

**Changes to legislation:** The Magistrates' Courts (Northern Ireland) Order 1981, SCHEDULE 2 is up to date with all changes known to be in force on or before 15 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 2

#### INDICTABLE OFFENCES WHICH MAY BE DEALT WITH SUMMARILY UPON CONSENT OF THE ACCUSED

**F1** 1986 NI 15

1. Offences at common law of public nuisance.

*Para. 2 rep. by 1996 NI 24*

3. Offences consisting in contravention of section 13 of the Statutory Declarations Act 1835 (administration by a person of an oath etc., on matters in which he has no jurisdiction).

4. Offences under section 36 of the Malicious Damage Act 1861 (obstructing engines or carriages on railways).

5. The following offences under the Offences against the Person Act 1861—

(a) offences under—

(i) section 16 (threats to kill);

(ii) section 20 (inflicting bodily injury, with or without a weapon);

(iii) section 26 (not providing apprentices or servants with food etc.);

(iv) section 27 (abandoning or exposing child);

(v) section 34 (doing or omitting to do anything so as to endanger railway passengers);

(vi) section 36 (assaulting a clergyman at a place of worship etc.);

[ section 47 (assault occasioning actual bodily harm and common assault);]

<sup>F2</sup>(via)

(vii) <sup>F3</sup>.....

(viii) section 57 (bigamy);

- (b) offences of concealing the birth of a child under section 60 (but only where it is not alleged that the child died other than from natural causes);

*Sub#para. (c) rep. by 2003 NI 13*

**F2** 1996 NI 24

**F3** Sch. 2 para. 5(a)(vii) repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(a), **Sch. 3**; S.R. 2008/510, **art. 2**

6. Offences under section 20 of the Telegraph Act 1868 (disclosing or intercepting messages).

7. Offences under Part II of the Debtors Act (Ireland) 1872 (punishment of fraudulent debtors, absconding with property, fraudulently obtaining credit).

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8. Offences under section 5 of the Public Stores Act 1875 (obliteration of marks with intent to conceal).

9. Offences under section 3 of the Submarine Telegraph Act 1885 (damaging submarine cables).

10. <sup>F4</sup> .....

**F4** Sch. 2 para. 10 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(b), Sch. 3; S.R. 2008/510, art. 2

11. Offences under section 13 of the Stamp Duties Management Act 1891 (offences in relation to dies and stamps).

*Para. 12 rep. by 1988 NI 7*

13. Offences under Part IV of the Bankruptcy Amendment Act (Northern Ireland) 1929 (bankrupt or arranging debtor gambling or failing to keep proper accounts).

*Para. 14 rep. by SI 2001/1149*

15. Any offence which under section 105(1) and (2) (corrupt practice except where there may be occasion for the court to exercise a power to mitigate or remit incapacities under section 113(2) or (3)) of the Electoral Law Act (Northern Ireland) 1962 may be tried summarily.

16. Offences under section 3(1) of the Shipping Contracts and Commercial Documents Act 1964 (offences), in so far as it relates to the contravention of any direction given under that Act before 20th March 1980.

17. Offences of 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.

18. Offences under the following provisions of the Criminal Law Act (Northern Ireland) 1967—
- (a) section 4(1) (assisting offenders);
  - (b) section 5(1) (concealing arrestable offences and giving false information);

where the offence to which they relate is punishable on summary conviction (whether it is also punishable on conviction on indictment) or may be dealt with summarily (either under the provisions of this Order or otherwise).

19. Offences to which section 9 of the Criminal Law Act (Northern Ireland) 1967 applies (aiding, abetting etc., attempting, conspiring, inciting).

20. Any indictable offence under the Theft Act (Northern Ireland) 1969 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 punishable only on conviction on indictment;
  - (c) burglary in a dwelling if any person in the dwelling was subjected to violence or the threat of violence.

21. Offences under Article 10 of the Perjury (Northern Ireland) Order 1979 (false statutory declarations and other false unsworn statements).

*Para. 22 rep. by 2003 c. 42*

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**23.** <sup>F5</sup> ..... ]

**F5** Sch. 2 para. 23 repealed (2.2.2009) by Sexual Offences (Northern Ireland) Order 2008 (S.I. 2008/1769 (N.I. 2)), arts. 1(3), 81, 83, Sch. 1 para. 15(c), **Sch. 3**; S.R. 2008/510, **art. 2**

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**Changes and effects yet to be applied to :**

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

**Whole provisions yet to be inserted into this Order (including any effects on those provisions):**

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)