

**Changes to legislation:** *The Magistrates' Courts (Northern Ireland) Order 1981, SCHEDULE 5 is up to date with all changes known to be in force on or before 18 April 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

### SCHEDULE 5

Article 170(1)

#### 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.

<sup>F1</sup>3. ....

**F1** Sch. 5 para. 3 repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), Sch. para. 8(3)(n); S.R. 2022/221, art. 2(d)

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.

**Changes to legislation:** *The Magistrates' Courts (Northern Ireland) Order 1981, SCHEDULE 5 is up to date with all changes known to be in force on or before 18 April 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*

### *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.

*Para. 10 rep. by 1988 NI 17*

### *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<sup>F2</sup> 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.

**F2** 1969 c. 30 (NI)

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<sup>F3</sup>.

**F3** 1981 c. 45

13. Nothing in this Schedule prejudices the operation of sections 28 and 29 of the Interpretation Act (Northern Ireland) 1954.

**Changes to legislation:**

The Magistrates' Courts (Northern Ireland) Order 1981, SCHEDULE 5 is up to date with all changes known to be in force on or before 18 April 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.

[View outstanding changes](#)

**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](#)