
STATUTORY INSTRUMENTS

1980 No. 397

County Courts (Northern Ireland) Order 1980

PART VI

APPEALS FROM AND CASES STATED BY COUNTY COURTS

Supplemental provisions

Special provisions as to cases stated under Article 61 on appeal from magistrates' court

63.—(1) Subject to this Article, a person applying to a county court judge to state a case upon a decision made on appeal from a magistrates' court shall, before the case is stated and delivered to him—

- (a) if the judge so directs enter, before a resident magistrate or justice of the peace ^{F1}..., into a recognizance with or without sureties, in such sum as the resident magistrate or justice of the peace considers proper having regard to the means of the applicant, conditioned to prosecute the case stated without delay and to submit to the judgment of the Court of Appeal and pay such costs as may be awarded by that court; and
- (b) pay—
 - (i) to the chief clerk for and in respect of the case stated;
 - (ii) to the clerk of petty sessions for and in respect of any such recognizance:

such fees as may be fixed under section 116 of the Judicature (Northern Ireland) Act 1978 .

(2) Paragraph (1) shall not apply where the applicant is a public or local authority or an officer of a public or local authority acting as such or is a constable acting as such.

(3) Where the applicant is in custody, the county court judge may order that he be released upon a recognizance entered into under paragraph (1) and further conditioned for his appearance before the county court at the next sitting of that court after the judgment of the Court of Appeal has been given and to abide such judgment unless the decision appealed against is reversed.

(4) Without prejudice to section 16 of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958 , any such recognizance as is referred to in paragraph (3) may be entered into before the governor or deputy governor of the prison in which the applicant is in custody.

(5) Where the county court judge refuses to release the applicant or the applicant considers the amount of the recognizance excessive, the applicant may apply to a judge of the High Court to release him, or to reduce the amount of the recognizance.

(6) An application under paragraph (5) shall be made in like manner as an application for bail by a person who has been committed for trial in custody and on any such application the judge may release the applicant from custody on such conditions and fix the amount of the recognizance at such sum as the judge thinks fit.

(7) Where any of the conditions of a recognizance entered into under this Article have not been complied with, [^{F2}a district judge (magistrates' courts) or lay magistrate] , shall certify upon such

Changes to legislation: County Courts (Northern Ireland) Order 1980, Section 63 is up to date with all changes known to be in force on or before 02 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

recognizance in what respect the conditions thereof have not been observed and transmit the same to the chief clerk ^{F3}..., to be proceeded upon in like manner as other recognizances forfeited at the county court may by law be enforced; and such certificate shall be sufficient prima facie evidence of the said recognizance having been forfeited.

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| <p>F1 Words in art. 63(1)(a) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(10)(a), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p> |
| <p>F2 Words in art. 63(7) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(10)(b) (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)</p> |
| <p>F3 Words in art. 63(7) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 80(10)(b), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)</p> |

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)