceeds £10 but does not exceed £20	exceeds £20 but does not exceed £40	exceeds £40
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions and preparing proofs	7 6	17 6	1 5 0	2 2 6	4 5 0
Attending hearing (including brief, if any, for counsel)	1 0 0	1 10 0	2 10 0	5 0 0	8 0 0
Drawing dismiss	2 6	0 5 0	5 0	10 0	0 15 0

Renewals

To the applicant's solicitor	In proceedings where the amount for which the decree or dismiss is renewed—				
	does not exceed £5	exceeds £5 but does not exceed £10	exceeds £10 but does not exceed £20	exceeds £20 but does not exceed £40	exceeds £40
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions for drawing renewal process and copy	4 0	7 0	12 0	1 1 0	1 7 0
For each additional copy served	2 6	2 6	2 6	2 6	2 6
Entry, preparation for and attending hearing including an affidavit or declaration	5 0	10 0	17 0	1 3 0	1 11 0
Drawing renewal	2 6	5 0	6 0	7 0	8 0

Duplicate Orders

To the applicant's solicitor for—

	£	s.	d.
Instructions, drawing notice and copy	1	1	0
For each additional copy served		2	6
Entering application, preparation for and attending hearing	1	3	0
Drawing duplicate order		7	0

Counsel's Fees

To plaintiff's counsel—

	£	s.	d.
Where amount awarded exceeds £5 but does not exceed £10	1	1	0
Where amount awarded exceeds £10 but does not exceed £20	2	2	0
Where amount awarded exceeds £20 but does not exceed £40	3	3	0
Where amount awarded exceeds £40	5	5	0

The above fees shall not be allowed where the proceeding is undefended unless the court otherwise directs.

To defendant's counsel—

Where the court so allows, similar fees on amount claimed.

SCHEDULE 6

Solicitors' Costs and Counsel's Fees in Ejectment Proceedings

The costs between party and party shall be according to the following scales and shall be payable by the defendant to the plaintiff in the case of a decree or by the plaintiff to the defendant in the case of a dismiss. Such costs include proceedings where a claim for arrears of rent or for sums due under section 78 of the Act is joined with a claim for the recovery of premises.

To the plaintiff's solicitor	Where the yearly rent—			
	does not exceed £27	exceeds £27 but does not exceed £40	exceeds £40	permissive occupancy cases
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions, preparing proofs and drawing or signing process	1 0 0	1 10 0	2 10 0	1 0 0
Entry, preparation for and attending hearing	1 10 0	2 0 0	3 10 0	1 10 0
Drawing decree	5 0	10 0	15 0	5 0
Where case is defended in addition to above (to include brief, if any, for counsel)	15 0	1 0 0	1 5 0	1 0 0

For each additional copy process served after the first there shall be payable a further sum of 2s. 6d.

To the defendant's solicitor	Where the yearly rent—			
	does not exceed £27	exceeds £27 but does not exceed £40	exceeds £40	permissive occupancy cases
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions and preparing proofs	15 0	1 0 0	1 5 0	15 0
Attending hearing (including brief, if any, for counsel)	1 10 0	2 0 0	3 10 0	1 10 0
Drawing dismiss	5 0	10 0	0 15 0	5 0

Renewals

To the applicant's solicitor	Where the yearly rent—			
	does not exceed £27	exceeds £27 but does not exceed £40	exceeds £40	permissive occupancy cases
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Instructions, drawing renewal process and copy	12 0	1 1 0	1 7 0	12 0
For each additional copy served	2 6	2 6	2 6	2 6
Entry, preparation for and attending hearing and including any affidavit or declaration	17 0	1 3 0	1 11 0	17 0
Drawing renewal	6 0	7 0	8 0	6 0

Duplicate Orders

To the applicant's solicitor for—

	£ s. d.
Instructions, drawing notice and copy	1 1 0
For each additional copy served	2 6
Entering application, preparation for and attending hearing	1 3 0
Drawing duplicate order	7 0

Counsel's Fees

To plaintiff's counsel—

	£ s. d.
Where the yearly rent does not exceed £27	1 1 0
Where the yearly rent exceeds £27 but does not exceed £40	2 2 0
Where the yearly rent exceeds £40	3 3 0
Cases of permissive occupancy	2 2 0

The above fees shall not be allowed where the proceeding is undefended unless the court otherwise directs.

To defendant's counsel—

Where the court so allows, similar fees.