

## EXPLANATORY NOTE

*(This note is not part of the regulations, but is intended to indicate their general purport.)*

These regulations amend the Supplementary Benefit (General) Regulations (Northern Ireland) 1966. They enable the Supplementary Benefits Commission to review a determination of a person's entitlement to a supplementary pension or allowance solely for the purpose of giving effect to subsequent changes in the statutory amounts taken to be his requirements or in his national insurance benefit and analogous payments.

1967. No. 207

[C]

## MAGISTRATES' COURTS RULES

RULES, DATED 3RD AUGUST 1967, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

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

Dated this 3rd day of August 1967.

*Wm. Craig,*  
Minister of Home Affairs  
for Northern Ireland.

The Ministry of Finance concurs in the provisions of the Schedule which alter the scale of fees denoted by stamps on documents issued in proceedings to which reference is made in the Schedule.

Sealed with the Official Seal of the Ministry of Finance this 3rd day of August 1967.

(L.S.)

Signed: *R. R. Butler,*  
Assistant Secretary.

*Citation*

1. These Rules may be cited as the Magistrates' Courts Rules (Amendment) Rules (Northern Ireland) 1967.

*Interpretation*

2. In these Rules—

“the Act” means the Magistrates' Courts Act (Northern Ireland) 1964;

“the principal Rules” means the Magistrates' Courts Rules (Northern Ireland) 1965(a).

*Commencement*

3. These Rules shall come into force on 29th August 1967.

*Schedule of amendments of the principal Rules*

4. The Rules specified in the first column of the Schedule are hereby amended to the extent specified in the second column thereof.

*Adjournments in proceedings upon summons etc. where date of resumption thereof to be fixed*

5.—(1) Where proceedings commenced by summons upon complaint are adjourned and the defendant is not remanded in custody or upon bail and the time and place at which the proceedings are to be resumed are, in accordance with section 162(2) of the Act, left to be determined later by the court, the original summons shall be returned by the clerk of petty sessions to the complainant.

(2) Where the court has determined such time and place, the clerk of petty sessions shall serve notice thereof upon the complainant and the defendant and the complainant shall relodge the original summons with the said clerk a reasonable time before the time specified in the notice.

(3) Without prejudice to the provisions of section 24 of the Interpretation Act (Northern Ireland) 1954 as to the manner in which any document may be served, such notice may be served in any manner directed by a resident magistrate (including service thereof upon a solicitor representing that he is authorised to accept service on behalf of the defendant) and the court before which the proceedings are resumed may declare the service of the notice, however effected, sufficient.

(4) This rule shall, subject to any direction of the court, apply also to proceedings before a magistrates' court commenced by notice of application or notice of appeal as though for reference to the original summons or the defendant there were inserted a reference to such notice of appeal or application or the respondent, as the case may be.

*Amendment*

6. In Rule 30 of the Summary Jurisdiction (Children and Young Persons) Rules (Northern Ireland) 1950(b) for the words “in the same manner” to “the Summary Jurisdiction Acts (Northern Ireland)” there shall be substituted the words “in accordance with Magistrates' Courts Rules”.

## SCHEDULE

## Amendments to the Magistrates' Courts Rules (Northern Ireland) 1965

<i>Provision of Rules amended</i>	<i>Amendment</i>
RULE 7	<p>For paragraph (2) there shall be substituted the following paragraphs—</p> <p>“(2) Any document which would otherwise in any such proceedings as are referred to in paragraph (2A) be required to be stamped in accordance with paragraph (1) by a 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.</p> <p>(2A) The proceedings to which paragraph (2) applies are any proceedings (including proceedings on appeal) brought by or on behalf of—</p> <ol style="list-style-type: none"> <li>(a) the Attorney General;</li> <li>(b) any Minister of the Crown;</li> <li>(c) a member of the Royal Ulster Constabulary acting as such;</li> <li>(d) any department of the Government of the United Kingdom;</li> <li>(e) any department of the Government of Northern Ireland; or</li> <li>(f) the Supplementary Benefits Commission for Northern Ireland.” </li></ol>
RULE 8	<p>In paragraph (2) before the words “Where it is intended that” there shall be inserted the words “Subject to any enactment”.</p>
RULE 9	<p>In paragraph (6) after the words “Rule 26(2)” there shall be inserted the words “or Rule 120(1)”.</p> <p>In paragraph (4) after the words “and shall have effect” there shall be inserted the words “(except for the purposes of paragraph 1 of Schedule 2 or for the purposes of Schedule 3)”.</p>
RULE 11	<p>For paragraph (2)(c) there shall be substituted the following—</p> <p>“(c) any other person who has received permission from a resident magistrate or other justice of the peace or from the clerk of petty sessions to serve the summons.”</p> <p>In paragraph (4) after the word “where” there shall be inserted the words “he is a child or young person within the meaning of Part III of the Children and Young Persons Act (Northern Ireland) 1950 or a parent of such child or young person summoned in connection with proceedings against such child or young person or where”.</p>

Provision of Rules amended	Amendment
RULE 14	<p>Before "Where" in paragraph (1) there shall be inserted the words "Subject to paragraphs (1A) and (1B)" and after paragraph (1) there shall be inserted the following paragraphs—</p> <p>"(1A) Where the court in imposing more than one sentence of imprisonment upon any person orders that the sentences are to run concurrently—</p> <p>(a) a warrant of commitment need not, unless under special circumstances the governor of the prison to which such person is committed otherwise requests, be issued in respect of a sentence which will expire before or on the expiration of any such sentence in respect of which a warrant of commitment has been issued; and</p> <p>(b) where only one warrant of commitment is issued under this paragraph the clerk of petty sessions shall send to the said governor, together with the warrant, particulars of the sentences which are not specified in the warrant.</p> <p>(1B) Where the court orders a person convicted of more than one offence at the same time to be sent for Borstal training or to a training school or commits a child or young person to a remand home in accordance with section 56 of the Children and Young Persons Act (Northern Ireland) 1950 only one warrant need be issued for the purpose of giving effect to such order and the clerk of petty sessions shall send particulars of any conviction not specified in the warrant to the person in charge of the Borstal Institution, training school or remand home, as the case may be."</p>
RULE 15	<p>In paragraph (1) at the end of the paragraph insert "and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions".</p> <p>In paragraph (3) for the words beginning with "when the necessary recognizance" to the end of the paragraph there shall be substituted the words "issue a warrant for his discharge from prison to take effect from the completion of the necessary recognizance".</p>
RULE 18	<p>In paragraph (1) at the end thereof there shall be inserted the following words—</p> <p>"and such particulars may, subject to any directions given by a resident magistrate or by the Ministry of Home Affairs, be entered by reference to any other proceedings, particulars of which have previously been fully so entered".</p> <p>In paragraph (7)(a) after the word "accused" there shall be inserted the words "appearing in person".</p>
RULE 23	<p>In paragraph (1) and paragraph (2) after the word "accused" where it firstly appears there shall be inserted the words "appearing in person".</p>
RULE 30	<p>For Rule 30 there shall be substituted the following Rule—</p> <p><i>"Conditions to be complied with before preliminary investigation"</i></p> <p>30. Where an adult is charged with an indictable offence specified in Schedule 3 to the Act, a justice of the</p>

Provision of Rules amended	Amendment
<p>RULE 31</p>	<p>peace (other than a resident magistrate) shall not proceed to conduct a preliminary investigation unless he is informed that—</p> <p>(a) the prosecutor will not in any event consent to summary trial of the charge under section 52 of the Act; or</p> <p>(b) a resident magistrate has decided that it is not expedient to deal with the charge summarily.”</p> <p>For paragraph (2) there shall be substituted the following paragraph—</p> <p>“(2) Where the prosecutor informs the court that he does not object to the charge being dealt with summarily the court shall not deal summarily with any offence specified in Schedule 3 to the Act until the expiration of 24 hours after the notice under section 52(1) of the Act is given to the accused, unless a written waiver such as is referred to in section 52(1) of the Act waiving the requirement of the twenty-four hours’ notice under said section 52(1) has been signed by the accused and handed to the court and the court is satisfied in accordance with Rule 32(4) and (5) that the accused understands that he has the right to be tried by a jury and appreciates the meaning of such right”.</p> <p>After paragraph (2) there shall be added the following paragraph—</p> <p>“(3) Where the prosecutor informs a resident magistrate or a justice of the peace having jurisdiction to conduct a preliminary investigation, that the proceedings against the accused are to be taken on indictment, nothing in this Rule or Rule 30 shall operate so as to require proof that the said notice has been given to the accused.”</p>
<p>RULE 32</p>	<p>For paragraph (5) there shall be substituted the following paragraph—</p> <p>“(5) The resident magistrate shall next address the accused as follows:—</p> <p>“Do you wish to be tried by a jury, or do you consent to the case being dealt with summarily?”</p> <p>and if the accused consents to be dealt with summarily, the resident magistrate shall ask him “Do you plead guilty or not guilty?”.</p> <p>After paragraph (5) there shall be inserted the following paragraph—</p> <p>“(6) The resident magistrate may instead of giving the explanation required by paragraph (4) or addressing the accused, as would otherwise be required by paragraph (5), cause such explanation to be given or the accused to be addressed in open court in the appropriate manner by an official of the court and that course shall be sufficient compliance with this Rule.”.</p>
<p>RULE 35</p>	<p>In paragraph (1) after the word “served” there shall be inserted the words “in such manner as he may direct”.</p>

<i>Provision of Rules amended</i>	<i>Amendment</i>
RULE 79	<p>In paragraph (4) for the words "the enactment under which proceedings for the recovery of possession of the premises is taken" there shall be substituted the words "the enactment under the provisions of which possession of the premises is obtainable or recoverable summarily".</p>
RULE 115	<p>In paragraph (5) for the words "on his behalf and in his name" there shall be substituted the words "on behalf of and in the name of that person".</p>
RULE 119	<p>At the end of paragraph (2) there shall be inserted the following words—</p> <p>"and, where the appeal is against more than one conviction or sentence, only one notice need be given to the other party and only one copy thereof need be given to the clerk of petty sessions and such notice shall specify the convictions or sentences which are the subject of the appeal".</p> <p>After paragraph (2) there shall be inserted the following paragraph—</p> <p>"(2A) Every copy of the said notice lodged with the clerk of petty sessions shall be endorsed with the date upon which and the manner in which the notice was so given."</p> <p>In paragraph (3) before the word "form" where it firstly appears there shall be inserted the word "separate" and for the words "of the conviction or order" substitute the words "of each conviction or order separately".</p> <p>After paragraph (3) there shall be inserted the following paragraph—</p> <p>"(4) Where a notice of appeal refers to more than one conviction or order, only one recognizance under section 148 or under 149 of the Act suitably adapted need be entered into by the appellant."</p>

Provision of Rules amended

Amendment

SCHEDULE 1

For Form 28 there shall be substituted the following Form—

“FORM 28

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

CRIMINAL LAW ACT (NORTHERN IRELAND) 1967 (Section 10)

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 3 to the said Act of 1964

of	}	Petty Sessions District of
Complainant		
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].

This day of Justice of the Peace. 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 above offence(s) [is] [are] [an] offence(s) 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, and if you do so consent, only where the prosecutor also consents.

Provision of Rule  
amended

## Amendment

The Resident Magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that for any of the reasons specified in section 52(1) of the said Act of 1964, it is inexpedient to deal with any such offence(s) summarily and in that event order that a preliminary investigation be conducted before him or any other resident magistrate or justice of the peace into [any of] the above-mentioned offence(s) in order to ascertain whether or not there is sufficient evidence of [any of] the offence(s) upon which you should be committed for trial by jury."

For Form 29 there should be substituted the following Form—

"FORM 29

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964  
(Section 52; Rule 31(1))

CRIMINAL LAW ACT (NORTHERN IRELAND) 1967  
(Section 10)

**Notice under section 52 of the above Act of 1964 to be given to an Arrested Person accused of an Offence specified in Schedule 3 to that Act as soon as practicable 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 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 above offence(s) [is] [are] [an] offence(s) 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, and if you do so consent, only where the prosecutor also consents.

The Resident Magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that, for any of the reasons specified in section 52(1) of the said Act of 1964, it is inexpedient to deal with any such offence(s) summarily and in that event order that a preliminary investigation be conducted before him or any other resident magistrate or justice of the peace into [any of] the above-mentioned offence(s) in order to ascertain whether or not there is sufficient evidence of [any of] the offence(s) upon which you should be committed for trial by jury.

Signed

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



*Provision of Rule amended*

*Amendment*

For Form 30 there shall be substituted the following Form—

“FORM 30

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964  
(Section 52; Rule 31(2))

CRIMINAL LAW ACT (NORTHERN IRELAND) 1967  
(Section 10)

**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] [an] offence(s) which may be dealt with summarily by a Resident Magistrate only with my consent and that if I do so consent only where the prosecutor also consents.”.

SCHEDULE 2

For Schedule 2 there shall be substituted the following Schedule—

“SCHEDULE 2

STAMPS

**In proceedings other than Debt proceedings, Ejectment proceedings and proceedings on Appeal**

1. The following documents shall bear an 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	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	10	0
A certificate of conviction or order	5	0

**Debt Proceedings**

2.—(1) Every ordinary, enforcement, committal or renewal process shall bear an impressed or adhesive stamp to the value of 5s. 0d.

(2) Every set-off, counter-claim, decree, enforcement order, committal order, dismiss or renewal order shall bear an adhesive stamp to the value of 5s. 0d.

A notice for a duplicate order shall bear an adhesive stamp to the value of 2s. 6d.

A duplicate order shall bear an adhesive stamp to the value of 2s. 6d.

Provision of Rules  
amended

## Amendment

A certified extract from the register shall bear an adhesive stamp to the value of 2s. 6d.

**Ejectment Proceedings**

3.—(1) Every process in ejectment proceedings (including proceedings where a claim for rent or sums due under section 78 of the Act is joined with a claim for possession) shall bear an impressed or adhesive stamp to the value of 5s. 0d.

(2) In such proceedings as are referred to in subparagraph (1) every decree, dismiss or renewal order shall bear an adhesive stamp to the value of 5s. 0d.

A notice for a duplicate order shall bear an adhesive stamp to the value of 2s. 6d.

A duplicate order shall bear an adhesive stamp to the value of 2s. 6d.

A certified copy of an extract from the register shall bear an adhesive stamp to the value of 2s. 6d.

**Appeals**

4.—(1) The following documents issued in connection with appeals to the county court shall bear an adhesive stamp to the value stated in the following table:—

	s.	d.
A copy notice of appeal lodged with the clerk of petty sessions . . . . .	10	0
A notice of abandonment of an appeal . . . . .	2	6

(2) The following documents issued in connection with appeals to the Court of Appeal by way of case stated shall bear an adhesive stamp to the value stated in the following table:—

	s.	d.
A written application for a case stated . . . . .	10	0
A case stated . . . . .	20	0
A notice of abandonment of an appeal by way of case stated . . . . .	2	6

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 6

For the words "permissive occupancy cases" and "cases of permissive occupancy", wherever they appear, there shall be substituted the words "in any other case including one of permissive occupancy".

**EXPLANATORY NOTE**

*(This Note is not part of the Rules but is intended to indicate their general purport)*

These Rules provide for the procedure to be adopted in magistrates' courts where certain proceedings are adjourned and the date for the resumption of the proceedings is to be fixed later by the court.

The procedure prescribed by the Magistrates' Courts Rules (Northern Ireland) 1965 under the Magistrates' Courts Act (Northern Ireland) 1964 has been amended in a number of instances. The detailed amendments to various Rules prescribed in 1965 are set out in the Schedule.

1967. No. 208

[C]

## AGRICULTURE

## Cattle—Breeding Herds

SCHEME, DATED 20TH JULY 1967, MADE BY THE MINISTER OF AGRICULTURE, WITH THE APPROVAL OF THE MINISTER OF FINANCE, UNDER SECTION 1 OF THE AGRICULTURE (TEMPORARY ASSISTANCE) ACT (NORTHERN IRELAND) 1954 AS AMENDED BY THE AGRICULTURE (TEMPORARY ASSISTANCE) (AMENDMENT) ACT (NORTHERN IRELAND) 1957.

The Minister of Agriculture with the approval of the Minister of Finance and in the exercise of the powers conferred upon him by the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954 and 1957(a) and of all other powers him thereto enabling, hereby makes the following Scheme:—

*Citation and Commencement*

1.—(1) This Scheme may be cited as the Cattle (Breeding Herds) Scheme (Northern Ireland) 1967 and shall be construed as one with the Cattle (Breeding Herds) Scheme (Northern Ireland) 1966(b) (hereinafter referred to as “The Principal Scheme”).

(2) This Scheme shall come into force on the date hereof.

*Subsidy Payment in 1967*

2. Subject to the provisions of the Principal Scheme the amount which may be paid by way of subsidy payment under the said Scheme in respect of any animal to which the said scheme applies in the year 1967 shall be thirteen pounds.

Dated this 20th day of July 1967.

*J. D. Chichester-Clark,*  
Minister of Agriculture.

I hereby approve the foregoing Order.

Dated this 20th day of July 1967.

*H. V. Kirk,*  
Minister of Finance.

## EXPLANATORY NOTE

*(This note is not part of the Scheme but is intended to indicate its general purport.)*

This Scheme fixes the rate of subsidy for 1967 at thirteen pounds for each breeding cow and in-calf heifer eligible for subsidy payment in that year under the Cattle (Breeding Herds) Scheme (Northern Ireland) 1966.

(a) 1954, c. 31 and 1957, c. 3,

(b) S.R. & O. (N.I.) 1966, No. 117,