
STATUTORY INSTRUMENTS

1981 No. 1675 (N.I. 26)

NORTHERN IRELAND

The Magistrates' Courts (Northern Ireland) Order 1981

Laid before Parliament in draft

Made

24th November 1981

Coming into Operation

25th December 1981



BELFAST
HER MAJESTY'S STATIONERY OFFICE
1981

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To be laid before Parliament in draft

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At the Court at Buckingham Palace, the 24th day of November 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1 of Schedule 1 to the Northern Ireland Act 1974 (a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

PART I

INTRODUCTORY

Title, citation and commencement

1.—(1) This Order may be cited as the Magistrates' Courts (Northern Ireland) Order 1981.

(2) This Order shall be included among the Acts which may be cited together as the Summary Jurisdiction Acts (Northern Ireland).

(3) This Order shall come into operation on 25th December 1981.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (b) shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

(a) subject to paragraph 6 of Schedule 5, references to a "court of summary jurisdiction" shall be construed as referring to a resident magistrate sitting in petty sessions;

(b) "magistrates' court" includes a court of summary jurisdiction and a resident magistrate or justice of the peace sitting out of petty sessions.

(3) In this Order—

"accused" includes an accused person who has been convicted of an offence;

"attachment of earnings order" means an order under Article 101;

"chief clerk", in relation to a county court division, means the chief clerk for that division;

"children or young persons" has the same meaning as in Part IV of the Children and Young Persons Act (Northern Ireland) 1968 (c);

"complaint" includes information;

"complainant" includes informant;

"county court division" means a division specified under Article 3 of the County Courts (Northern Ireland) Order 1980 (d);

(a) 1974 c. 28.
(c) 1968 c. 34 (N.I.).

(b) 1954 c. 33 (N.I.).
(d) S.I. 1980/397 (N.I. 3).

“debt proceedings” means proceedings under Article 62;

“decree” includes a dismiss, a decree on a counterclaim and an order under Article 107 of the Judgments Enforcement (Northern Ireland) Order 1981 (a);

“domestic proceedings” has the meaning assigned to it by Article 88;

“ejectment proceedings” means proceedings under Article 67;

“enactment” includes a Measure of the Assembly;

“impose imprisonment” means pass a sentence of imprisonment or fix a term of imprisonment for failure to pay any sum of money or for want of distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

“magistrates’ courts rules” means rules made under Article 13;

“order” includes a decree or refusal to make an order;

“petty sessions” means petty sessions held pursuant to Article 11;

“plaintiff” means a person on whose behalf a process is issued under Article 62 (5) or Article 67 (3) to commence debt proceedings or, as the case may be, ejectment proceedings;

“prescribed” means prescribed by magistrates’ courts rules;

“resident magistrate” means a resident magistrate or a deputy resident magistrate appointed under Part II of the Magistrates’ Courts Act (Northern Ireland) 1964 (b) or a temporary resident magistrate appointed under any enactment repealed by that Act of 1964;

“Rules Committee” means the Rules Committee appointed under Article 13 (2);

“statutory provision” has the meaning assigned to it by section 1 (f) of the Interpretation Act (Northern Ireland) 1954;

“summary offence” means an offence which is punishable upon summary conviction, whether or not it is also triable upon indictment, except an offence which may be dealt with summarily in accordance with Articles 45 and 46 of this Order or section 5 of the Newspaper Libel and Registration Act 1881 (c) or, in the case of a child or young person, under section 79 of the Children and Young Persons Act (Northern Ireland) 1968 with the consent of the accused;

“summary proceeding” means any proceeding before a magistrates’ court other than a preliminary investigation or a preliminary inquiry or, except where an indictable offence is being tried summarily, connected with such an investigation or inquiry.

(4) References in this Order to clerks of petty sessions are references to the persons appointed as such by the Lord Chancellor in the exercise of his power under section 69 of the Judicature (Northern Ireland) Act 1978 (d) and include references to persons appointed under that power as assistant or deputy clerks of petty sessions.

(5) Any reference in this Order to a sum adjudged to be paid by a conviction or order of a magistrates’ court shall be construed as including a reference to any costs, damages or compensation adjudged to be paid by a conviction or order of which the amount is ascertained by the conviction or order.

(a) S.I. 1981/226 (N.I. 6). (b) 1964 c. 21 (N.I.).
(c) 1881 c. 60. (d) 1978 c. 23.

(6) For the purposes of section 42 of the Northern Ireland Constitution Act 1973 (a) (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

PART II

FUNCTIONS OF RESIDENT MAGISTRATES AND JUSTICES OF THE PEACE

Functions of resident magistrates and justices of the peace other than resident magistrates

Functions of resident magistrates and justices of the peace other than resident magistrates

3.—(1) A resident magistrate sitting alone may, as well as exercising any function which is conferred by any enactment upon a resident magistrate or upon a justice of the peace, exercise any function which under any enactment may be exercised by—

(a) two or more justices of the peace; or

(b) two or more resident magistrates.

(2) A justice of the peace other than a resident magistrate may not sit in petty sessions and may exercise only such functions as are conferred upon a justice of the peace by the commission of the peace or under—

(a) any enactment (including this Order) commencing on or after 1st January 1936; or

(b) any enactment commencing before that day included in Part I of Schedule 1.

Local jurisdiction of justices of the peace

4. A justice of the peace for any county court division may act as such in relation to all matters arising within that division and may so act notwithstanding that at the time of acting he is in some other area of Northern Ireland.

Protection from legal proceedings

General immunity of resident magistrates or justices of the peace

5. No action shall succeed against any person by reason of any matter arising in the execution or purported execution of his office of resident magistrate or justice of the peace, unless the court before which the action is brought is satisfied that he acted without jurisdiction or in excess of jurisdiction.

No action till conviction or order quashed, etc.

6.—(1) Where the conviction or order of a magistrates' court may be quashed either on appeal or upon application to the High Court, no action by reason thereof or by reason of any warrant issued in the proceedings which resulted in the conviction or order or issued to enforce it, shall be commenced against the resident magistrate or justice of the peace who made it until it has been so quashed.

(2) No action shall be brought as the result of the issue of a warrant which is issued in default of appearance in answer to a summons and after the service of such summons has been proved.

(a) 1973 c. 36.

Where warrant on conviction is issued by clerk or another justice

7. Where a conviction or order is made by a resident magistrate or other justice of the peace and a warrant to enforce it is signed by another resident magistrate or justice of the peace or by a clerk of petty sessions, no action shall be brought against the magistrate, justice or clerk who signed the warrant by reason of any lack of jurisdiction in the magistrates' court which made the conviction or order.

Acts performed pursuant to decision of High Court or on appeal

8.—(1) Where a resident magistrate or justice of the peace refuses to do any act relating to the duties of his office, the party requiring the act to be done may make an application for judicial review to the High Court seeking an order directing that magistrate or justice to do that act and if the Court makes the order, no action shall lie against that magistrate or justice in respect of anything done under such order.

(2) Where a warrant or other document signed by a resident magistrate or justice of the peace or clerk of petty sessions is issued upon any conviction or order which is confirmed upon appeal no action shall be brought against that magistrate, justice or clerk in respect of anything done pursuant to the warrant or document.

Where action is prohibited proceedings may be set aside

9. Where any action which is prohibited by this Part is commenced, the judge may, upon an application by the defendant supported by an affidavit of facts, order that the proceedings in such action be set aside with or without costs.

Defrayal by Lord Chancellor of expenses in connection with proceedings

10.—(1) The Lord Chancellor, with the approval of the Treasury, may defray the whole or part of any expenses incurred by a resident magistrate or other justice of the peace or by a clerk of petty sessions in, or in connection with, any proceedings or claim brought as a result of the execution, or purported execution of the office of that magistrate, justice or clerk if and in so far as it appears to the Lord Chancellor to be reasonable, having regard to the circumstances, that such expenses, or part of them should not be borne by that magistrate, justice or clerk personally.

(2) In this Article "expenses" includes damages or costs and any sums payable in connection with a settlement of proceedings or of a claim.

PART III

THE HOLDING OF PETTY SESSIONS FOR A COUNTY COURT DIVISION

Petty sessions and petty sessions districts

11.—(1) Sessions for the holding of courts of summary jurisdiction and districts for which such sessions are held shall continue to be known as petty sessions and petty sessions districts respectively and are so referred to in this Order.

(2) The Lord Chancellor may by order specify the petty sessions districts into which Northern Ireland shall be divided.

(3) The Lord Chancellor may give directions as to—

(a) the places at which petty sessions are to be held;

(b) the days on which petty sessions are to be held regularly for a petty sessions district;

- (c) the ordinary hours of sitting of courts of summary jurisdiction;
- (d) the nature of the business to be transacted by any court of summary jurisdiction;
- (e) notwithstanding anything in Article 144, the place of hearing of appeals to the county court from any petty sessions;
- (f) such other incidental, consequential, transitional or supplementary matters as appear to the Lord Chancellor to be necessary or proper.

Holding of petty sessions in courthouse

12. Where a courthouse is provided or maintained under the Administration of Justice Act (Northern Ireland) 1954 (a) at any place fixed for the holding of petty sessions, the petty sessions shall be held in that courthouse unless either—

- (a) the Lord Chancellor otherwise directs; or
- (b) the resident magistrate presiding or who is to preside otherwise adjourns the sitting of the court pursuant to the powers conferred on him by section 13 of that Act.

PART IV

MAGISTRATES' COURTS RULES

Magistrates' courts rules

13.—(1) For the purposes of or in relation to any jurisdiction exercisable by magistrates' courts, any such rules as may be made with respect to such courts by virtue of section 21 (1) of the Interpretation Act (Northern Ireland) 1954 or as relate to the subject of recommendations made to the Lord Chancellor under Article 14 may be made in accordance with the provisions of this Article.

(2) There shall be a Rules Committee appointed by the Lord Chancellor (which may be styled "The Magistrates' Courts Rules Committee") which shall consist of such number of persons not exceeding nine as may be appointed and shall include at least two resident magistrates, one practising barrister and one practising solicitor.

(3) Any such rules as are referred to in paragraph (1) (which may be known as "magistrates' courts rules") may be made by the Lord Chancellor on the advice of or after consultation with the Rules Committee and after consultation with the Lord Chief Justice.

(4) The Rules Committee may regulate their own quorum and procedure and appoint such sub-committee as they think fit.

(5) The chairman of the Rules Committee shall be such member of the committee and the secretary to such committee shall be such person as the Lord Chancellor shall designate.

(6) Where any enactment—

- (a) in force on 16th August 1964 (other than an enactment referred to in Article 15 (1)); or
- (b) passed after 6th July 1964 and which does not expressly provide otherwise;

requires or authorises the making of rules (including rules prescribing forms and costs) in relation to any proceeding or matter whatsoever in magistrates' courts, such rules shall be made in accordance with the provisions of this Article and the provisions of any such enactment shall have effect accordingly.

(a) 1954 c. 9 (N.I.).

Rules Committee may make recommendations to Lord Chancellor

14. The Rules Committee may, notwithstanding anything in any enactment, make recommendations to the Lord Chancellor with respect—

- (a) to such matters of procedure and practice (including forms, costs, witnesses' and other expenses) as well as to such conditions as appear to the Rules Committee to be necessary or desirable for the purpose of any enactment (including this Order) for the time being in force relating to or affecting proceedings or other matters in magistrates' courts;
- (b) to the replacement of any procedure or practice in or preliminary or incidental to or consequential upon proceedings before magistrates' courts which, immediately before 17th August 1964, was regulated or provided for under an enactment repealed by the Magistrates' Courts Act (Northern Ireland) 1964;
- (c) to regulating or providing for any matter which, immediately before 17th August 1964, was regulated or provided for by summary jurisdiction rules.

Rules under or for the purpose of particular enactments

15.—(1) The power under section 16 (1) of the Probation Act (Northern Ireland) 1950 (a) with respect to the making of rules under that Act regarding persons charged before magistrates' courts shall be exercised by the Secretary of State after consultation with the Rules Committee.

(2) Magistrates' courts rules may assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons being applications cognizable by courts of summary jurisdiction, if in the opinion of the Lord Chancellor after consultation with the Rules Committee it is desirable in the interests of the children or young persons concerned that such applications should be heard by juvenile courts.

(3) For the purposes of paragraph (2), any complaint under Schedule 9 to the Education and Libraries (Northern Ireland) Order 1972 (b) (which relates to compulsory attendance at school), shall be deemed to be an application for an order relating to a child.

PART V

CRIMINAL JURISDICTION AND PROCEDURE

Jurisdiction to deal with offences

General jurisdiction to deal with charges

16.—(1) Subject to the provisions of this Part, a magistrates' court for a county court division may conduct a preliminary investigation or a preliminary inquiry into an indictable offence or hear and determine a complaint charging a summary offence, if in any such case—

- (a) the offence was committed in the county court division, or
- (b) the offence was committed elsewhere than in the county court division and the defendant is or is resident (or in the case of a body corporate has its registered office or principal place of business) within the county court division; or
- (c) it appears necessary or expedient with a view to the better administration of justice that the person charged with the offence should be tried or

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

(b) S.I. 1972/1263 (N.I. 12).

jointly tried with, or in the same place as, some other person who is charged with an offence and who is in custody or is being or is to be proceeded against within that county court division; or

(d) the court under this or any other enactment or otherwise has jurisdiction to deal with the offence.

(2) A magistrates' court for a county court division having jurisdiction to hear a complaint charging a person with an offence may hear and determine a complaint charging that person with a summary offence committed in any other county court division.

(3) A resident magistrate exercising the powers conferred by Articles 45 and 46 shall have jurisdiction to try summarily an indictable offence in any case in which under paragraph (1) he would have jurisdiction to conduct a preliminary investigation or a preliminary inquiry into the offence.

(4) Nothing in this Order shall deprive a court in Northern Ireland of any jurisdiction to deal with any offence, whether committed in the United Kingdom or elsewhere, as to which the court has jurisdiction at the making of this Order.

Offences committed on boundaries or on journeys: offences begun in one jurisdiction and completed in another

17.—(1) Where an offence has been committed on the boundary between two or more county court divisions, or within five hundred yards of such a boundary, or in any harbour, river, arm of the sea or other water lying between two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

(2) An offence begun in one county court division and completed in another may be treated for the purposes of this Order as having been committed in either.

(3) Where an offence has been committed on any person, or on or in respect of any property, in or on a vehicle or vessel engaged on any journey or voyage through two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

(4) Where the side or any part of a road or any water along which a vehicle or vessel passed in the course of the journey or voyage forms the boundary between two or more county court divisions, the offence may be treated for the purposes of this Order as having been committed in either or any of those county court divisions.

Summary trial of charges in and out of petty sessions

18.—(1) Except as otherwise provided by this Article, a complaint charging a summary offence or an indictable offence with which the court has decided to deal summarily under this Order or any other enactment shall be heard and determined by a court of summary jurisdiction.

(2) A resident magistrate, if satisfied that a person charged with a summary offence or with an indictable offence which he has decided to deal with summarily in accordance with this Order or any other enactment is unable to give bail for his appearance before a court of summary jurisdiction, may hear and determine the complaint out of petty sessions.

(3) Any justice of the peace sitting out of petty sessions may hear and determine a complaint against an adult charging a summary offence specified in Part II of Schedule 1 where the accused consents to be so dealt with.

(4) Procedure before a resident magistrate or other justice of the peace sitting out of petty sessions shall be as before a court of summary jurisdiction and—

- (a) a resident magistrate or other justice of the peace so sitting may in relation to any matter which he has jurisdiction to hear and determine under paragraph (2) or, as the case may be, paragraph (3), exercise all the powers of a court of summary jurisdiction; and
- (b) orders made by a resident magistrate or other justice of the peace so sitting shall have effect as orders made by a court of summary jurisdiction sitting for the petty sessions district for which the resident magistrate or justice of the peace acted.

Time within which complaint charging offence must be made to give jurisdiction

19.—(1) Where no period of limitation is provided for by any other enactment—

- (a) a magistrates' court shall not have jurisdiction to hear and determine a complaint charging the commission of a summary offence other than an offence which is also triable upon indictment unless the complaint was made within six months from the time when the offence was committed or ceased to continue; and
- (b) a complaint charging the commission of an indictable offence may be made to a justice of the peace and dealt with at any time and, accordingly, a resident magistrate may at any time after an indictable offence was alleged to have been committed exercise any jurisdiction conferred on him by Articles 45 and 46 or by any other enactment to try that offence summarily.

(2) Subject to paragraph (4), a complaint charging the commission of an offence which is both punishable upon summary conviction or triable upon indictment may be made and dealt with at any time and, accordingly, nothing in any other enactment (however framed or worded) which, as regards any offence to which it applies, would but for this Article impose a time-limit on the power of a magistrates' court to hear and determine a complaint charging the commission of a summary offence or impose a limitation on the time for taking summary proceedings shall apply in relation to any offence which is both punishable upon summary conviction or triable upon indictment.

(3) Without prejudice to the generality of paragraph (2), that paragraph includes enactments which impose a time-limit that applies only in certain circumstances (for example where the proceedings are not instituted by or with the consent of the Director of Public Prosecutions for Northern Ireland or some other specified authority).

(4) Where as regards any indictable offence there is imposed by any enactment (however framed or worded and whether falling within paragraph (2) or not) a limitation on the time for taking proceedings on indictment for that offence no summary proceedings for that offence shall be taken after the latest time for taking proceedings on indictment.

Summary trial

Issue of summons to accused or warrant for his arrest

20.—(1) Upon a complaint being made to a justice of the peace for any county court division that a person has, or is suspected of having, committed a summary offence in respect of which a magistrates' court for that county court division has jurisdiction to hear a charge the justice may issue a summons

directed to that person requiring him to appear before such court to answer to the complaint.

(2) Where a justice of the peace for any county court division issues a summons under paragraph (1) directed to a person requiring him to appear before a magistrates' court for that county court division, the justice may, upon a complaint being made to him that the person in respect of whom the summons has been issued has, or is suspected of having, committed in another county court division a summary offence, issue a summons directed to that person requiring him to appear before that court to answer to the complaint.

(3) Upon a complaint being made to a justice of the peace for any county court division that a person has, or is suspected of having, committed an indictable offence into which a magistrates' court for that county court division has jurisdiction to conduct a preliminary investigation or a preliminary inquiry the justice may either issue a summons requiring him to appear before such magistrates' court or issue a warrant to arrest that person and bring him before such court.

(4) Where the offence charged in the complaint is an indictable offence, a warrant under this Article may be issued by a justice of the peace at any time notwithstanding that a summons has previously been issued and whether before or after the time mentioned in such summons for the appearance of the person summoned.

(5) Where a resident magistrate is satisfied that a person suspected of having committed a summary offence cannot for any reason be served with a summons, he may issue a warrant for the arrest of that person notwithstanding that a summons has not been first issued.

(6) A warrant may be issued in respect of an offence to which Article 16 (1) (b) applies, notwithstanding that the offence was committed outside Northern Ireland if an indictment for the offence may legally be preferred in Northern Ireland.

(7) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath.

Signing of summons by clerks of petty sessions

21.—(1) Notwithstanding anything in section 6 (1) of the Magistrates' Courts Act (Northern Ireland) 1964 or any other statutory provision, a clerk of petty sessions may exercise the functions of a justice of the peace relating to the making of complaints, other than complaints on oath, under Article 20 or any other statutory provision providing for complaints to be made to a justice of the peace or authorising a justice of the peace to issue summonses; and Article 20 or by any other statutory provision or rule of law regulating, or relating to, the making of complaints, other than complaints on oath, to, or the issuing of summonses by, a justice of the peace shall apply by virtue of this paragraph in relation to the making of such complaints to, or the issuing of summonses by, a clerk of petty sessions as if he were a justice of the peace.

(2) Notwithstanding anything in Article 2 (4) or any other statutory provision, nothing in this Article shall enable an assistant or deputy clerk of petty sessions to exercise the functions of a justice of the peace under any statutory provision providing for complaints to be made to a justice of the peace or authorising a justice of the peace to issue summonses.

Summary trial

22.—(1) Where the accused appears or is represented at the hearing of a complaint charging a summary offence, the court shall state the substance of the complaint and ask whether the accused pleads guilty or not guilty.

(2) The court may, after hearing the evidence and such representations, if any, as may be made to it by or on behalf of the parties, convict the accused or dismiss the complaint.

(3) If the accused or his representative on his behalf informs the court that he pleads guilty, the court may convict him without hearing the evidence.

Non-appearance of accused: general provisions

23.—(1) Where at the time and place appointed for the hearing or adjourned hearing of a complaint charging a summary offence the accused fails to appear, a magistrates' court may adjourn the hearing or, if satisfied that there are no sufficient grounds for adjournment or further adjournment, may, subject to this Article, proceed in his absence.

(2) Where the accused has failed to appear in answer to a summons, the court shall not proceed in his absence unless it is proved that the summons was duly served upon him or that he is evading service.

(3) A court of summary jurisdiction shall not in the absence of the accused sentence him to imprisonment or order his detention in a young offenders centre or make an order under section 19 of the Treatment of Offenders Act (Northern Ireland) 1968 (a) that a suspended sentence or order for detention shall take effect.

Non-appearance of accused: plea of guilty

24.—(1) Subject to paragraph (7), this Article shall apply where a summons has been issued requiring a person to appear before a court of summary jurisdiction, other than a juvenile court, to answer to a complaint charging a summary offence, not being—

(a) an offence which is also triable on indictment; or

(b) an offence for which the accused is liable to be sentenced to be imprisoned for a term exceeding six months,

and the clerk of petty sessions is notified by or on behalf of the complainant that the following documents have been served upon the accused with the summons, that is to say—

(i) a notice containing such statement of the effect of this Article as may be prescribed; and

(ii) a concise statement in the prescribed form of such facts relating to the charge as will be placed before the court by or on behalf of the complainant if the accused pleads guilty without appearing before the court.

(2) Subject to paragraphs (3) to (5), where the clerk of petty sessions receives a notification in writing purporting to be given by the accused or by a solicitor acting on his behalf that the accused desires to plead guilty without appearing before the court, the clerk shall inform the complainant of the receipt of the notification and if at the time and place appointed for the hearing or adjourned hearing of the complaint the accused does not appear it is proved to the satisfaction of the court, on oath or by affidavit or in the prescribed manner, that the notice and statement of facts referred to in paragraph (1) have been served upon the accused with the summons, then—

(a) 1968 c. 29 (N.I.).

(a) subject to this Article and Article 23 (3) the court may proceed to hear and dispose of the case in the absence of the accused, whether or not the complainant is also absent, in like manner as if both parties had appeared and the accused had pleaded guilty; or

(b) if the court decides not to proceed as mentioned in sub-paragraph (a), the court shall adjourn or further adjourn the trial for the purpose of dealing with the complaint as if that notification had not been given.

(3) If at any time before the hearing the clerk of petty sessions receives an intimation in writing purporting to be given by or on behalf of the accused that he wishes to withdraw the notification given under paragraph (2) the clerk shall inform the complainant of that withdrawal and the court shall deal with the complaint as if this Article had not been made.

(4) Before accepting the plea of guilty and convicting the accused in his absence under paragraph (2), the court shall cause the notification given under paragraph (2) and statement of facts referred to in paragraph (1) (ii), including any submission received with that notification which the accused wishes to be brought to the attention of the court with a view to mitigation of sentence, to be read out before the court.

(5) If the court proceeds under paragraph (2) (a) to hear and dispose of the case in the absence of the accused, the court shall not—

(a) except on a resumption of the hearing after an adjournment under Article 50, permit any statement to be made by or on behalf of the complainant with respect to any facts relating to the offence charged other than the statement of facts referred to in paragraph (1) (ii);

(b) without adjourning under that Article order him to be subject to any disqualification.

(6) Where the court adjourns in pursuance of this Article, notice of the adjournment shall be served on the accused and that notice shall specify the reason for the adjournment.

(7) The Lord Chancellor may by order provide that this Article shall not apply in relation to such offences in addition to those specified in paragraph (1) (a) and (b) as may be specified in the order, and an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 (a) shall apply accordingly.

Non-appearance of accused: issue of warrant

25.—(1) Without prejudice to the power of a court of summary jurisdiction under Article 138 to estreat a recognizance to appear, where the accused has failed to appear at a hearing or adjourned hearing the court may, if the complaint has been substantiated on oath and the court considers it undesirable by reason of the gravity of the offence to proceed in the absence of the accused, issue a warrant for his arrest.

(2) Where an accused has been convicted in his absence by a court of summary jurisdiction of an offence punishable with imprisonment and the court—

(a) cannot proceed in his absence by virtue of Article 23 (3); or

(b) considers it undesirable by reason of the gravity of the offence to proceed in his absence;

the court may issue a warrant for his arrest.

(a) 1946 c. 36.

(3) Where the accused has failed to appear in answer to a summons, the court shall not issue a warrant for his arrest unless it is proved that the summons was duly served upon him or that he is evading service.

(4) Where the accused has failed to appear at an adjourned hearing the court shall not issue a warrant unless it is satisfied that reasonable steps have been taken to bring to the attention of the accused notice of the time and place of the adjourned hearing.

(5) Paragraph (1) shall not apply to an adjournment by reason of the requirements of Article 24 (2) (b) and that paragraph and paragraph (2) shall not apply to an adjournment on the occasion of the accused's conviction in his absence under Article 24 (2) except where the accused fails to appear at the time and place appointed for the adjourned hearing.

Non-appearance of complainant

26. Where an accused appears at the time and place appointed for the hearing or adjourned hearing of a complaint charging a summary offence the court may, if the complainant (having in the case of a warrant due notice of the accused's arrest) does not appear,—

- (a) dismiss the complaint; or
- (b) order it to be struck out; or
- (c) adjourn or further adjourn the hearing to a future day; or
- (d) if evidence has been received on a previous occasion, proceed in the absence of the complainant.

Non-appearance of both parties

27. Where at the time and place appointed for the hearing or adjourned hearing of a complaint charging a summary offence neither the complainant nor the accused appears, the court may—

- (a) dismiss the complaint; or
- (b) order it to be struck out; or
- (c) adjourn or further adjourn; or
- (d) if evidence has been received on a previous occasion, proceed in their absence.

Power of court of summary jurisdiction to authorise taking deposition of person sick or unable to attend

28.—(1) Where a court of summary jurisdiction is satisfied by the evidence of a duly qualified medical practitioner that a person, who is able and willing to give material information relating to a summary offence, or relating to any person accused of such offence, is so ill as to be unable to travel or where for any reason the attendance of a person before the court cannot conveniently be procured the court may adjourn the hearing in order that a deposition of that person may be taken in writing before a resident magistrate or other justice of the peace sitting out of petty sessions.

(2) Subject to paragraph (3), the deposition shall be admissible in evidence either for or against the accused without further proof thereof if it purports to be signed by the resident magistrate or justice of the peace by whom it purports to be taken.

(3) The deposition shall not be admissible in evidence either for or against the accused unless it is proved that reasonable notice of the intention to take the deposition had been served upon the person (whether complainant or accused)

against whom it is proposed to be given in evidence and that he or his counsel or solicitor had or would have had if he had chosen to be present, an opportunity of cross-examining the person making the deposition.

(4) The provisions of this section are in addition to and not in derogation of sections 61 and 62 of the Children and Young Persons Act (Northern Ireland) 1968.

Right to claim trial by jury for certain summary offences

Right to claim trial by jury for certain summary offences

29.—(1) Where a person over the age of fourteen years is charged before a court of summary jurisdiction with a summary offence for which he is liable, or would if he were adult be liable, to be sentenced by the court to imprisonment for a term exceeding six months, he may, subject to the provisions of this Article, claim to be tried by a jury, unless the offence is an offence under—

- (a) any provision of the Explosives Act 1875 (a);
- (b) section 1 or 2 of the Protection of the Person and Property Act (Northern Ireland) 1969 (b);
- (c) section 4 of the Explosives Act (Northern Ireland) 1970 (c);
- (d) Article 3 (1), 3 (1) and (3), 4 or 5 of the Criminal Damage (Northern Ireland) Order 1977 (d) which is triable summarily by virtue of Article 9 (1) of that Order;
- (e) Article 141 of the Road Traffic (Northern Ireland) Order 1981 (e);
- (f) Article 3, 20 (2) or 23 of the Firearms (Northern Ireland) Order 1981 (f).

(2) Where under paragraph (1) or any other enactment a person charged with a summary offence is entitled to claim to be tried by a jury, his claim shall be of no effect unless he appears in person and makes it before he pleads to the charge; and, where under any enactment the prosecution is entitled to claim that the accused shall be tried by a jury, the claim shall be of no effect unless it is made before the accused pleads to the charge.

(3) A magistrates' court before which a person is charged with a summary offence for which he may claim to be tried by a jury shall, before asking him whether he pleads guilty, inform him of his right and, if the court thinks it desirable for the information of the accused, tell him to which court he would be committed for trial and explain what is meant by being tried summarily; and shall then ask him whether he wishes, instead of being tried summarily, to be tried by a jury.

(4) Where the accused is charged with an offence for which he is entitled under paragraph (1) to be tried by a jury if he has been previously convicted of a like offence but not otherwise, the court shall explain to him that he may have a right to claim trial by a jury and, after giving him the same information as is provided by paragraph (3), shall ask him whether, if he has that right, he wishes, instead of being tried summarily, to be tried by a jury.

(5) If—

- (a) under this Article or under any other enactment a person charged with a summary offence is entitled to claim to be tried by a jury and claims to be so tried; or
- (b) the prosecution exercises any right conferred by any enactment to claim that the accused shall be tried by a jury;

(a) 1875 c. 17. (b) 1969 c. 29 (N.I.). (c) 1970 c. 10 (N.I.).
(d) S.I. 1977/426 (N.I. 4). (e) S.I. 1981/154 (N.I. 1).
(f) S.I. 1981/155 (N.I. 2).

the court shall deal with the complaint in all respects as if it were for an offence punishable on conviction on indictment only; and the offence, whether or not indictable otherwise than by virtue of any such claim, shall be deemed to be an indictable offence.

Preliminary investigation of indictable offences

Preliminary investigation

30.—(1) Subject to section 64 of the Children and Young Persons Act (Northern Ireland) 1968, the preliminary investigation of an indictable offence may be conducted by a magistrates' court.

(2) Subject to paragraph (3), the written depositions of witnesses and other evidence at a preliminary investigation shall be given or taken in the presence of the accused, and the accused shall be at liberty to cross-examine any witness for the prosecution.

(3) The court may allow evidence to be given before it in the absence of the accused if the court considers that by reason of his disorderly conduct before the court it is not practicable for the evidence to be given in the presence of the accused.

(4) After the evidence of witnesses for the prosecution has been taken, the accused may make a statement, give evidence on his own behalf and call witnesses; and the prosecution shall be at liberty to cross-examine any witness for the accused and any accused giving evidence on his own behalf.

(5) Any such statement shall be taken down in writing and may be given in evidence at the trial of the accused without further proof thereof.

Preliminary inquiry into indictable offences

Power to conduct preliminary inquiry

31.—(1) If the prosecution requests a magistrates' court to conduct a preliminary inquiry and the accused does not object to such an inquiry, a magistrates' court, instead of conducting a preliminary investigation, may conduct a preliminary inquiry into an indictable offence.

(2) If the prosecution does not request the court to conduct a preliminary inquiry of it the accused objects to such an inquiry the court shall conduct a preliminary investigation.

(3) Where two or more persons are charged together with an indictable offence and—

(a) one or more of those persons objects to the conducting of a preliminary inquiry, but

(b) the other person or persons do not so object,

the court may proceed to conduct such an inquiry in respect of any such person not so objecting unless any person so objecting satisfies the court that his interests would be unduly or unreasonably prejudiced by the conducting of such inquiry.

Documents to be furnished to court and served on accused

32.—(1) If the prosecution intends to request the court to conduct a preliminary inquiry the prosecution shall—

(a) furnish a written notice of that intention together with copies of the documents mentioned in sub-paragraph (b) to the clerk of petty sessions for the district in which the preliminary inquiry is to be held; and

(b) cause a copy of that notice together with the following documents, that is to say—

- (i) a statement of the complaint made against him;
 - (ii) a statement of the evidence of each witness upon whose evidence the complaint is based;
 - (iii) a list of exhibits, if any, to be produced or referred to by the witness referred to in head (ii) together with—
 - (aa) a notice of the time and place when such exhibits may be examined by the accused or his solicitor or any witness whom the accused may wish to call at his trial to give evidence relating to them; and
 - (bb) in the case of a written exhibit, a copy of that exhibit; to be served on the accused, or if there is more than one accused person upon each such person, a reasonable time before the day fixed for the conduct of the preliminary inquiry.
- (2) The accused shall have the right to inspect every exhibit, either by himself or in consultation with his solicitor or any witness whom the accused may wish to call at his trial.
- (3) The prosecution may withdraw the request for, and the accused may object to, the conducting of a preliminary inquiry at any time up to the commencement of such inquiry.
- (4) If, when the accused appears before the court and the charge is read to him according to law,—
- (a) the court is not satisfied that the accused understands the effect of proceeding by way of preliminary inquiry; or
 - (b) the court is satisfied that in all the circumstances the accused has not had sufficient notice of any evidence to be tendered at the preliminary inquiry; or
 - (c) the documents mentioned in paragraph (1) (b) have not been served on the accused,
- the court shall remand the accused in accordance with Article 47.

Requirements as to written statements

33.—(1) A magistrates' court conducting a preliminary inquiry may admit the statement of the evidence to be given by a witness to the like extent as oral evidence to the like effect by that person if the following conditions are complied with, that is to say—

- (a) the statement shall be in writing,
- (b) the statement shall purport to be signed by the person who made it,
- (c) the statement shall contain a declaration by that person to the effect that—
 - (i) it is true to the best of his knowledge and belief, and
 - (ii) he made the statement knowing that, if it were tendered in evidence, whether at a preliminary inquiry or at the trial of the accused, he would be liable to prosecution if he wilfully said in it anything which he knew to be false or did not believe to be true, which declaration shall be endorsed with the signature of the person who recorded the statement, or to whom the statement was delivered by the maker of the statement for the purposes of the proceedings,
- (d) none of the parties objects to the statement being admitted in evidence upon a ground which would constitute a valid objection to oral evidence to the like effect as the contents of the statement,

- (e) if the statement is made by a person under the age of twenty-one, his age shall be set forth in the statement, and
- (f) if it is made by a person who cannot read, it shall be read to him before he signs it and shall be accompanied by a declaration by the person who so read the statement to the effect that it was so read and that after it was so read the maker of the statement assented to it.

(2) Any document or object referred to as an exhibit and identified in a written statement tendered in evidence under this Article shall be treated as if it had been produced as an exhibit and identified in court by the maker of the statement.

(3) Nothing in this Article shall prevent the giving in evidence of any confession, or other statement, made at any time by the accused which is admissible in law against him.

Preliminary inquiry

34.—(1) A magistrates' court conducting a preliminary inquiry shall—

- (a) consider the documents mentioned in Article 32 (1) (b) other than a statement which is not admitted in evidence by reason of an objection taken to it under Article 33 (1) (d), together with the exhibits admitted in evidence, and
- (b) read aloud so much of every written statement as is admitted in evidence, or the purport thereof, if requested to do so by either the prosecution or the accused, and
- (c) consider any submissions which may be made by or on behalf of the prosecution or the accused.

(2) The court, the prosecution and the accused may each require any person, whether his statement has been tendered in evidence or not, to attend and give evidence on oath which evidence shall be recorded as a written deposition and any such witness may be cross-examined and re-examined on his evidence; and where the evidence of a person is so recorded as a written deposition the court shall disregard any statement made by that person which has been furnished under Article 32.

(3) The court shall ask the accused if he has anything to say in answer to the charge and at the same time shall caution the accused that he is not obliged to say anything unless he wishes to do so and that whatever he does say may be taken down in writing and may be given in evidence at his trial; and whatever the accused says in answer after such caution shall be taken down in writing and read over to him and shall be signed by the resident magistrate or other justice of the peace conducting the preliminary inquiry.

(4) The accused's statement made and appearing to be signed under paragraph (3) may be given in evidence at his trial without further proof unless it is proved that it was not signed by the resident magistrate or other justice of the peace by whom it purports to have been signed.

(5) It shall be a sufficient compliance with this Article requiring the court to read aloud the contents of any written statement, or the purport of any such statement, or to address the accused, for the presiding resident magistrate or justice of the peace to cause the statement, or the purport of that statement, to be read or the accused to be addressed in the appropriate manner, by an official of the court.

Provisions applying to preliminary investigations and preliminary inquiries

Committal proceedings to be in open court

35. The place in which a magistrates' court is sitting to conduct a preliminary investigation or a preliminary inquiry shall be deemed to be an open court except where—

- (a) any statutory provision contains an express provision to the contrary; or
- (b) it appears to the court that the ends of justice would not be served by sitting in open court for the whole or any part of the investigation or inquiry.

Adjournment of committal proceedings to another petty sessions district

36.—(1) A magistrates' court which adjourns a preliminary investigation or a preliminary inquiry and remands the accused in custody may, if satisfied that it is desirable in the interests of justice or security to do so and that the accused would not thereby suffer hardship, order that the adjourned investigation or, as the case may be, inquiry shall be held at a time and place specified in the order being a place within the same petty sessions district as the prison to which the person charged or any person with whom he is charged in the same proceedings is remanded.

(2) A magistrates' court before which any adjourned investigation or inquiry is held, if satisfied as mentioned in paragraph (1), may, without prejudice to any other power exercisable by it, order that such investigation or, as the case may be, inquiry shall be adjourned to—

- (a) a place within the same petty sessions district as that in which the investigation or inquiry was begun; or
- (b) a place within the same petty sessions district as the prison to which the person charged or any person with whom he is charged in the same proceedings is further remanded.

(3) Where an order is made under this Article the adjourned investigation or inquiry shall be held at the time and place specified in the order and may be so held before the magistrates' court by whom the investigation or inquiry is adjourned or before a court acting for the petty sessions district in which the place to which the investigation or inquiry is adjourned is situated and where the adjourned investigation or inquiry takes place before such last-mentioned court, the complaint and any depositions and recognizances already taken in, or notices and documents furnished in respect of, the matter shall be deemed for all purposes to have been made or taken by or before, or furnished to the clerk of, such last-mentioned court.

(4) Without prejudice to paragraphs (1) to (3), a magistrates' court may, if satisfied as mentioned in paragraph (1), adjourn any preliminary investigation of, or preliminary inquiry into an indictable offence or any adjourned investigation or inquiry to another magistrates' court having jurisdiction to conduct a preliminary investigation of or, as the case may be, a preliminary inquiry into, such an offence and in the case of an adjourned investigation or inquiry, the complaint and any depositions and recognizances already taken in, or notices and documents furnished in respect of, the matter shall be deemed for all purposes to have been made or taken by or before, or furnished to the clerk of, the last-mentioned court.

(5) Where an investigation or inquiry has been adjourned under this Article, the place to which the investigation or, as the case may be, the inquiry has been adjourned shall, without prejudice to section 7 of the Criminal Justice Act

(Northern Ireland) 1945 (a) be deemed, for all purposes incidental upon the prosecution, trial and punishment of the offender, to be the place in which the offence was committed.

Discharge or committal for trial

37.—(1) Subject to this Order and any other enactment relating to the summary trial of indictable offences, where the court conducting the preliminary investigation is of opinion after taking into account any statement of the accused and any evidence given by him or on his behalf that the evidence is sufficient to put the accused upon trial by jury for any indictable offence it shall commit him for trial; and, if it is not of that opinion, it shall, if he is in custody for no cause other than the offence which is the subject of the investigation, discharge him.

(2) Where the court conducting a preliminary inquiry is of opinion, after considering—

(a) the documents referred to in Article 32 (1) (b) (i) and (iii) and the statements admitted in evidence under Article 33 (1);

(b) any written depositions;

(c) the exhibits;

(d) any submissions made under Article 34 (1); and

(e) the statement of the accused made and signed under Article 34 (3),

that the evidence is sufficient to put the accused upon trial by jury for any indictable offence it shall commit him for trial; and if it is not of that opinion, it shall, if he is in custody for no cause other than the offence which is the subject of the inquiry, discharge him.

(3) The court may commit the accused for trial—

(a) in custody, that is to say, by committing him to prison there to be kept until delivered in due course of law; or

(b) subject to Article 38, on bail, that is to say, by taking from him a recognizance conditioned for his appearance at the time and place of trial;

and may, if the accused is remanded in custody, certify in the prescribed manner its consent to the accused being released on bail until his trial and in that event shall fix the amount of the recognizance with a view to its being taken subsequently.

(4) Subject to Article 38, a magistrates' court upon an application by or on behalf of a person committed for trial, may release that person from prison, if he is in custody for no other cause, at any time before the first sitting of the court before which he is to be tried upon his entering into a recognizance pursuant to paragraph (3) (b).

(5) Without prejudice to Article 14, magistrates' courts rules may provide for the transmission to the court or trial of documents and exhibits connected with a preliminary investigation or inquiry.

(6) If the court conducting the preliminary inquiry discharges the accused the court shall read aloud the contents of every written statement admitted in evidence; and where the contents of the written statements are so read out an order made under Article 44 (2) shall not apply to the evidence contained in those statements.

Bail in treason, etc.

38. A person charged with treason or with any offence under the Treason Felony Act 1848 (b) shall not be admitted to bail except by order of the High Court or of the Secretary of State.

(a) 1945 c. 15 (N.I.).

(b) 1848 c. 12.

Binding over complainant and witnesses to attend trial

39.—(1) A magistrates' court conducting a preliminary investigation or inquiry shall bind each witness whose deposition it has taken, other than the accused and any witness merely as to his character, by a recognizance to attend and to give evidence at the trial of any indictment against the accused and, except where the complainant 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, it shall bind the complainant by a recognizance to prosecute the accused at the trial.

(2) Where it appears to the court, after taking into account any representation made by or on behalf of the accused or the prosecution, that the attendance at the trial of any witness examined before the court is unnecessary by reason of any statement by the accused, or of the accused having admitted before the court the truth of the charge or of the evidence of the witness being merely of a formal nature, the court shall—

(a) if the witness has not already been bound over, bind him over conditionally to attend the trial, that is to say, on notice being given to him and not otherwise;

(b) if the witness has already been bound over, direct that he shall be treated as having been bound over to attend the trial conditionally as aforesaid.

(3) Where in pursuance of paragraph (2) a witness has been, or is treated as having been, bound over conditionally to attend the trial of a person committed for trial, then, at any time before the opening of the Crown Court at which the person is to be tried, if the prosecution or the person committed for trial gives notice to the chief clerk that he wishes the witness to attend at the trial, the chief clerk shall forthwith give notice in writing to the witness that he is required so to attend in pursuance of his recognizance.

(4) A magistrates' court on committing any person for trial shall inform him of his right to require the attendance at the trial of any witness bound over, or treated as bound over, conditionally as aforesaid and of the steps he must take for the purpose of enforcing such attendance.

(5) If any witness on being required to enter into a recognizance under this article refuses to do so, the court may commit him to prison until the trial of the accused or until he sooner enters into the recognizance, so, however, that if the court does not commit the accused for trial or if for any reason it appears to the court that the attendance of the witness will not be necessary it may release the witness.

Committal after non-appearance of accused

40.—(1) Where an indictment has been presented at any court against a person who is then at large and who has not appeared and pleaded to such indictment, whether or not he has been bound by recognizance to appear, the clerk of the court may, subject to paragraph (2), at any time after the sitting of the court at which the indictment was presented upon the application of the prosecution grant him a certificate of such indictment having been presented.

(2) A certificate shall not be granted under paragraph (1) in respect of any indictment in respect of which the judge has, pursuant to section 2 (3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969 (a) directed the entry of "No Bill".

(3) Upon production of the certificate to any justice of the peace, the justice may issue a warrant to arrest such person and for his appearance before a magistrates' court.

(a) 1969 c. 15 (N.I.).

(4) Upon the arrest of a person for whom a warrant is issued under paragraph (3) and upon its being proved on oath that the person so arrested is the person who is charged and named in the indictment, the magistrates' court before whom such person has been brought shall, without further inquiry, commit him for trial remanding him to prison meanwhile or admitting him to bail in accordance with the provisions of Article 37.

(5) Nothing in this Article shall be deemed to prevent any judge, the chief clerk or other officer from issuing any warrant (which he might otherwise by law issue) in any such case for the arrest of any such person.

Power to take deposition of dying person

41. Where a resident magistrate or other justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that a person (in this Article referred to as the "dying person") who is able and willing to give material information relating to any indictable offence or to any person accused of any such offence, is dangerously ill and not likely to recover from such illness, and it is not practicable to take the dying person's deposition in accordance with the preceding provisions of this Part he may take in writing the deposition of the dying person on oath, wherever that person may be, and shall sign the deposition.

Reading at court of trial deposition or statements taken at preliminary investigation or inquiry of a dying person

42.—(1) The deposition of a witness whose attendance is stated to be unnecessary under Article 39 (2) or the deposition taken at the preliminary investigation or inquiry of a witness who is proved at the trial to be dead or insane, or so ill as to be unable to travel or to be kept out of the way by the procurement of the accused or on his behalf, may, subject to this Article, be read at the court of trial provided—

- (a) it is proved, either by the oath of a credible witness or by a certificate purporting to be signed by the resident magistrate or other justice of the peace before whom the deposition purports to have been taken or by the clerk of petty sessions, that the deposition was taken in the presence of the accused and that the accused or his counsel or solicitor (or in the case of a witness called by the accused, the prosecution) had an opportunity of cross-examining the witness;
- (b) the deposition purports to be signed by the resident magistrate or other justice of the peace before whom it purports to be taken; and
- (c) in the case of a witness conditionally bound over to attend the trial under Article 39 no notice has been served upon him requiring his attendance.

(2) Paragraph (1) shall not have effect if it is proved that the deposition, or, where the proof required by paragraph (1) (a) is given by means of a certificate, that the certificate, was not in fact signed by the magistrate or clerk of petty sessions by whom it purports to have been signed.

(3) The statement of a witness admitted in evidence at a preliminary inquiry (other than a statement which is to be disregarded under Article 34 (2)) which complies with the provisions of Article 40 may, with the leave of the court, be read as evidence at the trial—

- (a) by agreement between the prosecution and the defence, or
- (b) if the court is satisfied that the witness is dead or unfit to give evidence or to attend for that purpose, or that all reasonable efforts to find him or to secure his attendance have been made without success.

(4) Where notice is given requesting the attendance of a witness conditionally bound over under Article 39 at the court of trial and such notice is given so late as to make such attendance impracticable the judge of that court may, unless he is satisfied that such attendance is essential in the interests of justice, disallow the notice and authorise the reading of the deposition of that witness at the trial of an accused.

(5) The deposition of a dying person taken and purporting to be signed in accordance with Article 41 may be read at the court of trial if it is proved that—

- (a) the dying person has since died or is unable to travel or give evidence; and
- (b) reasonable notice of the intention to take the deposition was served upon the person (whether prosecution or defence) against whom it is proposed to be given in evidence and that the accused or his counsel or solicitor or, as the case may require, the prosecution had or might have had, if he or, as the case may be, the prosecution had chosen to be present, an opportunity of cross-examining the dying person making the deposition.

Facts to be stated on open court on plea of guilty

43.—(1) Where an accused who has been committed for trial under the provisions of Article 37 (2) pleads guilty on arraignment to any count in the indictment preferred against him, the prosecution shall, unless the judge otherwise directs, before the accused is sentenced in respect of the offence charged in that count, state in open court sufficient of the facts upon which that count is based as will make known the identity of the accused, and the nature and gravity of the offence charged in that count.

(2) The failure of the prosecution to comply, or adequately to comply, with the provisions of paragraph (1) shall not affect the validity of any sentence passed upon the accused.

Reports of preliminary proceedings

44.—(1) Where at a preliminary investigation or inquiry an opening statement is made on behalf of the prosecution, such statement shall not be printed or published.

(2) Subject to Article 37 (6), where at a preliminary investigation or inquiry objection is taken as to the admissibility of any evidence the court may, if satisfied that the objection is made in good faith, order that such evidence and any discussion relating thereto shall not be printed or published and, if it appears to the court that publication of any part of the evidence adduced before it (whether or not any objection is made thereto) would prejudice the trial of the accused, it may order that such part of the evidence shall not be printed or published.

(3) Any person who acts in contravention of paragraph (1) or of any order made under paragraph (2) shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £500, or to both.

(4) A prosecution for an offence under this Article shall not be instituted otherwise than by or with the consent of the Attorney General.

(5) For the purposes of Article 7 (2) of the Prosecution of Offences (Northern Ireland) Order 1972 (a), paragraph (4) shall be deemed to be a relevant consent provision passed before 30th March 1972.

(a) S.I. 1972/538 (N.I. 1).

Summary trial of indictable offences

Summary trial of certain indictable offences

45.—(1) Where—

- (a) an adult is charged before a resident magistrate (whether sitting as a court of summary jurisdiction or out of petty sessions under Article 18 (2)) with an indictable offence specified in Schedule 2; and
- (b) the magistrate, at any time, having regard to—
 - (i) any statement or representation made in the presence of the accused by or on behalf of the prosecution or the accused;
 - (ii) the nature of the offence;
 - (iii) the absence of circumstances which would render the offence one of a serious character; and
 - (iv) all the other circumstances of the case (including the adequacy of the punishment which the court has power to impose);thinks it expedient to deal summarily with the charge; and
- (c) the accused, subject to paragraph (2) having been given at least twenty-four hours' notice in writing of his right to be tried by a jury, consents to be dealt with summarily;

the magistrate may, subject to the provisions of this Article and Article 46, deal summarily with the charge and convict and sentence the accused whether upon the charge being read to him he pleads guilty or not guilty to the charge.

(2) The requirement of the notice mentioned in paragraph (1) (c) may be waived in writing by the accused.

(3) A resident magistrate shall not deal summarily under this Article with any offence without the consent of the prosecution.

(4) For the purposes of this Article and Article 46 "adult" means a person who is, in the opinion of the court, of the age of seventeen years or upwards.

Powers of court in dealing summarily with an indictable offence

46.—(1) A resident magistrate may assume the power to deal with an offence summarily under Article 45 at any stage of the proceedings whether any evidence shall then have been given or not and, where such power is assumed, the provisions of any enactment (including this Order) for the time being in force relating to summary offences shall (subject to the succeeding provisions of this Article and to magistrates' courts rules) apply as if the offence were a summary offence and not an indictable offence.

(2) Notwithstanding that a magistrate has decided to deal summarily with an offence specified in Schedule 2 and that the accused has consented to be dealt with summarily the magistrate may reconsider his decision at any time prior to his determination to convict and sentence the accused, and, if satisfied that it is expedient to do so, he may decide, instead of dealing with the offence summarily, to commit the accused for trial and in such event depositions shall be taken or, as the case may require, a preliminary inquiry shall be conducted, and the offence dealt with in all respects as if the magistrate had not decided to deal with it summarily.

(3) Where a resident magistrate deals summarily with an offence specified in Schedule 2 and the offence is such that, had the accused been charged on indictment with that offence, he might lawfully have been convicted of an alternative offence, the magistrate may convict him of such alternative offence.

(4) Upon convicting the accused the magistrate may sentence him to be imprisoned for a term not exceeding twelve months or to a fine not exceeding £1,000 or to both, so, however, that the accused shall not be sentenced to imprisonment for any greater term or to a fine of any greater amount than the term or fine to which he would be liable if tried on indictment.

(5) If the magistrate dismisses a charge with which he has dealt summarily under the provisions of Article 45 and of this Article, the dismissal shall in all cases have effect as though it were an acquittal on a trial of the charge upon indictment.

Remands

Period of remand in custody or in bail

47.—(1) Without prejudice to any other provision of this Order, in adjourning any proceedings for an offence a magistrates' court may remand the accused—

(a) in custody, that is to say, commit him to custody to be brought at the end of the period of remand before that court or any other magistrates' court for the county court division for which the court is acting or before any other magistrates' court having jurisdiction to conduct the proceedings; or

(b) on bail, that is to say, take from him a recognizance conditioned for his subsequent appearance before such court;

and may, if the accused is remanded in custody, certify in the prescribed manner its consent to the accused being remanded on bail in accordance with sub-paragraph (b) in which event the court shall fix the amount of the recognizance with a view to its being taken subsequently.

(2) Subject to paragraph (3) and Article 49, the period for which the accused is remanded in custody shall not exceed—

(a) in the case where the accused is already detained under a custodial sentence, twenty-eight days;

(b) in any other case, eight days;

commencing on the day following that on which the accused is remanded, so, however, that in a case to which sub-paragraph (a) applies, the court shall inquire as to the expected date of the accused's release from that detention, and if it appears that he will be released before twenty-eight days have expired, he shall not be remanded in custody for a period exceeding eight days or (if longer) a period ending with that date.

(3) The period for which the accused may be remanded in custody under paragraph (2) (b) may, where he and the prosecution have agreed, be extended to a period not exceeding fourteen days commencing on the day following that on which the accused is remanded.

(4) Where the accused is admitted to bail and he and prosecution consent, the period for which the accused is remanded may exceed the period referred to in paragraph (2), or, as the case may be, paragraph (3).

(5) The court may order the accused to be brought before it at any time before the expiration of the period for which he has been remanded.

(6) In this Article, "custodial sentence" includes—

(a) an order for detention in a young offenders centre within the meaning of the Treatment of Offenders Act (Northern Ireland) 1968;

- (b) a training school order within the meaning of the Children and Young Persons Act (Northern Ireland) 1968; and
- (c) an order of committal to custody in a remand home within the meaning of the Children and Young Persons Act (Northern Ireland) 1968 where the committal is for more than one month by virtue of section 10 (2) of the Northern Ireland (Emergency Provisions) Act 1978 (a).

Continuous bail

48. Where a person is remanded on bail the recognizance may be conditioned for his appearance at every time and place to which during the course of proceedings the hearing may be adjourned, without prejudice, however, to the power of the court to vary the order at any subsequent hearing.

Remand in case of illness or accident

49. A magistrates' court, on being satisfied that a person accused of an offence who has been remanded on bail or in custody is by reason of illness or accident unable at the expiration of the period for which he is remanded to appear personally before the court, may in the absence of the accused, order him to be further remanded for such time as may be deemed reasonable and any recognizance requiring or conditioned for the appearance of the accused before the court shall be deemed to be varied so as to require the appearance of the accused at every time and place to which he is so remanded.

Remand to enable inquiries to be made after conviction

50. The powers of a magistrates' court to adjourn the hearing of a case shall include power, after a person has been convicted and before he has been sentenced or otherwise dealt with, to adjourn the case for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case, but such adjournment shall not in any single period exceed twenty-eight days commencing on the day after the adjournment or extend beyond the next sitting of the court, whichever is the longer, or if the person convicted is in custody, the period specified in paragraph (2) or, as the case may be, paragraph (3) of Article 47.

Remand for inquiry into physical or mental condition

51.—(1) Without prejudice to the powers of the court under Article 50, where a person is charged before a magistrates' court with an offence punishable on summary conviction with imprisonment or an indictable offence which is tried summarily, and the court is satisfied that the person charged did the act or made the omission charged but is of opinion that an inquiry ought to be made into his physical or mental condition, the court may remand him for such period as the court thinks necessary to enable a medical examination and report to be made so, however, that no single period shall, where the person remanded is on bail, exceed twenty-eight days commencing on the day after that on which the person is remanded or extend beyond the next sitting of the court whichever is the longer or, where the person remanded is in custody, exceed the period specified in paragraph (2) or, as the case may be, paragraph (3) of Article 47.

(2) Where a person is remanded on bail under this Article, it shall be a condition of the recognizance that he shall—

(a) 1978 c. 5.

- (a) undergo medical examination by a duly qualified medical practitioner and for the purpose attend at a hospital or place, or upon any such practitioner, specified in the recognizance; or
- (b) where the inquiry is into his mental condition (and the recognizance so specifies), undergo medical examination by two duly qualified practitioners (one of whom shall be a practitioner appointed for the purposes of section 19 of the Mental Health Act (Northern Ireland) 1961 (a)) and for the purpose attend at a hospital or place, or upon any duly qualified medical practitioner, specified in the recognizance, and comply with any directions which may be given to him by any practitioner so specified;

and if arrangements have been made for his reception, it may be a condition of the recognizance that the person shall, for the purpose of the examination, reside until the expiration of such period as may be specified in the recognizance or he is discharged therefrom, whichever occurs first, in a hospital or place so specified.

(3) Where a person charged before a magistrates' court with an indictable offence is remanded in custody or committed for trial in custody and the court is of opinion that an inquiry ought to be made into his physical or mental condition, the court may order such inquiry to be made.

(4) Where a person charged before a magistrates' court with an indictable offence is admitted to bail on his entering a recognizance conditioned for his appearance at the Crown Court and the magistrates' court is of opinion that an inquiry ought to be made as aforesaid, the conditions of the recognizance may, in addition to the condition for his appearance, include the like conditions as could be included in the conditions of the recognizance with respect to the like inquiry by virtue of paragraph (2).

Power of court to sentence person convicted by another court in same county court division

52. Where a person has been convicted of an offence by a court of summary jurisdiction and the case has been adjourned or where a person has been remanded under Article 51 he may be sentenced or otherwise dealt with for that offence by any court of summary jurisdiction acting for the same petty sessions district or any other petty sessions district of the same county court division as the court by which he was convicted or remanded.

Sums adjudged to be paid by a conviction

Fixing sum adjudged to be paid by a conviction with regard to means of offender

53. A magistrates' court, in fixing the amount of a sum adjudged to be paid by a conviction shall, amongst other things, take into consideration the means of the offender so far as they appear or are known to the court, the expedience of allowing such amount to be paid by instalments and the amount and frequency of any such instalments.

Power to impose fine in lieu of imprisonment

54.—(1) Without prejudice to any other enactment, where a magistrates' court has power to impose imprisonment for a summary offence and, apart from this Article, has not authority to impose a fine for that offence, the court may, subject to paragraph (2), instead of imposing a sentence of imprisonment impose a fine not exceeding £200.

(a) 1961 c. 15 (N.I.).

(2) An offender shall not in default of payment of such fine be liable to imprisonment under Article 92 for any greater term than that to which he is liable under the enactment authorising the imprisonment.

Power to reduce fine or pecuniary penalty under certain enactments

55.—(1) A magistrates' court may reduce the amount of any fine or other pecuniary penalty which it may impose for an offence under any enactment to which this Article applies, notwithstanding that the amount of the fine or other pecuniary penalty is prescribed under any such enactment.

(2) This Article applies to any enactment in force upon 1st January 1946, other than an enactment relating to Her Majesty's revenue under the control of the Commissioners of Inland Revenue or the Commissioners of Customs and Excise, except in so far as that enactment has been adapted and applied in relation to duties and taxes in respect of the imposing, charging, levying and collection of which the Parliament of Northern Ireland had under section 21 of the Government of Ireland Act 1920 (a), power to make laws.

(3) Nothing in this Article shall prejudice or affect the operation of section 34 (2) of the Finance Act 1935 (b) or section 150 (2) of the Customs and Excise Management Act 1979 (c), (which relate to the enactments excluded by paragraph (2)).

Imprisonment

Consecutive terms of imprisonment

56.—(1) Where a magistrates' court imposes imprisonment on any person, it may order that the term of that imprisonment shall commence on the expiration of any other term of imprisonment imposed by that or any other court; but where a magistrates' court imposes two or more terms of imprisonment to run consecutively the aggregate of those terms shall not, except as provided by this Article or any other enactment, exceed twelve months.

(2) Where two or more terms of imprisonment in respect of indictable offences tried summarily are imposed to run consecutively the aggregate of those terms shall not exceed eighteen months.

(3) Without prejudice to section 149 (3) of the Customs and Excise Management Act 1979 or section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (d), where a person has been sentenced by a magistrates' court to imprisonment in default of payment of, or in default of sufficient distress to satisfy, a sum adjudged to be paid by a conviction the court may order that the sentence shall begin at the expiration of any term of imprisonment imposed for that offence on that person in addition to such sum, but so that the aggregate term of sentences of imprisonment to which this paragraph applies shall not where a person is convicted of a summary offence exceed twelve months or where a person is convicted of an indictable offence tried summarily exceed eighteen months.

Power to order detention for one day in precincts of the court in lieu of imprisonment

57.—(1) Without prejudice to any other enactment, where a magistrates' court has power to impose imprisonment, the court in lieu of imposing imprisonment may, subject to paragraph (2), order the offender to be detained

(a) 1920 c. 67.

(b) 1935 c. 24.

(c) 1979 c. 2.

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

within the precincts of the court, or at any police station, till such hour, not later than eight in the evening on the day on which he is convicted, as the court may direct.

(2) The court shall, in making an order under this Article, take into consideration the distance between the place of detention and the offender's abode (if his abode is known to, or ascertainable by, the court) and shall not make any such order of detention under this Article as will deprive the offender of a reasonable opportunity of returning to his abode on the day on which the order of detention is made.

Supplemental matters in connection with criminal procedure

Disposal of non-pecuniary forfeitures

58. Subject to any other enactment governing forfeiture or the disposal of things forfeited, anything other than money forfeited on a conviction by a magistrates' court or the forfeiture of which may be enforced by such court shall be sold or otherwise disposed of in such manner as the court may direct; and the proceeds may be applied as if they were a fine imposed under the enactment on which the proceedings for the forfeiture are founded.

Aiders and abettors

59. Without prejudice to any other enactment, a person who aids, abets, counsels or procures the commission by another person or a summary offence shall himself be guilty of that offence and may be tried and convicted (whether or not he is charged as a principal) either by a court having jurisdiction to try that other person or by a court having by virtue of his own offence jurisdiction to try him and may be tried either together with that other person or before or after that other person has been tried.

Attempt or incitement, etc., to commit summary offences

60.—(1) Without prejudice to the provisions of any other enactment, any person who attempts to commit, or incites another person to commit, any summary offence shall be guilty of an offence punishable on summary conviction and shall be liable to be proceeded against, convicted and punished as if he had committed the summary offence.

(2) Where a person is charged before a magistrates' court with a summary offence, and it appears to the court that the person charged did not commit the offence charged but that he was guilty of attempting to commit that offence, the court may convict him of attempting to commit that offence and may punish him in the same manner as if he has been charged with attempting to commit that offence.

Taking of finger-prints

61.—(1) Where—

- (a) any person who has been taken into lawful custody is charged with an offence; or
- (b) any person not under the age of fourteen appears before a magistrates' court to answer to a complaint charging an offence punishable with imprisonment,

a magistrates' court may, on the application of a member of the Royal Ulster Constabulary not below the rank of sergeant, order that the finger-prints of that person shall be taken by a constable.

(2) Finger-prints taken in pursuance of an order made under this Article shall be taken either in the presence of a resident magistrate or other justice of the peace by whom the order was made or, if the person to whom the order relates is remanded in custody and does not consent to his finger-prints being taken, in the presence of a member of the Royal Ulster Constabulary not below the rank of Inspector.

(3) The provisions of this Article shall be in addition to the provisions of any other enactment under which the finger-prints of any person may be taken.

(4) Where the finger-prints of any person have been taken in pursuance of an order made under this Article, then if that person is acquitted or discharged under Article 37, or if the charge against him is dismissed, struck out or withdrawn, the finger-prints and all copies and records of them shall be destroyed.

(5) In this Article "finger-prints" includes palm-prints.

PART VI

DEBT AND EJECTMENT PROCEEDINGS

Debt proceedings

Debt proceedings

62.—(1) A court of summary jurisdiction may exercise jurisdiction in proceedings for the recovery of any liquidated sum due on foot of any debt, account, contract or covenant where—

(a) the amount or balance claimed does not exceed £100; and

(b) if the claim is for the balance due on foot of an account, the whole account does not exceed £250.

(2) Where any sum is declared under any enactment whether passed before or after the commencement of this Part to be a debt or civil debt recoverable summarily, that sum, whether it exceeds £100 or not, may be recovered in proceedings under this Article.

(3) A minor may proceed in his own name in a court of summary jurisdiction as if he were of full age for any sum, not exceeding £100, due to him for wages or for work or services.

(4) A cause of action shall not be divided into two or more causes of action for the purpose of bringing proceedings before a court of summary jurisdiction.

(5) Proceedings under this Article shall be commenced by the issue of a process.

Time within which debt proceedings may be commenced

63.—(1) Subject to this Article, debt proceedings shall not be commenced after the expiration of six years from the time when the cause of action arose.

(2) Nothing in paragraph (1) shall affect a period of limitation prescribed by any enactment for proceedings to recover a sum which is declared by that or any other enactment to be a debt or civil debt recoverable summarily.

Abandonment of so much of claim as is in excess of jurisdiction

64.—(1) A plaintiff whose cause of action is for a liquidated sum the amount of which is beyond the jurisdiction of a court of summary jurisdiction may

abandon the excess and proceed for the balance of the claim and in such case the plaintiff shall forfeit the excess and shall not be entitled to recover it by any other proceedings whatsoever.

(2) A defendant shall have the like right in respect of his set-off or counterclaim.

Counterclaims

65.—(1) Where a counterclaim is beyond the jurisdiction of a court of summary jurisdiction, the court may try the claim and may, if it thinks fit and upon such terms as to security or otherwise as it thinks fit, stay execution until the counterclaim has been disposed of.

(2) Where a counterclaim or any part of it is admitted, the court of summary jurisdiction may direct the amount admitted to be set off pro tanto without prejudice to any proceedings to recover the balance.

Decree for recovery of sum claimed to be full discharge

66.—(1) Where a claim is for the payment of the balance of an account, or for part of a sum alleged to be due and the remainder of it has been abandoned in order to bring the claim within the jurisdiction of a court of summary jurisdiction, a decree for recovery of the sum claimed or part of it or of dismissal shall, subject to the right of any party to appeal under Part XII, be a full discharge of all demands in respect of the account for the balance of which proceedings were brought or for the whole of the claim as the case may be.

(2) In this Article “claim” includes a set-off or counterclaim.

Ejectment proceedings

Ejectment proceedings

67.—(1) This Article and Articles 68 to 72 shall apply to—

- (a) any lands or premises which are let by any landlord from quarter to quarter or for any lesser period of time, at a rent not exceeding the rate of £110 a year;
- (b) any lands or premises into which any person has been put by permission of the owner as servant, herdsman or caretaker;
- (c) any lands or premises the possession of which under the provisions of any enactment in force on 30th November 1965 was recoverable summarily under or in accordance with Part IV of the Summary Jurisdiction Act (Northern Ireland) 1935 or under and in accordance with sections 84, 85 and 89 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 (a);

and any such lands or premises are in this Article and those Articles referred to as “premises”.

(2) For the purposes of this Article and any other enactment conferring jurisdiction in ejectment on a court of summary jurisdiction, any attempted letting to which section 1 (1) of the Rent Restriction (Defective Tenancies) Act (Northern Ireland) 1944 (b) or section 9 (1) of the Rents Tribunals (Extension of Jurisdiction) Act (Northern Ireland) 1954 (c) applied shall be deemed to be a valid letting.

(a) 1860 c. 154. (b) 1944 c. 6 (N.I.). (c) 1954 c. 16 (N.I.).

(3) Where—

- (a) the term or interest of the tenant in any premises is ended or has been determined by a notice to quit, and the tenant, or (if the tenant does not himself occupy the premises or occupies only part of them) the person by whom the premises or any part of them are occupied, neglects or refuses to deliver up possession of the same; or
- (b) any person is put into possession of any premises by permission of the owner as servant, herdsman or caretaker and that person (or any other person claiming through or under him) refuses or omits to quit and deliver up possession of the premises on demand made by the owner of them or his known agent or receiver; or
- (c) the landlord or owner of the premises is entitled to recover or take possession of the premises under or in accordance with any of the provisions referred to in paragraph (1) (c);

the landlord or owner of the premises may proceed for their recovery before a court of summary jurisdiction by issuing a process requiring the tenant or occupier to appear before the court to show cause why the landlord or owner should not be put into possession of the premises.

(4) If the tenant or occupier does not appear before the court of summary jurisdiction or appears, but does not show to the satisfaction of the court cause why possession should not be given, the court may order the issue of a decree directing that the landlord or owner be put into possession of the premises.

Time within which ejectment proceedings may be commenced

68. Ejectment proceedings before a court of summary jurisdiction shall not be brought after the expiration of six years from the time when the cause of action arose.

Liability of overholding tenant or occupier

69.—(1) Where the tenant or occupier of any premises overholds the premises after the tenancy or occupation has been lawfully determined and the possession has been lawfully demanded of him by the landlord or owner, such tenant or occupier shall be liable to pay the landlord or owner in respect of the period during which he has so overheld an amount equal to the rent or other sum, if any, which would have otherwise accrued due for that period if the tenancy or occupation had not been determined.

(2) The provisions of section 76 of the Landlord and Tenant Law Amendment Act, Ireland, 1860 shall not apply to ejectment proceedings before a court of summary jurisdiction.

Recognizance upon appeal against order for possession of premises

70.—(1) Where an appeal is made under Part XII by the tenant or occupier against an order made in ejectment proceedings, he shall upon entering the recognizance referred to in Article 149 further undertake according to the condition in the recognizance not to do, or suffer others to do, any waste, injury or dilapidation to the premises pending the appeal and to satisfy all rent, mesne profits or any sum accruing due to the landlord or owner under Article 69 (1) while the tenant or occupier continues in possession.

(2) Where the tenant or occupier fails to observe such undertaking or any other condition of the recognizance, the court of summary jurisdiction which

made the order against which the appeal was to be made, may, without prejudice to Article 151, in ordering the estreat of the recognizance order that the landlord or owner may receive out of the sum due under the recognizance, an amount sufficient to cover any loss which the landlord or owner appears to the court to have sustained by the failure of the tenant or occupier to observe any condition of the recognizance.

References to landlord or owner

71. References in Articles 67 to 70 to the landlord or owner of premises shall include the executors or administrators or assigns of such landlord or owner and his or their agent duly authorised in writing, or the receiver of the rents of his estate and, in relation to premises subject to the enactments referred to in Article 67 (1) (c), shall include any person entitled under those enactments to recover possession of the premises.

Procedure in debt and ejectment proceedings

Issue of process

72.—(1) A process issued in debt proceedings shall require the defendant to appear 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) A process issued in ejectment proceedings shall require the defendant to appear before a court of summary jurisdiction acting for the petty sessions district in which the premises, the subject of the proceedings, or any part of those premises are situated.

(3) A claim for the recovery of arrears of rent or sums due under Article 69 not exceeding £100 due in respect of lands or premises may be joined together with a claim in ejectment proceedings and commenced by the issue of the same process.

Hearing, etc., of proceedings commenced by process

73.—(1) Subject to this Article, in debt or ejectment proceedings, the court shall hear the parties, and evidence in support of the claim or defence or counterclaim, if any.

(2) Where the plaintiff appears but the defendant does not appear, the court may, after proof of service of the process upon the defendant, proceed in his absence or adjourn the proceedings.

(3) Where neither the plaintiff nor defendant appears, or where the plaintiff does not appear and the defendant though appearing does not apply for a dismissal of the claim, the court may strike out the proceedings.

(4) Where the plaintiff informs the court that he does not wish to apply for an order and the defendant does not appear, or if appearing, does not object, the court may allow the proceedings to be withdrawn.

(5) The court may, without hearing the parties or any evidence, upon such conditions as may be prescribed, make an order against a defendant upon his consent to the making of such order.

(6) The court may dismiss a claim in debt or ejectment proceedings either upon the merits or without prejudice to a further claim in respect of the same matter.

Powers exercisable by court in debt or ejectment proceedings

Order that decree shall issue either absolutely or conditionally

74.—(1) Where an order is made in debt or ejectment proceedings, the court may order that a decree shall issue to give effect to its order (including any order as to costs made in such proceedings).

(2) A court of summary jurisdiction in debt or ejectment proceedings may order that a decree shall issue either absolutely or conditionally in as full and ample a manner as might be done in like cases by a county court having jurisdiction but a court of summary jurisdiction shall not grant an injunction.

Transfer of proceedings to county court

75.—(1) Where it appears at any stage of debt or ejectment proceedings that a court of summary jurisdiction has not jurisdiction in the proceedings because the matters involved are beyond the jurisdiction of the court or that for any other reason the matter is more fit to be tried by the county court, the proceedings need not on that account be dismissed but the court of summary jurisdiction may order the proceedings to be transferred to the county court upon such terms as appear to it to be proper and after the proceedings are transferred they shall continue in the county court as if they had been commenced in that court and as if the defendant had entered a defence.

(2) Where proceedings are transferred under this Article to the county court, the county court judge may give such directions as to procedure and as to costs in the court of summary jurisdiction as he may deem proper and the parties shall comply with the directions.

(3) In this Article “the county court” means the county court for the county court division in which the proceedings would have been tried if originally commenced in the county court.

PART VII

APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

Proceedings to be commenced by notice

76.—(1) Where an enactment—

- (a) provides for an appeal to be made to a court of summary jurisdiction and neither that enactment nor magistrates’ courts rules provide for the procedure to be adopted on such appeal; or
- (b) authorises an application for a licence, permit, certificate or other authorisation or for the removal of a disqualification or disability to be made to a magistrates’ court and either that enactment or magistrates’ courts rules direct that the provisions of this Part shall apply; or
- (c) authorises an application to a magistrates’ court for the disposal, destruction or forfeiture of property;

such appeal or application shall be initiated by notice under this Part.

(2) A notice under this Part shall be served at such time as may be prescribed before the date upon which the appeal or application is to be made upon—

- (a) the clerk of the petty sessions acting for the court to which the appeal or application is to be made;

- (b) in the case of an appeal from any decision or determination of a public or local authority, that authority, and any other party to the appeal and any person by whom or on whose behalf representations were made to the authority in respect of the subject-matter of the decision or determination;
 - (c) any such person as may be prescribed.
- (3) The court shall hear—
- (a) the appellant or applicant;
 - (b) any evidence relevant to the appeal or application;
 - (c) any person (other than the clerk of petty sessions) served with notice under this Part or entitled to be heard on the appeal or application who opposes it and asks to be heard on it; and
 - (d) any relevant evidence that person may adduce.
- (4) Without prejudice to the foregoing provisions of this Article the court may direct that a copy of the notice be served upon any person whom the court may consider a proper person to be served.
- (5) A magistrates' court may in any case where the public interest requires an immediate order for the destruction of property dispense with the service of a notice under paragraph (2) and order immediate destruction of the property in accordance with the enactment under which the order is made.

PART VIII

CIVIL PROCEEDINGS UPON COMPLAINT

Jurisdiction exercisable upon civil complaint

Nature of jurisdiction upon civil complaint

77.—(1) For the purposes of this Part “civil matter” means a matter in which proceedings, other than proceedings under Parts V to VII, may be brought before a court of summary jurisdiction.

(2) Proceedings in a civil matter shall be upon complaint and in accordance with this Part.

(3) Without prejudice to section 42 (2) of the Interpretation Act (Northern Ireland) 1954, where there is no express provision as to which court of summary jurisdiction shall have jurisdiction to hear and determine a complaint in a civil matter a court of summary jurisdiction shall have jurisdiction to hear the complaint if it relates to—

- (a) anything done within the county court division for which the court sits;
- (b) anything left undone that ought to have been done within that county court division;
- (c) anything done or which ought to have been done either within that county court division or elsewhere by a person residing or carrying on a business within that county court division;
- (d) any lands or premises situated within that county court division; or
- (e) any matter arising within that county court division.

Time within which civil complaint must be made to give jurisdiction

78.—(1) Subject to this Article and Article 98 (1) and to Article 35 of the Domestic Proceedings (Northern Ireland) Order 1980 (a) and without prejudice to the provisions of any other enactment as to the time within which proceedings may be commenced, a court of summary jurisdiction shall not have jurisdiction to hear and determine a complaint in a civil matter unless the complaint is made within six months from the time when the cause of complaint arose, or, where the cause of complaint is a continuing one, from the time such cause last ceased to continue.

(2) Nothing in this Article shall prevent a court of summary jurisdiction from exercising the powers referred to in Article 86 at any time after an order for the periodical payment of money has been made.

Procedure upon complaint

Issue of summons upon civil complaint

79. Where a complaint in a civil matter is made to a justice of the peace for a county court division upon which a court of summary jurisdiction sitting for that county court division has power to make an order against any person, the justice may issue a summons directed to that person requiring him to appear before that court to answer to the complaint.

Hearing of proceedings upon civil complaint

80.—(1) On the hearing of a complaint in a civil matter the court shall, if the defendant appears or is represented, state the substance of the complaint.

(2) The court, after hearing the evidence and any such representations as may be made by or on behalf of the parties, may make any order which it has jurisdiction to make upon the complaint or may dismiss the complaint.

(3) If the defendant or his representative on his behalf admits the truth of the complaint or consents, the court may, subject to any enactment to the contrary, make the order without hearing evidence.

Non-appearance of defendant

81.—(1) Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter, the complainant appears but the defendant does not, the court may, without prejudice to its powers under this Order or any other enactment, adjourn or further adjourn or, subject to paragraph (2), proceed in his absence.

(2) The court shall not begin to hear the complaint or proceed in the absence of the defendant, unless either it is proved to the satisfaction of the court, upon oath or by affidavit or in such other manner as may be prescribed, that the summons was served on him within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer to the complaint.

Non-appearance of complainant

82. Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter the defendant appears but the complainant does not, the court may dismiss the complaint, order it to be struck

(a) S.I. 1980/563 (N.I. 5).

out, adjourn, further adjourn, or, if sufficient evidence has been received on a previous occasion, proceed in the absence of the complainant.

Non-appearance of both parties

83. Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter neither the complainant nor the defendant appears the court may dismiss the complaint, order it to be struck out or adjourn or further adjourn the hearing, or, if evidence has been received on a previous occasion, proceed in their absence.

Dismissal without prejudice to further complaint as to same matter

84.—(1) Where it has been unable for any reason to adjudicate upon the merits of a complaint in a civil matter, the court may order that the complaint be dismissed without prejudice to a further complaint alleging the same cause of complaint.

(2) Where the court, having adjudicated upon the merits of a complaint in a civil matter, dismisses the complaint the dismissal shall be expressed to be on the merits.

Powers exercisable upon civil complaint

Power to order periodical payment through collecting officer

85.—(1) Where a court of summary jurisdiction orders money to be paid periodically by one person to another, the court may, subject to any enactment to the contrary, order that payment shall be made through the collecting officer.

(2) The collecting officer shall be the clerk of petty sessions or such other person as may be appointed by the Lord Chancellor.

(3) Where an order is—

(a) an affiliation order under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 (a); or

(b) an order for the periodical payment of money under the Domestic Proceedings (Northern Ireland) Order 1980;

the court shall, unless upon representations expressly made in that behalf by the applicant for the order the court is satisfied that it is undesirable to do so, exercise its powers under this Article and where the court does so the collecting officer through whom payments are ordered to be made may be either the collecting officer for the petty sessions district for which the court is sitting or the collecting officer for some other district.

(4) The collecting officer shall receive all payments directed to be made through him under this Article and pay forthwith to the person named in the order the sum directed to be paid in the order or such part of it as he receives, without making any deduction therefrom.

(5) Where an order requires payments to be made periodically through the collecting officer and any payment, or part of it, is in arrear for fourteen days or such longer period (not exceeding two months) as the collecting officer may in any particular case allow, the collecting officer shall, unless it appears to the collecting officer that it is unreasonable in the circumstances to do so, proceed in his own name for the recovery of all sums in arrears under the order; but the person entitled to receive the payments shall have the same liability for all costs

(a) 1924 c. 27 (N.I.).

properly incurred in or about the proceedings as if the proceedings had been taken by him.

(6) Nothing in this Article shall affect any right of a person to proceed in his own name for the recovery of sums payable on his behalf under any order made under this Article.

(7) Where a court of summary jurisdiction makes an order under paragraph (1) there may be paid to the collecting officer (other than a member of the Northern Ireland Court Service) by the Lord Chancellor a sum in respect of his remuneration and expenses not exceeding such percentage of the money actually paid through him as may be fixed by the Lord Chancellor.

(8) The person against whom an order referred to in paragraph (1) has been made shall give notice to the collecting officer or to the person entitled to receive payments under the order of any change of his address and any person failing to give such notice without reasonable excuse shall be liable on conviction by a court of summary jurisdiction to a fine not exceeding £50.

Revocation, suspension, variation, etc., of orders for periodical payment

86.—(1) Without prejudice to the provisions of any enactment specified in Article 98 (11) and subject to Article 25 (2) of the Domestic Proceedings (Northern Ireland) Order 1980, where a court of summary jurisdiction has made an order for the periodical payment of money the court or any court of summary jurisdiction acting for the same petty sessions district may at any time on the application of any person by whom or to whom or in respect of whom payments are to be made or on whose complaint the order was made revoke, suspend, revive, vary or discharge the order.

(2) The court may exercise its powers of revocation, revival, suspension, variation or discharge, whether under this Article or the enactments referred to in paragraph (1), at any time and shall do so by order.

(3) The power to vary an order shall include power—

- (a) to direct that sums payable under the order shall henceforth be paid to some person other than the person named in the order varied;
- (b) to add to the order varied any provision authorised by the enactment under which the order was made.

Remission and accrual of arrears under orders for periodical payment

87. On the hearing of a complaint for the enforcement, revocation, suspension, variation or discharge of an order for the periodical payment of money a court of summary jurisdiction may remit the whole or any part of any arrears due under the order at the time the complaint is heard and determined.

Domestic proceedings

Nature of domestic proceedings

88. In this Order the expression “domestic proceedings” means proceedings—

- (a) under the Maintenance Orders (Facilities for Enforcement) Act 1920 (a) or the Maintenance Orders Act 1950 (b) or Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c);

(a) 1920 c. 33.

(b) 1950 c. 37.

(c) 1972 c. 18.

- (b) under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924;
- (c) under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972 (a) or Article 23 of the Supplementary Benefits (Northern Ireland) Order 1977 (b);
- (d) under the Domestic Proceedings (Northern Ireland) Order 1980;
- (e) under Article 87 or Article 98 in relation to orders made under any of the enactments referred to in the foregoing paragraphs; or
- (f) under any enactment specified in the preceding paragraphs as applied or extended by or for the purposes of any other enactment.

Sitting of court for domestic proceedings

89.—(1) The business of courts of summary jurisdiction shall, so far as is consistent with the due despatch of business, be arranged in such manner as may be requisite for separating the hearing or determination of domestic proceedings from other business.

(2) No person shall be present during the hearing or determination by a court of summary jurisdiction of any domestic proceedings except—

- (a) members and officers of the court;
- (b) parties to the proceedings before the court, their solicitors and counsel, witnesses and other persons directly concerned in those proceedings;
- (c) solicitors and counsel in attendance for other proceedings;
- (d) representatives of newspapers or news agencies; and
- (e) any other person who appears to the court to have adequate grounds for attendance.

(3) For the purposes of taking any evidence of an indecent character in any domestic proceedings, the court may, if it thinks necessary in the interest of the administration of justice or of public decency, direct that all or any persons not being members or officers of the court or parties to the proceedings, their solicitors or counsel, or other persons directly concerned in the proceedings, be excluded from the court during the taking of that evidence.

(4) The powers conferred on a court of summary jurisdiction by this Article shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera or to exclude a witness until his evidence is required.

Newspaper reports of domestic proceedings

90.—(1) The proprietor, editor or publisher of a newspaper or periodical shall not print or publish in it or cause or procure to be printed or published in it, in relation to any domestic proceedings, any particulars other than the following, that is to say:—

- (a) the names, addresses, and occupations of the parties and witnesses;
- (b) the grounds of the application, and a concise statement of the charges, defences and countercharges in support of which evidence has been given;
- (c) submissions on any point of law arising in the course of the proceedings and decisions of the court on the submissions; and

(a) S.I. 1972/1265 (N.I. 14).

(b) S.I. 1977/2156 (N.I. 27).

(d) the decisions of the court, and any observations made by the court in giving its decision.

(2) If any person acts in contravention of the provisions of this Article he shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding £100, or to both.

(3) A prosecution for an offence under this Article shall not be instituted otherwise than by or with the consent of the Attorney General.

(4) For the purposes of Article 7 (2) of the Prosecution of Offences (Northern Ireland) Order 1972, paragraph (3) shall be deemed to be a relevant consent provision passed before 30th March 1972.

(5) Nothing in this Article shall apply to the printing or publishing of any matter in any newspaper or periodical of a technical character bona fide intended for circulation among members of the legal or medical profession.

PART IX

SATISFACTION AND ENFORCEMENT OF ORDERS

Sums adjudged to be paid by a conviction

Payment of sums adjudged to be paid by a conviction

91.—(1) Where a person has been adjudged to pay a sum by a conviction of a magistrates' court, the court may, subject to Article 93, order that person to pay that sum forthwith, allow time for payment or order payment by instalments.

(2) The court shall consider any representations made by such person as to the time to be allowed under paragraph (1) but that time shall not be less than twenty-eight days commencing with the day on which the sum is adjudged to be paid.

(3) Where the person ordered to pay the sum makes an application for permission to pay the sum by instalments the court shall allow such payment unless the court is satisfied that it would not be reasonable in all the circumstances to do so.

(4) The court may, on the application of the person ordered to pay the sum, allow further time for payment or vary an order for payment by instalments.

(5) Subject to paragraph (7), the court may in determining an application under paragraph (4) remit the whole or any part of the sum if the court thinks it just to do so having regard to any change in the circumstances of that person since the conviction, and where the court remits part of the sum after a period of imprisonment has been imposed in default of payment, the court shall also reduce that period by an amount which bears the same proportion to that period as the amount remitted bears to that sum.

(6) In calculating the reduction required under paragraph (5) any fraction of a day shall be left out of account.

(7) In considering whether to remit under paragraph (5) the whole or any part of—

(a) a sum to which section 143 (3) of the Social Security (Northern Ireland) Act 1975 (a) applies; or

(a) 1975 c. 15.

(b) any compensation awarded to any person;
a magistrates' court shall take into account the representations (if any) made to it—

- (i) in the case of a sum mentioned in sub-paragraph (a), by the Department of Health and Social Services;
- (ii) in the case of any compensation, by the person to whom the compensation was awarded.

(8) Where before the expiration of the time allowed or of the period during which payment by instalments is allowed the person ordered to pay the sum indicates that he prefers immediate committal to awaiting the expiration of the time allowed for payment of the sum or of the remaining instalments, a warrant may be issued committing him to prison forthwith.

Enforcing payment of a sum adjudged to be paid by a conviction

92.—(1) Subject to this Article and Article 93, where default is made by a person in paying a sum adjudged to be paid by a conviction or any instalment of or part of such sum the order of the court may be enforced by the issue of—

- (a) a warrant of distress for the purpose of levying so much of the sum as remains unpaid; or
- (b) a warrant committing that person to prison; or
- (c) a warrant committing him to prison in default of sufficient distress.

(2) Where it appears on the return to a warrant of distress that the money and goods of the defaulter are insufficient to satisfy the sum together with the costs of levying the sum, the court may issue a warrant of commitment.

(3) Where the court has issued a warrant of commitment in the first instance in default of payment of the sum and it is found impossible to execute the warrant, a warrant of distress may be issued.

(4) Where a court has allowed payment of the sum by instalments and default is made in the payment of any one instalment, a warrant may be issued as if the default had been made in the payment of all the instalments then unpaid.

(5) The period for which a person may be committed to prison under this Article in default of payment or levy of any sum or part of such sum shall not exceed the period specified in Schedule 3.

Restrictions on power to order immediate committal in default of payment of a sum adjudged to be paid by a conviction

93. A warrant committing a person to prison in respect of non-payment of a sum adjudged to be paid by a conviction of a magistrates' court shall not be issued at the time of his conviction unless—

- (a) he appears to the court to have sufficient means to pay the sum forthwith;
or
- (b) on being asked by the court whether he wishes to have time for payment he does not ask for time; or
- (c) the court is satisfied that he has no fixed abode in Northern Ireland; or
- (d) there is some other special circumstance appearing to the court to justify immediate committal;

and if the court does issue a warrant of commitment, the court shall state in the warrant the reasons for not allowing the person committed time to pay.

Supervision of person under twenty-one until payment of sum adjudged to be paid by a conviction

94.—(1) Where a person is allowed time for payment of a sum adjudged to be paid by a conviction or to pay such sum by instalments, the court may order that until the sum is paid he be placed under the supervision of such person as may be appointed by the court.

(2) Before issuing a warrant to commit a person placed under supervision to prison in respect of non-payment of the sum the court shall consider any report as to his conduct and means which may be made by the person under whose supervision he has been placed.

Power to order transfer of fines

95.—(1) Where a magistrates' court has, or is treated by any statutory provision as having, adjudged a person by a conviction to pay a sum and it appears to the court that he is residing—

(a) in any petty sessions area in England and Wales, or

(b) within the jurisdiction of a court of summary jurisdiction in Scotland, the court may order that payment of the sum shall be enforceable in that petty sessions area or, as the case may be, by that court of summary jurisdiction.

(2) An order under this Article shall specify the petty sessions area in which or the court by which payment of the sum in question is to be enforceable; and if—

(a) that sum is more than £100 or is a fine originally imposed by the Crown Court or the sheriff court, and

(b) payment is to be enforceable in Scotland, the court to be so specified shall be the sheriff court.

(3) Where an order is made under this Article with respect to any sum, any functions under any statutory provision relating to that sum which, if no such order had been made, would have been exercisable by the court which made the order or by the clerk of that court shall cease to be so exercisable.

Transfer of fines from elsewhere in United Kingdom

96.—(1) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 (a) or section 90 of the Magistrates' Courts Act 1980 (b) provides that payment of a sum shall be enforceable in a petty sessions district in Northern Ireland, a court of summary jurisdiction acting for that district and the clerk of that court shall, subject to paragraph (2), have all the like functions under any statutory provision in respect of the sum (including power to make an order under Article 95) as if the sum were a sum adjudged to be paid by a conviction of that court and as if any order made under the said Act of 1975 or, as the case may be, 1980 in respect of the sum before the making of the transfer of fine order had been made by that court.

(2) Where a transfer of fine order under section 403 of the Criminal Procedure (Scotland) Act 1975 or section 90 of the Magistrates' Courts Act 1980 provides for the enforcement of a fine originally imposed by the Crown Court, the term of imprisonment which may be imposed under this Order shall be—

(a) the term fixed in pursuance of section 31 of the Powers of Criminal Courts Act 1973 by the Crown Court, or

(a) 1975 c. 21. (b) 1980 c. 43.

(b) a term which bears the same proportion to the term so fixed as the amount of the fine remaining due bears to the amount imposed by that court,

notwithstanding that the term exceeds the period applicable to the case under Schedule 3.

Orders for the payment of sums made in proceedings upon complaint otherwise than on conviction

Payment of sums recovered upon complaint

97. A person ordered to pay any sum in proceedings upon complaint otherwise than on conviction may be ordered to pay that sum forthwith or may be allowed time to pay, or where necessary, further time and either in addition to or in lieu of being allowed such time, may be ordered to pay the sum by instalments.

Enforcement of orders for periodical payment of money

98.—(1) Where an order to which this Article applies is made by a court of summary jurisdiction directing the periodical payment of money and default is made in such payment or part of it or in payment of any costs awarded on the making of such order, a resident magistrate or other justice of the peace may upon complaint made to him at any time after the expiration of fourteen days from the date of such default and before the expiration of three years from that date—

- (a) issue a summons for the appearance of the person by whom such payments are to be made before a court of summary jurisdiction acting for the same petty sessions district as the court which made the order; or
- (b) by warrant cause such person to be brought before a resident magistrate acting for the same petty sessions district as the court which made the order or for any other petty sessions district in the same county court division.

(2) A warrant shall not be issued under paragraph (1) unless the complaint is in writing and substantiated on oath.

(3) Where a person has been taken into custody in pursuance of a warrant issued under paragraph (1) for the purpose of causing him to be brought before a resident magistrate he shall, if it will not be practicable to bring him before a resident magistrate within twenty-four hours after he was so taken into custody, be brought, as soon as practicable, before a justice of the peace who may, if he thinks fit, discharge such person upon his entering into a recognizance for a reasonable amount to appear before a resident magistrate at the time and place named in the recognizance; but where such person is not so discharged the justice of the peace shall commit him to prison and direct that he shall be brought before a resident magistrate as soon as practicable thereafter and in any case not later than eight days from the date of such commitment.

(4) Without prejudice to paragraph (5), upon the appearance of a person summoned before a court of summary jurisdiction or on proof that the summons was duly served on him, the court, or where a person is brought before a resident magistrate pursuant to a warrant issued under paragraph (1), the resident magistrate—

- (a) may by order direct that any sum appearing to be due by reason of such default, together with the costs attending the issue and service of the

summons, or the warrant, apprehension and bringing up of such person, as the case may be, and the making of the order and all reasonable charges of the distress shall be recovered by distress; and, in addition;

(b) may order that such person be detained and kept in custody, or, if he is not present that he be arrested and kept in custody until the day appointed for the return of the warrant of distress (not being later than a period of eight days commencing with the day after that on which the warrant is issued) unless he enters into a recognizance to the satisfaction of the court or magistrate for his appearance before the court or magistrate on that day.

(5) Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4), the court or resident magistrate may—

(a) instead of making an order under sub-paragraph (a) of that paragraph make an order committing the person to prison until the sum and costs in question are paid; or

(b) as well as making an order under that sub-paragraph make an order committing him to prison in default of sufficient distress until so much of the sum and costs as is not defrayed by the distress, and all reasonable charges of the distress, are paid;

and may issue a warrant to enforce the order of commitment.

(6) For the purposes of this Article—

(a) where it appears on the return to a warrant of distress that the money and goods of the person are insufficient to satisfy the sum and costs in question together with the costs of levying the sum, the court or resident magistrate may issue a warrant of commitment;

(b) where the court or resident magistrate has issued a warrant of commitment in the first instance in default of payment of the sum and costs in question and it is found impossible to execute the warrant, a warrant of distress may be issued.

(7) The court or a resident magistrate may make an order of commitment under paragraph (5), or issue a warrant of commitment under paragraph (6) (a), unless it or he is satisfied that the default is not due to the wilful refusal or culpable neglect of the person who is liable to pay the sum and costs in question and the charges of distress, if any.

(8) The term for which a person is committed to prison on any occasion by an order under paragraph (5), or a warrant issued under paragraph (6) (a), in default of payment of a sum (including any costs and charges) shall not exceed the period mentioned in Schedule 3 in relation to that sum and, in any event, shall not exceed six weeks.

(9) Where a person is committed to prison under this Article for failure to pay a sum due under an order to which this Article applies, then, unless the court or resident magistrate who commits him otherwise directs, no arrears shall accrue under the order while he is in custody.

(10) Where on an application to enforce the payment of any sum due under an order for periodical payment to which this Article applies, no order of commitment is made, the application may be renewed at any time on the ground that the circumstances of the person from whom the payment is due have changed.

(11) This Article shall apply to the following orders for the periodical payment of money—

- (a) maintenance orders made outside the United Kingdom and registered in a court of summary jurisdiction in Northern Ireland under the Maintenance Orders (Facilities for Enforcement) Act 1920 or confirmed by such a court under that Act;
- (b) maintenance orders made outside the United Kingdom and registered in a court of summary jurisdiction in Northern Ireland under Part I of the Maintenance Orders (Reciprocal Enforcement) Act 1972;
- (c) affiliation orders under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 whether as originally enacted or as applied or extended by or for the purposes of any other enactment;
- (d) maintenance orders made in another part of the United Kingdom and registered in a court of summary jurisdiction in Northern Ireland under Part II of the Maintenance Orders Act 1950;
- (e) orders registered in a court of summary jurisdiction under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (a);
- (f) contribution orders under Part X of the Children and Young Persons Act (Northern Ireland) 1968;
- (g) orders under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972;
- (h) orders under Article 23 of the Supplementary Benefits (Northern Ireland) Order 1977;
- (i) orders for the periodical payment of money under the Domestic Proceedings (Northern Ireland) Order 1980.

(12) The provisions of this Article shall have effect in lieu of any other provision for the enforcement before a court of summary jurisdiction of orders to which this Article applies.

Enforcement of orders for payment of money other than periodical payments

99.—(1) Where a court of summary jurisdiction in proceedings upon complaint otherwise than on conviction has ordered the payment of a sum of money (not being a sum to which Article 98 applies) and a person defaults in paying that sum within the time specified or (if no time is so specified) forthwith a resident magistrate or other justice of the peace may upon complaint made to him at any time after the expiration of fourteen days from the date of such default and before expiration of three years from that date—

- (a) issue a summons for the appearance of the person by whom such payment is to be made before a court of summary jurisdiction acting for the same petty sessions district as the court which made the order; or
- (b) by warrant cause such person to be brought before a resident magistrate acting for the same petty sessions district as the court which made the order or for any other petty sessions district in the same county court division.

(2) A warrant shall not be issued under paragraph (1) unless the complaint is in writing and substantiated on oath.

(a) 1966 c. 35 (N.I.).

(3) Where a person has been taken into custody in pursuance of a warrant issued under paragraph (1) for the purpose of causing him to be brought before a resident magistrate he shall, if it will not be practicable to bring him before a resident magistrate within twenty-four hours after he was so taken into custody, be brought, as soon as practicable, before a justice of the peace who may, if he thinks fit, discharge such person upon his entering into a recognizance for a reasonable amount to appear before a resident magistrate at the time and place named in the recognizance; but where such person is not so discharged the justice of the peace shall commit him to prison and direct that he shall be brought before a resident magistrate as soon as practicable thereafter and in any case not later than eight days from the date of such commitment.

(4) Without prejudice to paragraph (5), upon the appearance of a person summoned before a court of summary jurisdiction or on proof that the summons was duly served on him, the court, or where a person is brought before a resident magistrate pursuant to a warrant issued under paragraph (1), the resident magistrate—

(a) may by order direct that any sum appearing to be due by reason of such default, together with the costs attending the issue and service of the summons, or the warrant, apprehension and bringing up of such person, as the case may be, and the making of the order and all reasonable charges of the distress shall be recovered by distress; and, in addition;

(b) may order that such person be detained and kept in custody, or, if he is not present that he be arrested and kept in custody until the day appointed for the return of the warrant of distress (not being later than a period of eight days commencing with the day after that on which the warrant is issued) unless he enters into a recognizance to the satisfaction of the court or magistrate for his appearance before the court or magistrate on that day.

(5) Upon the appearance of a person or proof of service of the summons on him as mentioned in paragraph (4), the court or resident magistrate may—

(a) instead of making an order under sub-paragraph (a) of that paragraph make an order committing the person to prison until the sum and costs in question are paid; or

(b) as well as making an order under that sub-paragraph make an order committing him to prison in default of sufficient distress until so much of the sum and costs as is not defrayed by the distress, and all reasonable charges of the distress, are paid;

and may issue a warrant to enforce the order of commitment.

(6) For the purposes of this Article—

(a) where it appears on the return to a warrant of distress that the money and goods of the person are insufficient to satisfy the sum and costs in question together with the costs of levying the sum, the court or resident magistrate may issue a warrant of commitment;

(b) where the court or resident magistrate has issued a warrant of commitment in the first instance in default of payment of the sum and costs in question and it is found impossible to execute the warrant, a warrant of distress may be issued.

(7) The court or a resident magistrate may make an order of commitment under paragraph (5), or issue a warrant of commitment under paragraph (6) (a), unless it or he is satisfied that the default is not due to the wilful refusal or

culpable neglect of the person who is liable to pay the sum and costs in question and the charges of distress, if any.

(8) The term for which a person is committed to prison on any occasion by an order under paragraph (5); or a warrant issued under paragraph (6) (a), in default of payment of a sum (including any costs and charges shall not exceed the period mentioned in Schedule 3 in relation to that sum and, in any event, shall not exceed six weeks.

(9) The commitment to prison of a person under paragraph (5) or (6) (a) shall not operate to discharge him from liability to pay the sum in respect of which the order or commitment was made or the warrant of commitment was issued; but where a person has been imprisoned under an order of commitment made in respect of his failure to pay any sum, then, notwithstanding anything in this Order, no such order shall be made in respect of that sum or any part of it.

(10) Where a sum such as is mentioned in paragraph (1) has been ordered by the court to be paid by instalments and default is made in the payment of any one instalment, this Article shall apply as if the default had been made in the payment of all the instalments then unpaid.

(11) Where proceedings have been taken in the Enforcement of Judgments Office for the payment of a lump sum ordered to be paid under Article 4 (1) (b) or (d), 8 (5), 13 (2) (b) or (3) (b) or 22 (2) or (8) of the Domestic Proceedings (Northern Ireland) Order 1980, no order shall be made under this Article to enforce such payment.

Attachment of earnings for enforcement of orders for the periodical payment of money

Power of court to make attachment of earnings order

100.—(1) An attachment of earnings may be made by a court of summary jurisdiction in accordance with Articles 101 to 108 for the enforcement of an order for the periodical payment of money such as is mentioned in Article 98 (11) or of an order which is enforceable as if it were such an order including any such order which has been rescinded, revoked or discharged, if any arrears are recoverable under it.

(2) In Articles 101 to 108—

“collecting officer” means that officer as defined by Article 85 (2) or (3) or, as the case requires, as described in section 15 (2) of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966;

“debtor” and “creditor” include respectively, in relation to an attachment of earnings order which is, or is to be, made to secure payments under an order (the original order) such as is referred to in paragraph (1), the person liable to make the payments under the original order and the person entitled to receive those payments;

“the employer” means the person who is required by an attachment of earnings order to make deductions from earnings paid by him to the debtor;

“prescribed person” means the person prescribed under section 27 (9) of the Maintenance Orders (Reciprocal Enforcement) Act 1972.

(3) For the purposes of those Articles the relationship of employer and employee shall be treated as subsisting between two persons if one of them, as a

principal and not as a servant or agent, pays to the other any sums defined as earnings by paragraphs (4) and (5).

(4) For the purposes of those Articles, subject to paragraph (5), “earnings” are any sums payable to a person—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service);

(b) by way of pension (including an annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment).

(5) The following shall not be treated as earnings—

(a) sums payable by any public department of a territory outside the United Kingdom;

(b) pay or allowances payable to the debtor as a member of Her Majesty’s forces;

(c) pension, allowances or benefit payable under any of the following statutory provisions relating to social security—

(i) the Family Income Supplements Act (Northern Ireland) 1971 (a);

(ii) the Social Security (Northern Ireland) Acts 1975 to 1977 (b);

(iii) the Industrial Injuries and Diseases (Northern Ireland Old Cases) Act 1975 (c);

(iv) the Child Benefit (Northern Ireland) Order 1975 (d);

(v) the Supplementary Benefits (Northern Ireland) Order 1977;

(d) guarantees minimum pension within the meaning of the Social Security Pensions (Northern Ireland) Order 1975 (e) provided by an occupational pension scheme;

(e) pension or allowances payable in respect of disablement or disability.

Making of attachment of earnings order

101.—(1) Where it appears to a court of summary jurisdiction that a debtor is a person to whom earnings fall to be paid, the court may make an attachment of earnings order requiring the person to whom the order is directed to make out of those earnings, or part thereof, such payments as may be specified in the order.

(2) An attachment of earnings order may be made—

(a) on the application of the debtor, or

(b) on the application of the creditor or, where appropriate, the collecting officer or the prescribed person, but only (in any case) with the consent of the debtor, unless it appears that the debtor has failed to make one or more payments in accordance with the order which is to be enforced and that his failure is due to his wilful refusal or culpable neglect, or

(c) without any application, but with the consent of the debtor, concurrently with the order which is to be enforced or with any order varying or reviving that order.

(a) 1971 c. 8 (N.I.). (b) 1975 c. 15, S.I. 1975/1503 (N.I. 15), S.I. 1977/610 (N.I. 11).
(c) 1975 c. 17. (d) S.I. 1975/1504 (N.I. 16). (e) S.I. 1975/1503 (N.I. 15).

(3) The person to whom an attachment of earnings order is directed shall be a person who appears to the court to have the debtor in his employment; and the order shall operate as an instruction to that person—

- (a) to make periodical deductions from the debtor's earnings in accordance with Article 102; and
 - (b) at such times as the order may require, or as the court may allow, to pay the amounts deducted to—
 - (i) where the attachment of earnings order is made by a court of summary jurisdiction to enforce an order for the periodical payment of money through a collecting officer, the collecting officer;
 - (ii) where the order is made to enforce an order registered in a court of summary jurisdiction under section 27 (8) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, the prescribed person;
 - (iii) in any other case, the person entitled to the payments for which the order to be enforced provides;
- as specified in the order.

(4) An attachment of earnings order shall contain particulars prescribed by magistrates' courts rules enabling the debtor to be identified by the employer.

(5) The order shall specify—

- (a) the normal deduction rate, that is to say, the rate (expressed as a sum of money per week, month or other period) at which the court thinks it reasonable for the debtor's earnings to be applied to meeting his liability under the relevant judgment; and
- (b) the protected earnings rate, that is to say the rate (so expressed) below which, having regard to the debtor's resources and needs (including the needs of any person for whom he must, or reasonably may, provide), the court thinks it reasonable that the earnings actually paid to him should not be reduced.

(6) The normal deduction rate for the purposes of paragraph (5) (a)—

- (a) shall be determined after taking account of any right or liability of the debtor to deduct income tax when making the payments, and
- (b) shall not exceed the rate which appears to the court necessary for the purposes of securing payment of the sums falling due from time to time under the order which is to be enforced and securing payment within a reasonable period of any sums already due and unpaid under that order.

(7) Where an attachment of earnings order has been made by a court of summary jurisdiction to secure the payment of any money no proceedings for committal or distress by reason of failure to pay that money which were begun before the making of the order shall be continued.

Compliance with order by employer

102.—(1) Where an attachment of earnings order has been made by a court of summary jurisdiction the employer shall, if he has been served with the order, comply with it; but he shall be under no liability for non-compliance before seven days have elapsed since the service.

- (2) If on a pay-day the attachable earnings exceed the sum of—
- (a) the protected earnings; and
 - (b) so much of any amount by which the attachable earnings on any previous pay-day fell short of the protected earnings as has not been made good by virtue of this paragraph on another previous pay-day,
- then, in so far as the excess allows, the employer shall deduct from the attachable earnings the amount specified in paragraph (3).
- (3) That amount is the sum of—
- (a) the normal deduction; and
 - (b) so much of the normal deduction on any previous pay-day as was not deducted on that day and has not been paid by virtue of this paragraph on any other previous pay-day.
- (4) No deduction shall be made on any pay-day when the attachable earnings are equal to, or less than, the protected earnings.
- (5) Where a person is served with an attachment of earnings order directed to him and he has not the debtor in his employment, or the debtor subsequently ceases to be in his employment, he shall (in either case), within ten days from the date of service or, as the case may be, the cesser, give notice of that fact to such officer of the court as may be prescribed by magistrates' courts rules.
- (6) Part II of Schedule 1 to the Judgments Enforcement (Northern Ireland) Order 1981 has effect with respect to the priority to be accorded as between two or more attachment of earnings orders directed to a person either by the Enforcement of Judgments Office and a court, or by a court, in respect of the same debtor.
- (7) Any sums paid by the employer under an attachment of earnings order shall be treated as sums paid by the debtor.
- (8) On any occasion when the employer makes, in compliance with the order, a deduction from the debtor's earnings—
- (a) he shall be entitled to deduct, in addition, £0.50 or such other sum as may be prescribed by judgment enforcement rules towards his clerical and administrative costs; and
 - (b) he shall give to the payer a statement in writing of the total amount of the deduction.
- (9) Any sum deducted by the employer from the debtor's earnings in compliance with the order, but not yet paid to the person mentioned in Article 101 (3) (b), shall in the bankruptcy or winding up of the employer be treated as money held by the employer on trust for that person.
- (10) In this Article—
- “attachable earnings”, in relation to a pay-day, are the earnings which remain payable to the debtor on that day after deduction by the employer of—
- (a) income tax;
 - (b) primary Class 1 contributions under Part I of the Social Security (Northern Ireland) Act 1975;
 - (c) amounts deductible under any statutory provision, or in pursuance of a request in writing by the debtor, for the purposes of

a superannuation scheme within the meaning of the Wages Councils Act (Northern Ireland) 1945 (a);

“the normal deduction”, in relation to any pay-day, means the deduction arrived at by applying the normal deduction rate (as specified in the attachment of earnings order) with respect to the period since the last pay-day or, if it is the first pay-day of the debtor’s employment with the employer, since the employment began;

“pay-day”, in relation to earnings paid to a debtor, means an occasion on which they are paid;

“the protected earnings”, in relation to any pay-day, means the amount arrived at by applying the protected earnings rate (as specified in the attachment of earnings order) with respect to the period since the last pay-day or, if it is the first pay-day of the debtor’s employment with the employer, since the employment began.

Persons employed under the Crown

103.—(1) The fact that an attachment of earnings order is made at the suit of the Crown shall not prevent its operation at any time when the debtor is in the employment of the Crown.

(2) Where a debtor is in the employment of the Crown and an attachment of earnings order is made in respect of him, then for the purposes of Articles 101, 102 and 104 to 108—

(a) the chief officer for the time being of the government department, office or other body in which the debtor is employed shall be treated as having the debtor in his employment (any transfer of the payer from one department, office or body to another being treated as a change of employment); and

(b) any earnings paid by the Crown, a Minister of the Crown or a government department, or out of the public revenue of the United Kingdom or Northern Ireland, shall be treated as paid by the said chief officer.

(3) In accordance with Article 100 (3), the reference in paragraph (2) (a) to the department, office or other body in which the debtor is employed shall, in the case of a debtor who is not employed for the purposes of, but whose earnings are paid in the capacity of principal by, such a body, be construed as a reference to the department, office or other body by which any earnings of his are paid in that capacity.

(4) If any question arises, in proceedings for or arising out of an attachment of earnings order, as to what department, office or other body is concerned for the purposes of this Article, or as to who for those purposes is the chief officer thereof, the question shall be referred to and determined by the Department of the Civil Service or, as the case may require, the Minister for the Civil Service; but the Department or Minister shall not be under any obligation to consider a reference under this paragraph unless it is made by the court.

(5) A document purporting to set out a determination of the Department of the Civil Service under paragraph (4) and to be signed by an officer of that Department, or to set out a determination of the Minister for the Civil Service under that paragraph and to be signed on behalf of the Minister shall, in any such proceedings as are mentioned in that paragraph, be admissible in evidence and

(a) 1945 c. 21 (N.I.).

be deemed to contain an accurate statement of such a determination unless the contrary is shown.

(6) In this Article “government department” includes a department of the Government of the United Kingdom.

Variation, lapse, discharge and termination of orders

104.—(1) A court of summary jurisdiction may make an order varying (including suspending or reviving) or discharging an attachment of earnings order.

(2) Where an order is varied, the employer shall, if he has been served with notice of the variation, comply with the order as varied; but he shall be under no liability for non-compliance before seven days have elapsed since the service.

(3) Where an order is discharged, the employer shall be under no liability in consequence of his treating the order as still in force at any time before the expiration of seven days from the date on which notice of the discharging order is served on him.

(4) Magistrates’ courts rules may make provision as to circumstances in which an attachment of earnings order may be varied or discharged by a court of summary jurisdiction of its own motion.

(5) Where an attachment of earnings order has been made and the person to whom it is directed ceases to have the debtor in his employment, the order shall lapse (except as respects deduction from earnings paid after the cesser and payment to the creditor, the collecting officer or the prescribed person (as the case requires) of amounts deducted at any time) and be of no effect unless and until a court of summary jurisdiction revives it by again directing it to a person (whether the same as before or another) who appears to the court to have the debtor in his employment.

(6) The lapse of an order under paragraph (5) shall not prevent its being treated as remaining in force for other purposes.

(7) An attachment of earnings order made by a court of summary jurisdiction to secure the payment of any money shall cease to have effect upon the making of an order of committal or the issue of a warrant of distress in respect of that money.

(8) An attachment of earnings order shall cease to have effect—

(a) upon the grant of an application for registration in the High Court under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 of the order which is to be enforced;

(b) where the order which is to be enforced is registered under the said Part II, upon the giving of notice with respect to it under section 14 of that Act of 1966 with a view to cancellation of its registration;

(c) upon the rescission or revocation of the order which is to be enforced or upon its being discharged while it is not registered under the said Part II, unless a court of summary jurisdiction otherwise orders with a view to recovering arrears under that order;

(d) upon the order which is to be enforced ceasing to be registered in a court in Northern Ireland, or becoming registered in a court in another part of the United Kingdom, under Part II of the Maintenance Orders Act 1950.

(9) Where an attachment of earnings order ceases to have effect under paragraph (7) or (8), such officer of such court as may be prescribed by magistrates' courts rules shall give notice of the cesser to the employer.

(10) Where an attachment of earnings order ceases to have effect under paragraph (7) or (8), paragraph (3) shall apply as it applies in a case where such an order is discharged.

Statement of earnings, etc.

105.—(1) Where an attachment of earnings order is about to be made or revived a court of summary jurisdiction may at any time before making or reviving the order—

- (a) direct the debtor to furnish within a specified period a statement signed by him of—
 - (i) the name and address of any person by whom earnings are paid to him;
 - (ii) specified particulars of his earnings and anticipated earnings, and of his resources and needs (including the needs of any person for whom he must, or reasonably may, provide);
 - (iii) specified particulars of any matters which are, or may be, relevant under Article 101 (5) to the determination of the normal deduction rate and the protected earnings rate to be specified in the order;
 - (iv) specified particulars for the purposes of enabling the debtor to be identified by any employer of his;
- (b) direct any person appearing to the court to be an employer of the debtor to furnish within a specified period a statement signed by him or on his behalf of specified particulars of the debtor's earnings and anticipated earnings.

(2) Where an attachment of earnings order has been made, a court of summary jurisdiction may at any time while the order is in force give any direction it is authorised by paragraph (1) (a) or (b) to give.

(3) A document purporting to be a statement such as is mentioned in paragraph (1) (a) or (b) shall, in proceedings before a court of summary jurisdiction, be received in evidence and be deemed to be such a statement without further proof, unless the contrary is shown.

Obligation of debtor and his employers to notify changes of employment and earnings

106.—(1) While an attachment of earnings order is in force—

- (a) the debtor shall notify the prescribed officer in writing of every occasion on which he leaves any employment, or becomes employed or re-employed, not later (in each case) than seven days from the date on which he did so;
- (b) the debtor shall, on any occasion when he becomes employed or re-employed, include in his notification under sub-paragraph (a) particulars of his earnings and anticipated earnings from the relevant employment; and
- (c) any person who becomes the debtor's employer and knows that the order is in force and that it was made by a court of summary jurisdiction shall, within seven days of his becoming the debtor's employer or of acquiring

that knowledge (whichever is the later) notify the prescribed officer in writing that he is the debtor's employer, and include in his notification a statement of the debtor's earnings and anticipated earnings.

(2) In paragraph (1) (a) and (c) "the prescribed officer" means such officer of the court as may be prescribed by magistrates' courts rules.

Power of court to determine whether particular payments are earnings

107.—(1) Where an attachment of earnings order is in force a court of summary jurisdiction shall, on the application of either the employer or the debtor, determine whether payments to the debtor of a particular class or description specified by the application are earnings for the purposes of the order; and the employer shall give effect to any determination for the time being in force under this Article.

(2) Where an application under this Article is made by the employer, he shall not incur any liability for non-compliance with the order as respects any payments of the class or description specified by the application which are made by him to the debtor while the application is pending; but this paragraph shall not unless a court of summary jurisdiction otherwise orders, apply as respects such payments if the employer subsequently withdraws the application.

Offences in relation to attachment of earnings orders

108.—(1) Subject to paragraphs (4) and (5), a person commits an offence if—

- (a) being required by Article 102 (1) or 104 (2) to comply with an attachment of earnings order, he fails to do so; or
- (b) being required by Article 102 (5) to give a notice for the purposes of that paragraph, he fails to give it, or fails to give it within the period required by that paragraph; or
- (c) he fails to comply with a direction under Article 105 (1) or (2); or
- (d) he fails to comply with Article 106; or
- (e) he gives a notice for the purposes of Article 102 (5), or a notification for the purposes of Article 106, which he knows to be false in a material particular, or recklessly gives such a notice or notification which is false in a material particular; or
- (f) in purported compliance with Article 102 (5) or (8) (b) or 106, or with a direction under Article 105 (1) or (2), he makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular.

(2) Where a person commits an offence under paragraph (1) he shall be liable on summary conviction to a fine not exceeding £100.

(3) Where a person who has been convicted under paragraph (2) commits a second or subsequent offence under the same provision of paragraph (1) in relation to the same provision of this Order (and in the case of an offence under paragraph (1) (a) in relation to the same attachment of earnings order) paragraph (2) shall have effect as if the reference therein to £100 were to £400.

(4) It shall be a defence—

- (a) for a person charged with an offence under paragraph (1) (a) to prove that he took all reasonable steps to comply with the attachment of earnings order in question;

(b) for a person charged with an offence under paragraph (1) (b) to prove that he did not know, and could not reasonably be expected to know,—

(i) that the debtor was not in his employment, or (as the case may be)

(ii) that the debtor had ceased to be in his employment,

and that he gave the required notice as soon as reasonably practicable after the fact came to his knowledge.

(5) It shall also be a defence for a person charged with an offence under paragraph (1) (b) of failing to give notice that the debtor had ceased to be in his employment to prove that he had had reasonable cause to believe that the court had knowledge of the cesser.

(6) Where a person is convicted of an offence under paragraph (1) (a) a court of summary jurisdiction may order him to pay to the collecting officer, the prescribed person or the creditor (as the case requires) any sums deducted by that person from debtor's earnings and not already so paid.

(7) Any sum ordered by the court to be paid under paragraph (6) shall be recoverable as a sum adjudged to be paid by a conviction.

Orders made in proceedings commenced by notice

Recovery of sums awarded in proceedings commenced by notice

109. Any sum (including costs) recoverable in proceedings before a magistrates' court commenced by notice under Part VII or under any other enactment shall, except where that other enactment provides to the contrary, be recoverable in the same manner as a sum recoverable in proceedings upon complaint otherwise than on conviction.

Other matters in relation to enforcement of orders

Application of sums found upon defaulter

110.—(1) Where a person has been adjudged to pay a sum by a conviction of a magistrates' court or in proceedings under Article 98, the court may order him to be searched.

(2) Subject to paragraph (3), any money found on such person on apprehension, or on such search as aforesaid, or on his being taken to prison or other place of detention in default of payment of the sum, may, unless the court otherwise directs, be applied towards payment of the sum and the balance, if any, shall be returned to him.

(3) The money found on such person shall not be so applied if the court is satisfied that the money does not belong to him or that such application of the money would be more injurious to his family than his detention.

Release from custody and reduction of period of imprisonment on payment

111.—(1) Where imprisonment has been imposed on any person by the conviction or order of a magistrates' court in default of payment of any sum or for want of sufficient distress to satisfy such sum, then, on the payment of the sum to a person authorised to receive it, together with the costs and charges, if any, of the commitment and distress, the order shall cease to have effect; and if the person has been committed to custody he shall be released unless he is in custody for some other cause.

(2) Where, after a period of imprisonment has been imposed on any person in default of payment of any sum adjudged to be paid by the conviction or order

of a magistrates' court or for want of sufficient distress to satisfy such a sum, payment of part of the sum is made to a person authorised to receive it, the period of imprisonment shall, subject to paragraph (3), be reduced by such number of days as bears to the total number of days in that period less one day the same proportion as the amount so paid bears to so much of the said sum, and the costs of any distress levied to satisfy that sum, as was due at the time the period of imprisonment was imposed.

(3) In calculating the reduction required under paragraph (2) any fraction of a day shall be left out of account.

Enforcement of orders other than for the payment of money

112.—(1) Where power is conferred under any enactment upon a magistrates' court to require any person to do or to abstain from doing anything other than the payment of money and no mode is provided for the exercise of such power, the court may, subject to the provisions of this Order, exercise such power by order.

(2) The court may annex to any order requiring any person to do or abstain from doing anything other than the payment of money any condition as to time or mode of action and may by order on complaint suspend or rescind such order on any undertaking being given or upon the condition being performed.

(3) Where a person fails to comply with an order such as is mentioned in paragraph (2) by either failing to do, within the time specified in the order or (if no time is so specified) forthwith, the thing he is required to do or, as the case may be, doing the thing he is required to abstain from doing and the enactment under which the order was made prescribes no punishment for such failure, a resident magistrate or other justice of the peace may upon complaint made to him at any time—

(a) issue a summons for the appearance of the person by whom that thing is required to be done or not done before a court of summary jurisdiction acting for the same petty sessions district as the court which made the order; or

(b) by warrant cause such person to be brought before a resident magistrate acting for the same petty sessions district as the court which made the order or for any other petty sessions district in the same county court division.

(4) A warrant shall not be issued under paragraph (3) unless the complaint is in writing and substantiated on oath.

(5) Where a person has been taken into custody in pursuance of a warrant issued under paragraph (3) for the purpose of causing him to be brought before a resident magistrate he shall, if it will not be practicable to bring him before a resident magistrate within twenty-four hours after he was so taken into custody, be brought, as soon as practicable, before a justice of the peace who may, if he thinks fit, discharge such person upon his entering into a recognizance for a reasonable amount to appear before a resident magistrate at the time and place named in the recognizance; but where such person is not so discharged the justice of the peace shall commit him to prison and direct that he shall be brought before a resident magistrate as soon as practicable thereafter and in any case not later than eight days from the date of such commitment.

(6) Upon the appearance of a person summoned before a court of summary jurisdiction under paragraph (3) or on proof that the summons was duly served

on him the court or, where a person is brought before a resident magistrate pursuant to a warrant issued under that paragraph, the resident magistrate—

- (a) may order that person to pay a sum not exceeding £50 for every day during which he fails to comply with the order or a sum not exceeding £1,000; or
- (b) may commit him to prison for a fixed period not exceeding two months or until he either complies with the order or satisfies a court of summary jurisdiction that he intends to comply with it (and the court may issue a warrant to enforce the order of commitment);

but a person who is ordered to pay a sum for every day during which he fails to comply with the order or who is committed to prison until he complies or satisfactorily indicates his intention to comply with the order shall not by virtue of this Article be ordered to pay more than £1,000 or be committed for more than two months in all for doing or abstaining from doing the same thing contrary to the order (without prejudice to the operation of this Article in relation to any subsequent failure to comply with the order).

(7) In relation to an order made by a resident magistrate or justice of the peace sitting out of petty sessions, the references in paragraph (3) (a) and (b) to the same petty sessions district as the court which made the order acted for shall be construed as references to the petty sessions district in which the order was made.

(8) Payment of any sum ordered to be paid under paragraph (7) shall be enforceable in the same manner as payment of a sum adjudged to be paid by a conviction.

Review of commitment under Article 112

113.—(1) A person imprisoned under a warrant of commitment issued under Article 112 who is not detained otherwise than under that Article may make an application in the prescribed manner requesting that the warrant be cancelled and stating the grounds of the application.

(2) An application under paragraph (1) shall be made to a resident magistrate who shall, after considering the statements contained in the application,—

- (a) if he is of opinion that the application should be further considered, refer it to the court; or
- (b) if he is not of that opinion, refuse the application.

(3) When an application is referred to the court under paragraph (2), the clerk of the court shall serve on the person in charge of the place in which the applicant is detained and the person in whose favour the order which is being enforced under Article 112 was made notice of the time and place appointed for the consideration of the application by the court and shall also serve on the second-mentioned person a copy of the application.

(4) On considering an application referred to it under paragraph (2) (a) the court may—

- (a) refuse the application; or
- (b) if the applicant satisfies the court that he has complied with the order in question or intends to comply with it, order that the warrant shall cease to have effect when the person in charge of the place in which the applicant is detained is served by the clerk of the court with a copy of the order.

- (5) Where the court makes an order under paragraph (4) (b) it may—
- (a) fix a term of imprisonment in respect of any continued or future failure to comply with the order in relation to which the warrant was issued, being a term not exceeding so much of the term of the previous warrant as remained to be served at the date of the order; and
 - (b) postpone the issue of the warrant for the commitment of the applicant for that term until such time and on such conditions, if any, as the court thinks just.
- (6) Where under paragraph (3) notice of the time and place appointed for the consideration of the application by the court is served by post on the person in whose favour the order which is being enforced under Article 112 was made—
- (a) the notice shall be deemed to have been served on him notwithstanding that it is returned as undelivered or is for any other reason not received by that person; and
 - (b) if that person does not appear at that time and place, the court may proceed with the consideration of the application in his absence.
- (7) In this Article “the court” means a court of summary jurisdiction sitting for the same petty sessions district as the court which issued the warrant of commitment or for any other petty sessions district in the same county court division.
- (8) This Article does not prejudice section 44 of the Judicature (Northern Ireland) Act 1978 (appeal to Court of Appeal from order or decision of a magistrates’ court under Article 112).

Issue, postponement and stay of execution of warrants

114.—(1) Subject to this Order or any other enactment, where a magistrates’ court makes an order upon conviction which is to have immediate effect it shall issue the proper warrant for executing the order forthwith or, if for any reason and subject to any enactment, the order is not to have immediate effect the court may postpone the issue or stay the execution of the warrant.

(2) A magistrates’ court may postpone the issue of any other warrant or stay the execution of it until such time and on such conditions as it thinks just.

Duties of Constabulary and others with respect to warrants

115.—(1) The provisions of any enactments regulating the duties of the Royal Ulster Constabulary with respect to warrants and the execution of warrants shall apply in relation to warrants issued under this Order to members of the Royal Ulster Constabulary.

(2) Without prejudice to paragraph (1), where for any reason the person to whom a warrant is addressed is unable to execute it within the time fixed by the warrant (or if no time has been so fixed, within a reasonable time), he shall return the warrant to the resident magistrate or other justice of the peace who issued it or who made the conviction or order upon which it was issued together with a certificate in the prescribed form of the reasons why the warrant has not been executed.

(3) The resident magistrate or other justice of the peace by whom a warrant has been issued or who made the conviction or order upon which it was issued may examine on oath the person to whom a warrant has been addressed

concerning the reasons why it has not been executed and may re-issue the warrant or may issue any other warrant for the same purpose.

(4) Without prejudice to Articles 156 and 158, where the resident magistrate or other justice of the peace who issued the warrant or made the conviction or order upon which it was issued is unable to exercise his functions under paragraph (3) by reason of his having died, ceased to hold office or become disqualified for holding office, or is for any other reason unable to perform the functions of his office, his functions under that paragraph shall be exercisable by any resident magistrate.

Issue, postponement or stay of execution of decrees in debt and ejectment proceedings

116. Unless the court for any special reason otherwise orders, a decree in debt or ejectment proceedings shall not issue until after the expiration of fourteen days from the date of the order under which it was issued, but the court may, subject to any terms it may see fit to impose, postpone the issue of a decree for such further period or periods as it thinks fit so, however, that (except as provided by Article 117) the court shall not postpone for more than four weeks the issue of a decree in ejectment proceedings for possession of premises which are required for the purposes of the execution of the statutory powers and duties of a local or other public authority.

Postponement of issue of warrants or decrees until appeal determined

117.—(1) Subject to paragraph (2) where a person has given notice of appeal to the county court or has applied for a case to be stated for the opinion of the Court of Appeal and where he is required to enter into a recognizance under Article 149 he has entered into that recognizance, a decree or warrant for the purpose of enforcing the order shall not be issued until—

- (a) the order has been affirmed, amended or varied on appeal; or
- (b) it appears to the court that the appellant has failed to perform the conditions of a recognizance entered into under Article 149; or
- (c) the appellant has abandoned the appeal in accordance with Article 150.

(2) Nothing in this Article shall apply to a person sentenced to imprisonment or other form of detention in custody or prejudice the operation of any enactment which expressly authorises or directs the levy of any sum notwithstanding the appeal or of Article 148 respecting persons in custody.

PART X

WITNESSES AND EVIDENCE

Witnesses

Summons to witness or warrant for his arrest

118.—(1) Where a justice of the peace is satisfied that any person is able to give material evidence or produce any document or thing before a magistrates' court, he may issue a summons directed to such person requiring him to attend before the court at the time and place appointed in the summons to give evidence or to produce the document or thing.

(2) Where a justice of the peace is satisfied by evidence on oath that it is probable that a person will not attend to give evidence at a preliminary investigation or preliminary inquiry, the complaint being in writing and on oath, he may, instead of issuing a summons to such person under paragraph (1), issue a warrant for his arrest.

(3) Upon failure of any person to attend before a magistrates' court in answer to a summons under paragraph (1), if—

- (a) the court is satisfied by evidence on oath that he is likely to be able to give material evidence or produce any document or thing likely to be material evidence in the proceedings; and
- (b) it is proved on oath or by affidavit or in such other manner as may be prescribed that such summons was duly served upon such person or that he is evading service and that he is able to give material evidence; and
- (c) no just excuse has been shown for such failure to attend;

a justice of the peace may issue a warrant to arrest him and bring him before a magistrates' court to testify and to produce such documents or things as may be required.

(4) Where a person is arrested upon a warrant issued under this Article he shall be brought, as soon as practicable, before a magistrates' court which may, if desirable, discharge such person upon his entering a recognizance to appear before that or any other magistrates' court at the time and place specified in the recognizance and, if necessary, to appear at every time and place to which during the proceedings the hearing may be adjourned.

Penalty for witness failing to appear or obey direction of court excluding him

119.—(1) Any person who—

- (a) was duly served with a summons under Article 118 and who fails, without reasonable excuse, to appear at the time and place appointed by the summons; or
- (b) fails to comply with the provisions of paragraph (2) or with any direction given under it;

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(2) Where in any proceeding before a magistrates' court it appears to the court desirable in the interests of justice so to do, the court may direct that any witness in that proceeding be excluded from the court during the proceeding until he is required for the purpose of giving evidence in that proceeding; and where such direction is given, the witness shall attend on the court and give his evidence when so required.

Refusal of witness to testify

120.—(1) If any person attending or brought before a magistrates' court refuses without just excuse to be sworn or give evidence, or to produce any document or thing, the court may commit him to custody until the expiration of such period not exceeding one month as may be specified in the warrant or until he sooner gives evidence or produces the document or thing or impose on him a fine not exceeding £500, or both.

(2) Nothing in this Article shall prevent the court from disposing of a case in any manner in which it has power to do so.

Evidence

Evidence on oath

121. Subject to this Part and to the provisions of any enactment or rule of law authorising the reception of unsworn evidence, evidence given before a magistrates' court shall be given on oath.

Statement of wages to be evidence

122. A statement in writing that wages of any amount have been paid to a person during any period, purporting to be signed by or on behalf of his employer, shall, without further proof, be evidence of the facts alleged in the statement—

- (a) for the purpose of ascertaining the means of such person where a magistrates' court is determining the amount of a sum adjudged to be paid by a conviction or order of a magistrates' court;
- (b) on any application made by or against such person for the making of an order for the periodical payment of money such as is specified in Article 98 (11) or for the variation, revocation, discharge, suspension or revival of such an order or in any proceedings under that Article for its enforcement.

Proof of non-payment of sum adjudged

123. In any summary proceedings to enforce the payment of a sum of money ordered to be paid by one person to another, then—

- (a) if the sum was payable under the order to the clerk of petty sessions or collecting officer, the production of a certificate purporting to be signed by the clerk or collecting officer that the sum has not been paid to him; and
- (b) in any other case, the production of a statutory declaration to a like effect purporting to be made by the person to whom the sum is payable under the order or, where the person to whom the sum is payable is a public or local authority or board, any authorised officer of the authority or board;

shall be evidence of the facts stated in the certificate or, as the case may be, the declaration, unless the court requires such clerk, officer or other person to be called as a witness.

Onus of proving exceptions in proceedings upon complaint

124.—(1) When the defendant to a complaint relies for his defence on any exception, exemption, proviso, excuse or qualification, the burden of proving such exception, exemption, proviso, excuse or qualification shall be on him.

(2) This Article shall have effect whether the exception, exemption, proviso, excuse or qualification relied on—

- (a) accompanies or does not accompany the description of the offence or matter of complaint in the enactment creating the offence or on which the complaint is founded; or
- (b) is or is not expressly specified or negated in the complaint.

Proof of previous convictions

125. Where a person is convicted of an offence by a court of summary jurisdiction other than a juvenile court, and it is proved to the satisfaction of the court, on oath or by affidavit or in the prescribed manner, that not less than seven days previously a notice was served on the accused in the prescribed form and manner specifying any alleged previous conviction of the accused of an offence proposed to be brought to the notice of the court in the event of his conviction of the offence charged, and the accused is not present in person before the court, the court may take account of any such previous conviction so specified as if the accused had appeared and admitted it.

Proof by affidavit of service of summons, handwriting, etc.

126.—(1) Without prejudice to any other mode of proof, service on a person of any summons, notice, process or document required or authorised to be served in any proceedings before a magistrates' court and the handwriting or seal of any resident magistrate or other justice of the peace, clerk of petty sessions or other officer or person on any warrant, summons, notice, process, recognizance or other document, may be proved by affidavit.

(2) Any affidavit purporting to be made and attested in the prescribed form shall be received in evidence and shall be deemed to be duly made and attested until the contrary is shown.

PART XI

RECOGNIZANCES AND BAIL

Recognizances to keep the peace or to be of good behaviour

Power to bind over

127.—(1) Subject to this Article, a magistrates' court may order a person to enter into a recognizance to keep the peace or to be of good behaviour or to keep the peace and be of good behaviour—

- (a) upon a complaint that such person should be called upon to show cause why he should not be ordered to be so bound; or
- (b) upon convicting a person of an offence and in lieu of or in addition to any sentence which the court may lawfully impose; or
- (c) in the case of a person present before such court without any formal application to the court to make such order.

(2) The period during which a person may be ordered to be bound by a recognizance under paragraph (1) shall not exceed two years.

(3) A complaint under paragraph (1) (a) may be laid before a justice of the peace where the person against whom the complaint is made resides or is found or is believed to be within the jurisdiction of such justice or where the conduct to which the complaint relates has occurred or is expected to occur within that jurisdiction.

(4) Subject to paragraph (3), a summons to the person against whom such complaint is made or a warrant for his arrest (whether in the first instance or in default of appearance) may in all respects be issued as if the complaint were one alleging the commission of a summary offence.

(5) Without prejudice to Article 18 (4)—

(a) proceedings upon the hearing of a complaint under this Article shall be conducted, and

(b) the person against whom the complaint is made and such witnesses as he may call may give evidence and be cross-examined,

in the same manner as in proceedings for a summary offence and the court may remand such person, whether in custody or on bail, for the same period and subject to the same conditions as in such last-mentioned proceedings.

(6) Any order against such person for the payment of costs made in proceedings under this Article shall be enforceable in the same manner as an order for the payment of a sum adjudged to be paid by a conviction of a magistrates' court.

(7) If any person ordered to enter into a recognizance by a magistrates' court under this Article fails to comply with the order, the court may commit him to prison for a period not exceeding six months or until he complies with the order, whichever is the shorter.

(8) Nothing in this Article shall derogate from the provisions of section 76 (2) of the Children and Young Persons Act (Northern Ireland) 1968 or section 7 (1) of the Probation Act (Northern Ireland) 1950 or any other enactment authorising a magistrates' court to require a person to give security for good behaviour or for keeping the peace.

Discharge of recognizances to be of good behaviour, etc., on application by surety

128.—(1) Where a surety to a recognizance to keep the peace or to be of good behaviour, or to keep the peace and to be of good behaviour, has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may make a complaint to any justice of the peace having jurisdiction either—

(a) in the place in which the said person resides or is believed by the complainant to be; or

(b) in the petty sessions district in which the recognizance was ordered to be entered into;

and that justice may, either issue a warrant against the said person to bring him before a resident magistrate out of petty sessions, or issue a summons to him to appear before a court of summary jurisdiction.

(2) The resident magistrate before whom the said person is brought under any such warrant or the court of summary jurisdiction before which he appears in answer to any such summons may order him—

(a) to enter into a new recognizance; or

(b) deal with him as if he were a person who had failed to comply with an order to enter into a recognizance;

and may in any case order that the first-mentioned recognizance shall be discharged.

(3) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath.

Bail on arrest

Endorsement on warrant as to release on bail

129.—(1) A justice of the peace on issuing a warrant for the arrest of any person may by endorsement on the warrant, direct that the person named, described or otherwise identified in the warrant shall on arrest be released on his entering into such a recognizance as may be specified in the endorsement; and the endorsement shall fix the amounts in which the principal and the sureties, if any, are to be bound or the amount of any security permitted to be deposited in lieu of sureties.

(2) Where such an endorsement is made, the member of the Royal Ulster Constabulary for the time being in charge of the police station to which the arrested person is brought shall discharge him on his entering into a recognizance with sureties approved by that member or without sureties or accompanied by the deposit of a security in lieu of such sureties or without such security, in accordance with the terms of the endorsement, conditioned for his appearance before the court named and at the time and place specified in the recognizance.

Power of Constabulary to release person arrested without a warrant

130.—(1) Where any person is arrested without a warrant for any offence the member of the Royal Ulster Constabulary for the time being in charge of the police station to which such person is brought shall inquire into the complaint and—

(a) where he is satisfied that the offence is not of a serious nature and that the release of such person would not tend to defeat the ends of justice or to cause injury or danger to any person, may, without prejudice to further proceedings being brought against such person by way of summons or otherwise—

(i) release him from custody, without requiring him to enter into a recognizance; or

(ii) may release him upon his entering into a recognizance to appear before a magistrates' court at a time and place specified in the recognizance and to answer to the complaint;

and a person entering into such recognizance shall be deemed for the purpose of Articles 48 and 49 to have been remanded on bail;

(b) where he is satisfied that the inquiry into the complaint cannot be completed forthwith, may release such person from custody upon his entering into a recognizance to appear at such police station at such time as is named in the recognizance unless he previously receives notice from a member of the Royal Ulster Constabulary not below the rank of Inspector that his attendance is not required.

(2) A recognizance entered into for the purposes of this Article may be taken before the member of the Royal Ulster Constabulary for the time being in charge of the police station and the time to be specified in any such recognizance shall, subject to paragraph (3), be either the date of the next petty sessions or a date not later than twenty-eight days from the date of such recognizance.

(3) Where it appears to any such member that a person who has entered into a recognizance to appear at a police station is, by reason of illness or other unavoidable cause, unable to appear at the time named in the recognizance, such member may extend the time named in the recognizance for such further period as may appear to be reasonable in the circumstances.

(4) Nothing in this Article shall affect the operation of section 31 (5) of the Children and Young Persons Act (Northern Ireland) 1968.

Duty of Constabulary where person arrested without warrant is not released

131. Where a person arrested without warrant is not, within twenty-four hours of his arrest, released from custody the member of the Royal Ulster Constabulary in charge of the police station where such person is in custody shall bring him or have him brought before a magistrates' court as soon as practicable thereafter but in any event not later than forty-eight hours after his arrest.

Powers of resident magistrate or other justice in relation to persons not released on bail

132. Without prejudice to any other provision of this Order, any resident magistrate or other justice of the peace before whom a person arrested for any offence is brought, where he is satisfied that the offence is not of a serious nature, may, without prejudice to further proceedings being brought against such person by way of summons or otherwise, release such person from custody without requiring him to enter into any recognizance.

Conditions on admission to bail

133. Without prejudice to any other power to impose conditions on admission to bail, a magistrates' court may impose such conditions on admitting a person to bail as appear to the court to be likely to result in that person's appearance at the time and place required or to be necessary in the interests of justice or for the prevention of crime.

Discharge of recognizance of surety where person committed for trial

Provision where person committed for trial about to abscond

134.—(1) Where a person has entered into a recognizance to appear before a magistrates' court or been committed for trial on bail, a surety for such person may make a complaint in writing and upon oath before a justice of the peace that he suspects that such person is about to abscond for the purpose of evading that appearance or trial and the justice may issue a warrant for the arrest of that person and requiring him to be brought before a resident magistrate.

(2) The resident magistrate before whom a person is brought under paragraph (1) may commit such person to prison until his next appearance before a magistrates' court or his trial or until he finds another surety and the recognizance entered into by the original surety shall be discharged.

General provisions with regard to recognizances

Amount of recognizance

135. A recognizance shall be in such amount as appears sufficient to ensure the performance of its conditions.

General power to order sureties to any recognizance

136. Any power of a magistrates' court or of a member of the Royal Ulster Constabulary to require or authorise a recognizance of any kind to be entered into or to fix the amount of any recognizance shall include the power to require or, as the case may be, authorise the recognizance to be entered into with a surety or sureties.

Acceptance of deposit of money or valuable security in lieu of sureties to a recognizance

137.—(1) Any magistrates' court or member of the Royal Ulster Constabulary may accept or authorise the acceptance of the deposit of a sum of money or other valuable security in lieu of sureties for the due performance of the conditions of a recognizance.

(2) Where a court of summary jurisdiction estreats the recognizance, it may order the forfeiture of the whole or any part of any sum of money or other valuable security deposited under paragraph (1).

(3) The amount of the sum deposited or the valuable security shall be specified in the recognizance.

(4) Where the condition of the recognizance is duly performed the sum or security shall be repaid or returned to the person who deposited it.

Estreating of recognizances

138.—(1) Without prejudice to Article 151, where the condition of a recognizance is to appear at the Crown Court or county court the recognizance shall be liable upon breach of that condition to be estreated by that court; otherwise recognizances entered into before, or in connection with, proceedings pending in or before a magistrates' court may, without prejudice to any other mode of enforcement, be enforced by a court of summary jurisdiction.

(2) Where the condition of a recognizance is to keep the peace or to be of good behaviour or to keep the peace and to be of good behaviour or to appear before a magistrates' court or at a police station or where any other recognizance may be enforced by a court of summary jurisdiction, a court of summary jurisdiction may—

- (a) subject to paragraph (3), upon proof in open court of non-performance of the condition of the recognizance, order the estreat of the recognizance to such amount as it sees fit; or
- (b) remit payment of the amount due under the recognizance.

(3) A court of summary jurisdiction shall not order the estreat of a recognizance unless either—

- (a) proof is given on oath that notice in writing (stating the general grounds upon which the application to estreat the recognizance is made) was served personally on, or left at the usual place of abode of, the party (or each of the parties if more than one) against whom it is sought to put such recognizance in force, at least seven days before the application is made; or

- (b) where a party entering into a recognizance resides outside Northern Ireland, such a notice as is referred to in sub-paragraph (a) is served upon the party within the time specified by that sub-paragraph,—

- (i) by the recorded delivery service; or
 - (ii) by registered post in accordance with section 24 (1) of the Interpretation Act (Northern Ireland) 1954; or

- (iii) if neither of those methods is available, by ordinary post; and proof of such posting shall be deemed to be proof of the service of such notice.

(4) Upon ordering the estreat of a recognizance the court may issue a warrant—

- (a) to levy the amount forfeited by distress and sale of the property of any person bound by the recognizance, and

(b) in default of distress to commit such person to prison as if for default in the payment of a sum adjudged to be paid by a conviction; and accordingly the period for which such person may be committed shall not exceed that specified in Schedule 3.

(5) Nothing in this Article shall prejudice the power of a magistrates' court to issue a warrant for the arrest of a person who, in breach of his recognizance, has failed to appear before the court.

Disposal of deposits in lieu of sureties in certain cases

139.—(1) Where, under any enactment, any sum or security has been deposited with a magistrates' court, or with a member of the Royal Ulster Constabulary, in lieu of sureties for the due performance of the conditions of a recognizance and—

(a) the conditions of the recognizance have been duly performed but it has not been possible to repay or return the deposit to the person who deposited it; or

(b) a condition of the recognizance has been broken but it has not been possible to serve a notice of application to estreat the recognizance on the person who made the deposit or to ascertain his usual place of abode;

the clerk of petty sessions for the court or a member of the Royal Ulster Constabulary, as the case may require, shall, after the expiration of twelve months from the date when the deposit has become repayable or returnable or, as the case may be, the condition of the recognizance has been broken, or so soon thereafter as is practicable, apply to a court of summary jurisdiction under Part VII for an order for the disposal of the deposit; and that court may, if in all the circumstances of the case it considers it just to do so, by order, direct the deposit—

(i) in the case of money, to be transferred to the Consolidated Fund of the United Kingdom; or

(ii) in the case of any other security, to be sold and the proceeds of the sale transferred to the Consolidated Fund of the United Kingdom.

(2) Notice of any such application, containing particulars of the deposit and of the party who deposited it, shall be exhibited at the police station nearest to the place where the deposit was made for a period of not less than one month before the hearing of the application by the court.

(3) Where a court which has made an order under paragraph (1) is satisfied, at any time after the making of the order, upon an application made in accordance with the said Part VII, that any person claiming to be entitled to the whole or part of any sum transferred to the Consolidated Fund of the United Kingdom in pursuance of that order is so entitled, that court may, by order, so declare; and the Treasury shall issue out of the Consolidated Fund of the United Kingdom such sums as may appear to it to be necessary to provide for payment of that person accordingly.

PART XII

APPEAL AND CASE STATED

Appeals to county court

Appeals against conviction or sentence, etc.

140.—(1) Subject to this Article, a person convicted by a magistrates' court may appeal to a county court,—

- (a) whether or not he pleaded guilty, against his sentence;
- (b) if he did not plead guilty, against the conviction.
- (2) In paragraph (1) “sentence” includes any order made on conviction, not being—
 - (a) a probation order or an order for conditional or absolute discharge; or
 - (b) an order for the payment of costs; or
 - (c) any other order subject to a restriction referred to in paragraph 9 (1) (b) of Schedule 5.
- (3) A person sentenced by a court of summary jurisdiction for an offence in respect of which a probation order or an order for conditional discharge has been previously made or upon whom a fine has been imposed for breach of the requirement of a probation order may appeal to a county court against the sentence or fine.
- (4) A person ordered under section 7 (1) of the Probation Act (Northern Ireland) 1950 to give good security for the good behaviour of an offender may appeal to the county court.

Appeals from orders as to recognizances

141.—(1) A person ordered by a magistrates’ court to enter into a recognizance to keep the peace or to be of good behaviour or to keep the peace and be of good behaviour may appeal to the county court and the order appealed against shall not be suspended pending the determination of the appeal but shall, pending such determination, have full force and effect.

(2) A party bound by a recognizance which is estreated by a court of summary jurisdiction may appeal to the county court.

Appeals against imprisonment or fine for misbehaviour in court or against an order under Article 112 (6)

142.—(1) A person committed to prison or upon whom a fine is imposed under Article 160 may appeal to the county court.

(2) Nothing in this Part shall affect section 44 of the Judicature (Northern Ireland) Act 1978 in so far as it confers a right of appeal to the Court of Appeal from an order under Article 112 (6).

Appeals in other cases

143.—(1) Subject to paragraph (2) and to Articles 29 and 31 (1) of the Domestic Proceedings (Northern Ireland) Order 1980, an appeal shall lie to the county court from any order of a magistrates’ court in proceedings to which this Article applies, by any party to the proceedings.

(2) No appeal shall lie from an order under Article 98 (4) or (5).

(3) This Article applies to the following proceedings—

- (a) debt proceedings;
- (b) ejectment proceedings;
- (c) proceedings commenced by notice of application or appeal (whether under Part VII or otherwise);
- (d) proceedings upon a complaint to which Part VIII applies.

Procedure on appeal

144.—(1) Where an appeal is made to the county court under this Part, the appellants shall, in addition to complying with the provisions of this Part as to recognizances, within fourteen days commencing on the day on which the

decision of the magistrates' court was made, give to the other party notice in writing of his appeal and shall within the said period lodge a copy of such notice so given with the clerk of petty sessions.

(2) For the purposes of paragraph (1) the day on which the decision of the magistrates' court is given shall, where the court has adjourned the hearing of a complaint after conviction or under Article 51, be the day on which the court sentences or otherwise deals with the offender.

(3) An appeal from the decision of a magistrates' court shall, without prejudice to any power to adjourn proceedings in the county court and subject to paragraph (4), be heard at the sitting of the county court having jurisdiction in the county court division in which the magistrates' court sat which commences next after the expiration of seven days from the day on which the copy of the notice is lodged with the clerk of petty sessions under paragraph (1).

(4) Where the appellant remains in custody pending the hearing of his appeal, the appeal may be heard at the sitting of the county court which commences next after the day on which the copy of the notice is lodged with the clerk of petty sessions under paragraph (1).

(5) Without prejudice to Article 14, magistrates' courts rules may provide for the transmission of documents to and from the county court.

Powers exercisable by county court on appeal

145.—(1) On an appeal made to it under this Part the county court may exercise all or any of the powers specified in Article 28 of the County Courts (Northern Ireland) Order 1980 and where an appellant who has not given due notice of abandonment in accordance with Article 150 does not appear to prosecute his appeal the county court may without rehearing any evidence affirm the order appealed from or may otherwise deal with the appeal in the absence of the appellant and in either case may, subject to county court rules, order the payment of costs by the appellant.

(2) This Article shall not apply to costs in criminal appeals.

Case stated

Cases stated by magistrates' courts

146.—(1) Any party to a summary proceeding dissatisfied with any decision of the court upon any point of law involved in the determination of the proceeding or of any issue as to its jurisdiction may apply to the court to state a case setting forth the relevant facts and the grounds of such determination for the opinion of the Court of Appeal.

(2) An application under paragraph (1) shall be made in writing by delivering it to the clerk of petty sessions within fourteen days commencing with the day on which the decision of the magistrates' court was given and a copy shall be served on the other party within the same period.

(3) For the purpose of paragraph (2) the day on which the decision of the magistrates' court is given shall, where the hearing of the charge has been adjourned after conviction or under Article 51, be the day on which the court sentences or otherwise deals with the offender.

(4) If the magistrates' court is of opinion that an application under this Article is frivolous, but not otherwise, it may, subject to paragraph (5), refuse to state a case, and, if the applicant so requires, shall give him a certificate stating that the application has been refused.

(5) The court shall not refuse to state a case if the application is made by or under the direction of the Attorney General.

(6) Subject to the preceding provisions of this Article the magistrates' court, upon application made under paragraph (1), shall state a case within three months from the date of the application.

(7) Where the magistrates' court refuses or fails to state a case under paragraph (6), the applicant may apply to a Judge of the Court of Appeal for an order directing the magistrates' court to state a case within the time limited by the order and where the Judge of the Court of Appeal makes such order the magistrates' court shall state the case upon the applicant entering into any recognizance required by Article 149.

(8) Where an application for a case to be stated under this Article has been granted any other right of the applicant to appeal against the decision shall cease.

(9) Within fourteen days from the date on which the clerk of petty sessions dispatches the case stated to the applicant (such date to be stamped by the clerk of petty sessions on the front of the case stated), the applicant shall transmit the case stated to the Court of Appeal and serve on the other party a copy of the case stated with the date of transmission endorsed on it.

(10) Where two or more parties to the same proceedings apply under this Article to the court to state a case, the court shall, subject to paragraph (4), state a single case only.

Powers of Court of Appeal

147.—(1) Without prejudice to the generality of section 22 of the Interpretation Act (Northern Ireland) 1954, where a case is stated under Article 146 for the opinion of the Court of Appeal, that Court may exercise all the powers, authority and jurisdiction of the magistrates' court stating the case and, in addition may—

- (a) affirm, reverse or vary the decision of the magistrates' court;
- (b) remit the case stated, with such declarations or directions as the Court of Appeal may think proper, for hearing and determination by the magistrates' court or for re-statement or amendment or for a supplemental case to be stated thereon; or
- (c) make such order as to costs and expenses as the Court of Appeal may think proper;

and the magistrates' court shall have regard to all such declarations and obey all such directions, if any, as may be given by the Court of Appeal pursuant to subparagraph (b).

(2) Except as provided by section 41 of the Judicature (Northern Ireland) Act 1978, the decision of the Court of Appeal upon a case stated under this Part shall be final.

Supplemental provisions as to appeal to the county court or by way of case stated

Bail on appeal to county court or by way of case stated

148.—(1) Where a person has given notice of appeal to the county court against the order of a magistrates' court or has applied to a magistrates' court to state a case for the opinion of the Court of Appeal, then, if he is in custody, the magistrates' court or any justice of the peace having jurisdiction in the petty sessions district for which the court acted may order him to be released on his entering into a recognizance conditioned—

- (a) if he has given notice of appeal, for his appearance at the hearing of the appeal;

- (b) if he has applied for the statement of a case, for his due appearance before the magistrates' court after the judgment of the Court of Appeal has been given, if and when he is so directed by the Court of Appeal;
- (c) and in either case for the due prosecution of the appeal in the same terms as the recognizance required by Article 149 (1).

(2) Where the appellant in custody is unable to obtain his release because a magistrates' court has refused to release him from custody under paragraph (1) or fixed the amount of the recognizance to be entered by the appellant or of the recognizance of a surety under Article 136 or the amount of any security to be given under Article 137 in lieu of sureties at an excessive sum, the appellant may apply to the High Court to release him from custody, or to reduce the amount of the recognizance or security as the case may be.

(3) Any application under paragraph (2) shall be made in like manner as an application for bail by a person who has been returned for trial in custody in respect of an indictable offence and on any such application the Court may order the release of the appellant on such conditions, and fix the amount of the recognizance or other security as such sum, as the Court thinks fit.

Recognizance to prosecute appeal and fees on case stated

149.—(1) Subject to paragraph (3), an appellant shall within three days commencing on the day on which a copy of the notice of appeal is lodged with the clerk of petty sessions or the application for a case stated is made enter into a recognizance in such amount as may be fixed by the court from whose decision the appeal is brought or by any justice of the peace having jurisdiction in the petty sessions district for which that court acted conditioned—

- (a) to prosecute the appeal or case without delay; and
- (b) to abide by the judgment of the county court or of the Court of Appeal, as the case may be; and
- (c) to pay such costs as the court may award.

(2) The clerk of petty sessions shall not be required to deliver a case stated to the appellant until the appellant has, where necessary, complied with paragraph (1) and has paid to him such fees payable for the case and for the recognizance as may be prescribed and if the appellant fails or neglects to pay the fees within fourteen days after being notified that the case stated is ready for delivery he shall be deemed to have abandoned his appeal.

- (3) Paragraph (1) shall not apply to an appellant who—
 - (a) pending the hearing of the appeal or case stated remains in custody; or
 - (b) has been released from custody upon his entering into a recognizance under Article 148; or
 - (c) 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; or
 - (d) is appealing to the county court against an order made in debt proceedings; or
 - (e) is a plaintiff appealing to the county court in ejectment proceedings.

Abandonment of appeal to county court or by way of case stated

150.—(1) An appellant may at any time, not less than seven days before the date fixing for the hearing, abandon an appeal to the county court by giving notice in writing to such member of the Northern Ireland Court Service as the Lord Chancellor may designate and such person shall forthwith give notice to the other party to the appeal.

(2) Where an appeal is by way of case stated the applicant for the case may at any time before the date on which he is required to transmit the case to the Court of Appeal abandon the appeal by giving notice in writing to such member of the Northern Ireland Court Service as the Lord Chancellor may designate and such person shall forthwith give notice to the other party to the appeal.

Estreat of recognizances and making of orders as to costs in connection with appeals

151.—(1) Where it appears that an appellant has failed to comply with the conditions of a recognizance entered into under Article 148 or Article 149, because—

- (a) a notice of abandonment has been duly served under Article 150; or
- (b) the appeal has not been duly prosecuted; or
- (c) being the applicant for a case stated, he has failed to take delivery of it or to transmit it as required by Article 146 (9);

a court of summary jurisdiction acting for the same petty sessions district as the magistrates' court from whose decision the appeal was made or by whom the case was stated, may, after such a notice as is referred to in Article 138 (3), has been served in accordance with that paragraph upon the party or parties bound by the recognizance, order the recognizance to be estreated.

(2) In addition, the court of summary jurisdiction may, on the application of the other party to the appeal, order to be paid to him out of the amount forfeited on the estreat of the recognizance such sum as appears to the court to be just and reasonable in respect of expenses properly incurred by such other party in connection with the appeal and the balance of the sum so forfeited, if any, shall be paid into the Consolidated Fund of the United Kingdom so, however, that where the appeal is abandoned pursuant to notice duly served under Article 150 the said balance shall be repaid to the party or parties from whom it was forfeited.

(3) Where an appeal has been abandoned by a public or local authority or by an officer of a public or local authority acting as such or by a constable acting as such by notice of abandonment under Article 150 or where such an appeal has not been duly prosecuted, a court of summary jurisdiction such as is referred to in paragraph (1) may upon complaint order it or him to pay such costs as appear to the court to be just and reasonable in respect of expenses properly incurred by any other party in connection with the appeal.

(4) The provisions of this Article are in addition to and not in derogation of any provision made by rules of court for the enforcement of the recognizances referred to in paragraph (1).

Enforcement of orders made, affirmed or varied on appeal or of original order where appeal abandoned

152. Without prejudice to Article 147, or, in the case of an appeal to the county court, to Article 28 of the County Courts (Northern Ireland) Order 1980, after an appeal has been decided by the Court of Appeal or county court or, where an appeal has been abandoned (including where an applicant for a case stated has failed to take delivery of it or to transmit it to the Court of Appeal), an order, decree or warrant to enforce the order made on appeal, affirming, reversing or varying the original order, or (as the case may be) to enforce the original order, may be issued by any resident magistrate or other justice of the peace having jurisdiction in the same petty sessions district as the court which made the original order and, in the case of an appeal to the county court, by the chief clerk.

Computation of sentence on appeal

153.—(1) Where a person who has been sentenced to imprisonment by a magistrates' court appeals to the county court or, by way of case stated under this Part or under Article 61 of the County Courts (Northern Ireland) Order 1980 to the Court of Appeal—

- (a) the time during which the appellant, pending the determination of his appeal, is not detained in custody shall not count as part of any term of imprisonment under his sentence;
- (b) the time during which the appellant is in custody pending the determination of his appeal shall, subject to any direction which the county court or, as the case may be, the Court of Appeal may give to the contrary, be reckoned as part of any sentence to which he is for the time being subject.

(2) When the county court or the Court of Appeal gives a direction under paragraph (1) (b), it shall state its reasons for giving it.

(3) The term of any sentence passed by the county court or the Court of Appeal in exercise of its powers under this Part or under any other statutory provision shall, unless the county court or, as the case may be, the Court of Appeal otherwise directs, begin to run from the time when it would have begun to run if passed in the proceedings from which the appeal lies.

PART XIII

GENERAL

Forms

Objections as to want of form or variance between complaint, etc., and evidence adduced

154.—(1) No objection shall be allowed in any proceedings before a magistrates' court to any complaint, summons, warrant, process, notice of application or appeal or other document for any alleged defect in substance or in form or for variation between any complaint, summons, warrant, process notice or other document and the evidence adduced on the part of the complainant, plaintiff, applicant or appellant at the hearing, unless the defect or variance appears to have misled the other party to the proceeding.

(2) Without prejudice to the generality of Article 161 or 163, where a party to the proceeding has been misled by such defect or variance as is mentioned in paragraph (1) the court may, if necessary and upon such terms as it thinks fit, adjourn the proceedings.

Amendment of complaint or other documents

155. A magistrates' court may during any proceeding upon such terms as it thinks fit, make any amendment in any complaint, summons, warrant, process, notice of application or appeal or other document which is necessary for the purpose of raising the real questions at issue and arriving at a just decision.

Validity of documents issued in proceedings

156. A summons, warrant, decree or other document issued by a resident magistrate or other justice of the peace shall not be void by reason of the magistrate, justice or clerk of petty sessions who signed the document subsequently dying or ceasing to hold or becoming disqualified for holding office.

Service of summons and execution of warrants

Summons or process lawfully issued may be served anywhere in Northern Ireland

157. Any summons, notice or other process lawfully issued in connection with any proceedings before a magistrates' court may be served in any part of Northern Ireland upon the person to whom it is addressed.

Execution of warrants

158.—(1) A warrant issued in connection with proceedings before a magistrates' court by a resident magistrate or other justice of the peace shall remain in force until it is executed or until it is withdrawn by the person who issued it, or if he is unable to act, by any resident magistrate.

(2) Notwithstanding any other enactment, any warrant for arrest or search or of commitment or distress lawfully issued in connection with proceedings before a magistrates' court may be executed in any part of Northern Ireland and it may be executed either by any person to whom the warrant was originally directed or by any constable.

(3) Where the person against whom any such warrant or his property, as the case may be, is to be found in Northern Ireland, the provisions of the Petty Sessions (Ireland) Act 1851 (a) relating to the certifying and endorsing of warrants shall not apply.

(4) Any warrant for the arrest of any person or any warrant of commitment lawfully issued in connection with proceedings before a magistrates' court may be executed by any constable at any time notwithstanding that the warrant is not in his possession at that time, but the warrant shall, on demand of the person arrested or committed, be shown to him as soon as practicable.

(5) The issue or execution of any warrant for arrest or search or of commitment in connection with proceedings before a magistrates' court shall be as effectual on Sunday as on any other day.

Power of High Court to amend summary orders, etc.

Amendment of order of magistrates' court on application to quash it

159. Without prejudice to section 25 of the Judicature (Northern Ireland) Act 1978, where—

(a) on the hearing of any application to the High Court to quash the order (including a conviction) of a magistrates' court there appears to be an omission or mistake in the order; and

(b) the High Court is satisfied that such omission or mistake is of an obvious or clerical nature and that the magistrates' court ought to have caused the order to be drawn up free from that omission or mistake,

the High Court may, upon such terms as to costs or otherwise as it thinks proper, amend the order and adjudicate thereon as if the omission or mistake had not happened.

Miscellaneous orders

Misbehaviour in court

160.—(1) A magistrates' court has jurisdiction under this Article to deal with any person who—

(a) wilfully insults a resident magistrate or justice of the peace, any witness before or officer of the court or any solicitor or counsel having business

(a) 1851 c. 98.

in the court, during his sitting or attendance in court or in going to or returning from the court; or

(b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court.

(2) In any such case the court may order any officer of the court, or any constable, to take the offender into custody and detain him until the rising of the court; and the court may commit the offender to prison for a specified period not exceeding one month or impose on him a fine not exceeding £500 or both.

(3) A magistrates' court may at any time revoke an order of committal made under paragraph (2) and, if the offender is in prison, order his discharge.

(4) An order under paragraph (2) for the payment of a fine may be enforced as though the fine were a sum adjudged to be paid by a conviction.

Adjournment

161.—(1) A magistrates' court may at any time adjourn proceedings before it.

(2) Where a court of summary jurisdiction adjourns the hearing of a complaint any day on which a resident magistrate resumes the sitting to hear that complaint shall be deemed to be a day directed for the holding of petty sessions.

(3) The court may when adjourning either fix the time and place at which the proceedings are to be resumed or, unless it is remanding a person in custody or on bail, leave the time and place to be determined later by the court; but the proceedings shall not be resumed at that time and place unless the court is satisfied that the parties and witnesses had adequate notice thereof.

(4) Persons whose attendance has been required by summons shall, without the issue of further summons, attend on the day to which the hearing is adjourned.

(5) Where a magistrates' court is for any reason unable to sit at the time appointed for such sitting, the clerk of petty sessions may adjourn the sitting and any summons, process, notice or recognizance requiring or conditioned for the appearance of a person at such sitting shall be deemed to be varied so as to require the appearance of that person at the time and place to which the sitting is so adjourned.

Recovery and remission of fees

162.—(1) Where any person fails to pay any court fee, a court of summary jurisdiction may, on complaint of the clerk of petty sessions to whom such payment is due, make an order requiring the payment to be made and such order shall be enforceable in the same manner as an order for the payment of a sum adjudged to be paid by a conviction.

(2) A magistrates' court may, if satisfied of the inability of a party in any proceedings or on whose behalf any proceedings are brought to pay any court fees, remit such fees wholly or in part.

Costs

163.—(1) Subject to magistrates' courts rules, a magistrates' court may order that a successful complainant, plaintiff, applicant or appellant in any summary proceeding shall recover costs from a defendant or respondent.

(2) Where a complaint, debt or ejectment proceeding, application, appeal or other summary proceeding is dismissed, withdrawn or ordered to be struck out or where an order in any such proceeding is refused, the court may order that a defendant or respondent shall recover costs from the complainant, plaintiff, applicant or appellant.

(3) The court when making an order for adjournment may order that one party shall recover from another the costs of the adjournment.

(4) Paragraphs (1) and (2) shall not apply to costs in criminal cases.

Representation

Appearance by counsel or solicitor

164.—(1) A party to any proceedings before a magistrates' court may be represented by counsel or solicitor; and an absent party so represented shall, except where any provision in any enactment (including this Order) or any condition of a recognizance expressly requires his presence, be deemed not to be so absent.

(2) Where a magistrates' court is satisfied that a party to proceedings is unable through illness or other reasonable cause to appear, the court may grant special leave to the father, son, mother, daughter, husband, wife, brother or sister of such party to appear and be heard.

(3) For the purposes of paragraph (1), counsel or solicitor shall be construed subject to Article 5 of the European Communities (Services of Lawyers) Order 1978 (a).

Conduct of proceedings by police officer

165. Where in proceedings before a magistrates' court the complainant is a member of the Royal Ulster Constabulary, the court may allow a member of the Royal Ulster Constabulary not below the rank of Inspector to conduct proceedings on behalf of the complainant.

Corporations

166. The provisions of Schedule 4 shall apply where a corporation is charged with an indictable offence before a magistrates' court.

Supplemental

Expenses

167.—(1) Any expenses incurred by the Lord Chancellor in performing his functions under this Order or any increase in the expenses of the Lord Chancellor in defraying any sums authorised by this Order to be paid, or which are attributable to the performance or any function conferred by this Order, shall be defrayed out of moneys provided by the Parliament of the United Kingdom.

(2) Any expenses incurred by or in connection with the Rules Committee shall be defrayed as part of the expenses incurred by the Lord Chancellor in performing his functions under this Order.

Directions

168. Any power conferred by this Order on the Lord Chancellor to give directions includes power to vary or revoke any directions so given.

Application to the Crown

169. Without prejudice to any Order in Council made under section 53 of the Crown Proceedings Act 1947 (b) (extension of that Act to Northern Ireland), Articles 100 to 107 bind the Crown to the extent necessary to enable the enforcement of the duties imposed on chief officers by virtue of Article 103.

(a) S.I. 1978/1910. (b) 1947 c. 44.

Transitional provisions, construction of references, savings, amendments and repeals

170.—(1) Schedule 5 (which contains transitional and saving provisions and provisions for the construction of references which were contained in provisions repealed by this Order) shall have effect.

(2) The enactments specified in Schedule 6 shall have effect subject to the amendments specified in that Schedule (being amendments consequential on the provisions of this Order).

(3) The enactments specified in Schedule 7 (which include certain enactments already spent or superseded by other enactments) are hereby repealed to the extent specified in column 3 of that Schedule.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULES

SCHEDULE 1

Articles 3 (2)
and 18 (3).

MATTERS WHICH MAY BE DEALT WITH BY A JUSTICE OF THE PEACE OUT OF PETTY SESSIONS

PART I

Enactments passed before 1st January 1936, under which functions may be exercised by a justice of the peace

1. The Justices of the Peace Act 1361 (a) in so far as it authorises the taking of security for good behaviour or keeping the peace.
2. Any enactment authorising a justice of the peace to sign summonses, warrants, certificates or other documents or make or sign declarations, administer oaths or take affidavits, declarations, affirmations, informations, bonds or recognizances.
3. Section 5 (1) of the General Dealers (Ireland) Act 1903 (b).
4. Section 2 and section 6 (2A) of the Game Preservation Act (Northern Ireland) 1928 (c).
5. Section 15 (3) (b) of the Wild Birds Protection Act (Northern Ireland) 1931 (d).

PART II

Offences by adults which may be dealt with by a justice of the peace upon consent of the accused

6. Offences under section 4 (a), (b), (e), (f), (j), or (k) of the Vagrancy Act 1824 (e).
7. Offences under section 3 of the Vagrancy (Ireland) Act 1847 (f).
8. Offences under the following provisions of the Summary Jurisdiction (Ireland) Act 1851 (g):—
 - (a) paragraphs 1 and 4 of section 12;
 - (b) paragraph 4 so far as it relates to any person riding a horse or other animal or driving any sort or carriage drawn by a horse or other animal, and paragraph 5 of section 13.
9. Offences under section 20 of the Dogs Regulation (Ireland) Act 1865 (h).
10. Offences under section 9 of the Summary Jurisdiction (Ireland) Act 1908 (i).
11. Offences under section 24 of the Children and Young Persons Act (Northern Ireland) 1968.
12. Offences under Article 10 (1) and (2) of the Criminal Justice (Northern Ireland) Order 1980.

(a) 1361 c. 1.	(b) 1903 c. 44.	(c) 1928 c. 25 (N.I.).
(d) 1931 c. 14 (N.I.).	(e) 1824 c. 83.	(f) 1847 c. 84.
(g) 1851 c. 92.	(h) 1865 c. 50.	(i) 1908 c. 24.

INDICTABLE OFFENCES WHICH MAY BE DEALT WITH SUMMARILY UPON CONSENT OF THE
ACCUSED

1. Offences under sections 20, 27 or 47 of the Offences against the Person Act 1861 (a).
2. Offences of indecent assault under section 52 or 62 of the Offences against the Person Act 1861.
3. An offence under section 60 of the Offences against the Person Act 1861 of concealing the birth of a child but only where it is not alleged that the child died other than from natural causes.
4. Offences under section 20 of the Telegraph Act 1868 (b).
5. Offences under Part II of the Debtors Act (Ireland) 1872 (c).
6. Offences under section 13 of the Stamp Duties Management Act 1891 (d).
7. Offences under Part IV of the Bankruptcy Amendment Act (Northern Ireland) 1929 (e).
8. Offences under sections 53 and 55 to 58 of the Post Office Act 1953 (f).
9. Any offence which by virtue of section 105 of the Electoral Law Act (Northern Ireland) 1962 (g) may be tried summarily.
10. Publishing, exhibiting or selling any indecent or obscene book, writing, picture, or model, or any other indecent or obscene article or thing whatever, whether similar to the things mentioned or not.
11. Any person alleged to be guilty of an offence under section 4 (1) of the Criminal Law Act (Northern Ireland) 1967 (h) by reason of his having done any act with intent to impede the apprehension or prosecution of a person who has committed an offence which may be dealt with summarily (either under the provisions of this Act or otherwise).
12. Any person alleged to be guilty of an offence under section 5 (1) of the Criminal Law Act (Northern Ireland) 1967 by reason of his not disclosing any information connected with an offence which may be dealt with summarily (either under the provisions of this Act or otherwise).
13. Any indictable offence which may be tried by a magistrates' court by virtue of section 9 of the Criminal Law Act (Northern Ireland) 1967.
14. Any indictable offence under the Theft Act (Northern Ireland) 1969 (i) except—
 - (a) robbery, aggravated burglary, blackmail and assault with intent to rob;
 - (b) burglary comprising the commission of, or an intention to commit, an offence which is not included in this Schedule;
 - (c) burglary in a dwelling, if entry to the dwelling or the part of it in which the burglary was committed, or to any building or part of a building containing the dwelling, was obtained by force or deception or by the use of any tool, key or appliance, or if any person in the dwelling was subjected to violence or the threat of violence; and
 - (d) handling stolen goods the subject of an offence committed outside the United Kingdom and outside the Republic of Ireland.
15. Offences under Article 10 of the Perjury (Northern Ireland) Order 1979 (j).

(a) 1861 c. 100. (b) 1868 c. 110. (c) 1872 c. 57.
(d) 1891 c. 38. (e) 1929 c. 1 (N.I.). (f) 1953 c. 36.
(g) 1962 c. 14 (N.I.). (h) 1967 c. 18 (N.I.). (i) 1969 c. 16 (N.I.). (j) S.I. 1979/1714 (N.I. 19).

SCHEDULE 3

Articles 92 (5),
96 (2), 98 (8),
99 (8) and
138 (4).

MINIMUM PERIODS OF IMPRISONMENT IN DEFAULT OF PAYMENT OF SUM OR PART OF SUM
ADJUDGED TO BE PAID BY A CONVICTION

1. Subject to the following provisions of this Schedule, the periods set out in the second column of the following Table shall be the maximum periods of imprisonment which may be imposed in default of payment of a sum adjudged to be paid by a conviction due at the time imprisonment is imposed:—

TABLE

An amount not exceeding £25	7 days
An amount exceeding £25 but not exceeding £50	14 days
An amount exceeding £50 but not exceeding £200	30 days
An amount exceeding £200 but not exceeding £500	60 days
An amount exceeding £500 but not exceeding £1,000	90 days
An amount exceeding £1,000 but not exceeding £2,500	6 months
An amount exceeding £2,500 but not exceeding £5,000	9 months
An amount exceeding £5,000	12 months

2. Where the amount of the sum due at the time imprisonment is imposed is such part of the sum adjudged to be paid by the conviction of the court as remains due after part payment, the maximum period applicable to the amount shall, subject to paragraph 3, be the period applicable to the whole sum reduced by such number of days as bears to the total number of days in that period the same proportion as the part paid bears to the whole sum.

3. In calculating the reduction required under paragraph 2 any fraction of a day shall be left out of account.

SCHEDULE 4

Article 166.

CORPORATIONS

1. Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, a magistrates' court may, on the preliminary investigation or the preliminary inquiry of such offence and if it is satisfied that the evidence offered on the part of the prosecution is sufficient to put the accused corporation on trial, make an order empowering the prosecution to present to the Crown Court an indictment in respect of the offence named in the order or in respect of any offence founded on the same facts or evidence, and for the purpose of any enactments referring to the committal of persons for trial (including this Order) any such order shall be deemed to be a committal for trial.

2. If the corporation appears before a magistrates' court by a representative, any answers to the prescribed questions to be put, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the court may, notwithstanding, make an order under paragraph 1.

3. Subject to paragraph 4, where the preliminary investigation or the preliminary inquiry of the offence is conducted before a resident magistrate and the offence is an offence which in the case of an adult may with his consent be dealt with summarily, then, if the corporation does not appear before the resident magistrate by a representative or if he does so appear and consents by such representative that the offence should be so dealt

with, the resident magistrate may deal with the offence summarily as if the corporation were an adult who had consented to summary trial.

4. Where any person is charged jointly with a corporation with an indictable offence which may be dealt with summarily and either that person or the corporation by its representatives does not consent that the offence should be dealt with summarily, the resident magistrate shall not have power to deal summarily with the offence in the case of the other party charged.

5. In this Schedule—

(a) “representative” in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this Schedule authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation for any purpose other than those referred to in this Schedule or section 18 (3) of the Criminal Justice Act (Northern Ireland) 1945;

(b) “adult” has the same meaning as in Article 45 (4).

6. A representative for the purposes of this Schedule need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this Schedule shall be admissible without further proof as prima facie evidence that that person has been so appointed.

Article 170 (1).

SCHEDULE 5

TRANSITIONAL PROVISIONS, ETC.

PART I

TRANSITIONAL PROVISIONS

1. Where any enactment provides that proceedings may be taken, offences may be prosecuted or sums recovered in a summary manner or summarily without further provision such proceedings may be taken, offences may be prosecuted or sums recovered in accordance with this Order and magistrates’ courts rules.

PART II

CONSTRUCTION OF REFERENCES

2. References in any enactment relating to proceedings before a magistrates’ court to a penal sum shall be construed as including a reference to a sum adjudged to be paid by a conviction of such court.

3. References in any enactment to the preliminary investigation of an indictable offence shall be construed as including references to a preliminary inquiry.

4. References in any enactment in force on 30th November 1965 to the summary trial of indictable offences or to indictable offences which are triable summarily shall be construed, as the case may be, as references to the summary trial of indictable offences under Articles 45 and 46 or as references to indictable offences which are triable under those Articles.

5. References in any enactment to the Summary Jurisdiction Rules Committee or to summary jurisdiction rules shall be construed, as the case may be, as references to the Magistrates’ Court Rules Committee or to magistrates’ courts rules.

PART III

SAVINGS

Juvenile courts

6. Nothing in this Order shall affect the constitution of juvenile courts constituted in accordance with the provisions of Schedule 2 to the Children and Young Persons Act (Northern Ireland) 1968 or the operation of section 63 of that Act deeming such courts to be courts of summary jurisdiction.

Existing rules

7. All rules (including summary jurisdiction rules) or orders relating to or affecting proceedings in magistrates' courts or costs in such proceedings (to whomsoever payable) made under any enactment repealed by the Magistrates' Courts Act (Northern Ireland) 1964 shall (in so far as they are not inconsistent with this Order or with magistrates' courts rules) continue in force and have effect as if they were magistrates' courts rules and may be varied or revoked by magistrates' courts rules.

Rights in ejectment proceedings

8.—(1) Nothing in the provisions of this Order relating to ejectment proceedings shall prejudice or affect the right of any owner of property entrusted to the care of any servant, herdsman or caretaker peaceably to resume the possession of it without process of law.

(2) The reference in paragraph (1) to owner shall include the executors or administrators or assigns of such owner and his or their agent duly authorised in writing and, in relation to premises subject to the enactments referred to in Article 67 (1) (c), shall include any person entitled under those enactments to recover possession of the premises.

Rights of, and restrictions upon, appeals

9.—(1) Nothing in Part XII shall operate—

(a) so as to prejudice any existing right of appeal for which no provision is made by that Part;

(b) so as to remove any existing restriction on a right of appeal.

(2) In sub-paragraph (1) "existing" means existing at the commencement of Part XII by virtue of an enactment not repealed by this Order.

Admissibility of certain records

10. Nothing in this Order shall affect the operation of section 1 of the Criminal Evidence Act (Northern Ireland) 1965 (a) (which provides for the admissibility of certain trade or business records).

Other savings

11. Where a default to which the provisions of Article 99 or 112 (3) applies occurred before 1st December 1980, the punishment for such a default as provided by those provisions shall not apply and the punishment for such a default as provided by section 109 of the Magistrates' Courts Act (Northern Ireland) 1964 as amended by section 130 of, and Part II of Schedule 4, to, the Judgements (Enforcement) Act (Northern Ireland) 1969 (b) or, as the case may be, as provided by section 114 (3) of that Act of 1964 shall apply, except that for such a default to which section 114 (3) of that Act shall apply a person shall not, after 1st December 1980, be imprisoned for a term exceeding two months.

12. The repeal of paragraphs 10 and 12 of Schedule 3 to the Magistrates' Courts Act (Northern Ireland) 1964 and so much of section 52 (1) of that Act as relates to those paragraphs shall not take effect until the date mentioned in section 33 (3) of the Forgery and Counterfeiting Act 1981 (c).

13. Nothing in this Schedule prejudices the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

(a) 1965 c. 15 (N.I.).

(b) 1969 c. 30 (N.I.).

(c) 1981 c. 00.

Article 170 (2).

SCHEDULE 6

AMENDMENTS

PART I

ACTS OF THE PARLIAMENT OF THE UNITED KINGDOM

The Small Dwellings Acquisition Act 1899 (62 & 63 Vict. c. 44)

1. In section 5 (5) for the words from “or under” to “as in the” substitute “or under the provisions of Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981 relating to ejectment proceedings as in the”.

The Crown Proceedings Act 1947 (c. 44)

2. In section 27 (5) omit “section 75 of the Judgments (Enforcement) Act Northern Ireland) 1969 or” and after “1981” insert “or Article 103 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

3. In Schedule 2, in the entry relating to section 27 (5) omit “section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969 or” and after “1981” insert “or Article 103 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

4. In Schedule 3, in the entry relating to section 27 (5) omit “section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969 or” and after “1981” insert “or Article 103 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Maintenance Orders Act 1950 (14 Geo. 6 c. 37)

5. In section 18 (3) for the words from “section six” to the end of the subsection substitute “Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981 shall apply accordingly”.

6. In section 19 (5) for paragraphs (a) and (b) substitute the following paragraphs:—

“(a) paragraph (4) of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981 (which regulates the functions of collecting officers in relation to orders for periodical payment) shall apply as if the order made under this section were made under the said Article 85; and

(b) paragraph (7) of the said Article 85 shall have effect as if money paid in accordance with an order under this section were paid in pursuance of an order under the said Article 85.”.

7. In section 28 (1) for the words from “authorised to act” in the second place where they occur substitute the words “authorised to act as such for the purposes of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Army Act 1955 (c. 18)

8. In section 215 (5B) for “Part X of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part IX of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Air Force Act 1955 (c. 19)

9. In section 213 (5B) for “Part X of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part IX of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Naval Discipline Act 1957 (c. 53)

10. In section 124 (6B) for “Part X of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part IX of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Backing of Warrants (Republic of Ireland) Act 1965 (c. 45)

11. In section 8 (1) (c) for “section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Wireless Telegraphy Act 1967 (c. 72)

12. In section 11 (4) for “section 66 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 58 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Trade Descriptions Act 1968 (c. 29)

13. In section 40 (1) (a) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Social Work (Scotland) Act 1968 (c. 49)

14. In section 72 (4) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

The Medicines Act 1968 (c. 67)

15. In section 125 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Sea Fisheries Act 1968 (c. 77)

16. In section 12 (4)—

(a) for the words from the beginning to “1964” substitute “Article 114 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) for “that subsection” substitute “that paragraph”.

The Children and Young Persons Act 1969 (c. 54)

17. In section 32 (2) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

The Merchant Shipping Act 1970 (c. 36)

18. In section 56 (7) for the words from “subsections (1) and (3)” to the end of the subsection substitute “paragraphs (1) and (3) of Article 118 and paragraph (1) of Article 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

19. In section 95 (4)—

(a) omit “section 77D (3) (d) (iv) of the Judgments (Enforcement) Act (Northern Ireland) 1969 and” and “sections 73 to 77D of that Act of 1969 and”;

(b) after “that Order” insert “of 1981 and Articles 101 to 107 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Misuse of Drugs Act 1971 (c. 38)

20. In section 25 (6) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

21. In section 14 (6) for the words from “sections 120” to the end of the subsection substitute “Articles 118 (1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

22. In section 18 (2) for “section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

23. In section 21 (1), in the definition of “prescribed” for “section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

24. In section 27—

(a) in subsection (9) for “subsection (1) to (8) of section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “paragraphs (1) to (7) of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) in subsection (11) for “section 23 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 13 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

25. In section 38 (6) for the words from “sections 120” to the end of the subsection substitute “Articles 118 (1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

26. In section 47 (1), in the definition of “magistrates’ court” for “section 1 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “2 (2) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Industry Act 1972 (c. 63)

27. In Schedule 1, in paragraph 4 (4) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Counter-Inflation (Temporary Provisions) Act 1972 (c. 74)

28. In section 7 (3) for “Schedule 5 to the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Counter-Inflation Act 1973 (c. 9)

29. In section 20 (4) for “Schedule 5 to the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Fair Trading Act 1973 (c. 41)

30. In section 129 (4) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Hallmarking Act 1973 (c. 43)

31. In Schedule 3, in paragraph 2 (4) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Insurance Companies Act 1974 (c. 49)

32. In section 80 (3) (b) for “Schedule 5 to the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Schedule 4 to the Magistrates’ Courts (Northern Ireland) Order 1981”.

33. In section 82 (3A) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Social Security (Northern Ireland) Act 1975 (c. 15)

34. In section 87 (3)—

(a) omit “section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or”;

(b) after “1981” add “or Article 101 (5) (b) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

35. In section 143 (7)—

(a) for “section 37A (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 24 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) for “that Act of 1964” substitute “that Order of 1981”.

The Criminal Procedure (Scotland) Act 1975 (c. 21)

36. In section 397 (1) for “section 104A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

37. In section 403—

(a) in subsection (4)—

(i) for “section 104A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(ii) for “the said Act of 1964” substitute “the said Order of 1981”;

(b) in subsection (6) for “section 104 A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Criminal Jurisdiction Act 1975 (c. 59)

38. In section 4 (3)—

(a) for “section 1 (1) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “Article 31 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) for “section 1” substitute “Article 31”;

(c) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “that Order”.

39. In section 9 (1) for “section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “Article 33 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

40. In section 10—

(a) for “Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) for “section 4 (2) of that Act” substitute “Article 34 (2) of that Order.”.

The Prevention of Terrorism (Temporary Provisions) Act 1976 (c. 8)

41. In section 12 (3) for “section 132 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 131 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Restrictive Trade Practices Act 1976 (c. 34)

42. In section 39 (2) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

43. In section 41 (7) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Armed Forces Act 1976 (c. 52)

44. In Schedule 8, in paragraph 4 (1), the amendment of section 215 (5) of the Army Act 1955 specified in paragraph 8.

The Criminal Law Act 1977 (c. 45)

45. In section 38 (3) for the words from “and subsections” to “1964” substitute “and paragraphs (4) and (5) of Article 158 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

46. In Schedule 7, in paragraphs 2 (4) and (6), the amendments to section 403 (4) and (6) of the Criminal Procedure (Scotland) Act 1975 specified in paragraph 37.

47. In Schedule 11, in paragraph 8, the amendment to section 397 (1) of the Criminal Procedure (Scotland) Act 1975 specified in paragraph 36.

The Northern Ireland (Emergency Provisions) Act 1978 (c. 5)

48. In section 1 (1)—

- (a) for “Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “section 1 of that Act of 1968” substitute “Article 31 of that Order of 1981”;
- (c) for the words from “Part VI” to the end of the subsection substitute “that Order of 1981”.

49. In section 11 (3) for “section 132 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 131 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Judicature (Northern Ireland) Act 1978 (c. 23)

50. In section 18 (5) for “section 160 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 159 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

51. In section 44 (5)—

- (a) in sub-paragraph (c) for “section 114 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 112 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

52. In section 97 (2) (a) for the words from “sections” to “1964” substitute “Articles 62 (1), (2) and (3), 67 (1) (a) and 72 (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

53. In section 102 (1) (b) for “sections 100 and 101” substitute “section 100”.

54. In section 120 (1), in the definition of “magistrates’ court” for “section 1 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 2 (2) (b) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

55. In Schedule 1, in paragraph 3 (1) for “section 148 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 148 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Interpretation Act 1978 (c. 30)

56. In Schedule 1—

- (a) in the definition of “Committed for trial”, in paragraph (b) for “section 45 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in the definition of “Magistrates’ Courts”, in paragraph (b) for “section 1 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 2 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Child Care Act 1980 (c. 5)

57. In section 16 (6) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

The Insurance Companies Act 1980 (c. 25)

58. In Schedule 1, in paragraphs 31 and 33, the amendments to sections 80 (3) (b) and 82 (3A) of the Insurance Companies Act 1974 specified in paragraphs 32 and 33.

The Magistrates’ Courts Act 1980 (c. 43)

59. In section 91—

(a) in subsection (1)—

- (i) for “section 104A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (ii) for “1964” substitute “the said Order of 1981”;

- (b) in subsection (3)—
- (i) for “section 104A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 95 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (ii) for “1964” substitute “the said Order of 1981”.

The Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

60. In Schedule 1, in paragraph 2 for “section 50 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 42 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Contempt of Court Act 1981 (c. 00)

61. In Schedule 4, in section 13 (a) (i) for “section 161 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 160 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

PART II

ACTS OF THE PARLIAMENT OF NORTHERN IRELAND

The Probation Act (Northern Ireland) 1950 (c. 7)

62. In section 8 (1) for paragraph (a) substitute the following paragraph:—
- “(a) where the offender did not plead guilty or admit the offence charged he may appeal to the county court in accordance with the provisions of Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981; and”.

The Interpretation Act (Northern Ireland) 1954 (c. 33)

63. In section 21—
- (a) in subsection (2)
 - (i) for the words from “rule or” in the first place where they occur to “which” substitute “rule or magistrates’ courts rule which”;
 - (ii) for the words from “rule or” in the second place where they occur to “shall” substitute “rule or magistrates’ courts rule shall”;
 - (b) in subsection (5) for the words from “magistrates’ courts rules” to the end of the subsection substitute the words ““magistrates’ courts rules’ shall mean rules made under Part IV of the Magistrates’ Courts (Northern Ireland) Order 1981 and shall include any rule or order which under paragraph 5 or 7 of Schedule 5 of that Order has effect as if it was a rule so made”;
 - (c) in subsection (6) for paragraph (c) substitute the following paragraph:—

“(c) in relation to magistrates’ courts references to magistrates’ courts rules.”.
64. In section 42—
- (a) in subsection (1) for the words from “court of summary jurisdiction” to the end of the subsection substitute the words ““court of summary jurisdiction’ or ‘magistrates’ court’ shall have the meaning assigned to it by Article 2 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (b) in subsection (2)—
 - (i) for the words from “or a” to “without” substitute “or a magistrates’ court without”;
 - (ii) for the words from “or” to “the matter” substitute “or magistrates’ court, the matter”;
 - (iii) for the words from “or” to “(as” in both places where they occur substitute “or magistrates’ court (as”;
 - (iv) for the words from “a” to “or, if” substitute “a magistrates’ court, by magistrates’ courts rules or, if”;
 - (c) in subsection (4) in the definition of “appeal summarily” for the words from “with” to “rules” there shall be substituted the words “with magistrates’ courts rules”.

The Mental Health Act (Northern Ireland) 1961 (c. 15)

65. In section 55, for subsection (2) substitute the following subsection:—

“(2) An order made by a court of summary jurisdiction against which a person appeals by virtue of this section shall—

- (a) for the purposes of Article 140 of the Magistrates’ Courts (Northern Ireland) Order 1981 be treated as if it were an order made on conviction;
- (b) be a determination of the proceedings in which the order was made for the purposes of Article 146 of that Order”.

The Electoral Law Act (Northern Ireland) 1962 (c. 14)

66. In section 105 (1) for the words from “in accordance” to “1964” substitute “in accordance with Articles 45 and 46 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The New Towns Act (Northern Ireland) 1965 (c. 13)

67. In section 22 for “sections 76 to 84 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 67 to 74 of, and paragraph 8 of Schedule 5 to, the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Fisheries Act (Northern Ireland) 1966 (c. 17)

68. In section 187 for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

69. In section 191 (1) for “section 101 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 94 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

70. In section 197—

- (a) in subsection (1) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (3) for “Part VIII of the said Act of 1964” substitute “Part VII of the said Order of 1981”;
- (c) in subsection (4) for “subsection (4) of section 86 of the said Act of 1964” substitute “paragraph (4) of Article 76 of the said Order of 1981”;
- (d) in subsection (6) for “section 164 of the said Act of 1964” substitute “Article 163 of the said Order of 1981”.

71. In section 199 (4)—

- (a) for “section 144 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 144 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “section 146 of that Act” substitute “Article 146 of that Order”.

The Criminal Justice Act (Northern Ireland) 1966 (c. 20)

72. In section 3 (5) for “section 58 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 51 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Office and Shop Premises Act (Northern Ireland) 1966 (c. 26)

73. In section 22 (3) for “section 118 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 117 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

74. In section 32 for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

75. In section 42—

- (a) in subsection (9) for “section 164 of the Magistrates’ Courts Act (Northern

- Ireland) 1964” substitute “Article 163 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (14) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35)

76. In section 5—

- (a) in subsection (1) for “section 96 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 86 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (7) for “section 96 (3) (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 86 (3) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

77. In section 12 (2)—

- (a) for “sections 109 and 110 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) omit the words from “and accordingly” to “1966”;
- (c) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “that Order”.

78. In section 15 (5)—

- (a) for “subsections (5) to (9) of section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “paragraphs (4) to (8) of Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “the said section 95” in the three places where it occurs substitute “the said Article 85”.

79. In section 16 (1) for “section 95 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Industrial Investment (General Assistance) Act (Northern Ireland) 1966 (c. 41)

80. In section 10 (10) for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Registration of Clubs Act (Northern Ireland) 1967 (c. 27)

81. In section 9—

- (a) in subsection (3) for “section 164 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 163 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (4) for “Part XIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

82. In section 31 (3) for “Part XIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Welfare Foods Act (Northern Ireland) 1968 (c. 26)

83. In section 3 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28)

84. In section 1 (9) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

The Treatment of Offenders Act (Northern Ireland) 1968 (c. 29)

85. In section 19—

- (a) in subsection (2) for “section 64 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 56 of the Magistrates’ Courts (Northern Ireland) Order 1981”.
- (b) in subsection (7)—
 - (i) for “section 140 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 140 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (ii) for “section 144 (1) of that Act” substitute “Article 144 (1) of that Order”.

The Fisheries (Amendment) Act (Northern Ireland) 1968 (c. 31)

86. In section 6 (2), the amendments of section 197 of the Fisheries Act (Northern Ireland) 1966 specified in paragraph 70 (c).

87. In Schedule 2, the amendments of 199 (4) of the Fisheries Act (Northern Ireland) 1966 specified in paragraph 71.

The Children and Young Persons Act (Northern Ireland) 1968 (c. 34)

88. In section 4 (1) (b) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

89. In section 8 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

90. In section 9 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

91. In section 16 (4) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

92. In section 31 (6) for “section 138 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 138 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

93. In section 33 (3) for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

94. In section 41 (6) (b) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

95. In section 43 (5) (b) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

96. In section 50—

- (a) in subsection (1) (iii) for “section 138 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 138 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (3) for “section 132 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 131 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

97. In section 57 (1) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

98. In section 58—
- (a) in subsection (2) (d) for “section 53 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 46 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (b) in subsection (3) for “section 52 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 45 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (c) in subsection (5) for “section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “Article 33 of the Magistrates’ Courts (Northern Ireland) Order 1981”.
99. In section 62 for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.
100. In section 65 (2) for “section 21 (3) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 11 (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.
101. In section 76 (5) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.
102. In section 79—
- (a) in subsection (5)—
 - (i) for the words from “paragraph (b)” to “1964” substitute “Article 19 (1) (b), paragraphs (1), (2), (3) and (5) of Article 46 of, and paragraph 4 of Schedule 5 to, the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (ii) for “section 52” in both places where it occurs substitute “Article 45”;
 - (b) in subsection (6) for “section 33 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 18 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.
103. In section 94—
- (a) in subsection (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (b) in subsection (4) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
104. In section 95 (2) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.
105. In section 97 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
106. In section 104 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
107. In section 106 (2) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
108. In section 143—
- (a) in subsection (5) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
 - (b) in subsection (6) for “Part IX of the Magistrates’ Courts Act (Northern Ireland)

- 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (c) in subsection (8) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.
109. In section 145 (2) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
110. In section 156—
- (a) in subsection (4) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (7)—
- (i) for “section 110 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (ii) for “the said section 110” substitute “the said Article 98”.
111. In section 157—
- (a) in subsection (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (4) for “section 110 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 98 of the Magistrates’ Courts (Northern Ireland) Order 1981”.
112. In section 158 (3) (b) for “section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”.
113. In section 177 (1) for “Part XIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981”.
114. In Schedule 5, in paragraph 11 (9) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.
- The Mines Act (Northern Ireland) 1969 (c. 6)*
115. In section 131 (1) for “section 68 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 59 of the Magistrates’ Courts (Northern Ireland) Order 1981”.
- The Grand Jury (Abolition) Act (Northern Ireland) 1969 (c. 15)*
116. In section 2(9) for “section 3(1) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968” substitute “33 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.
- The Maintenance and Affiliation Orders (Northern Ireland) Act 1970 (c. 16)*
117. In section 3—
- (a) in subsection (1) for “section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in subsection (2) (a) for “section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (c) in subsection (3) for “sections 87 (2) and 91 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 77 (2) and 81 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Friendly Societies Act (Northern Ireland) 1970 (c. 31)

118. In section 93—

- (a) for “section 31 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 16 of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “or county borough” substitute “court division”.

The Family Income Supplements Act (Northern Ireland) 1971 (c. 8)

119. In section 12 (2) for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Licensing Act (Northern Ireland) 1971 (c. 13)

120. In section 45 (4) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

121. In section 83 (2) for paragraph (c) substitute—

- “(c) Articles 143 and 146 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Historic Monuments Act (Northern Ireland) 1971 (c. 17)

122. In section 23 (1) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Civil Evidence Act (Northern Ireland) 1971 (c. 36)

123. In section 5 (6) for “sections 23 and 24 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 13 and 14 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Fish Industry Act (Northern Ireland) 1972 (c. 4)

124. In section 7 (10) for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Welfare of Animals Act (Northern Ireland) 1972 (c. 7)

125. In section 19 (3) for “section 144 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 144 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Vehicles (Excise) Act (Northern Ireland) 1972 (c. 10)

126. In section 28 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

127. In section 32A—

- (a) for “section 37A (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 24 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) for “section 37A (2) of that Act of 1964” substitute “Article 24 (2) of that Order of 1981”.

The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 (c. 11)

128. In section 23 (4) for “sections 68 and 69 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 59 and 60 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

129. In section 36 (7) for “Part XIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

130. In section 61 (1) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

PART III

ORDERS IN COUNCIL

The Education and Libraries (Northern Ireland) Order 1972
(S.I. 1972/1263 (N.I. 12))

131. In Article 78 (6) (b) for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

132. In Article 79 (5) (b) for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Health and Personal Social Services (Northern Ireland) Order 1972
(S.I. 1972/1265 (N.I. 14))

133. In Article 101 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Planning (Northern Ireland) Order 1972
(S.I. 1972/1634 (N.I. 17))

134. In Article 59 for “sections 76 to 84 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 67 to 74 of, and paragraphs 8 of Schedule 5 to, the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Child Benefit (Northern Ireland) Order 1975
(S.I. 1975/1504 (N.I. 16))

135. In Article 14 (3)—

(a) omit “section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or”;

(b) after “1981” add “or Article 101 (5) (b) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Solicitors (Northern Ireland) Order 1976
(S.I. 1976/582 (N.I. 12))

136. In Article 76 for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Animals (Northern Ireland) Order 1976
(S.I. 1976/1040 (N.I. 13))

137. In Article 8 (2) for “section 71 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 62 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Births and Deaths Registration (Northern Ireland) Order 1976
(S.I. 1976/1041 (N.I. 14))

138. In Article 46 for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Supplementary Benefits (Northern Ireland) Order 1977
(S.I. 1977/2156 (N.I. 27))

139. In Article 23 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Rates (Northern Ireland) Order 1977
(S.I. 1977/2157 (N.I. 28))

140. In Article 28 (2) for “section 72 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 63 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

141. In Article 32—

- (a) in paragraph (8) for “section 72 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 63 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in paragraph (9) for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Companies (Northern Ireland) Order 1978
(S.I. 1978/1042 (N.I. 12))

142. In Article 149—

- (a) in paragraph (3) for “section 34 (a) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) (a) of the Magistrates’ Courts (Northern Ireland) Order 1981”;
- (b) in paragraph (6) for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

The Matrimonial Causes (Northern Ireland) Order 1978
(S.I. 1978/1045 (N.I. 15))

143. In Article 40 (7) for “section 95 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Protection of Children (Northern Ireland) Order 1978
(S.I. 1978/1047 (N.I. 17))

144. In Article 6 (3) for “Part XIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part XII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Pollution Control and Local Government (Northern Ireland) Order 1978
(S.I. 1978/1049 (N.I. 19))

145. In Article 70 (5) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

146. In Article 84 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Health and Personal Social Services (Northern Ireland) Order 1978
(S.I. 1978/1907 (N.I. 26))

147. In Article 4 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Judgments Enforcement and Debts Recovery (Northern Ireland) Order 1979
(S.I. 1979/296 (N.I. 3))

148. In Article 34 (1) for “section 78 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 69 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Perjury (Northern Ireland) Order 1979
(S.I. 1979/1714 (N.I. 19))

149. In Article 4 (1) for paragraph (b) substitute—

“(b) Article 33 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The County Courts (Northern Ireland) Order 1980
(S.I. 1980/397 (N.I. 3))

150. In Article 26 for “section 85 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 75 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

151. In Article 54 (6) for “section 140, 141, or 142 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 140, 141 or 142 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Domestic Proceedings (Northern Ireland) Order 1980
(S.I. 1980/563 (N.I. 5))

152. In Article 14 (9) for “section 162 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 161 (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

153. In Article 18 (8) for “section 99 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 89 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

154. In Article 19—

(a) in paragraph (2) for “section 131 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 130 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) in paragraph (6) for the words from “subsection (1)” to “that Act” substitute “paragraph (3) of Article 112 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(c) in paragraph (7) for “section 131 of the said Act of 1964” substitute “Article 130 of the said Order of 1981”.

155. In Article 24 for “section 108 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 97 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

156. In Article 25—

(a) in paragraph (1) for “section 164 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 163 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) in paragraph (2) for “section 96 of the said Act of 1964” substitute “Article 86 of the said Order of 1981”.

157. In Article 26 (3) for “section 91 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 81 (2) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

158. In Article 31 (2) for “section 118 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 117 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

159. In Article 32 (1) for “section 87 (3) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 77 (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

160. In Article 33 (1) for “Part IX of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VIII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

161. In Article 36 (1) for “section 95 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

162. In Article 37 for “section 114 (3) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 112 (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

163. In Article 39—

(a) in paragraph (1) (b) for “section 95 (6) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 (5) of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) in paragraph (6) for “section 95 (2) or (3) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 (2) or (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

164. In Article 40 (9) for “section 95 (2) or (3) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 85 (2) or (3) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Criminal Justice (Northern Ireland) Order 1980
(S.I. 1980/704 (N.I. 6))

165. In Schedule 1, in Part II—

- (a) in paragraph 63 the amendments to section 32A of the Vehicles (Excise) Act (Northern Ireland) 1972 specified in paragraph 126;
- (b) in paragraph 72 the amendments to section 143 of the Social Security (Northern Ireland) Act 1975 specified in paragraph 35.

The Roads (Northern Ireland) Order 1980
(S.I. 1980/1085 (N.I. 11))

166. In Article 9 (6) for “Part VIII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VII of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Private Streets (Northern Ireland) Order 1980
(S.I. 1980/1086 (N.I. 12))

167. In Article 37 (3) for “section 146 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 146 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Road Traffic (Northern Ireland) Order 1981
(S.I. 1981/154 (N.I. 1))

168. In Article 141 (5) for “section 61 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 54 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

169. In Article 157 (1) for “section 69 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 60 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

170. For Article 168 substitute the following Article:—

“Articles 54 and 57 of the Magistrates’ Courts (Northern Ireland) Order 1981 not to apply to Articles 166 and 167

168. Articles 54 and 57 of the Magistrates’ Courts (Northern Ireland) Order 1981 (which empower a magistrates’ court to impose a fine or order detention within the court precincts or at a police station in lieu of imprisonment), shall not apply to offences under Article 166 or 167 of this Order.”.

171. In Article 181 for “Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Magistrates’ Courts (Northern Ireland) Order 1981”.

172. In Article 183 for “section 34 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

173. In Article 191 (2) for “section 64 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 56 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Firearms (Northern Ireland) Order 1981
(S.I. 1981/155 (N.I. 2))

174. In Article 19 (3) (a) for “section 41 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 29 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

175. In Article 52 (3) for “section 34 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 19 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

The Housing (Northern Ireland) Order 1981
(S.I. 1981/156 (N.I. 3))

176. In Article 24 for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

177. In Article 36 (2) for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

178. In Article 118 for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981”.

*The Judgments Enforcement (Northern Ireland) Order
(1981 S.I. 1981/226 (N.I. 6))*

179. In Article 6 (b) for “sections 110, 110A and 111 of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Articles 98, 99 and 109 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

180. In Article 7 (3)—

(a) for “section 100A of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 99 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) for “subsection (4) of that section” substitute “paragraph (4) of Article 99 of that Order of 1981”.

181. In Schedule 1 in Part II—

(a) in paragraph 9 for “paragraph (b) of section 77D (1) of the Judgments (Enforcement) Act (Northern Ireland) 1969” substitute “Article 100 (4) of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(b) in paragraph 10 for “Part I of Schedule 1A to the Judgments (Enforcement) Act (Northern Ireland) 1969” substitute “paragraphs (2) to (4) of Article 102 of the Magistrates’ Courts (Northern Ireland) Order 1981”;

(c) in paragraph 11 for “Part I of Schedule 1A to the Judgments (Enforcement) Act (Northern Ireland) 1969” substitute “paragraphs (2) to (4) of Article 102 of the Magistrates’ Courts (Northern Ireland) Order 1981”.

182. In Schedule 2 the amendments to section 95 (4) of the Merchant Shipping Act 1970 specified in paragraph 19.

*The Legal Aid, Advice and Assistance (Northern Ireland) Order 1981
(S.I. 1981/228 (N.I. 8))*

183. In Article 30 (12) for “section 141 (1) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 141 (1) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

184. In Article 39, in the definition of “magistrates’ court”, for “section 1 (2) of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Article 2 (2) (b) of the Magistrates’ Courts (Northern Ireland) Order 1981”.

185. In Schedule 1, Part I, paragraph 3 (e) for “Part VII of the Magistrates’ Courts Act (Northern Ireland) 1964” substitute “Part VI of the Magistrates’ Courts (Northern Ireland) Order 1981” and for “section 71 (2) of that Act” substitute “Article 62 (2) of that Order”.

*The Crown Proceedings (Northern Ireland) Order 1981
(S.I. 1981/233)*

186. In Article 22 and Schedules 2 and 3 the amendments to section 27 (5) of, and Schedules 2 and 3 to, the Crown Proceedings Act 1947 specified in paragraphs 2 to 4.

*The Judgments Enforcement (Northern Ireland Consequential Amendments) Order 1981
(S.I. 1981/234)*

187. In Article 5 the amendment to section 87 (3) of the Social Security (Northern Ireland) Act specified in paragraph 34.

188. In Article 6 the amendment to Article 14 (3) of the Child Benefit (Northern Ireland) Order 1975 specified in paragraph 135.

SCHEDULE 7

Article 70 (3).

REPEALS

Chapter or Number	Short Title	Extent of Repeal
25 & 26 Vict. c. 114.	The Poaching Prevention Act 1862.	In section 1 the words from "and the words 'justice' " to the end of the section. In section 2 the words from "and such constable" to "Ireland" and the words "and the proceeds of such sale, with the amount of the penalty to be paid into the Exchequer". Sections 3 and 4.
38 & 39 Vict. c. 17.	The Explosives Act 1875.	Section 91 (3).
18 & 19 Geo. 5. c. 25.	The Game Preservation Act (Northern Ireland) 1928.	Section 8 (2) and (5).
1947 c. 44.	The Crown Proceedings Act 1947.	In section 27 (5) the words "section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969".
1954 c. 9.	The Administration of Justice Act (Northern Ireland) 1954.	In the Sixth Schedule, the entry relating to the Poaching Prevention Act 1862.
1964 c. 21.	The Magistrates' Courts Act (Northern Ireland) 1964.	Part I except section 1 (3). In section 1 (3) the definition of "petty sessions". In Part II, sections 13 to 20. Parts III to XIII. In Part XIV, sections 155 to 167, 168 (1) and (3), 169 to 172. Schedules 2 to 6.
1966 c. 35.	The Maintenance and Affiliation Orders Act (Northern Ireland) 1966.	In section 12 (2) the words from "and accordingly" to "1966".
1967 c. 18.	The Criminal Law Act (Northern Ireland) 1967.	Section 10.
1967 c. 29.	The Increase of Fines Act (Northern Ireland) 1967.	In the Schedule, in Part I, the entry relating to the Magistrates' Courts Act (Northern Ireland) 1964.

Chapter or Number	Short Title	Extent of Repeal
1968 c. 28.	The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	Sections 11 and 12. Schedule 1.
1968 c. 32.	The Criminal Procedure (Committal for Trial) Act 1968.	The whole Act.
1968 c. 34.	The Children and Young Persons Act (Northern Ireland) 1968.	In Schedule 7, paragraphs 26 to 33.
1969 c. 15.	The Grand Jury (Abolition) Act (Northern Ireland) 1969.	Section 3 (2).
1969 c. 16.	The Theft Act (Northern Ireland) 1969.	Section 28. In Schedule 2, the entry relating to the Magistrates' Courts Act (Northern Ireland) 1964.
1969 c. 29.	The Protection of the Person and Property Act (Northern Ireland) 1969.	Section 6.
1969 c. 30.	The Judgments (Enforcement) Act (Northern Ireland) 1969.	Sections 73 to 77D, 102 and 128 (1) (A). In section 129 (1) the definitions of "attachment of earnings order", "creditor" and "the office". Schedule 1A. In Schedule 4, the entries relating to the Magistrates' Courts Act (Northern Ireland) 1964.
1970 c. 10.	The Explosives Act (Northern Ireland) 1970.	Section 4 (2). In section 7 (1) the entry relating to section 91 (3) of the Explosives Act 1875. Section 7 (2).
1970 c. 36.	The Merchant Shipping Act 1970.	In section 95 (4) the words "section 77D (3) (d) (vi) of the Judgments (Enforcement) Act (Northern Ireland) 1969 and" and "of sections 73 to 77D of that Act of 1969 and".

Chapter or Number	Short Title	Extent of Repeal
1972 c. 11.	The Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972.	In Schedule 4, the entry relating to the Magistrates' Courts Act (Northern Ireland) 1964.
1972 c. 18.	The Maintenance Orders (Reciprocal Enforcement) Act 1972.	Sections 8 (10) and 17 (8).
S.I. 1973/2163.	The Northern Ireland (Modification of Enactments—No. 1) Order 1973	In Schedule 3, the entry relating to the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968. In Schedule 5, paragraph 55.
1975 c. 15.	The Social Security (Northern Ireland) Act 1975.	In section 87 (3) the words "section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or".
S.I. 1975/816 (N.I. 7).	The Administration of Justice (Northern Ireland) Order 1975.	Articles 10 and 12.
S.I. 1975/1504 (N.I. 16).	The Child Benefit (Northern Ireland) Order 1975.	In Article 14 (3) the words "section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or".
1977 c. 45.	The Criminal Law Act 1977.	In Schedule 7, paragraph 3.
S.I. 1977/426 (N.I. 4).	The Criminal Damage (Northern Ireland) Order 1977.	Article 9 (2).
S.I. 1977/2156 (N.I. 27).	The Supplementary Benefits (Northern Ireland) Order 1977.	In Schedule 6, paragraphs 4 and 5.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	Sections 101 and 102 (3) (b). In Schedule 5, in Part II the entries relating to the Magistrates' Courts Act (Northern Ireland) 1964 except the entries relating to sections 3, 6 (1), 7, 10 (1), 11, 12 (1) and 168 (2).
S.I. 1978/1050 (N.I. 20).	The Rent (Northern Ireland) Order 1978.	In Schedule 8, paragraph 6.
S.I. 1978/1910.	The European Communities (Services of Lawyers) Order 1978.	In the Schedule, in Part II, the entry relating to section 165 (1) of the Magistrates' Courts Act (Northern Ireland) 1964.

Chapter or Number	Short Title	Extent of Repeal
1979 c. 2.	The Customs and Excise Management Act 1979.	In Schedule 4, in Part II the entries relating to the Magistrates' Courts Act (Northern Ireland) 1964.
S.I. 1979/296 (N.I. 3).	The Judgments Enforcement and Debts Recovery (Northern Ireland) Order 1979.	Articles 17 and 32. Schedule 1. In Schedule 4, in Part I the entry relating to the definition of "attachment of earnings order" in section 129 (1) of the Judgments (Enforcement) Act (Northern Ireland) 1969.
S.I. 1979/1714 (N.I. 19).	The Perjury (Northern Ireland) Order 1979.	In Schedule 1, paragraph 7.
1980 c. 43.	The Magistrates' Courts Act 1980.	In Schedule 7, paragraph 52.
S.I. 1980/397 (N.I. 3).	The County Courts (Northern Ireland) Order 1980.	In Schedule 1, in Part II the entries relating to the Magistrates' Courts Act (Northern Ireland) 1964.
S.I. 1980/561 (N.I. 4).	The Bankruptcy Amendment (Northern Ireland) Order 1980.	In Article 44 (2) (a) the words from "(which include" onwards. In Schedule 2, paragraph 86.
S.I. 1980/563 (N.I. 5).	The Domestic Proceedings (Northern Ireland) Order 1980.	Article 41. In Schedule 2, paragraph 5. In Schedule 3, paragraphs 1 to 5.
S.I. 1980/704 (N.I. 6).	The Criminal Justice (Northern Ireland) Order 1980.	Article 12 (1). In Schedule 1, Part I and in Part II, paragraph 73.
1981 c. 00	The Contempt of Court Act 1981.	In Schedule 4, sections 12 (1) and 14 (6).
S.I. 1981/154 (N.I. 1).	The Road Traffic (Northern Ireland) Order 1981.	In Schedule 7, paragraph 3.
S.I. 1981/155 (N.I. 2).	The Firearms (Northern Ireland) Order 1981.	Article 52 (4).
S.I. 1981/226 (N.I. 6).	The Judgments Enforcement (Northern Ireland) Order 1981.	In Schedule 2, paragraph 13.

Chapter or Number	Short Title	Extent of Repeal
S.I. 1981/233.	The Crown Proceedings (Northern Ireland) Order 1981.	<p>In Article 22 the words "section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969".</p> <p>In Schedule 2, in the entry relating to section 27 (5) the words "section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969".</p> <p>In Schedule 3, in the entry relating to section 27 (5) the words "section 75 of the Judgments (Enforcement) Act (Northern Ireland) 1969".</p>
S.I. 1981/234.	The Judgments Enforcement (Northern Ireland Consequential Amendments) Order 1981.	<p>In Article 5 the words "section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or".</p> <p>In Article 6 the words "section 73 (6) (b) of the Judgments (Enforcement) Act (Northern Ireland) 1969 or".</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order consolidates the Magistrates' Courts Act (Northern Ireland) 1964 and other related enactments.

STATUTORY INSTRUMENTS

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