

1984 No. 225

MAGISTRATES' COURTS

Magistrates' Courts Rules (Northern Ireland) 1984

Made 26th June 1984

Coming into operation 3rd September 1984

RULES, DATED 26th JUNE 1984, MADE BY THE LORD CHANCELLOR UNDER ARTICLE 13 OF THE MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981.

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The Lord Chancellor(a) in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(b) hereby, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

PART I

Citation, Interpretation and Commencement, Etc.*Citation*

1. These Rules may be cited as the Magistrates' Courts Rules (Northern Ireland) 1984.

Interpretation

2.—(1) In these Rules "the Order" means the Magistrates' Courts (Northern Ireland) Order 1981.

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

(3) In these Rules:—

(a) "chief clerk" has the meaning assigned to it by Article 2(2) of the County Courts (Northern Ireland) Order 1980(c); and

(b) "scheduled offence" has the meaning assigned to it by section 30(1) of the Northern Ireland (Emergency Provisions) Act 1978(d).

(4) Any reference in these Rules to a Form by number is a reference to that Form so numbered in Schedule 1.

Commencement

3. These Rules shall come into force on 3rd September 1984.

Revocation of existing rules

4. The following Rules are hereby revoked as from the coming into force of these Rules:—

the Magistrates' Courts Rules (Northern Ireland) 1974(e);

the Magistrates' Courts (Emergency Provisions) Rules (Northern Ireland) 1976(f);

the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1976(g);

(a) Formerly The Secretary of State for Northern Ireland, *see* 1978 c. 23

(b) S.I. 1981/1675 (N.I. 26)

(c) S.I. 1980/397 (N.I. 3)

(d) 1978 c. 5

(e) S.R. 1974 No. 334

(f) S.R. 1976 No. 2

(g) S.R. 1976 No. 40

the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1976(a);
 the Magistrates' Courts (Extra-territorial Offences) Rules (Northern Ireland) 1976(b);
 the Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1976(c);
 the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1977(d);
 the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1977(e);
 the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1978(f);
 the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1979(g);
 the Magistrates' Courts (Attachment of Earnings) Rules (Northern Ireland) 1980(h);
 the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1980(i);
 the Magistrates' Courts (Criminal Justice) (Amendment) Rules (Northern Ireland) 1980(j);
 the Magistrates' Courts (Amendment No. 2) Rules (Northern Ireland) 1980(k);
 the Magistrates' Courts (Amendment No. 3) Rules (Northern Ireland) 1980(l);
 the Magistrates' Courts (Amendment No. 4) Rules (Northern Ireland) 1980(m).

Saving for the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969

5. Subject to the Children and Young Persons Act (Northern Ireland) 1968(n), nothing in these Rules shall affect the operation of the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969(o).

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 as to 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 statutory provision, 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) Subject to the foregoing paragraphs, the forms set out in Schedule 1 or forms to the like effect shall, where appropriate, be used in connection with proceedings to which the Rules relate.

(a) S.R. 1976 No. 120
 (b) S.R. 1976 No. 170
 (c) S.R. 1976 No. 200
 (d) S.R. 1977 No. 171
 (e) S.R. 1977 No. 311
 (f) S.R. 1978 No. 374
 (g) S.R. 1979 No. 132
 (h) S.R. 1980 No. 13

(i) S.R. 1980 No. 137
 (j) S.R. 1980 No. 199
 (k) S.R. 1980 No. 226
 (l) S.R. 1980 No. 373
 (m) S.R. 1980 No. 409
 (n) 1968 c. 34 (N.I.)
 (o) S.R. & O. (N.I.) 1969 No. 221 (p. 898)

Form of complaint

7.—(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) Subject to any enactment, 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 28(2), Rule 42(1) or Rule 155(1), 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 statutory provision giving rise to the offence or on which the complaint is founded.

Form of summons

8.—(1) Every summons shall be signed by the person who issues it.

(2) No summons shall be signed in blank.

(3) Where there is more than one defendant a separate summons shall be issued in respect of each defendant.

(4) 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.

(5) 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 (except for the purposes of an order made under section 116 of the Judicature (Northern Ireland) Act 1978)(a) as several summonses, each issued in respect of one complaint.

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

Preparation of summons

9.—(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.

(a) 1978 c. 23

(2) Where the complainant or the person applying for the issue of a witness summons is not a solicitor or 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.

Plea of guilty by post

10.—(1) Where it is intended to make the procedure of pleading guilty by post under Article 24(1)(i) of the Order available to a defendant the summons shall be accompanied by Forms 3, 4 and 6.

(2) Notice in writing of the service of such a summons shall be given by or on behalf of the complainant to the clerk of petty sessions pursuant to Article 24(1) of the Order and shall be in Form 5.

(3) Where the defendant elects to enter a plea of guilty in writing pursuant to Article 24(2) of the Order he shall do so in Form 6.

(4) Where a person has been convicted upon his written plea of guilty and the Court decides to adjourn the hearing before passing sentence, the clerk of petty sessions shall give to the defendant notice in writing of the time and place of the adjourned hearing and shall specify the reason for the adjournment.

Service of summons

11.—(1) In cases of offences prosecuted by a member of the Royal Ulster Constabulary, the summons shall, subject to Rule 12, be served by another member thereof.

(2) In other cases, the summons shall, subject to Rule 12, 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) any 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;

and any such 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, or a director, partner or employee of the complainant.

(4) Subject to Rule 13 every summons shall be served upon the person to whom it is directed by delivering to him a copy of such summons, or, where he is a child or young person within the meaning of Part IV of the Children and Young Persons Act (Northern Ireland) 1968 on a parent of such child or young person summoned in connection with proceedings against such child or young person 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 (using the advice of delivery form) 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 serves a summons shall endorse on the original 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 and, subject to Rule 13(2)(a), the relevant advice of delivery issued by the Post Office.

(8) Nothing in this Rule shall affect the provisions of any statutory provision dealing with the time and manner of service and the person who may serve summonses in particular cases.

Service of a summons in England and Wales or Scotland

12.—(1) A summons requiring a person in England and Wales or Scotland charged with an offence to appear before a magistrates' court in Northern Ireland may, subject to paragraph (4), be served by any member of a home police force within the meaning of the Police Act 1969(a) or by a person employed by the chief officer of police or the police authority for the area in which the summons is to be served who is authorised by the chief officer of police to serve summonses.

(2) Service of the summons may be proved by an affidavit in Form 109 sworn in England and Wales before a justice of the peace or clerk to the justices or in Scotland before a sheriff, justice of the peace or sheriff clerk.

(3) The summons shall be served by delivering a copy to the person charged at least 14 days before the date of the hearing.

(4) Where the summons is to be served on a corporate body in England and Wales or Scotland, paragraph (5) of Rule 11 shall have effect as if the words "in Northern Ireland" were omitted.

(5) Paragraphs (4) and (6) of Rule 11 shall not apply to the service of a summons under this Rule.

Postal service of summonses other than for offences prosecuted by the Royal Ulster Constabulary

13.—(1) Where a resident magistrate or the clerk of petty sessions is satisfied that it is not reasonably practicable to serve a summons to which paragraph (2) of Rule 11 applies in accordance with that Rule, the resident magistrate or clerk of petty sessions may permit the summons server to serve the summons by post in accordance with paragraph (2)(a).

(2) The summons server of the petty sessions district in which the proceedings are brought shall—

- (a) send by registered post or by the first-class postal recorded delivery service (using the advice of delivery form, save where the resident magistrate in exceptional circumstances dispenses with this requirement) a copy of the summons in an envelope addressed to the person to be served at his usual or last-known place of abode or at his place of business; and
- (b) endorse on the original summons the name of the summons server, the date on which it was posted and the serial number on the envelope and on the Post Office receipt of postage.

(3) Evidence (either oral or by affidavit) of such service shall be given at the hearing of the complaint by the summons server who shall produce to the court or, as the case may be, attach to the affidavit the following documents:—

- (a) the original summons endorsed by him with the particulars referred to in paragraph (2)(b);

(b) the Post Office receipt of postage;

(c) subject to paragraph (2)(a), the relevant Post Office advice of delivery.

(4) Subject to paragraph (2)(a), a summons proved to have been posted and delivered as aforesaid shall, unless the contrary is shown, be deemed to have been served on the person to whom the envelope containing it was addressed at the time stated in the Post Office advice of delivery.

(5) Nothing in this Rule shall derogate from the provisions of any enactment within the meaning of section 1 of the Interpretation Act (Northern Ireland) 1954(a) (other than Rule 11) under which proof of personal service of a summons upon the person to be served is required.

(6) Where the summons server informs the clerk of petty sessions that the envelope containing a copy of a summons, postal service of which has been permitted under paragraph (1), has been returned by the Post Office on the ground that delivery of the envelope was not accepted by anyone at the address of the person to be served, the clerk shall forthwith give notice thereof in writing to the complainant named in the summons or to his solicitor and transmit to the complainant or, as the case may be, his solicitor the documents listed in paragraph (8)(a), (b), (c) and (d).

(7) The complainant or his solicitor may thereupon either verbally or in writing request a resident magistrate to grant permission for the summons to be served by ordinary post.

(8) A resident magistrate may grant such permission upon production of—

(a) the original summons endorsed under paragraph (2)(b);

(b) the Post Office receipt of postage;

(c) the copy of the summons enclosed in the envelope containing it returned by the Post Office as undelivered;

(d) the form of advice of the Post Office that the envelope containing such copy could not be delivered according to the practice of the Post Office as to delivery by registered post or, as the case may be, by the recorded delivery service because delivery of the envelope was not accepted by anyone at the address of the person to be served;

(e) a certificate in Form 117 signed by the complainant or his solicitor or other person authorised to do so on his behalf that, having regard to the reason given by the Post Office for non-delivery of the envelope containing the copy summons addressed to the person to be served stated in the form of advice referred to in sub-paragraph (d), to the best of his knowledge or belief a copy of the summons if sent by ordinary post to the person to be served at the address stated in the summons will, for the reason stated by the complainant in the certificate, come to the notice of that person a reasonable time before the date on which he is summoned to appear before the court;

and shall endorse such permission on the original summons.

(9) Where such permission is granted the summons server shall—

(a) send the copy of the summons by ordinary post in an envelope addressed to the person to be served at his usual or last known place of abode or at his place of business; and

(b) endorse on the original summons the place and date of posting of such copy to the person to be served.

(10) Subject to paragraph (11) the summons server shall attend at the hearing of the complaint stated in the summons to depose as to compliance with this Rule.

(11) Where proof of such compliance is given on affidavit in accordance with Article 126 of the Order the documents referred to in paragraph (9)(a) to (e) shall be attached to the affidavit.

(12) The copy of the summons posted in accordance with this Rule shall, unless the contrary is proved, be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.

(13) In this Rule a reference to the summons server includes any person who has under Rule 11(2)(b) received the permission of a resident magistrate, justice of the peace or clerk of petty sessions to serve a summons.

Form of warrant or order

14.—(1) Subject to paragraph (2), a warrant or form of order issued to give effect to the order of a magistrates' court shall be signed by the resident magistrate or justice of the peace who made the order or by the clerk of petty sessions.

(2) A warrant to arrest or warrant to search must be signed by a resident magistrate or justice of the peace.

(3) No warrant shall be signed in blank.

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

(5) 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

15.—(1) Subject to paragraphs (2) and (3), 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 the court in imposing more than one sentence of imprisonment upon any person orders that the sentences are to run concurrently—

(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

(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.

(3) Where the court orders a person convicted of more than one offence at the same time to be sent for a period of detention in a young offenders centre or to a training school or commits a child or young person to a remand home in accordance with section 74 of the Children and Young Persons Act (Northern Ireland) 1968 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 and order not specified in the warrant to the person in charge of the young offenders centre, training school or remand home, as the case may be.

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

(5) Where a sentence of imprisonment is imposed to run concurrently with or consecutively to a period for which a person is ordered to be returned to prison under Article 3 of the Treatment of Offenders (Northern Ireland) Order 1976(a) the fact shall be stated on the warrant of commitment.

(a) S.I. 1976/226 (N.I. 4)

(6) Where the court makes an order for the return of a person to prison under that Article a warrant of commitment shall in every case be issued in pursuance of the order.

Endorsement of warrants of commitment as to release on bail

16.—(1) Where a magistrates' court commits an accused for trial in custody in accordance with Article 37 of the Order or remands an accused in custody in accordance with Article 47 of the Order it may certify its consent to bail either on a separate form or by endorsement on the warrant of commitment and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions.

(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 Article 136 of the Order or the amount of any sum of money or valuable security to be deposited under Article 137 of the Order 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 issue a warrant for his discharge from prison to take effect from the completion of the necessary recognizance.

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

17.—(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

18. A resident magistrate or justice of the peace who orders the withdrawal of a warrant under Article 158 of the Order shall endorse his reasons for such withdrawal upon the warrant.

The Order Book

19.—(1) In every proceeding (other than one to which Part VI of the Order 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" and such particulars may, subject to any directions given by the Lord Chancellor or a resident magistrate, be entered by reference to any other proceedings, particulars of which have previously been fully so entered.

(2) Subject to paragraph (3) 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 page of the Order Book contains more than one consecutive complete entry relating to proceedings determined by the same resident magistrate or justice of the peace on the same date, it shall be sufficient compliance with paragraph (2) as regards each such entry if he signs at the end of the last such entry.

(4) 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.

(5) Upon receipt of the certificate referred to in paragraph (4) 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.

(6) 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 1 to the Order, the fact that the person charged has consented to be dealt with in accordance with Article 18(3) of the Order shall be entered in the Order Book as part of the order.

(7) 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.

(8) Where a court—

(a) tries summarily any offence for which the accused appearing in person is entitled in accordance with Article 29 of the Order to claim to be tried by a jury; or

(b) deals summarily under Article 45 of the Order with any person charged with an indictable offence specified in Schedule 2 to the Order 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.

(9) Where a magistrates' court adjourns a case under Article 50 or Article 51 of the Order 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.

(10) Where an application is made to a magistrates' court for the grant of a civil aid certificate or a criminal aid certificate, the court shall cause a note of the grant or refusal thereof to be entered in the Order Book.

(11) Where the sitting of a magistrates' court is adjourned by a clerk of petty sessions under Article 161(5) of the Order he shall make a note of such adjournment in the Order Book.

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

(13) 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

20.—(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

21. 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 practicable be forwarded or delivered to the clerk of petty sessions for the district in which the resident magistrate or justice of the peace was sitting or acting.

Signing of documents on behalf of clerk of petty sessions

22. Where these Rules provide that a document shall or may be signed by the clerk of petty sessions or that an affidavit or statutory declaration may be sworn or made before or recognizance may be taken by the clerk of petty sessions, that document may be signed by, or, as the case may be, that affidavit or declaration may be sworn or made before or that recognizance may be taken by a person holding a rank not lower than executive officer, grade two duly authorised by the clerk of petty sessions or by a resident magistrate to do so.

PART III

Criminal Proceedings

A. SUMMARY TRIAL

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

23.—(1) 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 afterward 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.

(2) Where the court convicts the accused, the prosecutor shall, subject to paragraph (4), hand to the court and, where the accused appears in person or by counsel or solicitor, to the accused or his counsel or solicitor a written statement of any previous conviction of the accused.

(3) The court—

(a) where the accused appears in person or by counsel or solicitor, shall ask the accused or his counsel or solicitor if he agrees with the statement and, if he does so agree; or

(b) where the accused does not appear in person or by counsel or solicitor, shall not in making any order upon the conviction make any oral reference to any previous conviction of the accused which it has not taken into consideration in making such order and which in the opinion of the court is not relevant to the order so made.

(4) Where a written statement such as is referred to in paragraph (2) is not available and the court considers it expedient so to do, it may ask the prosecutor to refer orally only to any previous conviction to which he considers the court ought to have regard because of its date or nature or it may adjourn proceedings in accordance with Article 50 of the Order to enable paragraph (2) to be complied with.

(5) The failure of the prosecutor to comply or adequately to comply with the provisions of paragraphs (2) to (4) shall not affect the validity of any conviction or of any sentence passed on the accused.

(6) A notice of intention to cite previous convictions in Form 7 shall be served on the defendant not less than seven days before the date fixed for hearing.

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

Procedure in relation to certain offences to which Article 29 of the Order applies

24.—(1) Where the accused appearing in person is charged with an offence (other than a scheduled offence) to which paragraph (1) of Article 29 of the Order applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall, subject to paragraphs (2) and (3)—

(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 the court to which 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 appearing in person is charged with an offence to which Article 29(4) of the Order 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 the court to which 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) Where the accused appearing in person is charged with a scheduled offence to which paragraph (1) of Article 29 of the Order 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 you have a right to claim to be tried at the Crown Court sitting in Belfast without a jury.”;

(b) if desirable, give to the accused any explanation as to the meaning of being tried by a court without a jury;

(c) address the accused as follows:—

“Instead of being tried summarily do you wish to claim your right to be tried at the Crown Court sitting in Belfast without a jury?”.

(4) 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

Service of statement of complaint before preliminary investigation

25.—(1) The prosecutor shall a reasonable time before the day fixed for the taking of a deposition in a preliminary investigation (other than a deposition relating to the arrest or, where directed by the court, the remand of the accused), cause to be served on the accused a written statement setting out each complaint in numerical order (in these Rules referred to as “the statement of complaint”) and shall at the same time serve a copy thereof on the clerk of petty sessions.

(2) The statement of complaint shall be served on the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under Rule 11.

Proceedings at a preliminary investigation

26.—(1) At a preliminary investigation evidence relating to the arrest of the defendant shall be given and a deposition thereof shall be taken.

(2) Unless the court otherwise directs, a deposition solely relating to an application for the remand of the accused is not required.

(3) 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.

(4) Where there is more than one charge and the court is satisfied that the accused can read and will not be prejudiced, the court may instead of causing each charge to be read to the accused, draw the attention of the accused to the statement of complaint and then—

(a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;

(b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such

other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the statement of complaint.

The presiding resident magistrate or justice of the peace may at any time cause any charge to be read or read again to the accused.

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

(6) The court shall cause the evidence of each witness, including the evidence of the accused, to be put into writing.

(7) 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.

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

(9) 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 or, as the case may be, be drawn to the attention of the accused by reference to the charges as numbered in the statement of complaint, 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.

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

“You are not obliged to say anything in answer to the charge(s) 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(s)?”.

(11) Whatever the accused says in answer to the charge or charges 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.

(12) 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.

(13) 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 are able to give any relevant evidence on behalf of the accused.

(14) 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, be heard on his behalf both before and after such evidence is taken.

(15) 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.

(16) 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.

(17) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to the accused and inform him that he is so committed.

(18) 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.

(19) Any reference to an accused shall, where the accused is a corporation, be construed as a reference to the representative of the corporation within the meaning of Schedule 4 to the Order.

Procedure for binding witnesses and prosecutor over to attend trial

27.—(1) The court shall bind over a witness as required by Article 39 of the Order as soon as practicable after his deposition has been taken.

(2) Every recognizance under Article 39 of the Order 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

28.—(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 chief clerk for the county court division in which is located the place of trial, 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 close of a preliminary investigation at which any person is committed for trial, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial the following original documents—

- (a) the complaint, if it is in writing;
- (b) the statement of complaint;
- (c) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 26(2) or (3), a statement of the charges upon which the accused was committed for trial;
- (d) the depositions;
- (e) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968(a) for the purpose of the investigation;
- (f) the recognizances of the prosecutor and witnesses (if separate from depositions);
- (g) all statements made by the accused before the magistrates' court;
- (h) if the accused is committed for trial on bail, the recognizance of the accused;
- (i) any recognizance entered into by any person as surety for the accused;
- (j) 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;
- (k) such of the documents and exhibits produced in evidence before the court as have been retained by him; and
- (l) a statement of the dates on which the defendant was remanded before completion of the preliminary investigation.

(a) 1968 c. 28 (N.I.)

(3) Paragraph (2) of this Rule shall apply to the committal for trial of persons under Article 40 of the Order as if paragraphs (a) to (g) and (j) and (k) were omitted.

Supply of depositions and complaint to accused

29. 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 one copy of the depositions and, if the complaint is in writing, of the complaint.

Adjourned preliminary investigation

30. Where a preliminary investigation is adjourned under Article 36 of the Order 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. PRELIMINARY INQUIRIES

Interpretation of Rules 32 to 42

31.—(1) In Rules 32 to 42—

- (a) "extra-territorial offence" has the meaning assigned to it by section 1(3) of the Criminal Jurisdiction Act 1975(a);
- (b) "the Act of 1975" means the Criminal Jurisdiction Act 1975;
- (c) "the Act of 1978" means the Northern Ireland (Emergency Provisions) Act 1978(b).

(2) The following provisions shall apply to a preliminary inquiry:—

- (a) Rule 27; and
- (b) Rules 29 and 30 in any case where depositions are taken.

Service on clerk of petty sessions of notice of intention by prosecutor to request court to hold preliminary inquiry

32.—(1) A notice under Article 32(1)(a) of the Order of intention by the complainant or prosecutor on his behalf to request a magistrates' court to hold a preliminary inquiry shall, except in relation to proceedings to which section 1 of the Act of 1978 applies or proceedings for an extra-territorial offence, be in Form 20.

(2) In relation to proceedings to which section 1 of the Act of 1978 applies the notice referred to in paragraph (1) of this Rule shall be in Form 21.

(3) In relation to proceedings for an extra-territorial offence the notice referred to in paragraph (1) shall be in Form 22.

(4) The list of witnesses referred to in Forms 20, 21 and 22 giving the number of pages in each written statement of evidence shall be in Form 23.

(5) The statement of complaint referred to in Article 32(1)(i) of the Order shall be in Form 15 and the list of exhibits referred to in Article 32(1)(b)(ii) of the Order shall be in Form 24.

(6) Where the statement of complaint relates to more than one charge, it shall set out each charge in numerical order.

(a) 1975 c. 59

(b) 1978 c. 5

(7) The notice, lists and copies of the documents referred to in Article 32(1) of the Order and in paragraph (4) of this Rule shall be furnished to the clerk of petty sessions in accordance with Article 32(1) of the Order—

- (a) by serving them upon him personally at his office or upon a responsible member of his staff thereat; or
- (b) by enclosing them in an envelope and sending it addressed to him at his office by registered post or by the recorded delivery service.

Service on accused of copy of notice and of documents referred to in Article 32(1) of the Order

33. The copy of the said notice, lists and documents referred to in Article 32(1) of the Order and in paragraph (4) of this Rule shall be served on the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under paragraphs (1), (2), (4), (5) and (6) of Rule 11 and proof of such service shall be given in accordance with paragraph (7) of that Rule.

Objection to preliminary inquiry

34.—(1) Without prejudice to Article 32(4) of the Order, the court shall, except in relation to proceedings for an extra-territorial offence, ascertain that the accused or each of them has received a copy of the notice and of the documents required to be served on him under Article 32(1) thereof and Rule 33 and unless the accused is or, if there is more than one accused before the court, all of the accused are legally represented, shall explain generally the purpose of a preliminary inquiry and of a preliminary investigation and the difference in procedure between such inquiry and such investigation.

(2) In relation to proceedings for an extra-territorial offence the court shall, without prejudice to Article 32(4) of the Order, ascertain that the accused or each of them has received a copy of the notice and of the documents required to be served on him under Article 32(1) thereof and Rule 33 and unless the accused is or, if there is more than one accused before the court, all of the accused are legally represented, shall explain generally the purpose of a preliminary inquiry.

(3) Except in relation to proceedings to which section 1 of the Act of 1978 applies, or proceedings for an extra-territorial offence, after the charge or charges as set out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall then ascertain that the accused understands, or all of them understand, the nature of the complaint or complaints and ask him or each of them separately whether he objects to a preliminary inquiry into the charge or any of the charges against him.

(4) In relation to proceedings to which section 1 of the Act of 1978 applies after the charge or charges as set out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall ask the accused or each of them if he has any submission to make that the holding of a preliminary inquiry would be contrary to the interest of justice and the court shall consider any such submission before deciding to hold a preliminary inquiry.

(5) In relation to proceedings for an extra-territorial offence after the charge or charges as set out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall then ascertain that the accused understands, or all of them understand, the nature of the complaint or complaints.

(6) Where there is more than one charge against an accused, instead of all the charges being read to that accused, if the court is satisfied that the accused is able to read and will not be prejudiced, the court may proceed as follows:—

- (a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;

- (b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the copy of the statement of complaint.

The presiding resident magistrate or justice of the peace may at any time cause any charge to be read or read again to the accused.

(7) Where two or more persons are charged together with an offence (other than an offence to which section 1 of the Act of 1978 applies or an extra-territorial offence) and one or more than one of them or his or their legal representative objects to a preliminary inquiry into that offence, he shall be asked, or each of them separately shall be asked, whether he objects to a preliminary inquiry into that offence in respect of any person or persons who do not so object and if he objects to such inquiry to explain the grounds for such objection.

(8) In order to consider the grounds for such objection and in order to be satisfied in accordance with Article 31(3) of the Order that the interests of any person charged with an offence together with another or others would not be unduly or unreasonably prejudiced by conducting a preliminary inquiry into that charge in respect of that other or others, the court shall read the statements of the evidence relevant to that particular charge and hear any submission by or on behalf of the other or others so charged.

(9) In relation to proceedings to which section 1 of the Act of 1978 applies where two or more persons are charged together with an offence and one or more than one of them or his or their legal representative successfully objects to a preliminary inquiry into that offence, he shall be asked, or each of them separately shall be asked, whether he objects to a preliminary inquiry into that offence in respect of any person or persons who do not so object and if he objects to such inquiry to explain the grounds for such objection.

(10) In relation to proceedings to which section 1 of the Act of 1978 applies in order to consider the grounds or such objection the court shall read the statements of the evidence relevant to that particular charge and hear any submission by or on behalf of the other or others so charged.

Conduct of preliminary inquiry

35.—(1) The court in proceeding to conduct a preliminary inquiry may require the prosecutor to make an opening statement on behalf of the prosecution for the purpose of presenting the written statements of the witnesses upon whose evidence the complaint or complaints are based before the court further proceeds in accordance with Article 34(1) of the Order to consider such statements and any exhibits or to read aloud the contents of such statements or purport thereof or before proceeding to consider any submissions (other than submissions under Rule 34) made by the prosecutor or by or on behalf of the accused.

(2) Where at any stage of the inquiry a written statement is admitted in evidence in accordance with Article 33 of the Order the name and address of the maker of the statement shall be read aloud unless the court in the interests of justice otherwise directs.

(3) Where a person is required under Article 34(2) of the Order to give evidence for the prosecution on oath and such evidence is recorded as a written deposition, the court shall where any accused is not legally represented explain to that accused that he has the right to cross-examine the witness and that the prosecutor may re-examine him.

(4) After the court has considered the written statements and admitted as evidence such of them (in whole or in part) as it considers proper and any depositions of witnesses for the prosecution, the charge or charges shall, unless the court has decided not to commit the accused for trial, be again read to the accused or, as the case may be, be drawn to the attention of the accused by reference to the charges as

numbered in the statement of complaint and the court shall inform the accused that he has the right, if he so desires, to give evidence on his own behalf and to require the attendance of witnesses and to call witnesses and to tender any written statement of a witness which complies with Article 33 of the Order.

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

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

(6) Whatever the accused says in answer to the charge or charges shall be taken down in writing on Form 25, read over to him and signed by the presiding resident magistrate or justice of the peace and, if the accused so wishes, by him.

(7) 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, require the attendance of witnesses 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.

(8) The court shall also ask the accused whether he wishes instead of calling witnesses to tender any written statement of evidence on his behalf which complies with Article 33 of the Order.

(9) If the accused in answer thereto states that he wishes to give evidence or to call witnesses, or both give evidence and call witnesses, the court shall proceed to take the evidence of the accused on oath if the accused wishes to give evidence himself and to record it as a deposition and to take the evidence on oath of any witness called by the accused who is able to give relevant evidence on behalf of the accused and that evidence shall also be recorded as a deposition.

(10) Where the accused is legally represented, his counsel or solicitor may, if the accused gives evidence himself and calls witnesses, be heard on his behalf both before and after such evidence is taken.

(11) Where the court commits the accused for trial upon a charge other than a charge specified in the statement of complaint, the court shall cause that charge to be put into writing and read to him and inform him that he is so committed.

Modification of Rules where accused is a corporation

36. Any reference in these Rules to an accused shall where the accused is a corporation be construed as a reference to the representative of the corporation within the meaning of Schedule 4 to the Order.

Court may address accused through court official

37. It shall be sufficient compliance with the provisions of these Rules relating to a preliminary inquiry requiring the court to address the accused (whether in reading the charge, any written statement, 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.

Proof by formal admission

38. Where under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 a fact is admitted orally in court by or on behalf of the complainant or any accused for the purpose of a preliminary inquiry the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

Written statement of evidence to be in prescribed form and exhibits to be properly identified

39.—(1) Written statements of the evidence of a witness tendered in evidence to a magistrates' court at a preliminary inquiry shall be in Form 26.

(2) Where such statement refers to any document or object as an exhibit, that document or object shall, wherever possible, be identified by means of a label or other mark of identification signed by the maker of the statement and before the court treats any document or object referred to as an exhibit in such a written statement as an exhibit produced and identified in court by the maker of the statement, the court shall be satisfied that the document or object is sufficiently described in the statement for it to be identified.

Procedure where court decides not to admit statement or part thereof as evidence

40. Where the court decides not to admit as evidence any written statement or part thereof tendered in evidence at the preliminary inquiry into any charge against the accused, the presiding resident magistrate or justice of the peace shall announce such decision forthwith and shall thereupon delete such statement or part thereof, and shall write or cause to be written upon such statement or, as the case may be, against that part the words "This statement is not admitted as evidence" or alternatively "The part of this statement herewith deleted is not admitted as evidence" and in either case he shall subscribe his name thereto.

Authentication of statements, depositions or admissions

41. The clerk of petty sessions shall authenticate by certificate in Form 27 the written statements admitted in evidence, the depositions and any formal admission made for the purpose of the inquiry.

Documents and exhibits referred to, etc., at preliminary inquiry to be sent to the court of trial

42.—(1) Within seven days after the close of a preliminary inquiry at which any person is committed for trial, and in any case before the date on which he is to be arraigned, the clerk of petty sessions shall send to the chief clerk for the county court division in which is located the place of trial the following original documents—

- (a) the complaint if it is in writing;
- (b) the statement of complaint;
- (c) where the charge or charges upon which the accused is committed for trial differ from the charge or charges in the complaint or complaints set out in the statement of complaint first read or put to the accused under Rule 34(3), (4) or (5), a statement of the charges upon which the accused was committed for trial;
- (d) the written statements admitted in evidence at and any depositions taken at the preliminary inquiry;
- (e) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 for the purpose of the inquiry;
- (f) the certificate in Form 27 of the clerk of petty sessions authenticating those statements, depositions or such admissions;
- (g) the recognizances of the prosecutor and witnesses (if separate from depositions);
- (h) all statements made by the accused before the magistrates' court;
- (i) if the accused is committed for trial on bail, the recognizance of the accused;
- (j) any recognizance entered into by any person as surety for the accused;

- (k) 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;
- (l) subject to paragraph (2), a list in Form 24 of the exhibits, documentary or otherwise, produced or referred to in evidence at the inquiry;
- (m) every exhibit lodged in court;
- (n) any other relevant document; and
- (o) a statement of the dates on which the defendant was remanded before completion of the preliminary inquiry.

(2) Where during the course of a preliminary inquiry the list of exhibits in Form 24 is altered by the addition or omission of any exhibit the clerk of petty sessions shall forward such list with any alterations initialled by him.

(3) Paragraph (1) shall apply to the committal for trial of persons under Article 40 of the Order as if paragraphs (a) to (h) and (l) and (m) were omitted.

(4) Where after a preliminary inquiry the accused is not committed for trial the written statement of the evidence of the witnesses tendered at the inquiry shall be preserved for a period of three years by the clerk of petty sessions.

(5) The court may direct that the written statements required to be read aloud under Article 37(6) of the Order shall be so read by the clerk of petty sessions or other court official.

E. INDICTABLE OFFENCES DEALT WITH SUMMARILY

Conditions to be complied with before preliminary investigation or inquiry

43. Where an adult is charged with an indictable offence specified in Schedule 2 to the Order, a justice of the peace (other than a resident magistrate) shall not proceed to conduct a preliminary investigation or preliminary inquiry unless he is informed that—

- (a) the prosecutor will not in any event consent to summary trial of the charge under Article 45 of the Order; or
- (b) a resident magistrate has decided that it is not expedient to deal with the charge summarily.

Written notice under Article 45(1) of the Order

44.—(1) The written notice to be given to the accused under Article 45(1) of the Order 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) 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 2 to the Order until the expiration of twenty-four hours after the notice under Article 45(1) of the Order is given to the accused, unless a written waiver such as is referred to in the said Article 45(1) of the Order waiving the requirement of the twenty-four hours' notice under the said Article 45(1) has been signed by the accused and handed to the court and the court is satisfied in accordance with Rule 45(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; or, in relation to a scheduled offence, the court is satisfied in accordance with Rule 45(6) and (7) that the accused understands that he has a right to be tried at the Crown Court sitting in Belfast without a jury, or, if the Attorney General certifies that the offence is not to be treated as a scheduled offence, at the Crown Court with a jury, and appreciates the meaning of such right.

(3) Where the prosecutor informs a resident magistrate or a justice of the peace having jurisdiction to conduct a preliminary investigation or preliminary inquiry that the proceedings against the accused are to be taken on indictment, nothing in this Rule or Rule 43 shall operate so as to require proof that the said notice has been given to the accused.

Procedure where court decides to deal with an indictable offence summarily under Article 45 of the Order

45.—(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 (other than a witness whose written statement has been admitted in evidence at a preliminary inquiry under Article 33 of the Order) 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 offences 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) Except where the offence is a scheduled offence, the resident magistrate shall, after deciding that it is expedient to deal with the case summarily, 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 Crown Court. Such explanation shall include a statement as to the Crown Court at which the accused may be tried.

(5) Except where the offence is a scheduled offence, the resident magistrate shall next address the accused as follows:—

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

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

(6) Where the offence is a scheduled offence, the resident magistrate shall, after deciding that it is expedient to deal with the case summarily, 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 the accused for trial at the Crown Court sitting in Belfast without a jury or at the Crown Court with a jury. Such explanation shall include a statement as to the authority of the Attorney General to certify that the offence is not to be treated as a scheduled offence and the effect of such certification; and a statement as to the Crown Court at which the accused may be tried if trial is to be with a jury.

(7) Where the offence is a scheduled offence, the resident magistrate shall next address the accused as follows:—

“Do you wish to be tried at the Crown Court sitting in Belfast without a jury or, if the Attorney General certifies that the offence is not to be treated as a scheduled offence, at the Crown Court with a jury, or do you consent to the case being dealt with summarily?”

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

(8) The resident magistrate may instead of giving the explanation required by paragraph (4) or (6) or addressing the accused, as would otherwise be required by paragraph (5) or (7), 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.

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

46. Where a resident magistrate in exercise of the power conferred by Article 46(3) of the Order, 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

47. The clerk of petty sessions for the district in which a person charged with an indictable offence has been tried summarily under Article 45 of the Order by a resident magistrate shall preserve for a period of at least three years such depositions as have been taken.

F. DEPOSITIONS OF SICK OR DYING PERSONS

Taking of depositions under Article 28 or 41 of the Order

48.—(1) Where an application for the taking of the deposition of a person under Article 28 or Article 41 of the Order is granted by a resident magistrate or justice of the peace, such resident magistrate or justice of the peace shall cause to be served in such manner as he may direct 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 sub-section (3) of section 16 of the Prison Act (Northern Ireland) 1953(a) shall apply to a person who is so conveyed as though the Secretary of State had made a direction under sub-section (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 Article 41 of the Order and relates to an offence for which the accused is already committed for trial, to the chief clerk for the county court division in which is located the place of trial; or
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

G. REMANDS

Remand for inquiry into physical or mental condition

49. On exercising the powers conferred by Article 51 of the Order 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) 1953 c. 18 (N.I.)

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.

Remand on bail under Article 47(4) of the Order for longer than eight or, as the case may be, fourteen days where sureties have not entered recognizances

50. Where the court, with a view to a person's being remanded on bail under Article 47(4) of the Order for a period exceeding eight days or, where Article 47(3) of the Order applies, fourteen days, has fixed the amount of the recognizances to be taken for that purpose but commits that person to custody because the recognizances of the sureties have not yet been taken, the warrant of commitment shall direct that such person be brought before the court at the end of the period or at such earlier time as may be specified in the warrant, unless in the meantime the sureties have entered into their recognizances.

Accused to be told of his right to apply to High Court or Crown Court for bail

51.—(1) Where a magistrates' court remands a person in custody it shall inform him of his right (where such right exists) to apply for bail to the High Court.

(2) Where a magistrates' court commits a person for trial in custody it shall inform him of his right (where such right exists) to apply for bail to the Crown Court or the High Court.

H. FORMAL ADMISSIONS

Formal admissions under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968

52. Without prejudice to Rule 38 where under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 a fact is admitted orally in court by or on behalf of the prosecutor or the accused for the purposes of any criminal proceedings before a magistrates' court, the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

PART IV

Debt and Ejectment Proceedings

A. RULES APPLICABLE TO BOTH DEBT AND EJECTMENT PROCEEDINGS

Definitions

53. 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 dismiss, an order under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981(a) and an attachment of earnings order under Article 99 of the said Order;

“process” includes an application for a duplicate of an order, and (save as expressly excepted by Rules 58 and 60) an enforcement or committal process under Articles 106 to 110 of the said Order of 1981.

(a) S.I. 1981/226 (N.I. 6)

Time of issue of process

54. 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 60.

Signature on process

55. 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

56. 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

57.—(1) 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 66, 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.

(2) The amount of the costs payable where the claim is paid or possession is surrendered or both, as the case may be, before entry day in accordance with this Rule shall be either fifty per centum of the solicitor's costs in column (2) in Table 1 of Schedule 2 or of the solicitor's costs in column (1) in Table 1 of Schedule 3, as appropriate, together with the plaintiff's outlay properly incurred to date of settlement.

(3) Where proceedings for arrears of rent or for sums due under Article 69 of the Order are joined with a claim for the recovery of the premises, the appropriate Table is that applicable to ejectment proceedings.

Modes of service of process

58.—(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 paragraph (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 serve processes

59.—(1) Subject to paragraph (2) and to Rules 60 and 130(2) no person other than a summons server for the petty sessions district in which proceedings are brought or in which the defendant resides 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 60 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972(a).

Special mode of service

60.—(1) Notwithstanding anything in Rules 58 and 59 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 or it is not reasonably practicable to serve the process otherwise, 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 the 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

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

Summons server's Process Book

62.—(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 Article 126 of the Order or where 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.

(a) 1972 c. 11 (N.I.)

(5) In the 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

63. In any case where a process is served by a person other than a summons server, except as provided by Rule 60(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 Article 126 of the Order, 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

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

Process Register and extract therefrom

65.—(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 ejection proceedings and are referred to in these Rules as “the Debt Process Register” or “the Ejection 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

66.—(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 57 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

67.—(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 66.

(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

68. The entry of the words "Struck Out" in the Process Register shall be a sufficient record of the striking out of a proceeding under Article 73(3) of the Order.

Withdrawal of proceeding

69. Where the court acting under Article 73(4) of the Order 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

70.—(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 in doing so may postpone the issue of the decree in accordance with Article 116 of the Order for such period and upon such terms as it thinks fit.

(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

71. 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

72. For the purposes of these Rules a claim in debt or ejectment 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

73.—(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 dismiss, 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

74. 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

75. 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

76.—(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

77.—(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.

(3) The proper officer for the purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981 shall be the clerk of petty sessions and, when an attachment of earnings order under Article 99 or an enforcement order or a committal order under Article 107 of that Order is lodged with the clerk, a duplicate of the formal order shall be attached thereto which, when signed in accordance with Rule 79(1), shall be transmitted to the Enforcement of Judgments Office in accordance with the said Article 116(3).

Disposal of process

78.—(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 76 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

79.—(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 by the clerk of petty sessions.

(2) A formal order shall be deemed to be issued 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

80. Where the court orders proceedings to be transferred to the county court under Article 75 of the Order it shall cause the clerk of petty sessions to transmit forthwith the original process and any notice of set-off or counterclaim 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

81. 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 an 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

82.—(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 Article 72(3) of the Order with claims in ejectment

83. In a proceeding in which a claim for rent or sums due under Article 69 of the Order is joined to a claim for the recovery of premises in accordance with Article 72(3) of the Order so much of Rules 85 to 90 as is applicable shall have effect in relation to the proceeding.

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

84.—(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 Article 64 of the Order 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 Article 62(2) of the Order applies, the total amount does not exceed £100.

(4) In a proceeding brought for a sum exceeding £100 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

85.—(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 Article 64 of the Order 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

86.—(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

87.—(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

88. 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

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

Tender

90.—(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 decree after postponement subject to payment by instalments

91. Where the court has postponed the issue of a decree subject to terms imposed under Article 116 of the Order, whether as to payment of sums periodically or otherwise, the decree shall not issue until there has been default in compliance with such terms (which includes in relation to such payment, default 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

92.—(1) Costs of the amount set forth in the appropriate scale in Schedule 2 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 fixed value of stamps upon documents issued on behalf of a successful party in debt proceedings, together with any witnesses' expenses and any fixed fee paid by him to a summons server or other person for the service of a process 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.

(4) Subject to paragraph (6) in addition to the costs, fees and expenses referred to in this Rule, a successful party may recover a sum equivalent to the value added tax at the appropriate rate on so much of the amount of those costs, fees and expenses as were incurred in respect of any taxable supply of goods or services within the meaning of the Value Added Tax Act 1983(a); but only in so far as the tax is not deductible as input tax by the successful party.

(5) Subject to paragraph (6), in a decree there shall be added after the words "witnesses' expenses" the words "and, in addition, any sum for value added tax recoverable by the plaintiff [*or* (in the case of a dismiss) defendant]".

(6) Paragraph (5) shall not apply to a decree in undefended proceedings within the meaning of Rule 72 or where value added tax is not recoverable by the successful party under paragraph (4).

(7) In this Rule "fixed" means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.

Interest on amount awarded

93. The amount awarded by a decree (including any interest and costs thereby awarded) or the amount of costs ordered to be paid by a dismiss shall, subject to any direction by the court, carry interest at seven per cent per annum.

(a) 1983 c. 55

Postponement of issue of decree to be stay of enforcement for purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981

94.—(1) Postponement of the issue of a decree subject to payment by instalments shall be treated as a stay of enforcement on the ground of the debtor's inability to pay for the purposes of Article 116(3) of the Judgments Enforcement (Northern Ireland) Order 1981.

(2) Where the court makes such an order the clerk of petty sessions shall enter the order in the Debt Process Register in the column headed "Minute of Adjudication" and shall transmit a memorandum thereof to the Enforcement of Judgments Office.

C. RULES APPLICABLE TO EJECTMENT PROCEEDINGS

Contents of process in ejectment proceedings

95.—(1) Every process issued in ejectment proceedings shall set forth the 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 sub-paragraph (a) of Article 67(1) of the Order 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 sub-paragraph (b) of Article 67(1) of the Order 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 sub-paragraph (c) of Article 67(1) of the Order applies the process shall refer to the enactment under the provisions of which possession of the premises is obtainable or recoverable summarily 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 Article 69 of the Order 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 84 shall apply to such process.

Costs in ejectment proceedings

96.—(1) Costs of the amount set forth in the appropriate scale in Schedule 3 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 fixed value of stamps upon documents issued on behalf of a successful party in ejectment proceedings, together with any witnesses' expenses and any fixed fee paid by him to a summons server or other person for the service of a process 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 fees paid or to be paid by him, but no other costs.

(4) Paragraphs (4) to (6) of Rule 92 apply to ejectment proceedings as they apply to debt proceedings.

(5) In this Rule "fixed" means fixed by an order made under section 116 of the Judicature (Northern Ireland) Act 1978.

PART V

**Appeals or Applications commenced by Notice
under Part VII of the Order***Signature on notice*

97. A notice under Part VII of the Order 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

98.—(1) Subject to Article 76(5) of the Order, a notice under Part VII 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) The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on the other party to the proceedings.

(3) 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 VII of the Order 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

99. 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

100. A notice under Part VII of the Order 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

101.—(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 98(1) or 99 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*

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

(a) 1954 c. 33 (N.I.)

- (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 Article 80(3) of the Order, 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 consent 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

103.—(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 Article 80(3) of the Order, an entry to that effect shall be made in the Order Book as part of the order.

(2) Where the court under Article 84 of the Order 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

104.—(1) A court of summary jurisdiction ordering periodical payments to be made through a collecting officer under Article 85 of the Order 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, 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 PAYABLE

Notice to defendant of sum adjudged to be payable by a conviction

105.—(1) Where a person has been adjudged by a conviction to pay a sum the clerk of petty sessions shall serve upon such person notice in writing stating the amount of the sum, the date on which it is to be paid and the manner in which payment is to be made. Such notice shall further advise the defendant that he may, within the time allowed, apply to the court in writing for further time to pay or for an order for payment by instalments or for variation of any order for payment by instalments or for an order for remission of the sum in whole or in part. Such notice shall further warn the defendant that failure to pay or to make the appropriate application within the time allowed will result in the issue of a warrant committing him to prison, and additional costs attendant upon such issue.

(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

106.—(1) Unless an order under Article 94 of the Order 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 Article to advise and befriend the offender with a view to inducing him to pay the sum adjudged to be paid 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 19 any order under Article 94 of the Order placing a person under supervision pending payment of a sum adjudged to be paid shall be entered in the Order Book.

B. FINANCIAL PENALTY ENFORCEMENT ORDERS

Financial penalty enforcement orders

107. A financial penalty enforcement order under section 133A of the Army Act 1955(a), section 133A of the Air Force Act 1955(b) or section 128F of the Naval Discipline Act 1957(c) shall be registered by means of an entry of the particulars of the order in the Order Book signed by the clerk of petty sessions.

C. TRANSFER OF FINE ORDERS

Transfer of Fine Order sent to England and Wales or Scotland

108. Where the court makes a transfer of fine order under Article 95 of the Order (including Article 95 as applied by Article 96 of the Order), the clerk of petty sessions shall send to the clerk to the justices for the petty sessions area in England and Wales or to the sheriff or sheriff clerk of the court of summary jurisdiction in Scotland in or by which, under the order, payment of a sum adjudged to be paid is to be enforceable,

(a) 1955 c. 18
(b) 1955 c. 19

(c) 1957 c. 53.

a copy of the order in Form 70 or 71, as the case may be, with a statement of the offence and the steps, if any, taken to recover the sum and with such further information as is available and is, in the opinion of the clerk of petty sessions, likely to assist enforcement.

Transfer of fine order sent from England and Wales or Scotland

109.—(1) Where the clerk of petty sessions receives a copy of a transfer of fine order made in England and Wales or Scotland specifying the petty sessions district for which he acts as the district in which payment of the sum in question is to be enforceable, he shall register the order in his court by means of an entry made and signed by him in the Order Book and shall serve a notice in Form 72 on the offender.

(2) Such notice may be served in the same manner as a summons alleging a summary offence prosecuted by a member of the Royal Ulster Constabulary and service of the notice may be proved in the same manner as service of such summons is proved under Rule 11.

(3) Where after fourteen days from service of such notice or the expiration of the period within which the sum is payable under the order, whichever is the later, the offender has failed to pay or has failed to apply for time or further time to pay or for payment by instalments, as required by that notice the court may exercise its functions under Part IX of the Order in enforcing payment of the sum.

- (4) Where the sum adjudged to be paid and due under the transfer of fine order—
- (a) is paid, the clerk of petty sessions shall send it to the clerk of the court which made the order;
 - (b) is not paid, the clerk of petty sessions shall inform the clerk of that court of the manner in which the adjudication is satisfied or that the sum, or any balance thereof, appears to be irrecoverable.

D. ATTACHMENT OF EARNINGS

Interpretation of Rules 111 to 121

110. Any reference in Rules 111 to 121 to a “maintenance order” shall include a reference to any order mentioned in Article 98(11) of the Order.

Attachment of earnings order

111.—(1) An attachment of earnings order under Article 101 of the Order shall be in Form 73.

(2) The clerk of petty sessions for the petty sessions district in which a court of summary jurisdiction was sitting when it made an attachment of earnings order may sign such order.

Service of orders and notices

112.—(1) Where a court of summary jurisdiction makes an attachment of earnings order or an order varying or discharging such an order, the clerk of petty sessions shall cause a copy of the order to be served on the employer and shall send a copy of the order to the defendant.

(2) Where an attachment of earnings order made by a court of summary jurisdiction ceases to have effect as provided in Article 104(7) or (8) of the Order the notice of the cessation required by Article 104(9) shall be given to the employer.

(3) The notice required by the preceding paragraph shall be given by the clerk of petty sessions.

(4) A copy of Article 102 of the Order shall be served with or annexed to the attachment of earnings order.

(5) Where under Article 105 of the Order (which relates to statements of earnings, etc.) a direction is given to the defendant or to a person appearing to be an employer of the defendant or where under these Rules a copy of an order is to be served or a notice is to be given to any person—

- (a) service may be effected on, or the direction or notice may be given to a person, other than a corporation, by delivering it to the person to whom it is directed or by sending it by post in a letter addressed to him at his last known or usual place of abode, or, in the case of an employer or a person appearing to be an employer of the defendant, at his place of business;
- (b) service may be effected on, or the direction or notice given to, a corporation by delivering the document at, or sending it to—
 - (i) such office or place as the corporation may, for the purpose of this Rule, have specified in writing to the court in relation to the defendant or to a class or description to which he belongs, or
 - (ii) the registered office of the corporation if that office is in Northern Ireland or, if there is no registered office in Northern Ireland, any place therein where the corporation trades or conducts its business.

Particulars of defendant

113. The particulars of the defendant for the purpose of enabling him to be identified which, so far as they are known, are to be included in an attachment of earnings order shall be—

- (a) full name and address;
- (b) place of work;
- (c) nature of work and works number, if any.

Notice of application for appropriate variation order

114.—(1) Where an application is made under Article 104 of the Order for the appropriate variation of an attachment of earnings order, the clerk of petty sessions shall, where practicable, give notice in writing of the time and place appointed for the hearing of the application to the person entitled to receive payment under the related maintenance order (whether directly or through the officer of any court).

(2) An application for an order varying (including suspending or reviving) or discharging an attachment of earnings order shall be by way of complaint.

Variation of attachment of earnings order on change of employment

115. Where an attachment of earnings order has lapsed under Article 104(5) of the Order on the debtor's ceasing to be in the employment of the person to whom the order was directed and it appears to the court that the defendant has subsequently entered the employment of a person (whether the same as before or another), the court may, of its own motion, vary the order by directing it to that person and may make any consequential amendment to the order made necessary by this variation.

Variation or discharge of attachment of earnings order by court of its own motion

116.—(1) Where it appears to a court of summary jurisdiction that the defendant is not in the employment of the person to whom the attachment of earnings order is directed and that the likelihood of the defendant entering the employment of any person is not such as to justify preserving the order, the court may, of its own motion, discharge the order.

(2) Where a court of summary jurisdiction has made an attachment of earnings order and the related maintenance order has been discharged in whole or in part or reduced by operation of law, the court may, of its own motion, vary or discharge the attachment of earnings order.

(3) Where a court of summary jurisdiction has made an attachment of earnings order which takes account of accrued arrears and those arrears are subsequently discharged, the court may, of its own motion, vary or discharge the order as appropriate.

Temporary variation of protected earnings rate

117.—(1) A court of summary jurisdiction which made the attachment of earnings order may, on a written application made by the defendant on the ground of a material change in the defendant's resources and needs since the order was made or last varied, by order (hereinafter referred to as a temporary variation order) vary the attachment of earnings order for a period of not more than thirteen weeks by an increase of the protected earnings rate.

(2) A temporary variation order shall be in Form 74.

(3) The clerk of petty sessions shall cause a copy of any temporary variation order to be served on the employer and shall give him notice if the temporary variation order is discharged and the clerk of petty sessions shall also send a copy to the person entitled to receive payments under the related maintenance order (whether directly or through an officer of any court).

(4) Where an application for the variation or discharge of an attachment of earnings order is made to a magistrates' court and there is in existence a temporary variation order in respect of the attachment of earnings order, the court may, of its own motion, discharge the temporary variation order.

Consolidated attachment orders

118.—(1) Where a court of summary jurisdiction has power to make more than one attachment of earnings order in respect of the liabilities of a defendant it may make a consolidated attachment order to discharge those liabilities.

(2) Where a court of summary jurisdiction has power to make an attachment of earnings order in respect of a defendant who is already subject to such an order (whether or not it is itself a consolidated attachment order) made by any such court, the court may, subject to the provisions of this Rule, discharge the existing order and make a consolidated attachment order in respect of that defendant.

(3) Where two or more attachment of earnings orders (whether or not they are themselves consolidated attachment orders) made by courts of summary jurisdiction acting for the same petty sessions district as one of those courts may, subject to the provisions of this Rule, discharge the existing orders and make a consolidated attachment order in respect of that defendant.

(4) A court of summary jurisdiction may exercise the powers conferred under paragraphs (1) to (3) of this Rule either of its own motion or on the application of the defendant.

(5) A defendant may apply to a court of summary jurisdiction for a consolidated attachment order, by complaint.

(6) Where an employer applies in writing to the clerk of petty sessions for the court which has power to make a consolidated attachment order requesting the court to make such an order, the clerk shall bring the application before the court, and, if it appears to the court that the application is justified, the court shall proceed as if it had determined of its own motion to make such an order.

(7) Before a court of summary jurisdiction exercises of its own motion the powers conferred under paragraph (3) of this Rule, it shall cause written notice to be given to the defendant of his right to make representations to the court.

(8) Where a court of summary jurisdiction makes a consolidated attachment order, it shall specify in the order such normal deduction rate as the court thinks

reasonable and this rate may be less than the sum of the normal deduction rates specified in any attachment of earnings orders discharged by the court.

Disposal of sums paid under consolidated attachment orders

119.—(1) A clerk of petty sessions receiving a payment under a consolidated attachment order shall, subject to paragraph (2) below, apply the money in payment of the sums secured by the order, paying first any sums previously secured by an attachment of earnings order which was discharged in consequence of the making of the consolidated attachment order.

(2) Where two or more attachment of earnings orders were discharged in consequence of the making of the consolidated attachment order the sums due under the orders shall be paid in the chronological sequence of the orders.

Method of making payment under attachment of earnings order

120.—(1) A clerk of petty sessions to whom any payment under an attachment of earnings order is to be made shall notify the employer and the person entitled to receive payments under the related maintenance order of the hours during which, and the place at which, payments are, subject to the provisions of this Rule, to be made and received.

(2) If an employer sends by post any payments under an attachment of earnings order to a clerk of petty sessions, he shall do so at his own risk and expense.

(3) A clerk of petty sessions may send by post any payment under an attachment of earnings order to the person entitled to receive payments under the related maintenance order at the request and at the risk of that person.

Enforcement of Judgments Office records

121.—(1) Where a clerk of petty sessions causes a copy of an order or notice to be given to any person under Rule 112 of these Rules, he shall cause a copy of the order or notice to be given also to the Enforcement of Judgments Office.

(2) Where the clerk of petty sessions for the court which has made an attachment of earnings order is informed of a defendant's change of address he shall notify the new address to the Enforcement of Judgments Office.

E. SUSPENDED SENTENCES

Suspended sentences to be dealt with only in petty sessions

122.—(1) Where during the operational period of a suspended sentence imposed under the Treatment of Offenders Act (Northern Ireland) 1968(a) the offender upon whom such sentence was passed appears before a justice of the peace (other than a resident magistrate) sitting out of petty sessions charged with an offence under any of the following enactments—

- (a) section 4 of the Vagrancy Act 1824(b);
- (b) section 3 of the Vagrancy (Ireland) Act 1847(c);
- (c) Article 10(2) of the Criminal Justice (Northern Ireland) Order 1980(d) (where the offence is punishable by imprisonment);
- (d) section 9 of the Summary Jurisdiction (Ireland) Act 1908(e); or
- (e) section 24 of the Children and Young Persons Act (Northern Ireland) 1968:

(a) 1968 c. 29 (N.I.)
 (b) 1824 c. 83
 (c) 10 & 11 Vict. c. 84

(d) S.I. 1980/704 (N.I. 6)
 (e) 1908 c. 24

the justice shall remand him for appearance before a court of summary jurisdiction sitting for the petty sessions district in which the offence is alleged to have been committed.

(2) Where a court of summary jurisdiction deals with an offender in respect of a suspended sentence imposed by a magistrates' court otherwise than by making an order under section 19(1)(a) of the Treatment of Offenders Act (Northern Ireland) 1968 the court shall cause to be entered in the Order Book its reasons for its opinion that it would be unjust to make such order.

(3) Where under section 19(1)(c) of the said Act of 1968 the court varies the original order of a magistrates' court by substituting another period for the original operational period of a suspended sentence, the court shall explain to the offender in ordinary language the effect of the variation and his liability thereunder.

(4) Where a clerk of petty sessions gives notice under section 19(5) of the said Act of 1968 to the clerk of petty sessions for another petty sessions district he shall attach to the notice—

- (a) where the offender is committed to prison, a copy of the committal warrant;
- (b) where the court varies the operational period of the sentence, a certificate of the order making the variation.

(5) Where an offender is dealt with by any of the methods specified in paragraphs (a), (b), (c) and (d) of section 19(1) of the said Act of 1968, the clerk of petty sessions for the petty sessions district in which the suspended sentence was passed shall enter a note of the particulars of the method by which the offender has been dealt with opposite the entry in the Order Book made at the time the suspended sentence was passed.

Evidence of conviction to be sent to the Crown Court

123.—(1) Where a magistrates' court under section 20(3) of the Treatment of Offenders Act (Northern Ireland) 1968 commits an offender to the Crown Court, or, instead of doing so, furnishes written notice of the conviction to the chief clerk for the appropriate county court division, the clerk of petty sessions shall send to that chief clerk a certificate of the conviction by the magistrates' court.

(2) In this rule—

“appropriate county court division” means the county court division in which is located the place at which the Crown Court sat when the suspended sentence was passed.

F. PROBATION AND ABSOLUTE OR CONDITIONAL DISCHARGE

Entry of probation order, absolute or conditional discharge

124.—(1) Where the court makes a probation order or varies or discharges such order or makes an order for absolute or conditional discharge, it shall cause an entry to be made in the Order Book to that effect.

(2) An entry in the Order Book as to—

- (a) a probation order shall specify its duration, the supervising court and the conditions of the order and, where it is varied, the terms of the variation;
- (b) an order for conditional discharge shall specify its duration;
- (c) the substitution under section 24 of the Treatment of Offenders Act (Northern Ireland) 1968 of a probation order by an order for conditional discharge, shall state that it is so made.

(3) A note relating to any variation or discharge of a probation order or the substitution for a probation order of an order for conditional discharge shall be made

opposite the entry relating to the making of the probation order by the clerk of petty sessions for the petty sessions district in which it was made.

Entry of order made under section 4 or 6 of Probation Act (Northern Ireland) 1950 upon breach of probation order or commission of further offence

125. Where a court of summary jurisdiction makes an order under section 4(3) or section 6(5) or (7) or the Crown Court makes an order under section 6(6) of the Probation Act (Northern Ireland) 1950(a), the clerk of petty sessions for the petty sessions district in which the order of conditional discharge or, as the case may be, the probation order was made shall make a note of the order under the said section 4 or 6 opposite the entry in the Order Book relating to the making of the order of conditional discharge or, as the case may be, the probation order.

Notification of discharge, etc., of probation orders, etc.

126.—(1) Where a court of summary jurisdiction varies or discharges a probation order which was not made by that court, the clerk of petty sessions shall give notice of the variation or discharge to the clerk of petty sessions for the petty sessions district in which the order was made.

(2) Where a court of summary jurisdiction deals with a person under section 6 of the Probation Act (Northern Ireland) 1950 in relation to a probation order or order for conditional discharge which was not made by that court, the court shall give notice of the result of the proceedings to the clerk of petty sessions for the district in which the order was made.

(3) Where a court of summary jurisdiction makes an order under section 24 of the Treatment of Offenders Act (Northern Ireland) 1968 substituting an order for conditional discharge for a probation order which was not made by that court, the clerk of petty sessions shall give notice of the substitution to the clerk of petty sessions for the petty sessions district in which the probation order was made.

G. DEFERMENT OF SENTENCE

Notification of conviction before expiration of period of deferment

127.—(1) Where under Article 14 of the Treatment of Offenders (Northern Ireland) Order 1976(b) a court has deferred passing sentence on an offender and before the expiration of the period of deferment he is convicted of any offence by a magistrates' court, the clerk of petty sessions shall, if the court which deferred passing sentence on the earlier occasion was another magistrates' court, give notice of the conviction to the clerk of that court and if the court which deferred passing sentence on the earlier occasion was the Crown Court, give notice of the conviction to the chief clerk for the appropriate county court division.

(2) In this Rule, "appropriate county court division" means the county court division in which is located the place at which the Crown Court sat when it deferred passing sentence.

H. ENFORCEMENT OF ORDERS MADE IN DEBT PROCEEDINGS

Enforcement process and order

128.—(1) Proceedings under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 where no instalment order has been made by the Enforcement of Judgments Office under Article 30 of that Order shall be commenced

(a) 1950 c. 7 (N.I.)

(b) S.I. 1976/226 (N.I. 4)

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 129.

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

Committal process and order

129.—(1) If the debtor defaults in payment of any instalment due under an enforcement order or due under an instalment order made by the Enforcement of Judgments Office under Article 30 of the said Order of 1981, 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 or, in the case of an instalment order under the said Article 30, for the district in which the debtor resides or carries on business 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 instalment order, or, where the committal order is made under Rule 128(2)(b) upon proof of the original order for payment (which shall be given by the production of the original order or orders) and of the means of the debtor required by Article 107(4) of the said Order of 1981, 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 Order.

(3) Nothing in paragraph (2) shall, where it appears to the court that earnings fall to be paid to the debtor, affect the power of the court to make an attachment of earnings order under Article 98 of the said Order of 1981 in lieu of a committal order.

Service of process issued under Rule 128 or 129

130.—(1) Service of a process issued in accordance with Rule 128 or 129 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.

I. ENFORCEMENT OF ORDERS MADE IN EJECTMENT PROCEEDINGS

Postponement of issue of decree for possession and application for the issue of the decree

131.—(1) Where a decree has been granted directing that a plaintiff be put in possession of premises to which sub-paragraph (a) of Article 67(1) of the Order applies and the court has postponed the issue of the decree under Article 116 of the

Order for a period or periods conditional upon the payment of arrears of rent or sums due under Article 69 of the Order 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 Article 117 of the Order, issue from the court 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 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 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, except as otherwise provided by Article 116 of the Order, may from time to time adjourn the application or may further postpone the issue 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 £1.00 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 decree for possession

132. A form of notice of application under Rule 131 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

133.—(1) A notice of application signed in accordance with Rule 132 may be served in the same manner as a process under Rule 58 or Rule 60(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 latter 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.

Entry of minute of order on application under Rule 131

134. A minute of any order whatsoever made upon an application under Rule 131 shall be entered in the Ejectment Process Register.

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

Duration of committal orders

135. A committal order under Article 107 of the Judgments (Enforcement) (Northern Ireland) Order 1981 shall remain in force for one year and no longer.

Duplicate orders

136.—(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.

K. OTHER MATTERS IN RELATION TO THE ENFORCEMENT OF ORDERS

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

137. Without prejudice to Rule 19 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

138.—(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 in 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 Article 98 of the Order

139. Where the defaulter is committed to, or ordered to be detained in a prison or other place of detention, any direction given under Article 110(2) of the Order 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

140.—(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

141.—(1) The persons authorised for the purposes of Article 111 of the Order 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; or
- (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 Article 111(2) of the Order 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 endorse a certificate of 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.

(5) This Rule shall apply to committal orders under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 as it applies to warrants of commitment.

Part payment of sums to clerk of petty sessions

142. 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 endorse details of such payment on the warrant.

Execution of warrants in proceedings upon complaint

143.—(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 the chief superintendent or, as the case may be, the superintendent of the constabulary division in which the warrant is issued.

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

(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 Article 47(5) of the Order, cause such person to be so produced at the time and place fixed by the warrant.

Execution of distress warrant by the Royal Ulster Constabulary

144.—(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 superintendent 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 superintendent 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 Article 109 of the Order

145. A warrant of distress issued under Article 109 of the Order shall be enforced in the same manner as a warrant issued in proceedings upon complaint.

Costs of warrant to be added to sum due under warrant of commitment or distress

146. Where the warrant is a warrant of distress the sum referred to in Article 8 of the Magistrates' Courts Fees Order (Northern Ireland) 1983(a) shall be leviable in addition to any reasonable costs of making or keeping the distress or conducting the sale of the goods distrained in accordance with the order of the court.

Application for review of warrant of commitment

147. A person imprisoned under a warrant of commitment issued by a magistrates' court under Article 112 of the Order who is not detained otherwise than under that Article may make an application by way of complaint in Form 120 to a resident magistrate requesting that the warrant be cancelled and stating the grounds of the application.

PART VIII**Evidence***Affidavits and declarations*

148.—(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 for oaths or clerk of petty sessions.

(2) Without prejudice to paragraph (1), any such affidavit of service as is referred to in Article 126(1) of the Order may be sworn before the clerk of petty sessions.

(a) S.R. 1983 No. 206

(3) 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.

Proof by written statement in criminal proceedings (other than at a preliminary inquiry)

149.—(1) Where a written statement complying with section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968(a) is served by the complainant or by the defendant for the purpose of any criminal proceedings before a court of summary jurisdiction (other than a preliminary inquiry) a copy of the statement and of any documentary exhibit which accompanied it shall be given to the clerk of petty sessions as soon as practicable after such service and, where a copy of such statement is served on behalf of the prosecution, the complainant shall append to the statement a notice informing the defendant of his right to object to his statement being admitted in evidence.

(2) Where under section 1(2)(d) of the said Act of 1968 a party serves notice objecting to the statement being tendered in evidence, he shall at the same time serve a copy of the notice on the clerk of petty sessions.

(3) Where the court under section 1(5) of the said Act of 1968 requires the attendance of the person who made such written statement the court shall, if necessary, adjourn the hearing to enable the witness to be called.

(4) Where any such written statement refers to any document or object as an exhibit, that document or object shall, wherever possible, be identified by means of a label or other mark of identification signed by the maker of the statement and, before the court treats any document or object referred to as an exhibit in such written statement as an exhibit produced and identified in court by the maker of the statement, the court shall be satisfied that the document or object is sufficiently described in the statement for it to be identified.

(5) Where the court decides not to admit as evidence any written statement or part thereof tendered in evidence it shall announce such decision forthwith and shall thereupon write or cause to be written upon such statement, or, as the case may be, against that part, the words "This statement is not admitted as evidence." or, alternatively, "The part of this statement consisting of _____ is not admitted as evidence." and in either case the presiding magistrate shall subscribe his name thereto.

(6) Where in summary proceedings any written statement is admitted in evidence and read aloud in accordance with section 1(6) of the said Act or an account has to be given orally of so much of any written statement as is not read aloud, the statement shall be read aloud or the account given by or on behalf of the party who has tendered the statement in evidence.

PART IX

Recognizances

Taking of recognizances

150.—(1) Every recognizance shall specify in full the name and address 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 in a training school or remand home or is a surety for such person, the governor or deputy

(a) 1968 c. 28 (N.I.)

governor of the prison or the person in charge of the school or home, as the case may be.

(3) Where an appellant is in Great Britain a recognizance under Article 149 of the Order may be taken from him by a justice of the peace or clerk to the justices or, as the case may be, a sheriff, sheriff depute, sheriff clerk or sheriff clerk depute.

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

(5) A person authorised to take a recognizance may require a person offering himself as surety to a recognizance to produce evidence as to his means and as to his identity and place of abode and to sign a certificate that he is possessed of sufficient means to pay the sum in which he is to be bound under the recognizance.

(6) Such certificate shall be attached to or endorsed on the recognizance.

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

(8) 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 behalf of and in the name of that person.

Deposit of recognizance with clerk of petty sessions

151. Without prejudice to Rule 21, 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 Article 129 or 130 of the Order

152.—(1) Where a person is discharged from custody upon his entering into a recognizance under Article 129 or 130 of the Order 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 Article 130(1)(a) of the Order 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 inquiries are being made charges a summary offence.

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

153. 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, his recognizance or that of any surety specified in the certificate may be taken by—

(a) any person referred to in Rule 150(2); or

(b) the member of the Royal Ulster Constabulary in charge of the police station where the accused is in custody prior to commitment to prison,

and after taking such recognizance or recognizances that person or member shall discharge the accused from custody and send the recognizance or recognizances to the clerk of petty sessions.

PART X

Appeals

A. APPEAL TO THE COUNTY COURT

Notice of appeal, recognizances, etc.

154.—(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 Article 144(1) of the Order shall be prepared and signed by the appellant or by his solicitor or other duly authorised agent and shall contain his address or that of 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 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 lodged with the clerk of petty sessions and such notice shall specify the convictions or sentences which are the subject of the appeal.

(3) 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.

(4) 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 Article 148 or Article 149 of the Order 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 separate form (in these Rules referred to as a "form of appeal") setting out the terms of each conviction or order separately 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.

(5) Where a notice of appeal refers to more than one conviction or order, only one recognizance under Article 148 or under Article 149 of the Order suitably adapted need be entered into by the appellant.

Documents to be sent to the chief clerk and to the parties to the appeal

155.—(1) As soon as practicable after complying with Rule 154 the clerk of petty sessions shall send to the chief clerk for the county court division in which the appeal will be heard—

- (a) the copy of the notice of appeal;
- (b) the recognizance, if any, entered into by the appellant under Article 148 or Article 149 of the Order;
- (c) the form of appeal duly completed; and
- (d) all other proceedings in the case (including any written statements admitted in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 and any admission of facts made under section 2 of the said Act of 1968).

(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 the county court is determined.

156. After the county court has decided an appeal from a magistrates' court, the chief clerk for the county court division for which that county court is held shall, within seven days of such decision, certify such decision at the foot of the form of appeal and shall transmit the form of appeal to the clerk of petty sessions, who shall enter such decision in his Order Book.

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

157. After he receives a notice of abandonment of an appeal to the county court the chief clerk of the county court division for which that county court is held shall return any recognizance of the appellant entered into under Article 148 or 149 of the Order to the clerk of petty sessions.

B. APPEAL BY WAY OF CASE STATED

Contents of and signature upon written application for case stated

158. A written application under Article 146 of the Order 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 proceedings or any issue as to its jurisdiction; and
- (b) be prepared and signed by the appellant or his solicitor or counsel and contain his address or that of his solicitor.

Notification of decision to grant application for case stated

159. 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

160.—(1) A case stated by a magistrates' court under Article 146 of the Order 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 1 to the Order 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.

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

161. 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 Article 148(1) of the Order 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 paragraphs (2) and (3) of

Article 148 of the Order 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.

PART XI

Miscellaneous

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

162.—(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 Article 161(3) of the Order 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 reodge 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(a) 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 substituted a reference to such notice of appeal or application or the respondent, as the case may be.

Remands in hospital

163. Where a person has been arrested and charged with an offence and by reason of illness has been taken to hospital before being remanded by a magistrates' court, a court sitting out of petty sessions in the precincts of the hospital may, instead of remanding him by committing him to prison, if it appears expedient to do so, remand him under Article 47 of the Order in the custody of the governor of the appropriate prison and under the control of a prison officer for the purposes of section 18 of the Prison Act (Northern Ireland) 1953(b).

Service of copy of order to which Article 98 of the Order applies

164. Where the court makes, revokes, discharges, revives or varies an order to which Article 98 of the Order applies, the court shall cause a copy of its order to be served on the payer and on the payee under the Order delivering it to him or by sending it by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Dated 26th June 1984

Hailsham of St. Marylebone, C.

(a) 1954 c. 33 (N.I.)

(b) 1953 c. 18 (N.I.)

SCHEDULE 1

Form List Sched. 1

FORMS

List of Forms

CRIMINAL PROCEEDINGS

A. FORMS USED IN CONNECTION WITH BOTH SUMMARY TRIAL AND PRELIMINARY INVESTIGATION/INQUIRY

1. Complaint (Article 20; Rules 7 and 17)
2. Summons to defendant to answer complaint (Articles 20(1), (2) and (3); Rule 8)
3. Notice to defendant: plea of guilty by post (Article 24(1)(i); Rule 10)
4. Statement of facts (Article 24(1)(ii); Rule 10)
5. Certificate by complainant of service on defendant of Forms 3 and 4 (Article 24(1); Rule 10)
6. Notification of plea of guilty and statement of mitigating circumstances (Article 24(2); Rule 10)
7. Notice of intention to cite previous convictions (Article 125; Rule 23(6))
8. Warrant of arrest (Articles 20(3), (4) and (5), 25, 118 and 138(5); Rules 14 and 143)
9. Bail endorsement on warrant of arrest (Article 129; Rule 16)
10. Warrant of commitment on remand [for enquiries after conviction or for medical examination] (Articles 47, 50 and 51; Rules 14 and 143)
11. Consent to bail on remand (Articles 37 and 47; Rule 16)
12. Warrant of commitment on further remand of person in custody unable to appear by reason of illness or accident (Article 49; Rules 14 and 143)
13. Order to have defendant brought before the court before expiration of period of remand (Article 47(5))

B. FORMS USED IN CONNECTION WITH SUMMARY TRIAL

14. Warrant of commitment on sentence of imprisonment/detention (Article 114; Rules 14, 15 and 143)

C. FORMS USED IN CONNECTION WITH PRELIMINARY INVESTIGATION/INQUIRY

15. Statement of complaint(s) (Article 32(1)(b)(i); Rules 25 and 32(5) and (6))
16. Deposition of a witness (Articles 30(2), 34(2) and 39; Rules 26, 27 and 35)
17. Warrant of commitment for trial (Articles 37, 40 and 47; Rules 14 and 143)
18. Warrant of commitment of witness for refusing to enter recognizance (Article 39(5); Rules 14 and 143)
19. Warrant for discharge (Articles 37(4), 39(5) and 148(1); Rules 14, 16(3) and 143)

D. FORMS USED IN CONNECTION WITH PRELIMINARY INQUIRY

20. Notice of intention to request court to conduct a preliminary inquiry (Article 32(1)(a); Rules 32)
21. Notice of intention to request court to conduct a preliminary inquiry (Article 32; Rules 31 and 32) (Northern Ireland (Emergency Provisions) Act 1978 (Section 1))
22. Notice of intention to request court to conduct a preliminary inquiry (extra-territorial offences) (Article 32; Rules 31 and 32) (Criminal Jurisdiction Act 1975) (Section 4(3))
23. List of witnesses and number of pages in statement of evidence of each witness (Rule 32(4))
24. List of exhibits to be produced or referred to by witness whose written statement is to be tendered at a preliminary inquiry (Rule 32(1)(b)(iii); Rule 32(5))
25. Statement of the accused (Articles 30(4) and (5) and 34(3) and (4); Rules 26 and 35)
26. Statement of witness to be tendered in evidence at preliminary inquiry (Article 33; Rule 39)
27. Authenticating certificate of clerk of petty sessions (Rule 41)

E. FORMS USED IN CONNECTION WITH COMMITTAL FOR TRIAL OF PERSON AGAINST WHOM AN INDICTMENT HAS BEEN PRESENTED

28. Certificate of indictment having been presented (Article 40(1))
29. Warrant to arrest person indicted (Article 40(3); Rules 14 and 143)

F. FORMS USED IN CONNECTION WITH SUMMARY TRIAL OF INDICTABLE OFFENCES SPECIFIED IN SCHEDULE 2 TO THE ORDER

30. Summons to defendant to answer complaint charging an indictable offence specified in Schedule 2 to the Order (Articles 20 and 45; Rules 8 and 44(1))
- 30A Summons to defendant to answer complaint charging an indictable offence specified in Schedule 2 to the Order which is also a scheduled offence within the meaning of Section 30(1) of the Northern Ireland (Emergency Provisions) Act 1978 (Sections 6, 7 and 30; Schedule 4)
31. Notice under Article 45 of the Order to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such offence (Article 45; Rule 44(1)).
- 31A Offences to which Schedule 4 of the Northern Ireland (Emergency Provisions) Act 1978 applies: notice under Article 45 of the Order to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such offence (Article 45; Rule 44(1))
32. Written waiver of requirement of notice under Article 45 of the Order (Article 45; Rule 44(2))
- 32A Offences to which Schedule 4 of the Northern Ireland (Emergency Provisions) Act 1978 applies: written waiver of requirement of notice under Article 45 of the Order (Article 45; Rule 44(2))

DEBT PROCEEDINGS

33. Process in debt proceedings (Article 62; Rules 55, 57 and 84)
34. Notice of set-off or counterclaim in debt proceedings (Rule 85)
35. Notice of lodgment in court of amount tendered (Rule 90(1))
36. Decree in debt proceedings (Article 74; Rule 79)
37. Affidavit/Statutory Declaration of default in payment of instalment in support of application for issue of decree hitherto postponed on terms (Article 116; Rule 91)
38. Dismiss in debt proceedings (Articles 2(3) and 73(6); Rules 74 and 79)
39. Process register in debt proceedings (Rule 65)
40. Memorandum of a debt proceeding entered in the process register (Rule 65(4))

EJECTMENT PROCEEDINGS

41. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies (Article 67; Rules 55, 57 and 95)
42. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies and for the recovery of arrears of rent or sums due under Article 69 of the Order (Articles 67, 69 and 72(3); Rules 55, 57 and 95(5))
43. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (b) of Article 67(1) of the Order applies (Article 67; Rules 55, 57 and 95(3))
44. Process in ejectment proceedings in respect of lands or premises to which sub-paragraph (c) of Article 67(1) of the Order applies (Article 67 and 71; Rules 55, 57 and 95(4))
45. Decree for recovery of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies (Articles 67 and 74; Rule 79)
46. Decree for recovery of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies and for the recovery of arrears of rent or sums due under Article 69 of the Order (Articles 67, 69, 72(3) and 74; Rule 79)
47. Decree for recovery of lands or premises to which sub-paragraph (b) of Article 67(1) of the Order applies (Articles 67 and 74; Rule 79)
48. Decree for recovery of lands or premises to which sub-paragraph (c) of Article 67(1) of the Order applies (Articles 67, 71 and 74; Rule 79)
49. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies (Articles 2(3), 67, 73 and 74; Rules 74 and 79)
50. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (a) of Article 67(1) of the Order applies and where arrears of rent or sums due under Article 69 of the Order were claimed (Articles 2(3), 67, 69, 72(3), 73 and 74; Rules 74 and 79)
51. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (b) of Article 67(1) of the Order applies (Articles 2(3), 67 and 73; Rules 74 and 79)
52. Dismiss in ejectment proceedings in respect of lands or premises to which sub-paragraph (c) of Article 67(1) of the Order applies (Articles 2(3), 67, 71 and 73; Rules 74 and 79)

53. Process register in ejectment proceedings (Rule 65)
54. Memorandum of an ejectment proceeding entered in the process register (Rule 65(4))

APPEALS AND APPLICATIONS TO MAGISTRATES' COURTS

55. Notice of appeal to magistrates' court (Article 76; Rule 97)
56. Notice of application to magistrates' court (Article 76; Rule 97)

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

57. Summons to defendant to answer complaint (Article 79; Rule 8)
58. Summons to vary, etc., order for periodical payment (Articles 79 and 86; Rule 8)
59. Order varying, etc., order for periodical payment (Article 86)

SATISFACTION AND ENFORCEMENT OF ORDERS

A. ORDERS IN CRIMINAL PROCEEDINGS

60. Notice to defendant of sum adjudged to be payable by a conviction (Article 91; Rule 105)
61. Warrant of distress for sum adjudged to be payable by a conviction (Article 92(1)(a); Rules 14, 105, 143 and 144)
62. Warrant of commitment for sum adjudged to be payable by a conviction (Articles 91 and 92(1)(b); Rules 14, 105 and 143)
63. Warrant of commitment on commission of further offence during operational period of suspended sentence (Article 114; Rules 14, 15, 108 and 143) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 19(1)(a) or (b)))
64. Summons on complaint for appearance before court by which a suspended sentence has been passed (Rule 8) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 21))
65. Warrant for arrest of person upon whom a suspended sentence has been passed (Rules 14 and 143) (Treatment of Offenders Act (Northern Ireland) 1968 (Section 21))
66. Warrant of Commitment where person is ordered under Article 3(1) of the Treatment of Offenders (Northern Ireland) Order 1976 to be returned to prison (Article 114; Rules 14, 15 and 143) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 3))
67. Warrant of Commitment to Crown Court under Article 3(4) of the Treatment of Offenders (Northern Ireland) Order 1976 (Article 114; Rules 14, 15 and 143) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 3(4)))
68. Summons upon complaint that person has been convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his discharge from prison and has not been ordered to be returned to prison or young offenders centre (Rule 8) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 5))
69. Warrant for arrest of person who has been convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his discharge from prison and who has not been ordered to be returned to prison or a young offenders centre (Rules 14 and 143) (Treatment of Offenders (Northern Ireland) Order 1976 (Article 5))
70. Transfer of Fine Order (Article 95; Rule 108)
71. Further transfer of Fine Order (Articles 95 and 96; Rule 108)
72. Notice of transfer of Fine Order (Article 96; Rule 109)
73. Attachment of earnings order—maintenance (Article 101; Rules 111 and 112)
74. Temporary variation order (Article 101; Rule 117)

B. ORDERS IN DEBT PROCEEDINGS

75. Enforcement process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rules 128 to 130)
76. Enforcement order under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rule 128)
77. Committal process under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rule 129)
78. Committal order made under Part VIII of the Judgments Enforcement (Northern Ireland) Order 1981 (Rules 128 and 129)

C. ORDERS IN EJECTMENT PROCEEDINGS

79. Notice of intention to apply for the issue of ejectment decree for over-holding (Article 116; Rules 131 to 133)

D. ORDERS FOR THE PAYMENT OF SUMS (OTHER THAN ON CONVICTION) MADE IN PROCEEDINGS UPON COMPLAINT

80. Complaint for arrears under an order for periodical [lump sum] payment enforceable under Article 98 (as applied by Article 99) of the Order (Articles 98 and 99; Rule 7)
81. Summons for arrears under an order for periodical [lump sum] payment (Articles 98(1)(a) and 99; Rule 8)
82. Warrant of arrest for arrears under an order for periodical [lump sum] payment (Articles 98(1)(b) and 99; Rules 14 and 143)
83. Warrant of distress for arrears (Articles 98(4)(a) and 99; Rules 14, 143 and 144)
84. Warrant of commitment in default of distress for arrears under an order for periodical [lump sum] payment (Articles 98(5) and 99; Rules 14 and 143)

WITNESSES AND EVIDENCE

85. Summons to witness (Article 118(1); Rule 8)
86. Certificate of collecting officer of non-payment of sums ordered to be paid (Article 123(a))
87. Statement of witness to be tendered in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Rule 149) (Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Section 1))
88. Notice by complainant of intention to tender written statement at summary trial (Rule 149) (Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (Section 1))

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

89. Recognizance to appear before a magistrates' court (Articles 47 and 135 to 138; Rules 150 to 153)
90. Recognizance [constabulary] to appear before a magistrates' court (Articles 130(1)(a) and 135 to 138; Rule 152)
91. Recognizance to appear at a constabulary station (Articles 130(1)(b) and 135 to 138; Rule 152)
92. Recognizance to appear at the Crown Court (Articles 37, 51(4) and 135 to 138; Rules 150 and 153)
93. Recognizance to keep the peace [and] [or] to be of good behaviour (Article 127; Rule 152)
94. Certificate of proposed surety as to means (Rule 150(5) and (6))
95. Notice to estreat recognizance (Article 138(3))
96. Warrant of distress and commitment in default of distress for sum forfeited upon the estreat of a recognizance (Article 138(4); Rules 14, 143 and 144)

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

A. APPEALS TO THE COUNTY COURT

97. Notice of appeal to county court (Article 144; Rule 154)
98. Form of appeal to county court (Rules 154, 155 and 156)
99. Recognizance to prosecute appeal to county court [not] conditioned for bail (Articles 135 to 138 and 148; Rules 150 to 153)
100. Notice by clerk of petty sessions to chief clerk of abandonment of appeal to the county court (Article 150(1))

B. APPEALS BY WAY OF CASE STATED TO COURT OF APPEAL

101. Application to court to state a case (Article 146; Rule 158)
102. Court's certificate of refusal to state a case (Article 146(4))
103. Case stated by magistrates' court (Article 146; Rule 160)
104. Recognizance to prosecute appeal to Court of Appeal [not] conditioned for bail (Articles 135 to 138 and 148; Rules 150 to 153)
105. Notice by clerk of petty sessions to respondent that appellant has abandoned an appeal by way of case stated (Article 150(2))

MISCELLANEOUS

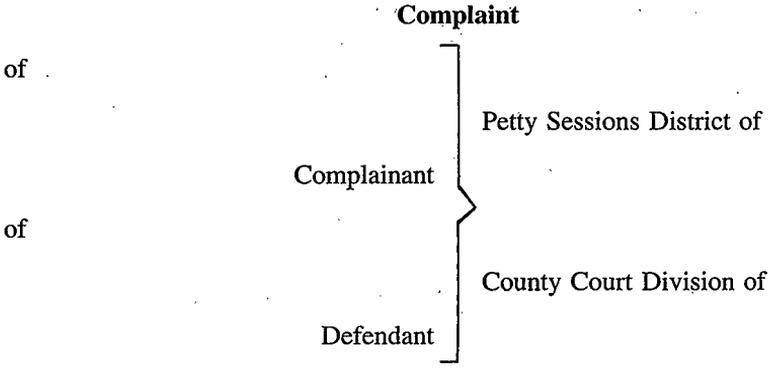
106. Certificate of conviction or order (Rule 20)
107. General form for enforcement of conviction or order (Part IX)
108. Affidavit of service of summons on defendant (Articles 23(2), 25(3), 81(2) and 126; Rule 11)
109. Affidavit of service of summons for offence where summons served in England and Wales or Scotland (Articles 23(2), 25(3) and 126; Rule 12)
110. Affidavit of service of summons on witness (Articles 118(3) and 126; Rule 11)
111. Affidavit of service of a process by a summons server or a person who has received permission to serve the process (Article 126; Rules 58, 59 and 63)
112. Receipt for prisoner (Rule 143(4))
113. Order for taking fingerprints and palm prints (Article 61)
114. Warrant directing person apparently entitled thereto to be put in possession of premises (Article 158; Rule 14) (Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 (Section 1))
115. General form of affidavit of service of notice, etc. (Article 126; Rule 148)
116. Warrant of commitment on remand in hospital (Article 47; Rules 14, 143 and 164)
117. Certificate by or on behalf of complainant that summons sent by registered post or recorded delivery service and returned as undelivered will, if delivered by ordinary post, come to notice of person to be served (Rule 13(8)(e))
118. Statement of dates on which defendant remanded (Rules 28(2)(1) and 42(1)(o))
119. Notice of direction made by Court of Appeal (Article 152)
120. Application requesting that warrant of commitment be cancelled (Article 113)

CRIMINAL PROCEEDINGS

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

FORM 1

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 20; Rules 7 and 17)



I, _____ of _____
say [on oath] that

[And the undersigned 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 _____ day of _____ 19____
in the County Court Division of _____

Justice of the Peace

FORM 2

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 20(1), (2) and (3); Rule 8)

Summons to Defendant to answer Complaint

[Title as in Form 1]

WHEREAS a complaint has been made before me that on the (date)
at (place)
in the said petty sessions district and county court division, you, the said
defendant

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the
said complaint at (place) on (date)
, at (time)
before a magistrates' court for the said county court division.

This . day of 19

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant

FORM 3

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(1)(i); Rule 10)**Notice to Defendant: Plea of Guilty by post***[Title as in Form 1]*

The purpose of this notice is to inform you that if, on the hearing of the complaint(s) referred to in the summons(es) served herewith, you wish to enter a plea of guilty, you or your solicitor may, at least three days before the date fixed for the hearing, notify the clerk of petty sessions for the above mentioned district in writing to that effect in Form 6; copy attached. It will not then be necessary for you to appear before the court as required by the said summons(es). You may also include in the said Form 6 in the space provided such statement in mitigation as you desire.

The evidence to be given at the hearing is that contained in Form 4 a copy of which is attached for your information, and the facts therein contained and those facts only will, in your absence, be read to the court. Your statement in mitigation will also be read to the court which may then deal with the case in your absence.

The court may decide not to proceed in your absence and, if so, it will adjourn the hearing. You will be notified of the time and place of the adjourned hearing and, in such a case, the trial will proceed at the adjourned hearing as if you had not entered a written plea of guilty.

You may at any time before the date of the hearing or adjourned hearing of any case withdraw your plea of guilty by writing to the clerk of petty sessions to that effect. Failure to do so immediately may result in delay and expense if the case has to be adjourned to allow the prosecution to bring its witness to court.

Neither this notice nor any reply you may send in answer to it limits your right to appear before the court at the time fixed for the hearing, either in person or by counsel or a solicitor, and to plead guilty or not guilty as you may desire. If you adopt this course the trial will proceed as though you had not already entered a written plea of guilty.

Dated this day of 19

Complainant

[On behalf of the Complainant]

FORM 4

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(1)(ii); Rule 10)

Statement of Facts

[Title as in Form 1]

The purpose of this notice is to inform you that if you advise the clerk of petty sessions for the above mentioned district at that you wish to plead guilty to the charge(s) set out in the summons(es) served herewith without appearing before the court and the court proceeds to hear and dispose of the case in your absence under Article 24 of the above mentioned Order, the following statement of facts will be read out in open court before the court decides whether to accept your plea. If your plea of guilty is accepted the court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the complainant with respect to any fact relating to the charge.

Statement of Facts

Complainant

[On behalf of the Complainant]

FORM 5

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(1); Rule 10)

**Certificate by Complainant of Service
on Defendant of Forms 3 and 4**

[Title as in Form 1]

I, _____ the complainant, hereby certify that copies of Forms 3 and 4 were served on the defendant together with the summons(es).

Dated this

day of

19

Complainant

[On behalf of Complainant]

FORM 6

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 24(2); Rule 10)

**Notification of Plea of Guilty and Statement of
Mitigating Circumstances**

[Title as in Form 1]

In connection with the summons(es), for hearing on (date) notice and statement of facts now served upon you, will you please acknowledge receipt by signing and returning this form as soon as possible to the clerk of petty sessions at

I hereby acknowledge receipt of _____ summons(es), notice, statement of facts and notice of alleged previous convictions.

Signed: _____ MALE/FEMALE

Date of Birth (if over 21 state "over 21")

Present Address:

Please complete either Section A or B.

Note: If you intend to consult a solicitor you should do so before completing this form.

Section A.

If you desire a plea of guilty to be accepted without your attendance at court, please complete the following:

Plea of Guilty

I have read the statement of facts relating to the charge(s) against me.

I plead guilty to the charge(s) and I desire the court to deal with the case in my absence, and to take the following circumstances into account.

Signed _____

Mitigating Circumstances

(a) about the offence —

(b) about my personal and financial circumstances —

Section B.

If you propose to attend court considerable saving of time and expense may be effected if you will complete the following:

Do you intend to plead guilty?

Note: If having completed and returned the form, you change your mind, you should immediately inform the clerk of petty sessions in writing.

FORM 7

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 125; Rule 23(6))

Notice of Intention to Cite Previous Convictions

[Title as in Form 1]

TAKE NOTICE that if, but only if, you are convicted of [any of] the offence(s) of _____ in respect of which you are summoned to appear before the magistrates' court for the above mentioned district on the _____ day of _____ 19____, the undermentioned convictions which are recorded against you will be brought to the notice of the court; and if you are not present in person before the court, the court may take account of any such previous conviction as if you had appeared and admitted it.

Date of Conviction	Court	Offence	Sentence

Dated this _____ day of _____ 19____

Complainant

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify the complainant at _____ so that further inquiries can be made. Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

FORM 8

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 20(3), (4) and (5), 25, 118 and 138(5); Rules 14 and 143)

Warrant of Arrest

[*Title as in Form 1*]

WHEREAS a complaint has been made [on oath and in writing] [and substantiated on oath] that

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said
and bring him before a magistrates' court for the said county court division.

This day of

19

Resident Magistrate
[Justice of the Peace]

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This form may be endorsed for bail as on Form 9.

FORM 9

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 129; Rule 16)

Bail Endorsement on Warrant of Arrest

I HEREBY DIRECT that
on his own bail of £

[with sureties of £

be released
each].

This

day of

19

Resident Magistrate
[Justice of the Peace]

FORM 10

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 47, 50 and 51; Rules 14 and 143)

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

[Title as in Form 1]

WHEREAS the defendant appeared this day before the magistrates' court sitting at _____ upon a complaint that

AND WHEREAS the hearing has been adjourned to a magistrates' court at (place) _____ on (date) _____ at (time) _____ for the purpose of [further inquiries] [a medical examination].

This is to command you to whom this warrant is addressed to convey the defendant to HM Prison at _____ and there to deliver him to the Governor thereof, together with this warrant; and you, the said Governor, to receive him into your custody and unless you shall be otherwise ordered in the meantime to keep him until the above date and time [unless he and his sureties enter into the recognizances required by the endorsement on this warrant when he 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 condition by a duly qualified medical practitioner] [into the defendant's mental condition by two duly qualified medical practitioners (one of whom shall be a practitioner appointed for the purposes of section 19 of the Mental Health Act (Northern Ireland) 1961) in order that a report be made thereon to the court.]

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This _____ day of _____ 19 _____

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at _____

NOTE: This warrant may be endorsed for bail as on Form 11.

FORM 11

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37 and 47; Rule 16)

Consent to Bail on Remand

The court consented to defendant being released on his own bail of £
[with sureties of £ each] [or valuable securities].

This

day of

19

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

FORM 12

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
 (Article 49; Rules 14 and 143)

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

[Title as in Form 1]

WHEREAS the defendant was on (date) _____, committed
 to your custody under a warrant on remand by a magistrates' court until
 today;

And the court is now satisfied that the defendant is unable by reason of
 [illness] [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 (date) _____,
 at (time) _____ when you shall produce the defendant before a
 magistrates' court sitting at (place) _____

And for this the present warrant shall be a sufficient authority to all whom
 it may concern.

This _____ day of _____ 19 _____

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

FORM 13

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 47(5))

**Order to have Defendant brought before the Court before
Expiration of Period of Remand**

[Title as in Form 1]

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 (date) _____] [or state other circumstances of commitment];

[And it 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 (date) _____ before the magistrates' court sitting at (place) _____ at (time) _____ to be further dealt with according to law.

This _____ day of _____ 19____

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

C. Forms used in connection with Preliminary Investigation/Inquiry.

FORM 15

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32(1)(b)(i); Rules 25 and 32(5) and (6))

Statement of Complaint(s)

[Title as in Form 1]

Complaint(s)

Dated the

day of

19

Complainant

[On behalf of Complainant]

FORM 16

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 30(2), 34(2) and 39; Rules 26, 27 and 35)

Deposition of a Witness

[Title as in Form 1]

THE DEPOSITION of _____ of _____ taken in
the presence and hearing of the defendant who stands charged [that] [as stated in the
statement of complaint(s)]

The said deponent says on his oath that

And the said deponent binds himself [upon notice being given to him
requiring his 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.

Deponent

Taken before me this _____ day of _____ 19____,
at _____ in the said county court division.

Resident Magistrate
[Justice of the Peace]

FORM 18

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 39(5); Rules 14 and 143)

Warrant of Commitment of Witness for refusing to enter Recognizance

[Title as in Form 1]

WHEREAS a complaint was made on the (date) _____
on the oath of (name) _____ that _____

AND WHEREAS (name) _____ 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 (name of witness) _____ of _____ [in
to the HM Prison [Young Offenders Centre] at _____
accordance with Part IV of the Young Offenders Centre Rules (Northern
Ireland) 1982] there to be kept in custody by the governor 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.

This _____ day of _____ 19 _____

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

To the Superintendent of the Royal Ulster Constabulary at _____

FORM 19

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37(4), 39(5) and 148(1); Rules 14, 16(3) and 143)

Warrant for Discharge

[*Title as in Form 1*]

WHEREAS a complaint was made that

(offence alleged with time and place).

THIS IS TO COMMAND YOU to discharge the said defendant so committed on completing his recognizance unless he shall be in your custody for some other cause.

This day of

19

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre].

D. Forms used in connection with Preliminary Inquiry.

FORM 20

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32(1)(a); Rule 32)**Notice of Intention to Request Court to Conduct a Preliminary Inquiry***[Title as in Form 1]*

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of a magistrates' court at (place) on (date) to request the court to conduct a preliminary inquiry under the Order, unless the defendant (hereinafter called "the accused") objects to the conducting of such inquiry.

I hereby serve on you—

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the accused for trial by jury;
- (2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of the names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object to the court conducting a preliminary inquiry or, even if he does not object, he may at the inquiry object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

Dated this

day of

19

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

*Delete where no exhibits

FORM 21

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32; Rules 31 and 32)NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978
(Section 1)**Notice of Intention to Request Court to Conduct a Preliminary Inquiry***[Title as in Form 1]*

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of the magistrates' court at (place) on (date) to request the court to conduct a preliminary inquiry under the Order.

I hereby serve on you —

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the defendant (hereinafter called "the accused") for trial;
- (2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of the names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may at the inquiry make a submission that the holding of a preliminary inquiry would be contrary to the interests of justice and the court shall consider any such submission before deciding to hold such inquiry.

The accused may object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

Dated this

day of

19

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

* Delete where no exhibits

FORM 22

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32; Rules 31 and 32)CRIMINAL JURISDICTION ACT 1975
(Section 4(3))**Notice of Intention to Request Court to Conduct a Preliminary Inquiry
(Extra-territorial Offences)***[Title as in Form 1]*

The purpose of this Notice is to inform you that a magistrates' court for the said petty sessions district will sit at (place)
on (date) to consider
the complaint(s) of the extra-territorial offence(s) set out in the attached statement of complaint.

In accordance with section 4(3) of the Criminal Jurisdiction Act 1975 if the court at the request of the complainant decides to conduct an inquiry into the said complaint(s) the procedure will be by way of preliminary inquiry under Article 31 of the Order.

I hereby serve on you—

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the above defendant (hereinafter called the accused) for trial;
- (2) copies of the written statement of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witness at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at
between the hour of _____ and the hour of _____

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object at the inquiry to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry except where it appears to the court that a witness is in the Republic of Ireland and that it is not reasonably practicable to secure his attendance.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry in order to avoid any adjournment of the court he should so inform me a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can if practicable secure the attendance of the witness at the court at the time of the inquiry.

Dated this day of 19 .

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

* Delete where no exhibits

FORM 23

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 32(4))**List of Witnesses and Number of Pages in Statement of Evidence of
each Witness***[Title as in Form 1]*

Full name of witness	No. of pages in each witness's written statement	
	Typescript	Manuscript

The above is a true statement of the names and witnesses, copies of whose written statements are served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division and of the number of pages in each written statement.

Complainant
[On behalf of Complainant]

FORM 24

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32(1)(b)(iii); Rule 32(5))**List of Exhibits to be Produced or Referred to by Witness whose Written Statement is to be Tendered at a Preliminary Inquiry***[Title as in Form 1]*

No. or letter of Exhibit as Marked	Description	Name of Witness whose statement refers to Exhibit	If a copy of a written exhibit has been served on defendant say "Yes" or "No"

The above is a true list and description of the exhibits to be produced or referred to by the witnesses whose written statements have been served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division.

Complainant
[On behalf of Complainant]

FORM 25

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
 (Articles 30(4) and (5), 34(3) and (4); Rules 26 and 35)

Statement of the Accused

[Title as in Form 1]

A charge/charges having been made against the above defendant (hereinafter called "the accused") before the undersigned justice as set out in the statement of complaint(s).

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

And certain written statements for the prosecution having been admitted in evidence.

And the said charge/charges having been put to the accused in accordance with the Magistrates' Court Rules (Northern Ireland) 1984.

And the accused being informed of his right, if he so desired, to give evidence on his own behalf and to call witnesses [or to tender any written statement of evidence].

The accused was then addressed as follows:

"You are not obliged to say anything in answer to the charge(s) 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(s)?"

Whereupon the accused in reply said:—

The accused, [having made the statement above set out] [not having made any statement] in answer to the charge(s) was then asked whether he desired to give evidence on his own behalf, whether he desired to call witnesses; [or to tender a written statement of evidence pursuant to Article 33 of the Order].

The accused, having been informed that he was not obliged to give evidence or to call witnesses [or to tender any such statement] and that anyone giving evidence was liable to be cross-examined, in reply said:—

Taken before me this day of 19 ,
 at

Resident Magistrate
 [Justice of the Peace]

FORM 26

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 33; Rule 39)

**Statement of Witness to be Tendered in Evidence at
Preliminary Inquiry**

[Title as in Form 1]

Name of witness

Age (if over 21 enter "over 21")

Occupation

Address

I DECLARE that this statement consisting of _____ pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary inquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Dated this _____ day of _____ 19 _____

Signature of Witness

Signature endorsed on declaration by the person who recorded statement or to whom it was delivered.

[(For use only where witness cannot read)]

The said witness being unable to read the above statement I declare that I _____ of _____ before he signed it read it to _____ and he assented to it in accordance with Article 33(1)(f) of the Magistrates' Courts (Northern Ireland) Order 1981.

Dated this _____ day of _____ 19 _____

Signature of Reader.]

NOTE: Whenever possible statements should be on paper of A4 size. If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the clerk of petty sessions; and each page should have a wide margin on the left.

E. Forms used in Connection with Committal for Trial of Person against whom an Indictment has been Presented.

FORM 28

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 40(1))

Certificate of Indictment having been Presented

County Court Division of

I HEREBY CERTIFY that upon the _____ day of _____, 19____,
at the _____ held at _____ in the said
county court division a bill of indictment was 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.

This _____ day of _____ 19____

Chief Clerk

F. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 2 to the Order

FORM 30

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 20 and 45; Rules 8 and 44(1))

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 2 to the Order

[Title as in Form 1]

WHEREAS a complaint has been made before me that on (date)
at (place)
in the said petty sessions district and county court division you, the said defendant,

THIS IS TO COMMAND YOU to appear in person as a defendant on the hearing of the said complaint at (place) , on (date)
at (time) before a magistrates' court of the said county court division.

This day of 19

Justice of the Peace
[Clerk of Petty Sessions]

Notice under Article 45 of the said Order of 1981

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 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

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 Article 45(1) of the said Order, it is inexpedient to deal with any such offence(s) summarily.

FORM 31

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 45; Rule 44(1))

Notice under Article 45 of the above Order of 1981 to be given to an arrested person accused of an offence specified in Schedule 2 to that Order 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 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

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 Article 45(1) of the said Order of 1981, it is inexpedient to deal with any such offence(s) summarily.

Dated this day of 19 , at (time).

Signed

FORM 31A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 45; Rule 44(1))**Offences to which Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 applies:**

Notice under Article 45 of the Order to be given to an arrested person accused of an offence specified in Schedule 2 to that Order 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 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

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 at the Crown Court 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.

If you do not consent to be dealt with summarily, you will be tried at the Crown Court sitting in Belfast without a jury unless the Attorney General certifies that the offence(s) [is] [are] not to be treated as [a] scheduled offence(s) in which case you will be tried by jury.

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 Article 45(1) of the said Order it is inexpedient to deal with any such offence(s) summarily.

Dated this day of 19 , at (time).

Signed

FORM 32

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 45; Rule 44(2))**Written Waiver of Requirement of Notice under Article 45 of the Order**

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 31 in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984 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.

Dated this day of 19 .

Defendant

FORM 32A

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 45; Rule 44(2))**Offences to which Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 applies:****Written Waiver of Requirement of Notice under Article 45 of the Order**

I HEREBY WAIVE my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried at the Crown Court for the offence(s) specified in Form 31A in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984 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

Dated this day of 19 .

Defendant

DEBT PROCEEDINGS

FORM 33

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 62; Rules 55, 57 and 84)

Process in Debt Proceedings

of

of

Plaintiff

Defendant

Petty Sessions District of

County Court Division of

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place) on (date) at (time) to answer the plaintiff's claim for the sum of £ for

Dated this day of 19

Plaintiff
[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 36

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 74; Rule 79)

Decree in Debt Proceedings

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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.

Issued on the _____ day of _____ 19 _____

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

Resident Magistrate
[Clerk of Petty Sessions]

FORM 37

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 116; Rule 91)

Affidavit/Statutory Declaration of Default in Payment of Instalment in support of Application for Issue of Decree Hitherto Postponed on Terms

[Title as in Form 33]

I, _____, of _____

MAKE OATH AND SAY,

[DO SOLEMNLY AND SINCERELY DECLARE] as follows:—

1. At the magistrates' court sitting at (place) _____ on the (date) _____ the defendant was ordered to pay to the plaintiff the sum of £ _____, the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of _____ on the terms that the defendant paid the said sums 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/Declared before me this _____ day of _____ 19 _____, at (place) _____ in the county court division of _____.

Deponent/Declarant

Justice of the Peace
[Commissioner for Oaths]
[Clerk of Petty Sessions]

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

FORM 39

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65)

County Court Division 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	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
				Defendant				

Magistrates' Courts

Resident Magistrate.

EJECTMENT PROCEEDINGS

FORM 41

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 67; Rules 55, 57 and 95)

**Process in Ejectment Proceedings in respect of Lands or Premises to which
sub-paragraph (a) of Article 67(1) of the Order Applies**

[Title as in Form 33]

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 one hundred and ten pounds a year, to wit, the rent of _____, which tenancy [was duly determined by a notice to quit which expired on (date) _____ and which notice was served on the (date) _____] [or which tenancy ended on (date) _____].

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place) _____ on (date) _____, at (time) _____ to answer to the plaintiff's claim for possession of the said lands [or premises].

Dated this _____ day of _____ 19 _____

Plaintiff
[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 42

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67, 69 and 72(3); Rules 55, 57 and 95(5))

**Process in Ejectment Proceedings in respect of Lands or Premises to which
sub-paragraph (a) of Article 67(1) of the Order Applies and for the Recovery
Arrears of Rent or Sums due under Article 69 of the Order**

[Title as in Form 33]

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 one hundred and ten pounds per year, to wit, the rent of _____, which tenancy [was duly determined by a notice to quit which expired on (date) _____ and which notice was served on (date) _____].

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 determination of the tenancy on (date) _____ [and the sum of £ _____ due to him up to the issue of this process under Article 69 of the Order] [arising from such tenancy under a lease dated _____] [granted by [the plaintiff] to [the defendant]].

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place) _____ on (date) _____ at (time) _____ to answer to the plaintiff's claim for possession of the said lands [or premises] and for the recovery of the said sum(s).

Dated this _____ day of _____ 19 _____

Plaintiff
[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 Article 69 of the Order]] and for the costs of this process be paid to the plaintiff _____ or _____ his solicitor before the * _____ day of _____ 19 _____ proceedings will be stayed.

FORM 43

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 67; Rules 55, 57 and 95(3))

**Process in Ejectment Proceedings in respect of Lands or
Premises to which sub-paragraph (b) of Article 67(1) of
the Order Applies**

[Title as in Form 33]

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 (date) _____, by [the agent or receiver of] the plaintiff.

THE DEFENDANT IS HEREBY REQUIRED to appear before the magistrates' court sitting at (place) _____ at (time) _____ to answer to the plaintiff's claim for possession of the said lands [or premises].

Dated this _____ day of _____ 19 _____

Plaintiff
[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 45

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 67 and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies

[Title as in Form 33]

By the magistrates' court 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 one hundred and ten pounds per year, to wit, the rent of, _____ per [quarter] [month] [week] which tenancy [was duly determined by a notice to quit served on (date) _____] which expired on (date) _____] [ended on (date) _____].

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] at 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.

Issued on the _____ day of _____ 19 _____

Clerk of Petty Sessions

Costs	£
Witnesses' Expenses	£
Total	£

FORM 46

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Articles 67, 69, 72(3) and 74; Rule 79)

Decree for Recovery of Lands or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies and for the Recovery of Arrears of Rent or Sums due under Article 69 of the Order

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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 one hundred and ten pounds a year, to wit, the rent of _____ per [quarter] [month] [week] [which tenancy was duly determined by a notice to quit served on (date) _____, which expired on (date) _____] [or which tenancy ended on (date) _____] and claiming that the defendant is indebted to the plaintiff in the sum of £ _____ in respect of arrears of rent up till (date) _____, [and the sum of £ _____ due under Article 69 of the Order up to the date of the issue of the said process] [arising from such tenancy under a lease dated _____] [granted by [the plaintiff] to [the defendant]].

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 reasonable cause why possession should not be given and that the defendant is indebted to the plaintiff in the sum of £ _____ in respect of arrears of rent [and the sum of £ _____ due under Article 69 of the said Order].

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 £ _____ in respect of arrears of rent [and the sum of £ _____ due under Article 69 of the said Order, for costs the sum of £ _____ and for witnesses' expenses the sum of £ _____].

Issued on the _____ day of _____ 19 _____

Clerk of Petty Sessions

Arrears of rent or sums due under Article 69 of the Order	..	..	..	..	£
Costs	..	..	..	..	£
Witnesses' Expenses	..	..	..	..	£
Total	..	..	..	..	£

FORM 47

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 67 and 74; Rule 79)

**Decree for Recovery of Lands or Premises to which sub-paragraph (b)
of Articles 67(1) of the Order Applies**

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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 (date) _____, into 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.

Issued on the _____ day of _____ 19 _____

Clerk of Petty Sessions

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

FORM 49

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 73 and 74; Rules 74 and 79)

**Dismiss in Ejectment Proceedings in Respect of Lands or Premises
to which sub-paragraph (a) of Article 67(1) of the Order Applies**

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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 one hundred and ten pounds a year [which tenancy the plaintiff alleged had been duly determined by a notice to quit served on (date)] [or which tenancy the plaintiff alleged had ended on (date)] 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.

Issued on the day of 19

Clerk of Petty Sessions

Costs	..	..	..	..	£
Witnesses' Expenses	..	..	..	..	£
Total	..	..	..	..	£

FORM 50

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 69, 72(3), 73 and 74; Rules 74 and 79)

Dismiss in Ejectment Proceedings in respect of Land or Premises to which sub-paragraph (a) of Article 67(1) of the Order Applies and where Arrears of Rent or Sums due under Article 69 of the Order were Claimed

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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 one hundred and ten pounds a year [which tenancy the plaintiff alleged had been duly determined by a notice to quit served on (date)]
[or which tenancy the plaintiff alleged had ended on (date)]
and claiming that the defendant is indebted to the plaintiff in the sum of £ _____ in respect of arrears of rent up till (date)
[and the sum of £ _____ due under Article 69 of the Order] 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.

Issued on the _____ day of _____ 19 ____

Clerk of Petty Sessions

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

FORM 51

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67 and 73; Rules 74 and 79)

**Dismiss in Ejectment Proceedings in respect of Lands or Premises
to which sub-paragraph (b) of Article 67(1) of the Order Applies**

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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.

Issued on the day of 19

Clerk of Petty Sessions

Costs	.. .. .	..	..	£
Witnesses' Expenses	.. .. .	..	..	£

Total	.. .. .	..	..	£

FORM 52

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 2(3), 67, 71. and 73; Rules 74 and 79)

**Dismiss in Ejectment Proceedings in respect of Lands or Premises
to which sub-paragraph (c) of Article 67(1) of the Order Applies**

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

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 provision 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.

Issued on the day of 19

Clerk of Petty Sessions

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

FORM 53

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 65)

COUNTY COURT DIVISION OF PETTY SESSIONS DISTRICT OF

Process Register in Ejectment Proceedings

Number	Date of hearing	Name of Resident Magistrate adjudicating	Solicitors and counsel (if any) for plaintiff and defendant	Plaintiff	Description of lands or premises possession of which claimed	Grounds on which possession claimed, ie whether paragraph (a), (b) or (c) of Article 67(1) of the Order 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
				Defendant					

Resident Magistrate

NOTES

- Rule 98(2) The notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which notice was served on the other party to the proceedings.
- Rule 99 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.

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

FORM 57

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

(Article 79; Rule 8)

Summons to Defendant to Answer Complaint*[Title as in Form 1]*

WHEREAS a complaint has been made before me that on (date)
 at (place)
 you, the said defendant,

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the
 said complaint at (place)
 on (date) at (time)
 before a magistrates' court for the said county court division.

This day of

19

Justice of the Peace
 [Clerk of Petty Sessions]

To the said Defendant.

FORM 58

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 79 and 86; Rule 8)

Summons to Vary, etc., Order for Periodical Payment

[Title as in Form 1]

WHEREAS a complaint has been made to me by the complainant
on (date) who states that by an order made
provision) , under the (state statutory
for the said petty sessions district the complainant [defendant] was ordered
by a magistrates' court sitting

(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)

THIS IS TO COMMAND YOU the said defendant to appear on (date)
the magistrates' court sitting at (place) , at (time) , before
to answer the said complaint.

This day of 19

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant

FORM 59

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 86)**Order Varying, etc., Order for Periodical Payment***[Title as in Form 1]*

WHEREAS a complaint has been made by the complainant who states that by an order made on (date) under the (state statutory provision) by a magistrates' court 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 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 in

This day of

19

Resident Magistrate
[Clerk of Petty Sessions]

SATISFACTION AND ENFORCEMENT OF ORDERS

A. Orders in Criminal Proceedings

FORM 60

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 91; Rule 105)

Notice to Defendant of Sum Adjudged to be Payable by a Conviction

Petty Sessions Office
Courthouse
Order Book No.

TAKE NOTICE that at the magistrates' court held at (place) on (date) , you were convicted of [an offence][offences] and ordered to pay the following sums:—

Fine	...	£	
Compensations, etc.	...	£	
Costs	...	£	
Total	...	£	<hr/>
			<hr/>

The court allowed you until (date) , to pay the said sums [or the court ordered you to pay the said sums by instalments of commencing on (date) .]

You may however apply to the court by notice in writing addressed to me at the above address for [an order for payment by instalments pursuant to Article 91(3) of the Order] or for further time for payment or for variation of an order for payment by instalments pursuant to Article 91(4) of the said Order. And the court ordered that if such payment is not made or such application received by me within the time allowed a warrant of commitment be issued committing you to prison [young offenders centre]. The issue of a warrant would increase the amount due. Payment may be made to me within the time allowed at the above address, or may be sent by post at your own risk. A payment made by post must be accompanied by this notice and postage must be prepaid.

Dated the day of 19 .

Clerk of Petty Sessions.

NOTE: It will be helpful to the court in dealing with your application if you will provide particulars of income, outgoings and any change of circumstance since the order was made.

FORM 61

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 92(1)(a); Rules 14, 105, 143 and 144)

Warrant of Distress for Sum Adjudged to be Payable by a Conviction

[Title as in Form 1]

WHEREAS, upon the hearing of a complaint that

an order was made on (date) _____, by a magistrates' court for the said district against the said defendant to the following effect, viz:—

Defendant is hereby convicted of the said offence and ordered to pay for fine the sum of £ _____ and for costs the sum of £ _____ [by instalments, of £ _____ per _____, commencing on (date) _____] and that in default of payment the said sum(s) be levied by distress:]

AND WHEREAS the said order has not been complied with.

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 said district, and if no such distress can be found, to certify the same to the court within a reasonable time.

Fine	.. .. .	£
Compensation	.. .. .	£
Costs	.. .. .	£
Cost of Warrant	.. .. .	£
	Total	£
Part Payment	.. .. .	£
Balance	.. .. .	£

This _____ day of _____ 19 _____

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 62

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 91 and 92 (1)(b); Rules 14, 105 and 143)

Warrant of Commitment for Sum Adjudged to be Payable by a Conviction

[Title as in Form 1]

WHEREAS, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____,
by a magistrates' court for the said district against the said defendant to the
following effect, viz:—

Defendant is hereby convicted of the said offence and ordered to pay for
fine the sum of £ _____ and for costs the sum of £ _____
in _____ [forthwith] [by instalments of £ _____ commencing on
(date) _____ and in default of payment to be imprisoned [detained] in HM
Prison [Young Offenders Centre] at _____ for the period of _____
unless the said sums be sooner paid.

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 the defendant in HM Prison [Young Offenders Centre] at _____
[in accordance with Part IV of the
Young Offenders Centre Rules (Northern Ireland) 1982] there to be imprisoned
[detained] 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 at _____

The warrant to be returned within a reasonable time if not executed.

Fine	£
Compensation	£
Costs	£
Cost of Warrant	£
<hr/>	
Total	£
Part Payment	£
<hr/>	
Balance	£
<hr/>	

This _____ day of _____ 19____

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at _____

FORM 63

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15, 108 and 143)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 19(1)(a) or (b))

**Warrant of Commitment on Commission of Further Offence
during Operational Period of Suspended Sentence**

[Title as in Form 1]

Court:

Date:

Convicted of:

Sentence:

(if varied insert details)

SUBSEQUENTLY CONVICTED: at
magistrates' court on (date) of (offence)
COMMITTED ON (date) being an offence
punishable with imprisonment [detention].

ORDER:— Court on (date)
ordered that the said suspended sentence take effect [with the substitution of
a term of imprisonment [detention]
for the original term].

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute
the last-mentioned order as follows:—

To lodge the defendant in HM Prison [Young Offenders Centre] at
[in accordance with Part IV of
the Young Offenders Centre Rules (Northern Ireland) 1982] to be imprisoned
[detained] there for the period of [to commence on the expiration of the
term of imprisonment [detention]]

And for this the present warrant shall be a sufficient authority to all whom
it may concern.

Dated this

day of

19

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 64

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 8)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 21)

**Summons on Complaint for Appearance before Court by which a
Suspended Sentence has been Passed**

[Title as in Form 1]

WHEREAS a complaint has been made before me that on (date) you, the said defendant, were convicted by the Crown Court [a magistrates' court] sitting at of the following offence:—

(state shortly particulars of offence)

and were sentenced to imprisonment [detention] for (state period) and that the said court made an order that the said sentence of imprisonment [detention] should not take effect unless during the period of years from the date of such conviction you committed in Northern Ireland another offence punishable with imprisonment [detention].

(if varied insert details)

AND WHEREAS the complaint alleges that on (date) you were convicted by the Crown Court [a magistrates' court] sitting at (place) of the following offence:—

(state shortly particulars of offence)

being an offence punishable with imprisonment [detention] committed by you on (date) during the said period [as so varied].

THIS IS TO COMMAND YOU to appear at the Crown Court [or a magistrates' court], sitting at (place) on (date)

This day of 19

Justice of the Peace
[Clerk of the Petty Sessions]

To the said Defendant.

FORM 65

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 143)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Section 21)

**Warrant for Arrest of Person upon whom a Suspended
Sentence has been Passed**

[Title as in Form 1]

WHEREAS a complaint has been made in writing and on oath that on the
day of 19 , the said
defendant was convicted by the Crown Court [a magistrates' court] sitting
at (place) of the following
offences:—

(state shortly particulars of offence)

and was sentenced to imprisonment [detention] for (state period)
and that the said Court made an order that the said sentence of imprisonment
[detention] should not take effect unless during the period of years
from the date of such conviction the defendant committed in Northern
Ireland another offence punishable with imprisonment [detention].

(if varied insert details)

AND WHEREAS the complainant alleges that on (date)
the defendant was convicted by the Crown Court [a magistrates' court] sitting
at (place) of the following
offence:—

(state shortly particulars of offence)

being an offence punishable with imprisonment [detention] on
(date) during the said period [as so varied];

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the
said defendant and bring him before the Crown Court sitting at (place)
on (date)
[or] [forthwith, before a magistrates' court.]

This day of 19 ..

Justice of the Peace.

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This form may be endorsed for bail as on Form 9.

FORM 66

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15 and 143)

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 3)

**Warrant of Commitment where Person is ordered under Article 3(1) of the
Treatment of Offenders (Northern Ireland) Order 1976 to be Returned to
Prison**

[Title as in Form 1]

WHEREAS it appears that the defendant was on the _____ day of
_____ 19____, discharged from HM Prison
[Young Offenders Centre] at _____ and
was at that date serving a sentence of imprisonment [period of detention in a
young offenders centre] which but for his discharge pursuant to prison rules
would have expired on the _____ day of _____ 19____;

AND WHEREAS he was on the _____ day of _____ 19____,
convicted by a magistrates' court sitting for the above-named petty sessions
district of the following offence(s) (being [an] offence(s) for which the court
had power to sentence him to imprisonment [detention]; namely:—

committed on the _____ day of _____ 19____,
and the court ordered that

(state court order(s) made on conviction for offence(s))

The court further ordered that the defendant be returned to prison [a
young offenders centre] until

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the
defendant in HM Prison [Young Offenders Centre] at _____
[in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland)
1982] to be imprisoned [detained] there for the above period.

And for this the present warrant shall be a sufficient authority to all whom
it may concern.

This _____ day of _____ 19____

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 67

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 114; Rules 14, 15 and 143)TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 3(4))**Warrant of Commitment to the Crown Court under Article 3(4) of the
Treatment of Offenders (Northern Ireland) Order 1976**

[Title as in Form 1]

WHEREAS it appears that the defendant was on the _____ day of
19 _____, discharged from HM Prison
[Young Offenders Centre] at
and was on that date serving a sentence of imprisonment [period of detention
in a young offenders centre] which but for his discharge pursuant to prison
rules would have expired on the _____ day of 19 _____;

AND WHEREAS he was on the _____ day of 19 _____,
convicted by a magistrates' court sitting for the above-named petty sessions
district of the following offence(s) being [an] offence(s) for which the court
had power to sentence him to imprisonment [detention] namely:—

AND WHEREAS the period between the date on which the court might have
made an order under Article 1(1) of the Treatment of Offenders (Northern
Ireland) Order 1976 and the date aforesaid on which his sentence of
imprisonment [or period of detention] would have so expired exceeds twelve
months.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the
said defendant in HM Prison [Young Offenders Centre] at _____
[in accordance with Part IV
of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that he may be
brought before the Crown Court sitting at (place)

This _____ day of _____ 19 _____

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at _____

FORM 68

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 8)

TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 5)

Summons upon complaint that Person has been Convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his Discharge from Prison and has not been Ordered to be Returned to Prison or Young Offenders Centre

[Title as in Form 1]

WHEREAS a complaint has been made before me that on the _____ day of _____ 19____, you the defendant were discharged from HM Prison [Young Offenders Centre] at _____ and were at that date serving a sentence of imprisonment [period of detention in a young offenders centre] which, but for such discharge pursuant to prison rules would have expired on the _____ day of _____ 19____.

And that on the _____ day of _____ 19____, you were convicted by the Crown Court [magistrates' court] sitting at _____ of the following offence(s), namely:

(being [an] offence(s) for which the court had power to sentence you to imprisonment [detention] committed on the _____ day of _____ 19____).

AND THE COURT ORDERED THAT

(state court order made on conviction for offence(s))

AND THAT YOU WERE NOT ORDERED to be returned to prison [a young offenders centre].

THIS IS TO COMMAND YOU to appear at the Crown Court [or a magistrates' court] sitting at (place) _____ on (date) _____ at (time) _____.

This _____ day of _____ 19____

Justice of the Peace
[Clerk of Petty Sessions]

To the said Defendant.

FORM 69

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 14 and 143)TREATMENT OF OFFENDERS (NORTHERN IRELAND) ORDER 1976
(Article 5)**Warrant for Arrest of Person who has been Convicted as mentioned in Article 3(1)(a) of the Treatment of Offenders (Northern Ireland) Order 1976 after his Discharge from Prison and who has not been Ordered to be Returned to Prison or Young Offenders Centre**

[Title as in Form 1]

WHEREAS a complaint in writing and on oath has been made before me that on (date) the said defendant was discharged from HM Prison [Young Offenders Centre] at and was at that date serving a sentence of imprisonment [period of detention in a young offenders centre] which, but for such discharge pursuant to prison rules would have expired on the day of 19 .

And that the defendant was convicted on the day of 19 , by the Crown Court [a magistrates' court] sitting at the following offence(s), namely:—

(being [an] offence(s) for which the court had power to sentence the defendant to imprisonment [detention] committed on the day of 19).

AND THE COURT ORDERED THAT

(state court order made on conviction for offence(s))

AND THAT THE DEFENDANT WAS NOT ORDERED to be returned to prison [a young offenders centre].

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and bring him before the Crown Court sitting at or if that court is not sitting forthwith before a magistrates' court.

This day of 19 .

Justice of the Peace

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This form may be endorsed for bail as on Form 9.

FORM 70

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 95; Rule 108)

Transfer of Fine Order

[Title as in Form 1]

The above-named defendant was on the _____ day of _____ 19____, convicted by a magistrates' court for the above-mentioned petty sessions district sitting at _____ of the following offence:—

(state shortly particulars of offence)

and was adjudged to pay a fine of £ _____ [and £ _____ for compensation] [and £ _____ for costs] [by weekly [or monthly] instalments of £ _____,] the first instalment of the said sum(s) to be paid forthwith [or not later than the _____ day of _____ 19____] [and the court fixed the term of imprisonment [detention] in default as [weeks] [months];]

And the defendant has [paid £ _____ in part payment, but has] made default in payment [of a balance of £ _____];

[And the time for payment has not yet expired;]

And it appears that the defendant is residing at (state address) within [the petty sessions area of _____] [or the jurisdiction of the _____ court of summary jurisdiction in Scotland];

[And no term of imprisonment has been fixed in the event of a future default in paying the sum(s) in question;].

A transfer of fine order is hereby made in pursuance of Article 95 of the Order that payment of the sum(s) be enforceable [in the petty sessions area] [or, by the _____ Court] to the extent of that balance.

Dated this _____ day of _____ 19____

Clerk of Petty Sessions

Steps taken to recover the sum:

Other information likely to assist enforcement:

NOTE: To be entered on the copy sent to the clerk of the court for enforcement.

FORM 71

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 95 and 96; Rule 108)**Further Transfer of Fine Order**

[Title as in Form 1]

The above-named defendant was on the _____ day of
19____, convicted by a magistrates' court for the petty sessions area of
sitting at _____]
[or the Crown Court sitting at _____]
[or the _____ court sitting at _____ in
Scotland] of the following offence:—

(state shortly particulars of offence)

And was adjudged to pay a fine of £ _____ [and £ _____
for compensation] [and £ _____ for costs] [by weekly [or monthly]
instalments of £ _____] the first instalment of the said sum(s) to be
paid forthwith [or not later than the _____ day of
19____] [and the magistrates' court for the petty sessions area of
was required by the said Crown Court under section 32(1)(a) of the Powers of
Criminal Courts Act 1973 to enforce payment of the said sum]: [and the
[Crown] court fixed the period of imprisonment in default as _____];

By virtue of a transfer of fine order dated the _____ day of
19____, the enforcement of payment
of the said sum(s) was transferred to this petty sessions district;

And the defendant has [paid £ _____ in part payment, but has]
made default in payment [of a balance of £ _____];

[And the time for payment has not yet expired;]

And it appears that the defendant is residing at _____
in the [_____ petty sessions area] [or within
the jurisdiction of the _____ court of summary
jurisdiction in Scotland];

A further transfer of fine order is hereby made pursuant to Article 95 as
applied by Article 96 of the Order that payment of the sum(s) be enforceable [in the
petty sessions area] [or by the _____ court] [to the extent of the
balance.]

Dated this _____ day of _____ 19____

Clerk of Petty Sessions

Steps taken to recover the sums:

Other information likely to assist enforcement:

To be entered on the copy sent to the clerk of the court for enforcement.

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 96; Rule 109)

Notice of Transfer of Fine Order

[Title as in Form 1]

	£	p	
Fine			On the day of 19 , you were adjudged by the magistrates' court [or crown court] sitting at [or by a court of summary jurisdiction in Scotland, namely the court at] to pay the sum(s) shown in the margin hereof [in instalments of £] and the said sum(s) [or the balance of £] remain(s) unpaid.
Compensation			
Costs			
Total			
Part payment			
Balance			

You are hereby given notice that in consequence of a transfer of fine order made on the day of 19 , the enforcement of payment of the said sum(s) [or balance] is enforceable by a magistrates' court acting for the above mentioned petty sessions district.

Payment of the said sum(s) [or balance] should be made forthwith [or before the day of 19] either by post in an envelope addressed to me, the clerk of petty sessions, at (address of courthouse) or made personally at the court office at (address) between the hours of and on the following days namely

If you cannot pay, you should within 14 days from the date of service hereof make application for [further] time [or payment by instalments] to be granted and the application must be made in person to the court at (address).

If you fail to pay or make such application within that time, a warrant may be issued committing you to prison in default of payment.

Dated this day of 19

Clerk of Petty Sessions

NOTE: Any communications sent by post must be properly stamped. Cash should not be sent in an unregistered envelope.

FORM 73

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 101; Rules 111 and 112)**Attachment of Earnings Order — Maintenance****PRIORITY**

[Title as in Form 1]

To _____ of _____
 of _____ who works
 at _____ as a _____

No. _____ (Works a [week/month] 19 _____)
) is required to make payments of £ _____
 under a maintenance order made on _____
 by the (insert court). An application has been made for an attachment of
 earnings order to secure the payments and it appears that earnings are
 payable by you to him.

You are ordered to make out of those earnings periodical deductions in
 accordance with Article 102 of the Order. For the purpose of calculating the
 deductions the normal deduction rate shall be £ _____ a [week/month] and
 the protected earnings rate shall be £ _____ a [week/month] the first payment
 to be made on (date) _____

And you are ordered to pay the sums deducted to the clerk of petty
 sessions for the above-named petty sessions district at _____
 as and when the deductions are made, quoting reference number [_____].

Dated _____

19 _____

Resident Magistrate
 [Clerk of Petty Sessions]

Indorsement on copy sent to defendant

This is a copy of an attachment of earnings order directed to your
 employer. If you leave his employment or become employed or re-employed,
 you must notify the clerk of petty sessions in writing within seven days, giving
 particulars of your earnings and anticipated earnings from any new
 employment. Failure to do so may render you liable to a fine.

NOTE: Copies of Articles 102, 106 and 108 of the Magistrates' Courts (Northern
 Ireland) Order is annexed.

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 101; Rule 117)

Temporary Variation Order

PRIORITY

[Title as in Form 1]

To of

An attachment of earnings order made by the magistrates' court sitting at in respect of (hereinafter called the defendant) who works at as a (Works No.) has been served on you and the defendant has applied for a temporary variation in the order.

You are ordered to make deductions under that order as if it specified as the protected earnings rate the rate of £ a [week/month].

This variation shall remain in force for a period of [] weeks.

Dated this day of 19

Resident Magistrate
[Clerk of Petty Sessions]

NOTE: On the expiry of this temporary variation order, deductions should be made in accordance with the attachment of earnings order.

B. Orders in Debt Proceedings

FORM 75

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 128 to 130)

**Enforcement Process under Part VIII of the Judgments Enforcement
(Northern Ireland) Order 1981**

[Title as in Form 33]

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 magistrates' court 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 WHEREAS no attachment of earnings order is in force;

THE DEFENDANT therefore is hereby required to appear personally before a magistrates' court at (place) _____ on (date) _____ at (time) _____ to be examined on oath touching the means he has or has had or but for his own default would have 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
[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.

FORM 76

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 128)

**Enforcement Order under Part VIII of the Judgments Enforcement
(Northern Ireland) Order 1981**

[Title as in Form 33]

By the magistrates' court 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 magistrates' court at (place) _____ obtained by the plaintiff against the defendant on (date) _____ whereby the defendant was ordered to pay to the plaintiff the sum of £ _____ and the sum of £ _____ for costs and witnesses' expenses 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 and there being no attachment of earnings order in force in respect of the said sum;

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 of _____, the first of each instalments to be paid on the _____ day of _____ 19 _____

And the plaintiff's alternative application in the said process for the committal of the defendant is accordingly dismissed without prejudice to the same being renewed in case of the defendant's default.

Dated this _____ day of _____ 19 _____

Clerk of Petty Sessions

Form 77

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 129)**Committal Process under Part VIII of the Judgments Enforcement
(Northern Ireland) Order 1981**

[Title as in Form 33]

WHEREAS the plaintiff obtained an enforcement order against the defendant in the above-named court [or obtained an instalment order against the defendant under Article 30 of the second above-named Order from the Enforcement of Judgments Office] on the day of of , for the payment of the sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses by instalments of £ ;

AND WHEREAS the plaintiff alleges that default has been made in payment of the sum of £ being the instalment due on the day of 19 , payable in pursuance of the said order;

AND WHEREAS no attachment of earnings order is in force in respect of the said sum;

THE DEFENDANT is hereby required to appear personally before the magistrates' court at (place) on (date) at (time) to show cause why he should not be committed to prison for default made by him in payment of the said sum or in the alternative for such other order as the court has power to make either under Article 98 or 107 of the said Order.

Dated this day of 19 .

Plaintiff
[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 78

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rules 128 and 129)

**Committal Order under Part VIII of the Judgments Enforcement
(Northern Ireland) Order 1981**

[Title as in Form 33]

By the magistrates' court sitting at (place)
on (date)

It appearing to the court that a process was duly served on the defendant requiring him to appear personally before the above-named court to show cause why he should not be committed to prison for default made by him in payment of £ [being the of the instalments due on the day of 19 , by] which he was ordered to pay to the plaintiff [the sum of £] by order of [the said court] [the magistrates' court sitting at] [or the Enforcement of Judgments Office] under Article 30 of the second above-named Order made on (date)

And it appearing on the hearing of the said process that no attachment of earnings order is in force and that default has been made by the defendant in payment of the said sum of £ and that he now has [or has had] [or but for his act or default would have had since the making of the order] the means to pay the said sum, and has refused or neglected to pay the same, and the defendant having failed to show cause why he should not be committed to prison;

IT IS THEREFORE ORDERED by the court that for such default the defendant shall be committed to HM Prison at for the period of unless he shall sooner pay the said sum, together with the sum of £ for costs of this order and witnesses' expenses, and you to whom this order is addressed are hereby commanded to execute this order against the defendant.

Dated this day of 19

Amount due	..	..	..	£
Costs of this order	..	..	..	£
Witnesses' expenses	..	..	..	£
Total	..	..	..	£

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

C. Orders in Ejectment Proceedings

FORM 79

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 116; Rules 131 to 133)

**Notice of Intention to Apply for the Issue of Ejectment Decree
for Overholding**

[Title as in Form 33]

TAKE NOTICE that an application will be made to the magistrates' court sitting at (place) on (date) at (time) 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
[Solicitor for the Plaintiff]
[Address].

To the Defendant

Copy to the Clerk of Petty Sessions

D. Orders for the payment of sums (other than on conviction) made in proceedings upon complaint

FORM 80

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98 and 99; Rule 7)

Complaint for Arrears under an Order for Periodical [Lump Sum] Payment enforceable under Article 98 (as applied by Article 99) of the Order

[Title as in Form 1]

I, _____ of _____ by
SAY upon oath that by an order duly made on (date) _____
a magistrates' court [as varied on (date)] _____].

of _____ (hereinafter called "the defendant")

(insert details of order as appropriate)

And that 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 prays that a warrant may issue for the arrest of the defendant.

Complainant
[for Complainant].

Arrears due	..	..	..	..	£
Costs due	..	..	..	..	£

Total	..	..	..	..	£

Taken and sworn before me this _____ day of _____ 19 _____

Justice of the Peace.

FORM 81

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(1)(a) and 99; Rule 8)

Summons for Arrears under an Order for Periodical [Lump Sum] Payment

[Title as in Form 1]

WHEREAS a complaint has been made before me that by an order duly made on (date) by a magistrates' court for the above-named district

(insert details of order as appropriate)

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 up to and including the day of 19

THIS IS THEREFORE TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at the magistrates' court at (place) on (date) at (time) to show cause why an order should not be made against you in respect of the said sums.

Arrears due	..	..	..	£
Costs due	..	..	..	£
Total	..	..	..	£

This day of 19

Justice of the Peace.
[Clerk of Petty Sessions]

To the said Defendant.

FORM 82

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(1)(b) and 99; Rules 14 and 143)

**Warrant of Arrest for Arrears under an Order for Periodical
[Lump Sum] Payment**

[Title as in Form 1]

WHEREAS a complaint has been made on oath in writing on (date)
that by an order duly made on (date)
by a magistrates' court [as varied on (date)]
(name) of]
(hereinafter called "the defendant")

(insert details of order as appropriate)

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
up to and including the day of 19

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed,
unless the said sum be sooner paid, forthwith to apprehend the said
defendant, and to bring him before a resident magistrate in accordance with
Article 98(1)(b) of the Order, to answer to the said complaint, and be dealt with
according to law.

Arrears due	..	..	..	..	£
Costs due	..	..	..	..	£
Total	..	..	..	..	£

This day of 19

Justice of the Peace.

To the Superintendent of the Royal Ulster Constabulary at

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

FORM 83

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(4)(a) and 99; Rules 14, 143 and 144)

Warrant of Distress for Arrears

[Title as in Form 1]

WHEREAS a complaint has been made [upon oath] on (date)
that an order duly made on (date) by a magistrates' court
[as varied on (date)] the above-named
defendant

(insert details of order as appropriate)

And the sum of _____ duly appearing to the court to be due, an
order was made by the court on (date) _____, to the
following effect:—

IT IS HEREBY ORDERED that the sum of £ _____ 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 sum be sooner paid, to execute the said order against the
defendant as follows:—

To levy forthwith the said sum by distress of his money and goods and the
sale of his goods, the sum 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 (date)
_____, to the magistrates' court at (place)

Arrears due	..	..	..	£
Costs due	..	..	..	£
Costs of Enforcement	..	..	..	£
Warrant Fee	..	..	..	£
Total	..	..	..	£

This _____ day of _____ 19 _____

Resident Magistrate
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at _____

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 98(5) and 99; Rules 14 and 143)

**Warrant of Commitment in Default of Distress for Arrears under an
Order for Periodical [Lump Sum] Payment**

[Title as in Form 1]

WHEREAS a complaint has been made [upon oath] on (date) that by an order duly made on (date) magistrates' court [as varied on (date)] above-named defendant, by a] the

(insert details of order as appropriate)

And the sum of £ appearing to the said magistrates' court to be due by the defendant under the said order. It was ordered by the said court on (date), that the said sum of £ be forthwith levied by distress of the defendant's money and goods and the sale of his goods.

AND WHEREAS upon the return of the warrant of distress issued for the recovery of the said sum it appears to the court that no sufficient distress can be had wherewith to satisfy the said sum [and whereas the court is satisfied that the default is due to the wilful refusal or culpable neglect of the defendant to pay the said sum] the court ordered that the defendant be imprisoned for the period of

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, to convey the defendant to HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982], and this is also to command you, the Governor of the said prison [young offenders centre] to receive the defendant into the said Prison [Young Offenders Centre] and to imprison [detain] him there for the period of unless the said sum and costs [and the sum of £, being the reasonable expenses attending the distress] [and warrant fee] be sooner paid and satisfied. All sums received to be paid to the clerk of the petty sessions at

And for this the present warrant shall be a sufficient authority to all whom it may concern.

Arrears due	..	..	..	£
Costs due	..	..	..	£
Warrant fee	..	..	..	£
Total	..	..	..	£

This day of 19

Resident Magistrate
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

WITNESSES AND EVIDENCE

FORM 85

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 118(1); Rule 8)

Summons to Witness

of

Complainant
[Plaintiff]
[Appellant]
[Applicant]

Petty Sessions District of

of

Defendant
[Respondent]

County Court Division of

WHEREAS a [complaint has been made] [process has been issued by the plaintiff claiming] that the defendant [or a Notice of [Appeal] [Application] to a magistrates' court has been duly served]

AND WHEREAS I am satisfied that you are able to give material evidence on behalf of the *and/or* produce a document or thing; namely:—

THIS IS TO COMMAND YOU to appear as witness before a magistrates' court at (place) on (date) at (time) [and there produce the said document or thing].

This day of .19.

Justice of the Peace
[Clerk of Petty Sessions]

To:—
of

NOTE: Failure to appear at the time and place shown above is a criminal offence for which you are liable to prosecution.

FORM 86

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 123(a))

**Certificate of Collecting Officer
of Non-Payment of Sums Ordered to be Paid**

I HEREBY CERTIFY that the payments due to me on behalf of
from
under an order made by the magistrates' court sitting at (place)
on (date)
under the

(state statutory provisions)

have not been made to me in full, and that there is now in arrear the sum of
£ in respect of periodical [lump sum] payment due up to and
including the day of 19

This day of 19

Collecting Officer

FORM 87

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT
(NORTHERN IRELAND) 1968
(Section 1)

**Statement of Witness to be Tendered in Evidence under section 1 of the
Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968**

Name of Witness

Age (if over 21 say "over 21")

Occupation

Address

I HEREBY DECLARE that this statement consisting of _____ pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

This _____ day of _____ 19 _____

Signature of Witness.

[(For use only where witness cannot read)]

The said witness being unable to read the above statement, I _____ of _____ read it to him before he signed it and he assented to it in accordance with section 1(4)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.

This _____ day of _____ 19 _____

Reader.]

NOTE: Whenever possible statements should be on paper of A4 size. If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the clerk of petty sessions; and each page should have a wide margin on the left.

FORM 88

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 149)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT
(NORTHERN IRELAND) 1968
(Section 1)

**Notice by Complainant of Intention to Tender Written Statement at
Summary Trial**

[Title as in Form 1]

The purpose of this notice is to inform you that the complainant intends at the sitting of the magistrates' court at (place) on (date) and on the hearing of any appeal to the Recorder's/County Court from the said magistrates' court to tender written statement(s) of the following witness(es), namely:—

to which this notice is appended [together with the following copy/copies of documentary exhibit(s) —

(here list any documentary exhibits)

referred to in the statement(s) of the witness(es)]

The following is a list of exhibits (other than the documentary exhibits referred to above) which will be produced or are referred to in the written statement(s) of the witness(es), namely—

Any of the exhibits referred to in this notice may be inspected by you at between the hours of and

You have the right to inspect every exhibit by yourself or in consultation with your solicitor and any expert witness you may wish to call at the hearing before the Court.

You have the right to object to the written statements of the witness(es) being tendered in evidence at the hearing and, if you do so, you should give notice of your objection to the complainant and to the clerk of petty sessions within seven days of receiving this notice and the written statements attached hereto in order to avoid any adjournment of the court and so that the complainant can secure the attendance of the witness(es) at the time of the hearing.

This day of

19

Complainant
[for Complainant]

To (name of Defendant)

at (address)

and to the Clerk of Petty Sessions

at

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

FORM 89

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 47 and 135 to 138; Rules 150 to 153)

Recognizance to Appear before a Magistrates' Court

[Title as in Form 1]

WHEREAS a complaint was made as set out at Order Book number:

The undersigned (name)

of the principal party to this
recognizance, hereby binds himself to perform the following obligation, viz:
to appear personally before a magistrates' court at (place)

on (date)
at (time) (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 upon condition that he report to the Royal Ulster Constabulary
at (place) each (day)
at (time) .]

And the said principal party (together with (name)
of

and (name)
of
hereby acknowledges himself bound to forfeit to the Crown the sum of £
(and the said surety) in the sum of £ (each)) in case the said
principal party fails to perform the above obligation.

(and in lieu of surety 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 before me this 19 day of Taken before me this 19 day of
(as to said Principal Party) (as to said Principal Party)
(as to said Surety) (as to said Surety)

.....
Governor/Deputy Governor
of Prison

.....
Clerk of Petty Sessions

FORM 90

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 130(1)(a) and 135 to 138; Rule 152)

Recognizance [Constabulary] to appear before a Magistrates' Court

[Title as in Form 1]

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) _____ of _____ the principal party to this recognizance hereby binds himself to perform the following obligation, viz., to appear [personally] before a magistrates' court at (place) _____ on (date) _____ at (time) _____ [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) _____ of _____ and (name) _____ of _____ the undersigned suret _____] hereby acknowledge(s) _____ bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

Taken before me this _____ day of _____ 19____, at _____

[Rank]
R.U.C. in charge of the said
Constabulary Station

FORM 91

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 130(1)(b) and 135 to 138; Rule 152)

Recognizance to Appear at a Constabulary Station

[Title as in Form 1]

WHEREAS the undersigned principal party to this recognizance was taken into custody by _____ on (date) _____, and whereas inquiries into certain matters concerning the said principal party cannot be completed forthwith and he has been released from custody at constabulary station, upon his entering into this recognizance, the undersigned (name) _____ of _____ the principal party to this recognizance hereby binds himself to perform the following obligation, viz., to attend at _____ constabulary station on (date) _____ at (time) _____ unless he previously receives notice in writing from a member of the Royal Ulster Constabulary not below the rank of Inspector that his attendance is not required:

And the said principal party [together with (name) _____ of _____ and (name) _____ of _____

acknowledge(s) _____ the undersigned suret _____] hereby bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

Taken before me this _____ day of _____ 19 _____ at _____

[Rank]
R.U.C. in charge of the said
Constabulary Station

FORM 92

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 37, 51(4) and 135 to 138; Rules 150 and 153)

Recognizance to Appear at the Crown Court

[Title as in Form 1]

WHEREAS the defendant stands charged [that] [or as stated in the statement of complaint annexed]

[WHEREAS the defendant was on the day of 19, discharged from HM Prison [Young Offenders Centre] at and was on that date serving a sentence of imprisonment [period of detention in a Young Offenders Centre] which but for his discharge pursuant to prison rules would have expired on the day of 19] the undersigned (name)

of the principal party to this recognizance, hereby binds himself to perform the following obligation(s) viz., to attend the Crown Court at (place) on such day as may be notified to him at (time) [and there to surrender himself to the governor of the prison at and plead to any indictment presented against him for the said offence, and take his trial for the same, and not to depart the court without leave and so from court to court 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] (date) at (time) [when arrangements have been made for his reception until he is discharged therefrom]:

And the said principal party [together with (name) of and (name) of the undersigned suret] hereby acknowledge(s) bound to forfeit to the Crown the sum(s) following, viz:—

The principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

No. 225

Magistrates' Courts

1061

Taken before me this
at

day of

19 ,

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Governor/Deputy Governor].

FORM 93

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 127; Rule 152)

Recognizance to keep the Peace [and] [or] to be of Good Behaviour

[Title as in Form 1]

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] for the period of
The undersigned (name)
of

, the principal party to
this recognizance, hereby binds himself to perform the following obligation,
viz., [to keep the peace] [and] [to be of good behaviour] for the period
of and the said principal party
[together with (name)
of

, and (name)
of

, the undersigned suret]
hereby acknowledge(s) bound to forfeit to the Crown
the sum(s) following, viz:—

The principal party the sum of £ [the first-named surety the
sum of £ and the second-named surety the sum of £]
in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

Taken before me this day of 19

Clerk of Petty Sessions

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 150(5) and (6))

Certificate of Proposed Surety as to Means

I propose to sign as surety for
(principal party to recognizance) in the sum of £

I understand my obligation under the recognizance.

I also understand the condition(s) which must be complied with by the principal party.

I am possessed of sufficient means to pay the sum of £
if required to do so.

Signed

Declared before me this day of 19

Clerk of Petty Sessions
[Court Clerk]
[Governor/Deputy Governor]
[Person in charge of Training
School/Remand Home]
[Member of the Royal Ulster
Constabulary]

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 138(3))

Notice to Estreat Recognizance

Petty Sessions District of
County Court Division of

TAKE NOTICE that the recognizance entered into on (date)
by you the undernamed persons conditioned that
having become forfeited,

An application will be made to the magistrates' court at (place)
on (date)
at (time) 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

This day of 19

Chief Superintendent
[for Applicant]

To the Principal Party
and of
and of

the sureties to the said recognizance.

FORM 96

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 138(4); Rules 14, 143 and 144)

**Warrant of Distress and Commitment in Default of Distress for Sum
Forfeited upon the Estreat of a Recognizance**

[Title as in Form 1]

WHEREAS on (date) entered into a recognizance
(name) conditioned that
in the sum of £

AND WHEREAS on (date)
upon an application to a magistrates' court for the said district to estreat the
recognizance, the court ordered the estreat of the recognizance to the amount
of £ and payment of £ for costs in

AND WHEREAS default has been made in payment of [the amount] [a balance
of £] and the said court ordered the said amount to
be levied by distress and in default of distress the defendant be imprisoned
[detained] in HM Prison [Young Offenders Centre] 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 defendant 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 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 [detained] in HM Prison [Young
Offenders Centre] at [in
accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland)
1982] for the period of

And for this the present warrant shall be a sufficient authority to all whom
it may concern. The warrant to be returned within a reasonable time if not
executed.

Amount	..	..	..	£:
Warrant Fee	..	..	..	£:
Total	..	..	..	£:	_____
Part Payment	..	..	..	£:	_____
Balance due	..	..	..	£:	_____

1066

Magistrates' Courts

No. 225

This

day of

19

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

FORM 99

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 135 to 138 and 148; Rules 150 to 153)

**Recognizance to Prosecute Appeal to County Court [Not
Conditioned for Bail**

[Title as in Form 1]

WHEREAS a complaint was made that

The undersigned (name)
of

the principal party to this recognizance, hereby binds himself to perform the following obligation, viz:—To attend the sitting of the county court to be held at (place)

on (date) at (time)
or upon such other day as may be notified to him and there TO PROSECUTE THE APPEAL against the [conviction] [and] [sentence] [order] made [passed] by a magistrates' court for the above petty sessions district on the day of 19 , upon the said complaint and

TO ABIDE BY THE JUDGMENT and order of the said county court thereon and TO PAY SUCH COSTS awarded by the said court [AND NOT TO ABSCOND pending the execution of the original order or of the judgment of the said 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)
of
and (name) of

the undersigned suret] hereby acknowledge(s)
bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £]
in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

Taken before me this day of 19

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Governor/Deputy Governor]

FORM 100

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 150(1))**Notice by Clerk of Petty Sessions to Chief Clerk of
Abandonment of Appeal to the County Court**

Petty Sessions District of

County Court Division of

Between

Appellant

and

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 magistrates' court for the above-named petty sessions district sitting on the _____ day of _____ 19__

Clerk of Petty Sessions

This _____ day of _____

19__

To the Chief Clerk
at
Copy to the Respondent
of

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

FORM 101

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146; Rule 158)

Application to Court to State a Case

To _____, resident magistrate
who sat as a magistrates' court for the petty sessions district of _____
of _____ on the _____ day
19 _____

In the matter of a [complaint] [process] [application] [appeal] wherein [I
the undersigned]
was [complainant] [plaintiff] [applicant] [appellant] [or I the under-
signed] was [defendant]
[respondent] heard and determined by the said 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 Article 146 of the Order make application to you to state a case for the
opinion of the Court of Appeal on the following point of law:—

This _____ day of _____ 19 _____

Appellant
[Solicitor for Appellant].
Address of Appellant
[Address of Solicitor for Appellant]

Copy to be served on the Respondent
of _____

FORM 102

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146(4))**Court's Certificate of Refusal to
State a Case**

Petty Sessions District of
County Court Division of

Before the 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
Article 146 of the Order to state a 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.

This day of

19

Resident Magistrate

FORM 103

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 146; Rule 160)

Case Stated by Magistrates' Court

IN HER MAJESTY'S COURT OF APPEAL IN NORTHERN IRELAND

On Appeal by way of Case Stated under the Magistrates' Courts
(Northern Ireland) Order 1981

BETWEEN

Complainant [or Plaintiff]
[or Appellant] [or Applicant]
and Appellant [or Respondent]

AND

Defendant [or Respondent]
and Respondent [or Appellant]

Case stated by a [resident magistrate] [justice of the peace for the county court division of] in respect of his adjudication at a 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

(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 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

This

day of

19

Resident Magistrate
[Justice of the Peace].

*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 104

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 135 to 138 and 148; Rules 150 to 153)

Recognizance to Prosecute Appeal to Court of Appeal [Not] Conditioned for Bail

[Title as in Form 1]

WHEREAS a complaint was made that

The undersigned (name) 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 magistrates' court made on (date), upon the said complaint and To ABIDE BY THE JUDGMENT OR ORDER of the Court of Appeal thereon and To PAY COSTS as may be awarded by the said Court and except where sooner committed under a warrant of commitment issued consequent upon the affirmation of a sentence of imprisonment, [To APPEAR before the magistrates' court within [ten] days after the judgment or order of the Court of Appeal has been given if and when he is so directed by that Court.]

And the said principal party [together with (name) of and (name) of the undersigned sureties] hereby acknowledge bound to forfeit to the Crown the sum(s) following, viz:—

The said principal party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said principal party fails to perform the above obligation.

..... } Principal Party
..... } Suret
..... }

Taken before me this day of 19

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Governor/Deputy Governor].

FORM 105

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 150(2))**Notice 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 magistrates' court sitting at _____
(place) _____ made on (date) _____ by
_____ appellant.

THIS IS TO GIVE YOU NOTICE that I have received notice from the said appellant that he has abandoned his appeal.

This _____ day of _____ 19 .

Clerk of Petty Sessions

MISCELLANEOUS

FORM 106

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 20)**Certificate of Conviction or Order**

[*Title as in Form 1*]

I CERTIFY that upon the hearing of a complaint that

[a conviction] [an order] was made on (date) _____
by the magistrates' court for the said district to the following effect, viz:—

This _____ day of _____ 19 .

Clerk of Petty Sessions

FORM 108

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 23(2), 25(3), 81(2) and 126; Rule 11)

Affidavit of Service of Summons on Defendant

[Title as in Form 1]

I, _____ of _____, a person entitled to serve summonses 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 [and accompanying documents.]

Deponent Sworn before me this _____ day
of _____ 19____, at _____
in the County Court
Division of _____

Justice of the Peace.
[Clerk of Petty Sessions]

FORM 109

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 23(2), 25(3) and 126; Rule 12)

Affidavit of Service of Summons for Offence where Summons Served in England and Wales or Scotland

[Title as in Form 1]

I, _____ [(rank), a member of the _____ Constabulary] or [a person authorised by the chief officer of police to serve summonses] 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.

Sworn before me this _____ day of _____
19____ at _____
in the County of _____

Deponent Justice of the Peace
[Clerk to the Justices]
[Sheriff]
[Sheriff Clerk]

FORM 110

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 118(3) and 126; Rule 11)

Affidavit of Service of Summons on Witness

[Title as in Form 1]

I, _____ of _____, a person entitled to serve summonses MAKE OATH AND SAY that I did serve a witness summons in this matter on the person(s) whose name(s) appear(s) 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 _____ Court Division of _____

Justice of the Peace.
[Clerk of Petty Sessions]

Name(s) and Address(es)
of Witness(es).

FORM 111

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 126; Rules 58, 59 and 63)

Affidavit of Service of a Process by a Summons Server or a Person who has Received Permission to Serve the Process

[Title as in Form 1]

I, _____ of _____ a person entitled to serve processes, SAY ON OATH that I did serve the process in this matter on the above-named defendant at the time and place in the manner endorsed by me on the original process.

Deponent. Sworn before me this _____ day of _____ 19____, at _____ in the County _____ Court Division of _____

Justice of the Peace.
[Clerk of Petty Sessions]

FORM 112

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER) 1981
(Rule 143(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
resident magistrate [justice of the peace] [clerk of petty sessions] at the time he was
delivered into my custody.

This day of 19

Governor
[Deputy Governor]

FORM 113

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 61)

Order for taking Finger-prints and Palm-prints

[Title as in Form 1]

WHEREAS (hereinafter called "the defendant")
[having on the (date) been taken into custody] [has appeared before the
magistrates' court sitting at (place) upon (date)]
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 and palm-prints of the defendant be taken by
a constable.

Dated this day of 19

Resident Magistrate
[Justice of the Peace]

FORM 115

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 126; Rule 148)

General Form of Affidavit of Service of Notice, etc.

[Title as in Form 1]

I (full names and rank or description where applicable) of , a person entitled to serve a notice or state other document served under (state statutory provision authorising service) MAKE OATH AND SAY that I did serve the notice [or state other document] dated on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the notice or other document.

Deponent. Sworn before me this day of 19 , at in the County Court Division of .

Justice of the Peace
[Commissioner for Oaths].
[Clerk of Petty Sessions].

Name(s) and address(es) of person(s) on whom notice served.

FORM 116

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 47; Rules 14, 143 and 163)

Warrant of Commitment on Remand in Hospital

[Title as in Form 1]

WHEREAS the defendant appeared this day before a magistrates' court upon a complaint that

AND WHEREAS the hearing of the said complaint has been adjourned to (place)
on (date) at (time).

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to place the defendant in the custody of the Governor of H.M. Prison [Young Offenders Centre] at and under the control of a prison officer at Hospital, there to be kept in custody until he can be conveyed to the said prison [Young Offenders Centre] and produced at the above place or further remanded in accordance with Article 49 of the Order.

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This warrant may be endorsed for bail as on Form 11.

FORM 117

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Rule 13(8)(e))

Certificate by or on behalf of Complainant that Summons Sent by Registered Post or Recorded Delivery Service and Returned as Undelivered will, if Delivered by Ordinary Post, come to Notice of Person to be Served

I
of
HEREBY CERTIFY that, having regard to the reason given by the Post Office for the non-delivery of the envelope containing the copy summons attached hereto, dated addressed to the defendant [or witness] stated in the form of advice (also attached) for the following reason, namely—

to the best of my knowledge and belief a copy of the summons if sent by ordinary post to the address of the defendant [or witness] stated in the summons will come to his notice a reasonable time before (date) being the date on which he is summoned to appear before the court.

Complainant
[On behalf of Complainant]

Date

FORM 118

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981

MAGISTRATES' COURTS RULES 1983
(Rules 28(2)(l) and 42(1)(o))

Statement of Dates on which Defendant Remanded

[Title as in Form 1]

DEFENDANT first appeared at (place)
on (date) and was remanded [in custody] [on bail] to (date)
and was further remanded as set out below:

Date of remand	Date remanded to	In custody on bail	Remarks

Clerk of Petty Sessions

To:

The Chief Clerk
Crown Court

FORM 119

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 152)

Notice of Direction made by Court of Appeal

[Title as in Form 85]

WHEREAS upon the hearing of a [complaint] [process] [an application] [an appeal] (here set out complaint or as the case may be)

a magistrates' court sitting at (place) on the (date)
made the following order:—
(here set out order)

AND WHEREAS the said [complainant] [plaintiff] [applicant] [appellant] [defendant] [respondent] appealed to the Court of Appeal by way of case stated:

AND WHEREAS the Court of Appeal having heard the said appeal directed that:

TAKE NOTICE that a magistrates' court sitting at will
proceed in accordance with such direction and that you are hereby notified to attend
thereat on (date) at (time)

Dated this day of 19

Clerk of Petty Sessions

To the above-named
and

FORM 120

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 113)

Application Requesting that Warrant of Commitment be Cancelled

[Title as in Form 1]

I, hereby request that the warrant of
commitment under which I am for the time being [imprisoned] [detained] be
cancelled.

The grounds of my request are as follows:—

Dated this day of 19

Defendant.

SCHEDULE 2

Debt Proceedings

TABLE 1: PLAINTIFF'S COSTS (UNDEFENDED¹ PROCEEDINGS)

In proceedings where amount decreed— (1)	Solicitor's costs ² (2)
(i) does not exceed £30	£10.00
(ii) exceeds £30	£15.00

¹ For proceedings treated as undefended see Rule 72.

² See Rule 57(2); Only 50% of costs specified in column (2) payable where defendant pays amount due before entry day.

Judgments Enforcement (Northern Ireland) Order 1981: Part VIII—Costs of enforcement order under Rule 128(2)(a) shall be in accordance with this Table as if the total amount ordered to be paid were the amount decreed. Costs of a committal order following upon an enforcement order or an attachment of earnings order shall be one half of amount of costs appropriate to an enforcement order.

TABLE 2: PLAINTIFF'S COSTS (DEFENDED PROCEEDINGS)

In actions where amount decreed— (1)	Solicitor's costs (2)	Counsel's fee (3)
(i) Does not exceed £30	£12.00	£6.00
(ii) exceeds £30	£30.00	£12.00

TABLE 3: DEFENDANT'S COSTS (DEFENDED PROCEEDINGS)

In actions where amount claimed— (1)	Solicitor's costs (2)	Counsel's fee (3)
(i) does not exceed £30	£11.00	£6.00
(ii) exceeds £30	£28.00	£12.00

SCHEDULE 3

Ejectment Proceedings*

TABLE 1: PLAINTIFF'S COSTS

Solicitor's costs ^{1 2 4}	Counsel's fee ^{3 4}
(1)	(2)
£15.00	£8.00

¹ See Rule 57(2) and (3): Only 50% of solicitor's costs in column (1) payable where defendant delivers up possession and, where appropriate, pays any arrears of rent or any sum due under Article 69 of the Order before entry day.

² Where case of exceptional complexity or difficulty the court may certify an amount exceeding the scale figure.

³ No fee to be allowed for counsel where proceedings are undefended unless court otherwise orders.

⁴ This Table includes proceedings where a claim for rent or sums due under Article 69 of the Order is joined with a claim for the recovery of premises.

* "Ejectment proceedings" means proceedings for the recovery of premises to which Article 67 of the Order applies (including cases of permissive occupancy) and see Note 4.

TABLE 2: DEFENDANT'S COSTS

Solicitor's costs	Counsel's fee
(1)	(2)
£14.00	£8.00

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules consolidate the Magistrates' Courts Rules (Northern Ireland) 1974 to include amendments to them made prior to the making of these Rules.

**Index to Magistrates' Courts (Northern Ireland) Order 1981 and to
Magistrates' Courts Rules (Northern Ireland) 1984**

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<i>Subject</i>	<i>Article of 1981 Order or other provision</i>	<i>Provision of Rules</i>
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<i>Subject</i>	<i>Article of 1981 Order or other provision</i>	<i>Provision of Rules</i>
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