

1974. No. 334

MAGISTRATES' COURTS

Magistrates' Courts Rules (Northern Ireland) 1974

Made 31st December 1974

Coming into operation 17th March 1975

To be laid before Parliament

RULES, DATED 31ST DECEMBER 1974, MADE BY THE SECRETARY OF STATE UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

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The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) hereby, upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, makes the Rules hereinafter set forth.

PART I

Citation, Interpretation and Commencement, Etc.

Citation

1. These Rules may be cited as the Magistrates' Courts Rules (Northern Ireland) 1974.

Interpretation

2.—(1) In these Rules "the Act" means the Magistrates' Courts Act (Northern Ireland) 1964.

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

Commencement

3. These Rules shall come into force on 17th March 1975.

Revocation of existing rules

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

the Magistrates' Courts Rules (Northern Ireland) 1965(c);

the Magistrates' Courts Rules (Amendment) Rules (Northern Ireland) 1967(d);

(a) Formerly the Minister of Home Affairs for Northern Ireland; see S.I. 1973/2163.

(b) 1964. c. 21 (N.I.).

(d) S.R. & O. (N.I.) 1967, No. 207.

(c) S.R. & O. (N.I.) 1965, No. 206.

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- Rules 3 and 4 of and the Schedule to the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1969(e);
 the Magistrates' Courts (Preliminary Enquiry) Rules (Northern Ireland) 1969(f);
 the Magistrates' Courts (Judgments Enforcement) (Consequential Amendment) Rules (Northern Ireland) 1971(g);
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 the Magistrates' Courts (Amendment) (No. 2) Rules (Northern Ireland) 1973(n);
 the Magistrates' Courts (Amendment) (Value Added Tax) Rules (Northern Ireland) 1973(o);
 the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1974(p);
 the Magistrates' Courts (Amendment) (No. 2) Rules (Northern Ireland) 1974(q);
 the Magistrates' Courts (Amendment) (No. 3) Rules (Northern Ireland) 1974(r).

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

5. Subject to the Children and Young Persons Act (Northern Ireland) 1968(s), nothing in these Rules shall affect the operation of the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969(t).

PART II**Documents***Wording, etc., of documents*

6.—(1) Every complaint, summons, warrant or other document made or issued for the purpose of, or in connection with, any proceedings before a magistrates' court for an offence shall be sufficient if it describes the specific offence with which the accused is charged, or of which he is convicted, in ordinary language avoiding as far as possible the use of technical terms, and gives such particulars as may be necessary for giving reasonable information of the nature of the charge.

(e) S.R. & O. (N.I.) 1969, No. 68.
 (f) S.R. & O. (N.I.) 1969, No. 69.
 (g) S.R. & O. (N.I.) 1971, No. 36.
 (h) S.R. & O. (N.I.) 1971, No. 37.
 (i) S.R. & O. (N.I.) 1972, No. 91.
 (j) S.R. & O. (N.I.) 1972, No. 173.
 (k) S.R. & O. (N.I.) 1973, No. 63.
 (l) S.R. & O. (N.I.) 1973, No. 141.

(m) S.R. & O. (N.I.) 1973, No. 219.
 (n) S.R. & O. (N.I.) 1973, No. 250.
 (o) S.R. & O. (N.I.) 1973, No. 349.
 (p) S.R. 1974, No. 44.
 (q) S.R. 1974, No. 112.
 (r) S.R. 1974, No. 333.
 (s) 1968 c. 34 (N.I.).
 (t) S.R. & O. (N.I.) 1969, No. 221.

(2) Every complaint, summons, warrant or other document in proceedings upon complaint in a civil matter shall be sufficient if it describes the cause of complaint in ordinary language without necessarily stating all the facts upon which the complaint is founded and gives such particulars as may be necessary for giving reasonable information as to the nature of the complaint.

(3) If the offence charged or cause of complaint is one created by or under any Act, the description of the offence or cause of complaint shall contain a reference to the section of the Act, or, as the case may be, the rule, order, regulation, bye-law or other instrument giving rise to the offence or the cause of complaint unless such reference appears elsewhere on the face of any summons or warrant issued in respect thereof.

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

Court fees

7.—(1) Subject to paragraph (2), court fees shall be payable in accordance with Schedule 2 on the documents specified in that Schedule, and payment of the appropriate fee shall be indicated on every such document by an adhesive or impressed stamp or by an endorsement signed and stamped with his name in block letters by the person to whom the fee is paid or in such other manner as may be directed by the Secretary of State.

(2) No fee need be paid under paragraph (1) by the complainant, plaintiff, applicant or appellant in any proceedings (including proceedings on appeal) brought by or on behalf of —

- (a) the Attorney General;
- (b) any Minister of the Crown;
- (c) any member of the Royal Ulster Constabulary acting as such;
- (d) any department of the Government;
- (e) the Supplementary Benefits Commission for Northern Ireland; or
- (f) the Enforcement of Judgments Office.

(3) For the purpose of any enactment relating to the recovery of costs or fees any fee which would but for paragraph (2) have been paid shall be deemed to have been paid.

(4) Nothing in this Rule shall affect any statutory provision as to the payment of fees not repealed by the Act or revoked by these Rules.

(5) Where a fee is remitted by order of a magistrates' court under section 163(2) of the Act the resident magistrate, justice of the peace or clerk of petty sessions shall endorse the order on the relevant document or notify such remission by separate certificate and the reason for the remission shall be stated in the endorsement or on the certificate.

(6) Without prejudice to any order or regulation for the time being in force under the Public Offices Fees Act 1879(u), the stamps required by this Rule for the purpose of stamping any document shall be those of a design appropriate to magistrates' courts and approved by the Secretary of State.

(7) The clerk of petty sessions, on receiving a document duly stamped as required by this Rule, shall forthwith and in every case cancel the stamp by writing or stamping the date of cancellation across the stamp in indelible ink.

(u) 42 and 43 Vict. c. 58.

R 8-9*Form of complaint*

8.—(1) A complaint may be made by the complainant in person or by his solicitor or by any other person authorised in that behalf.

(2) Subject to any enactment, where it is intended that a summons only shall issue to require the attendance of any person, the complaint may be made either upon or without oath, and either in writing or not, as the justice of the peace receiving the complaint thinks fit.

^v(3) Where a complaint is in writing it shall be signed by the person making it and by the justice receiving it.

(4) Where it is intended that a warrant shall issue for the arrest of any person, the complaint shall be in writing and on oath of the complainant or of his solicitor or of any other person authorised in that behalf.

(5) Any person against whom a complaint has been made in writing or his counsel or solicitor shall be entitled on request to receive from the clerk of petty sessions a copy of such complaint.

(6) The original complaint shall be deposited with and, except as provided by Rule 28(2), or Rule 140(1), retained by the clerk of petty sessions.

(7) In describing the property mentioned in any complaint—

(a) where the property belongs to or is in the possession of partners, trustees, joint tenants, coparceners, or tenants in common, it is sufficient to refer to such property as that of any such persons who are named and of another or others, as the case may be, without naming them; or

(b) where the property is that of a local or public authority, commissioners, directors, trustees, a body corporate or persons known by any other general designation it shall be sufficient to refer to it as the property of such persons without naming them individually.

(8) It shall not be necessary in a complaint to specify or negative an exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or cause of complaint contained in the enactment giving rise to the offence or on which the complaint is founded.

Form of summons

9.—(1) Every summons shall be signed by the justice of the peace who issues it.

(2) No summons shall be signed in blank.

(3) Every summons shall state shortly the offence or cause of complaint and shall state the time and place at which the person summoned is required to appear.

(4) A single summons may be issued against a person in respect of several complaints but the summons shall state each offence or cause of complaint separately and shall have effect (except for the purposes of Schedule 2 or Schedule 3) as several summonses, each issued in respect of one complaint.

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

R 10-11

Preparation of summons

10.—(1) Subject to paragraph (2), the complainant or, where the summons is a witness summons, the person applying for the issue of the summons shall be responsible for the preparation of any necessary summons.

(2) Where the complainant or the person applying for the issue of a witness summons is not a solicitor or a member of the Royal Ulster Constabulary the justice of the peace receiving the complaint or granting the application may direct the clerk of petty sessions to assist in the preparation of a summons.

(3) References in this Rule to a summons include any copy thereof for service.

Service of summons

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

(2) In other cases, the summons shall be served by—

- (a) the summons server of the petty sessions district in which the proceedings are brought or in which the defendant or witness resides; or
- (b) any person who has received permission from a resident magistrate or other justice of the peace or from the clerk of petty sessions to serve the summons;

and any such permission shall be endorsed on the original summons and signed by the person giving it.

(3) In no case shall a summons be served by the complainant.

(4) Subject to Rule 12, every summons shall be served upon the person to whom it is directed by delivering to him a copy of such summons, or, where he is a child or young person within the meaning of Part IV of the Children and Young Persons Act (Northern Ireland) 1968 or a parent of such child or young person summoned in connection with proceedings against such child or young person or where the summons alleges a summary offence or is issued upon complaint in a civil matter or is a witness summons, by leaving it for him with some person apparently over the age of sixteen years at his usual or last-known place of abode or at his place of business.

(5) In the case of a corporate body, a summons shall be served by delivering a copy to the secretary or clerk of the body or by leaving a copy for him with some person apparently over the age of sixteen years at its registered or principal office or at any place of business maintained by such body in Northern Ireland, or by sending a copy by registered post or by the recorded delivery service (using the advice of delivery form) in an envelope addressed to such corporate body at such office or place of business.

Notwithstanding anything in paragraph (2), in a case where service is effected by registered post or by the recorded delivery service, the envelope containing the copy summons may be posted by any person other than the complainant.

(6) Every summons shall be served a reasonable time before the hearing of the complaint.

R 11-12

(7) In every case the person who shall serve a summons shall endorse on the original the date, place and manner of service and unless service shall be proved by affidavit, shall attend at the hearing of the complaint to depose, if necessary, to such service and, in the case of service upon a corporate body by registered post or by the recorded delivery service under paragraph (5), shall attach to the affidavit or produce to the court the certificate of posting and the relevant advice of delivery issued by the Post Office.

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

Postal service of summonses other than for offences prosecuted by Constabulary

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

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

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

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

- (a) the original summons endorsed by him with the particulars referred to in paragraph (2)(b);
- (b) the Post Office receipt of postage;
- (c) the relevant Post Office advice of delivery.

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

(5) The fee payable for the service of the summons under Schedule 3 shall be deemed to cover the charges of postage under paragraph (2)(a) and for the advice of delivery of the registered or recorded delivery envelope.

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

(7) Where the summons server informs the clerk of petty sessions that the envelope containing a copy of a summons, postal service of which has been permitted under paragraph (1), has been returned by the Post Office on the ground that delivery of the envelope was not accepted by anyone at the address of the person to be served, the clerk shall forthwith give notice thereof in writing to the complainant named in the summons or to his solicitor and transmit to the complainant or, as the case may be, his solicitor the documents listed in paragraph (9)(a), (b), (c) and (d).

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

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

- (a) the original summons endorsed under paragraph (2)(b);
- (b) the Post Office receipt of postage;
- (c) the copy of the summons enclosed in the envelope containing it returned by the Post Office as undelivered;
- (d) the form of advice of the Post Office that the envelope containing such copy could not be delivered according to the practice of the Post Office as to delivery by registered post or, as the case may be, by the recorded delivery service because delivery of the envelope was not accepted by anyone at the address of the person to be served;
- (e) a certificate in Form 175 in the Schedule signed by the complainant or his solicitor or other person authorised to do so on his behalf that, having regard to the reason given by the Post Office for non-delivery of the envelope containing the copy summons addressed to the person to be served stated in the form of advice referred to in sub-paragraph (d), to the best of his knowledge or belief a copy of the summons if sent by ordinary post to the person to be served at the address stated in the summons will, for the reason stated by the complainant in the certificate, come to the notice of that person a reasonable time before the date on which he is summoned to appear before the court;

and shall endorse such permission on the original summons.

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

- (a) send the copy of the summons by ordinary post in an envelope addressed to the person to be served at his usual or last known place of abode or at his place of business; and
- (b) endorse on the original summons the place and date of posting of such copy to the person to be served.

(11) Subject to paragraph (12) the summons server shall attend at the hearing of the complaint stated in the summons to depose as to compliance with this Rule.

(12) Where proof of such compliance is given on affidavit in accordance with section 127 of the Act the documents referred to in paragraph (9)(a) to (e) shall be attached to the affidavit.

(13) The affidavit shall be in Form 176 in the Schedule.

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

R 12-15

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

(16) The fee payable for the service of the summons under Schedule 3 shall be deemed to cover the charge of postage under paragraph 10(a).

Fees for service of summons

13.—(1) A person serving a summons (other than a member of the Royal Ulster Constabulary) shall be entitled to be paid by the complainant the sum specified in Schedule 3 for service of a summons.

(2) The fee shall be paid at the time when the summons is delivered for service to the person serving it or is handed to the clerk of petty sessions for delivery to such person.

Form of warrant

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

(2) The clerk of petty sessions for the petty sessions district in which the magistrates' court was sitting when it made such order may sign the following documents—

- (a) a warrant of distress;
 - (b) a warrant of commitment (whether issued in default of distress or otherwise);
 - (c) an enforcement order or a committal order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969(w);
 - (d) a warrant for possession under the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946(x);
 - (e) a warrant of discharge from custody.
- (3) No warrant shall be signed in blank.

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

(5) A warrant shall name in full or otherwise describe the person against whom it is issued.

Separate warrants to be issued for each sentence imposed

15.—(1) Subject to paragraphs (2) and (3), where a magistrates' court imposes more than one sentence upon a person convicted of more than one offence a separate warrant of distress or commitment shall be issued for the purpose of giving effect to each sentence.

(2) Where the court in imposing more than one sentence of imprisonment upon any person orders that the sentences are to run concurrently—

- (a) a warrant of commitment need not, unless under special circumstances the governor of the prison to which such person is committed otherwise requests, be issued in respect of a sentence which will expire before or on the expiration of any such sentence in respect of which a warrant of commitment has been issued; and

(b) where only one warrant of commitment is issued under this paragraph the clerk of petty sessions shall send to the said governor, together with the warrant, particulars of the sentences which are not specified in the warrant.

(3) Where the court orders a person convicted of more than one offence at the same time to be sent for Borstal training or to a training school or commits a child or young person to a remand home in accordance with section 74 of the Children and Young Persons Act (Northern Ireland) 1968 only one warrant need be issued for the purpose of giving effect to such order and the clerk of petty sessions shall send particulars of any conviction and order not specified in the warrant to the person in charge of the Borstal Institution, training school or remand home, as the case may be.

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

Endorsement of warrants of commitment as to release on bail

16.—(1) Where a magistrates' court commits an accused for trial in custody in accordance with section 45 of the Act or remands an accused in custody in accordance with section 54 of the Act it may certify its consent to bail either on a separate form or by endorsement on the warrant of commitment and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions.

(2) The certificate, in addition to specifying the amount of the recognizance to be entered into by the accused, shall also specify the amount of the recognizance to be entered into by any surety required by the court under section 136 of the Act or the amount of any sum of money or valuable security to be deposited under section 137 of the Act in lieu of sureties.

(3) Where an accused is remanded in custody or is committed for trial in custody and is subsequently granted bail before the expiration of the period for which he was originally remanded or before the sitting of the court to which he is committed for trial, upon an application by or on behalf of the accused to the court, the court shall issue a warrant for his discharge from prison to take effect from the completion of the necessary recognizance.

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

17.—(1) When a resident magistrate or justice of the peace issues a warrant for the arrest of any person he may bind the person making the complaint by recognizance to appear at the court where such person is to be tried to prosecute or to give evidence, as the case may be.

(2) The recognizance may either be in a separate form or at the foot of the complaint.

Withdrawal of warrants

18. A resident magistrate or justice of the peace who orders the withdrawal of a warrant under section 159(1) of the Act shall endorse his reasons for such withdrawal upon the warrant.

R 19*The Order Book*

19.—(1) In every proceeding (other than one to which Part VII of the Act applies) the clerk of petty sessions shall enter the particulars of the proceeding and the substance of the decision upon it in a book to be known as the "Order Book" and such particulars may, subject to any directions given by a resident magistrate or by the Secretary of State, be entered by reference to any other proceedings, particulars of which have previously been fully so entered.

(2) Such entry shall be signed by the resident magistrate or justice of the peace who determined the proceeding and after such signature shall be deemed a conviction or order, as the case may be.

(3) Where a resident magistrate or justice of the peace has made a conviction or order out of petty sessions he shall, if an Order Book is not signed, sign and forward a certificate of the proceedings to the clerk of petty sessions, which certificate when signed shall be deemed a conviction or order, as the case may be.

(4) Upon receipt of the certificate referred to in paragraph (3) the clerk of petty sessions shall enter the particulars on the certificate in the Order Book and submit the entry to the resident magistrate or justice of the peace who signed the certificate for his signature. If the resident magistrate or justice of the peace does not for any reason sign the entry in the Order Book the clerk shall make a special entry to that effect in the Order Book opposite to the entry relating to the proceedings and shall preserve the original certificate as a record of the proceedings.

(5) Where a justice of the peace hears and determines out of petty sessions any charge against an adult for an offence specified in Part II of Schedule 2 to the Act, the fact that the person charged has consented to be dealt with in accordance with section 33(3) of the Act shall be entered in the Order Book as part of the order.

(6) Where at the hearing of a complaint charging a summary offence or where at the summary trial of an indictable offence the accused pleads guilty, the court shall cause the plea to be entered in the Order Book as part of the order.

(7) Where a court—

(a) tries summarily any offence for which the accused appearing in person is entitled in accordance with section 41 of the Act to claim to be tried by a jury; or

(b) deals summarily under section 52 of the Act with any person charged with an indictable offence specified in Schedule 3 to the Act upon his consent to be so dealt with;

the court shall cause to be entered in the Order Book as part of the order his election to be tried summarily or as the case may be.

(8) Where a magistrates' court adjourns a case under section 57 or section 58 of the Act the court shall explain to the accused the reasons for the adjournment and shall cause a note of those reasons to be entered in the Order Book as part of the order.

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

(10) Where the sitting of a magistrates' court is adjourned by a clerk of petty sessions under section 162(4) of the Act he shall make a note of such adjournment in the Order Book.

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

(12) Every interlineation or other alteration in the Order Book shall be initialled by the resident magistrate or justice of the peace signing the entry of the conviction or order.

Certificate of conviction or order

20.—(1) At the request of any person with a bona fide interest in any proceedings a resident magistrate, justice of the peace or clerk of petty sessions shall grant a certificate of the conviction or order made in such proceedings.

(2) The certificate shall be signed by the resident magistrate or justice of the peace who made the conviction or order or by any justice of the peace for the same petty sessions district or by the clerk of petty sessions.

(3) A certificate under this Rule shall be prima facie evidence of the conviction or order and, except where it is proved that such a certificate purporting to be signed by a resident magistrate or justice of the peace or clerk of petty sessions was not in fact so signed, the certificate shall operate as a valid form of conviction or order for any purpose whatsoever.

Documents taken by or made before resident magistrates or justices of the peace sitting out of petty sessions

21. Every complaint, deposition, recognizance or other document taken by or made before a resident magistrate or justice of the peace sitting out of petty sessions shall as soon as practicable be forwarded or delivered to the clerk of petty sessions for the district in which the resident magistrate or justice of the peace was sitting or acting.

Signature of one resident magistrate sufficient in certain cases

22. In prosecutions for offences, where two or more resident magistrates are required to hear and determine the complaint the signature of one of such magistrates in the Order Book and on the forms of procedure shall be sufficient.

PART III

Criminal Proceedings

A. SUMMARY TRIAL

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

23.—(1) The procedure for hearing a complaint charging a summary offence shall be as follows:—

- (a) the substance of the complaint shall be stated to the accused and, if necessary, explained to him before a plea is taken;
- (b) where the accused pleads guilty to the complaint the court shall, if it sees no reason to the contrary, convict or make an order against him accordingly but before making such conviction or order the court shall allow the prosecutor or his counsel or solicitor and then the accused or his counsel or solicitor to address the court;

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- (c) where the accused does not plead guilty, the prosecutor or his counsel or solicitor shall call the evidence for the prosecution and before doing so may address the court;
- (d) at the conclusion of the evidence for the prosecution, the accused or his counsel or solicitor may address the court, whether or not he afterwards calls evidence;
- (e) at the conclusion of the evidence, if any, for the defence, the prosecutor or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence;
- (f) at the conclusion of the evidence, if any, for the defence and the evidence, if any, in rebuttal as aforesaid, the accused or his counsel or solicitor may address the court—
 - (i) if he has not previously done so; or
 - (ii) with the leave of the court, if the accused and any other witness have been called on the part of the accused;
- (g) if the court convicts the accused he or his counsel or solicitor may address the court in mitigation of sentence:

Provided always that, notwithstanding anything in the previous provisions of this Rule, the court may permit or invite the accused or the prosecutor or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings and in that event the court shall permit the prosecutor or the accused or his counsel or solicitor, as the case may be, to reply.

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

(3) The Court—

- (a) where the accused appears in person or by counsel or solicitor, shall ask the accused or his counsel or solicitor if he agrees with the statement and, if he does so agree; or
- (b) where the accused does not appear in person or by counsel or solicitor,

shall not in making any order upon the conviction make any oral reference to any previous conviction of the accused which it has not taken into consideration in making such order and which in the opinion of the Court is not relevant to the order so made.

(4) Where a written statement such as is referred to in paragraph (2) is not available and the Court considers it expedient so to do, it may ask the prosecutor to refer orally only to any previous conviction to which he considers the Court ought to have regard because of its date or nature or it may adjourn proceedings in accordance with section 57 of the Act to enable paragraph (2) to be complied with.

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

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

Procedure in relation to certain offences to which section 41 of the Act applies

24.—(1) Where the accused appearing in person is charged with an offence to which sub-section (1) of section 41 of the Act applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall, subject to paragraph (2)—

(a) address the accused as follows:—

“For the offence with which you are charged you may be tried summarily but you have a right to claim to be tried by jury.”;

(b) if desirable, give to the accused any information as to which court he may be committed for trial and any explanation as to the meaning of being tried summarily;

(c) address the accused as follows:—

“Instead of being tried summarily do you wish to claim your right to be tried by a jury?”.

(2) Where the accused appearing in person is charged with an offence to which section 41(4) of the Act applies, after the substance of the complaint is stated to the accused and before he pleads thereto, the court shall—

(a) address the accused as follows:—

“For the offence with which you are charged you may be tried summarily but if you have previously been convicted of a like offence, but not otherwise, you may have the right to be tried by a jury.”;

(b) if desirable, give to the accused any information as to which court he may be committed for trial and any explanation as to the meaning of being tried summarily;

(c) address the accused as follows:—

“If you have the right to be tried by a jury, do you wish to claim it or do you wish to be tried summarily?”;

(d) if the accused in answer to the last question claims to be tried by a jury, inquire into the record of the accused for the purpose of verifying his claim but such inquiry shall be confined to matters necessary for such verification.

(3) It shall be sufficient compliance with this Rule requiring the court to address the accused for the presiding resident magistrate to cause the accused to be addressed in the appropriate manner by an official of the court.

C. PRELIMINARY INVESTIGATIONS

Service of statement of complaint before preliminary investigation

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

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

R 26*Proceedings at a preliminary investigation*

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

(2) A magistrates' court conducting a preliminary investigation shall cause the charge to be read to the accused and shall, if necessary, explain its nature in ordinary language.

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

- (a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;
- (b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the statement of complaint.

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

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

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

(6) After the examination of each witness the court shall cause his deposition to be read to him in the presence and hearing of the accused and shall cause the witness to sign the deposition.

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

(8) After the evidence for the prosecution has been given, the charge shall, unless the court has decided not to commit the accused for trial, be again read to the accused or, as the case may be, be drawn to the attention of the accused by reference to the charges as numbered in the statement of complaint, and the court shall inform him that he has the right, if he so desires, to give evidence on his own behalf and call witnesses.

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

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

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

(11) Immediately after complying with the requirements of this Rule relating to the statement of the accused, and whether or not the accused has made a statement, the court shall ask him whether he wishes to give evidence himself and call witnesses and shall, before doing so, explain that he is not obliged to give evidence or to call witnesses and that anyone giving evidence is liable to be cross-examined.

(12) If the accused in answer to the question states that he wishes to give evidence or to call witnesses, or both to give evidence and to call witnesses, the court shall proceed to take the evidence of the accused if the accused wishes to give evidence himself, and of any witnesses called by the accused who are able to give any relevant evidence on behalf of the accused.

(13) Where the accused is represented by counsel or a solicitor, his counsel or solicitor shall be heard on his behalf, at his discretion, and may, if the accused gives evidence himself and calls witnesses, be heard on his behalf both before and after such evidence is taken.

(14) The court may, notwithstanding anything in this Rule, permit or invite the accused or the prosecutor or counsel or the solicitor for the accused or for the prosecutor to make a submission on a point of law arising at any stage of the proceedings, but where it does so, it shall permit the prosecutor or the accused or counsel or the solicitor for the prosecutor or for the accused to reply.

(15) Nothing in this Rule shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.

(16) It shall be sufficient compliance with the provisions of this Rule requiring the court to address the accused (whether in reading the charge, asking any questions, giving information, administering a warning or otherwise) for the presiding resident magistrate or justice of the peace to cause the accused to be addressed in the appropriate manner by an official of the court.

Procedure for binding witnesses and prosecutor over to attend trial

27.—(1) The court shall bind over a witness as required by section 44 of the Act as soon as practicable after his deposition has been taken.

(2) Every recognizance under section 44 of the Act shall be acknowledged and signed by the person entering into the recognizance and signed by the presiding resident magistrate or justice of the peace.

(3) The recognizance may be on a separate form or at the foot of the deposition at the discretion of the court.

Documents and exhibits to be sent to the court of trial

28.—(1) The clerk of the petty sessions district in which a person has been committed for trial shall, unless the court committing the accused orders otherwise, forward to the clerk of the Crown and peace, together with the documents and exhibits specified in paragraph (2), any documents or exhibits produced before the court by a witness whom it has bound over, or directed to be treated as bound over, to attend the trial conditionally.

(2) Within seven days after the committal of any person for trial, and in any case before the first day of the sitting of the court to which he is committed, the clerk of petty sessions shall send to the clerk of the Crown and peace—

- (a) the original complaint, if it is in writing;
- (b) the statement of complaint;
- (c) the depositions;
- (d) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968^(y) for the purpose of the investigation;

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- (e) the recognizances of the prosecutor and witnesses (if separate from depositions);
- (f) all statements made by the accused before the magistrates' court;
- (g) if the accused is committed for trial on bail, the recognizance of the accused;
- (h) any recognizance entered into by any person as surety for the accused;
- (i) a certificate of the names, addresses and occupations of the witnesses who have been, or are treated as having been, bound over to attend the trial conditionally;
- (j) such of the documents and exhibits produced in evidence before the court as have been retained by him; and
- (k) a statement of the dates on which the defendant was remanded before completion of the preliminary investigation.

(3) Paragraph (2) of this Rule shall apply to the committal for trial of persons under section 48 of the Act as if paragraphs (a) to (f) and (i) to (j) were omitted.

Supply of depositions and complaint to accused

29. The person having custody of the depositions on which any person has been committed for trial shall, as soon as practicable after application is made to him by or on behalf of the accused, supply to the accused one copy of the depositions and, if the complaint is in writing, of the complaint.

Adjourned preliminary investigation

30. Where a preliminary investigation is adjourned under section 43 of the Act and the adjourned investigation is held before a magistrates' court acting for the petty sessions district in which the place to which the investigation is adjourned is situated, the complaint and any depositions and recognizances already taken in the matter shall be transmitted to the clerk of petty sessions for that district and be brought before such court.

D. PRELIMINARY ENQUIRIES*Interpretation of Rules 32 to 42*

31.—(1) In Rules 32 to 42—

- (a) "the Act of 1968" means the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968(x);
- (b) "preliminary enquiry" means a preliminary enquiry under the Act of 1968.

(2) The provisions of Rules 26. to 28 shall not apply to a preliminary enquiry.

(3) Reference to a Form by number is to that Form as numbered in Schedule 1.

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

32.—(1) A notice under section 2(1) of the Act of 1968 of intention by the complainant or prosecutor on his behalf to request a magistrates' court to hold a preliminary enquiry shall be in Form 26 and a list of witnesses referred to in Form 26 giving the number of pages in each written statement of evidence shall be in Form 27.

(2) The statement of complaint referred to in section 2(2)(a) of the Act of 1968 shall be in Form 28 and the list of exhibits referred to in section 2(2)(c) of that Act shall be in Form 29.

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

(4) Such notice, lists and copies of the documents referred to in section 2(2) of the Act of 1968 shall be furnished to the clerk of petty sessions in accordance with section 2(1) thereof—

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

(5) The clerk of petty sessions or anyone authorised by him to do so shall complete the particulars in and sign the Form of receipt at the bottom of Form 26 and where service was under paragraph 4(a) give the receipt to the person who served the said documents or where it was served under paragraph 4(b) send the receipt by registered post or by the recorded delivery service to the complainant or to the prosecutor acting on behalf of the complainant at the address specified in the said Form.

Service on accused of copy of notice and of documents referred to in section 2(2) of the Act of 1968

33.—(1) The copy of the said notice, lists and of the documents referred to in section 2(2) of the Act of 1968 shall be served upon the accused in the same manner as a summons upon complaint for an indictable offence is required to be served under paragraphs (1) to (6) of Rule 11.

(2) The accused or, in the case of a body corporate, the secretary or clerk of that body shall upon delivery of the said notice, lists and documents complete the particulars in and sign the Form of receipt at the bottom of Form 26 and shall hand the receipt to the member of the Royal Ulster Constabulary who served the said notice, lists and documents or, where the accused is a body corporate, the said secretary or clerk shall send the receipt by registered post or by the recorded delivery service to the complainant or to the prosecutor acting on behalf of the complainant at the address specified in the said Form.

Objection to preliminary enquiry

34.—(1) Without prejudice to section 2(5) of the Act of 1968, the court shall ascertain that the accused or each of them has received a copy of the notice and of the documents required to be served on him under section 2(2) thereof and unless the accused is or, if there is more than one accused before the court, all of the accused are legally represented, shall explain generally the purpose of a preliminary enquiry and of a preliminary investigation and the differences of procedure between such enquiry and such investigation.

(2) After the charge or charges as set out in the complaint or complaints is or are read aloud and, if necessary, explained in ordinary language the court shall then ascertain that the accused understands, or all of them understand, the nature of the complaint or complaints and ask him or each of them separately whether he objects to a preliminary enquiry into the charge or any of the charges against him.

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

- (a) the clerk shall make public the nature of the charges by reading aloud and in full at least one charge in each category of the offence charged;
- (b) each of the other charges relating to the same category of offence may then be put to the accused by referring to the number of the charge and adding such other particulars as, without a full reading, may enable the accused to understand the charge and follow it on the copy of the statement of complaint.

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

(4) Where two or more persons are charged together with an offence and one or more than one of them or his or their legal representative objects to a preliminary enquiry into that offence, he shall be asked, or each of them separately shall be asked, whether he objects to a preliminary enquiry into that offence in respect of any person or persons who do not so object and if he objects to such enquiry to explain the grounds for such objection.

(5) In order to consider the grounds for such objection and in order to be satisfied in accordance with section 1(3) of the Act of 1968 that the interests of any person charged with an offence together with another or others would not be unduly or unreasonably prejudiced by conducting a preliminary enquiry into that charge in respect of that other or others, the court shall read the statements of the evidence relevant to that particular charge and hear any submission by or on behalf of the other or others so charged.

Conduct of preliminary enquiry

35.—(1) The court in proceeding to conduct a preliminary enquiry may require the prosecutor to make an opening statement on behalf of the prosecution for the purpose of presenting the written statements of the witnesses upon whose evidence the complaint or complaints are based before the court further proceeds in accordance with section 4(1) of the Act of 1968 to consider such statements and any exhibits or to read aloud the contents of such statements or purport thereof or before proceeding to consider any submissions (other than submissions under Rule 34) made by the prosecutor or by or on behalf of the accused.

(2) Where at any stage of the enquiry a written statement is admitted in evidence in accordance with section 3 of the Act of 1968 the name and address of the maker of the statement shall be read aloud unless the court in the interests of justice otherwise directs.

(3) Where a person is required under section 4(2) of the Act of 1968 to give evidence for the prosecution on oath and such evidence is recorded as a written deposition, the court shall where any accused is not legally represented explain to that accused that he has the right to cross-examine the witness and that the prosecutor may re-examine him.

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

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reference to the charges as numbered in the statement of complaint and the court shall inform the accused that he has the right, if he so desires, to give evidence on his own behalf and to require the attendance of witnesses and to call witnesses and to tender any written statement of a witness which complies with section 3 of the Act of 1968.

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

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

(6) Whatever the accused says in answer to the charge(s) shall be taken down in writing on Form 30, read over to him and signed by the presiding resident magistrate or justice of the peace and, if the accused so wishes, by him.

(7) Immediately after complying with the requirements of this Rule relating to the statement of the accused, and whether or not the accused has made a statement, the court shall ask him whether he wishes to give evidence himself, require the attendance of witnesses and to call witnesses and shall before doing so explain that he is not obliged to give evidence or to call witnesses and that anyone giving evidence is liable to be cross-examined.

(8) The court shall also ask the accused whether he wishes instead of calling witnesses to tender any written statement of evidence on his behalf which complies with section 3 of the Act of 1968.

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

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

Modification of Rules where corporation is accused

36. Any reference in these Rules to an accused shall where the accused is a corporation be construed as a reference to the representative of the corporation within the meaning of Schedule 5 to the Magistrates' Courts Act (Northern Ireland) 1964 and the reference to Form 30 in Rule 35(6) shall be taken as a reference to Form 31.

Court may address accused through court official

37. It shall be sufficient compliance with the provisions of these Rules relating to a preliminary enquiry requiring the court to address the accused (whether in reading the charge, any written statement, asking any questions, giving information, administering a warning or otherwise) for the presiding resident magistrate or justice of the peace to cause the accused to be addressed in the appropriate manner by an official of the court.

R 38-42*Proof by formal admission*

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

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

39.—(1) Written statements of the evidence of a witness tendered in evidence to a Magistrates' Court at a preliminary enquiry shall be in Form 32.

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

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

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

Authentication of statements, depositions or admissions

41. The clerk of petty sessions shall authenticate by certificate in Form 33 the written statements admitted in evidence, the depositions and any formal admission made for the purpose of the enquiry.

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

42.—(1) Within seven days after the close of a preliminary enquiry at which any person is committed for trial, and in any case before the first day of the sitting of the court to which he is committed, the clerk of petty sessions shall send to the clerk of the Crown and peace—

- (a) the statement of complaint upon which such person was committed for trial;
- (b) the written statements admitted in evidence at and any depositions taken at the preliminary enquiry;
- (c) any formal admission of facts made under section 2 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 for the purpose of the enquiry;
- (d) the certificate in Form 33 of the clerk of petty sessions authenticating those statements, depositions or such admissions;
- (e) all statements made by the accused before the magistrates' court;
- (f) if the accused is committed for trial on bail, the recognizance of the accused;

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- (g) any recognizance entered into by any person as surety for the accused;
- (h) subject to paragraph (2), a list in Form 34 of the exhibits, documentary or otherwise, produced or referred to in evidence at the enquiry;
- (i) every exhibit lodged in court;
- (j) any other relevant document; and
- (k) a statement of the dates on which the defendant was remanded before completion of the preliminary enquiry.

(2) Where the list of exhibits produced or referred to in evidence at the enquiry is the same as that in Form 29, or differs therefrom only by the addition or omission of certain exhibits, the clerk of petty sessions may, instead of sending the list in Form 34, send the original list served on him under section 2(1) of the Act of 1968, in Form 29, any alteration in the particulars therein being initialled either by him or by the presiding resident magistrate or justice of the peace.

(3) Paragraph (1) shall apply to the committal for trial of persons under section 48 of the Magistrates' Courts Act (Northern Ireland) 1964 as if paragraphs (a) to (e) and (h) and (i) were omitted.

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

(5) The court may direct that the written statements required to be read aloud under section 5(2) of the Act of 1968 shall be so read by the clerk of petty sessions or other court official.

E. INDICTABLE OFFENCES DEALT WITH SUMMARILY

Conditions to be complied with before preliminary investigation

43. Where an adult is charged with an indictable offence specified in Schedule 3 to the Act, a justice of the peace (other than a resident magistrate) shall not proceed to conduct a preliminary investigation or preliminary enquiry unless he is informed that—

- (a) the prosecutor will not in any event consent to summary trial of the charge under section 52 of the Act; or
- (b) a resident magistrate has decided that it is not expedient to deal with the charge summarily.

Written notice under section 52(1) of the Act

44.—(1) The written notice to be given to the accused under section 52(1) of the Act giving him notice in writing of his right to be tried by a jury may be served on him together with or contained in a summons alleging the offence or, if he is arrested, given to him as soon as practicable after he is formally charged with the offence after arrest.

(2) Where the prosecutor informs the court that he does not object to the charge being dealt with summarily, the court shall not deal summarily with any offence specified in Schedule 3 to the Act until the expiration of 24 hours after the notice under section 52(1) of the Act is given to the accused, unless a written waiver such as is referred to in section 52(1) of the Act waiving the requirement of the twenty-four hours' notice under said section 52(1) has been signed by the accused and handed to the court and the court is satisfied in accordance with Rule 45(5) and (6) that the accused understands that he has the right to be tried by a jury and appreciates the meaning of such right.

R 44-46

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

Procedure where court decides to deal with an indictable offence summarily under section 52 of the Act

45.—(1) The procedure shall until the resident magistrate assumes the power to deal with the offence summarily be the same in all respects as if the offence were to be dealt with throughout as an indictable offence.

(2) Before proceeding to deal with the offence summarily, the court shall ascertain that the prosecutor consents in accordance with section 52(2) of the Act to the court so dealing with the offence.

(3) The evidence of any witness (other than a witness whose written statement has been admitted in evidence at a preliminary enquiry under section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968) taken before the resident magistrate assumed such power need not be taken again, but every such witness shall, if the accused or the prosecutor or his counsel or solicitor so require, be recalled for the purpose of cross-examination.

(4) From and after the time when the resident magistrate assumes the power to deal with the offence summarily (subject to the remaining provisions of this Rule) the procedure before and powers exercisable by the resident magistrate shall be the same as in the hearing of a complaint charging a summary offence.

(5) After deciding that it is expedient to deal with the case summarily the resident magistrate shall cause the charge to be read to the accused and, if he considers it desirable, explain the meaning of the case being dealt with summarily and of committing an accused for trial by a jury at the county court or court of assize. Such explanation shall include a statement as to the county court or assize at which the accused may be tried.

(6) The resident magistrate shall next address the accused as follows:—

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

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

(7) The resident magistrate may instead of giving the explanation required by paragraph (5) or addressing the accused, as would otherwise be required by paragraph (6), cause such explanation to be given or the accused to be addressed in open court in the appropriate manner by an official of the court and that course shall be sufficient compliance with this Rule.

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

46. Where a resident magistrate in exercise of the power conferred by section 53(3) of the Act having dealt summarily with a charge for an indictable offence, convicts the accused of an offence in the alternative to that charged, an entry to that effect shall be made in the Order Book and specifying the alternative offence of which he was convicted.

R 47-49

Preservation of depositions where indictable offence is dealt with summarily

47. The clerk of petty sessions for the district in which a person charged with an indictable offence has been tried summarily under section 52 of the Act by a resident magistrate shall preserve for a period of at least three years such depositions as have been taken.

F. DEPOSITIONS OF SICK OR DYING PERSONS

Taking of depositions under section 40 or 49 of the Act

48.—(1) Where an application for the taking of the deposition of a person under section 40 or section 49 of the Act is granted by a resident magistrate or justice of the peace, such resident magistrate or justice of the peace shall cause to be served in such manner as he may direct on the accused and the prosecutor a notice in writing specifying where and when the deposition is to be taken.

(2) Where a person in prison custody has received a notice under paragraph (1) the governor of the prison in which the person is confined shall cause him to be conveyed to the place mentioned in the notice for the purpose of being present at the taking of the deposition and subsection (3) of section 16 of the Prison Act (Northern Ireland) 1953^(za) shall apply to a person who is so conveyed as though the Secretary of State had made a direction under subsection (1) of that section.

(3) The resident magistrate or justice of the peace taking the deposition shall sign it and attach thereto a statement of his reason for taking it and of the day when and the place where it was taken and of the names of the persons, if any, present at the taking thereof.

(4) The resident magistrate or justice of the peace taking the deposition shall cause it to be transmitted with his statement under paragraph (3)—

- (a) if the deposition is taken under section 49 of the Act and relates to an offence for which the accused is already committed for trial, to the clerk of the Crown and peace for the county in which the accused has been committed for trial; or
- (b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

G. REMANDS

Remand for inquiry into physical or mental condition

49. On exercising the powers conferred by section 58 of the Act in remanding a person for a report on his mental or physical condition a magistrates' court shall—

- (a) where the person is remanded in custody, send to the place to which he is committed; and
- (b) where the person is released on bail, send to the hospital or place at which, or the person by whom, he is to be examined;

a statement of the reasons for which the court is of opinion that an inquiry ought to be made into his physical or mental condition, and any information before the court about his physical or mental condition.

R 50-53

Remand on bail under section 54(4) for longer than eight or, as the case may be, fourteen days where sureties have not entered recognizances

50. Where the court, with a view to a person's being remanded on bail under section 54(4) of the Act for a period exceeding eight days or, where section 54(3) of the Act applies, fourteen days, has fixed the amount of the recognizances to be taken for that purpose but commits that person to custody because the recognizances of the sureties have not yet been taken, the warrant of commitment shall direct that such person be brought before the court at the end of the period or at such earlier time as may be specified in the warrant, unless in the meantime the sureties have entered into their recognizances.

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

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

H. FORMAL ADMISSIONS

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

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

PART IV**Debt and Ejectment Proceedings****A. RULES APPLICABLE TO BOTH DEBT AND
EJECTMENT PROCEEDINGS***Definitions*

53. In these Rules the following expressions have the meanings hereby assigned to them:—

“debt proceedings” or “ejectment proceedings”, where necessary, include proceedings for the enforcement of orders made in such proceedings;

“formal order” refers to the document issued by the court and includes a decree, a dismiss, an order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969(zb) and an attachment of earnings order under section 75 of the said Act of 1969;

“process” includes an application for a duplicate of an order, and (save as expressly excepted by Rules 58 and 60) an enforcement or committal process under Part VII of the said Act of 1969.

Time of issue of process

54. A process shall be deemed to have been issued when it has been stamped, signed, and handed or sent by post to a summons server or to such other person as may be authorised to serve it, or to the clerk of petty sessions of the petty sessions district in which a proceeding is brought for delivery to a summons server or when service is effected in accordance with Rule 60.

Signature on process

55. Every process and every copy thereof for service shall be signed by the plaintiff or by his solicitor or firm of solicitors, or in the name of such solicitor by some person duly authorised to sign.

Times of hearing of processes

56. Processes shall be issued for hearing at such sittings of the court of summary jurisdiction as may from time to time be directed by the resident magistrate, acting for the petty sessions district for which the court in which a proceeding is brought acts.

Costs of process to be stated

57.—(1) The amount of the costs of a process payable by the defendant if the claim is paid or, if possession of the premises the recovery of which is sought is surrendered before entry day as provided by Rule 67, shall be stated on the face of the process. If the amount of the claim is paid or if possession is surrendered and such costs are so paid before entry day the proceeding shall be stayed.

(2) The amount of the costs payable where the claim is paid or possession is surrendered or both, as the case may be, before entry day in accordance with this Rule shall be either fifty per centum of the solicitor's costs in column (2) in Table 1 of Schedule 4 or of the solicitor's costs in column (1) in Table 1 in Schedule 5, as appropriate, together with the plaintiff's outlay properly incurred to date of settlement.

(3) Where proceedings for arrears of rent or for sums due under section 78 of the Act are joined with a claim for the recovery of the premises, the appropriate Table is that applicable to ejectment proceedings.

Modes of service of process

58.—(1) Except where otherwise provided by these Rules service of a process shall be effected—

- (a) by delivering to the defendant personally a true copy thereof; or
- (b) subject to paragraph (2), by leaving a true copy thereof for the defendant at his usual or last known place of abode or at his place of business with some person apparently over the age of sixteen years.

(2) Sub-paragraph (b) of paragraph (1) shall not apply to the service of an enforcement process or a committal process.

(3) Without prejudice to paragraph (1), a process in ejectment proceedings may be served on the tenant and on any person in actual possession or occupation of the land or premises.

(4) If for any reason service of a process issued in ejectment proceedings cannot be effected in accordance with paragraphs (1) or (3), such process may be deemed to be served if a true copy thereof is affixed to some conspicuous part of the premises.

R 58-62

(5) The provisions of this Rule shall be in addition to and not in derogation of the provisions of any enactment authorising the service of documents in any proceedings upon any person or body.

Persons entitled to serve processes

59.—(1) Subject to paragraph (2) and to Rules 60, and 114(2) no person other than a summons server for the petty sessions district in which proceedings are brought shall have authority to serve a process.

(2) Where in any such district a summons server is absent or unable to carry out his duties through illness or other cause, or when the office of summons server is vacant, a process may be served by some other person, if permission for such other person to serve the process has been given by a resident magistrate or by the clerk of petty sessions and has been endorsed or signed by him on the original process.

(3) Nothing in this Rule shall affect the provisions of section 60 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972(zc).

Special mode of service

60.—(1) Notwithstanding anything in Rules 58 and 59, where —

- (a) it is made to appear to a resident magistrate or clerk of petty sessions that a process cannot be served because the defendant is evading service or admission cannot be gained to his residence or business premises or it is not reasonably practicable to serve the process otherwise, he may give permission by an endorsement signed by him on the original process for service to be effected by registered post or by the recorded delivery service or in such other manner as may seem to him appropriate or sufficient and such service shall be deemed to be sufficient service; or
- (b) a solicitor represents that he is authorised to accept service of a process on behalf of any defendant, such service may be effected by the delivery by any person of a copy of the process to that solicitor provided that solicitor endorses and signs on the original a memorandum stating that he is so authorised as aforesaid and that he accepts service accordingly.

(2) This Rule shall not apply to the service of an enforcement process or a committal process.

Time for service

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

Service fees

62.—(1) The fees specified in Schedule 3 shall be payable for the service of processes.

(2) The fee shall be paid at the time when the process is delivered for service to a summons server or to such other person as may be authorised to serve it, or is handed to the clerk of petty sessions for the district in which proceedings are brought for delivery to a summons server.

R 63-66

Summons server's Process Book

63.—(1) A summons server shall keep a book (called a Process Book) in which he shall enter the names of the parties to any process handed to him for service, with the date on which he receives it and the date and place of service and the manner in which he has served it.

(2) In any case in which a process has not been duly served, the summons server shall enter the cause of non-service in the Process Book.

(3) The summons server shall endorse upon the original of each process he has served the date, place and manner of service, and sign the endorsement.

(4) The summons server shall lodge his Process Book with the clerk of petty sessions and, except where the court allows proof of the service of a process by affidavit in accordance with section 127 of the Act or where a resident magistrate otherwise directs, shall attend at each sitting of a court of summary jurisdiction for the hearing of processes served by him and produce his Process Book or give evidence as to service, as may be directed by the court.

(5) In the case of the death, illness, or unavoidable absence of a summons server from a sitting of a court at which he would otherwise be required to attend, his Process Book, if produced to the court and verified on oath as to his handwriting by some credible person, shall be prima facie evidence of any matter entered therein.

Person other than summons server to prove service

64. In any case where a process is served by a person other than a summons server, except as provided by Rule 60(1)(b), that person shall endorse upon the original the date, place and manner of service and affix his signature thereto, and shall also, unless proof of service is given by affidavit in accordance with section 127 of the Act, attend the sitting of the court at which the process is to be heard, and give such evidence as to the date, place and manner of service as the court may require.

Service deemed good

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

Process Register and extract therefrom

66.—(1) The clerk of petty sessions shall keep a register (to be called the Process Register) in which he shall make the entries relating to each proceeding as specified by the headings to the columns in the register.

(2) Separate Process Registers shall be kept for debt and ejection proceedings and are referred to in these Rules as "the Debt Process Register" or "the Ejection Process Register", respectively.

(3) The Process Register shall be signed at the foot of each page by the resident magistrate who had adjudicated upon the proceedings entered thereon, but in case any page contains records of proceedings heard on more than one date or by more than one resident magistrate, it shall be signed by the appropriate resident magistrate at the last entry on each date, or at the last entry of any proceedings heard by him.

(4) Any person who satisfies a resident magistrate or a clerk of petty sessions that he has a bona fide interest in the matter may obtain from the clerk of petty sessions, upon payment of the prescribed fee, a memorandum of a proceeding entered in the Process Register.

R 67-72*Entry of process*

67.—(1) When it is desired to enter or re-enter a process for hearing, the plaintiff or his solicitor shall lodge the original with the clerk of petty sessions on or before the entry day and details of such process shall be entered into the Process Register and where the hearing is adjourned or after the court has made an order in favour of the plaintiff the process shall be returned to the plaintiff or his solicitor.

(2) For the purposes of Rule 57 and of this Rule the entry day shall be the fourth day before the hearing; but when such day is a Saturday, Sunday or a public holiday, the entry shall be made on the previous week-day other than Saturday.

Re-entry of process where hearing adjourned

68.—(1) Where the hearing of a debt or ejection proceeding is adjourned the court shall not continue with the proceeding until the process is re-entered in accordance with Rule 67.

(2) Where the court in the absence of the defendant or his solicitor adjourns the proceedings, the plaintiff or his solicitor shall notify the defendant or his solicitor of the fact that the process has been re-entered and of the time and place of the adjourned hearing.

Striking out of proceeding

69. The entry of the words "Struck Out" in the Process Register shall be a sufficient record of the striking out of a proceeding under section 83(3) of the Act.

Withdrawal of proceeding

70. Where the court acting under section 83(4) of the Act allows a proceeding to be withdrawn the word "Withdrawn" shall be entered in the appropriate column of the Process Register.

Order on consent where defendant appears

71.—(1) In a proceeding in which a defendant appears and admits that the amount stated in the process is due by him, or agrees to surrender possession of the premises sought to be recovered by the plaintiff and to pay any rent or arrears of rent which may be due to the plaintiff, the court may without hearing evidence make an order against him for the amount or for recovery of possession with costs and in doing so may postpone the issue of the decree in accordance with section 117(1) of the Act for such period and upon such terms as it thinks fit.

(2) Where the plaintiff does not appear before the court in person an order shall be made under this Rule only where the plaintiff's solicitor or counsel is present and applies for it to be made.

Order on written consent

72. If a defendant in the presence of a solicitor or his apprentice or clerk, has signed a document consenting to an order, other than a committal order, being made against him the court may make such order with costs, upon such proof of the defendant's signature to the consent as the court may require.

Undefended proceedings

73. For the purposes of these Rules a claim in debt or ejection proceedings shall be treated as undefended where—

- (a) the defendant fails to appear and the court, after proof of service of the process, makes an order against him; or
- (b) where an order is made on the consent of the defendant; or
- (c) the court so directs.

Order where more than one defendant

74—(1) In a proceeding in which two or more persons are named as defendants in a process, the court may make an order for payment of the amount claimed or for the recovery of possession of premises sought to be recovered against one or more of these persons, and strike out, dismiss, or allow to be withdrawn the proceeding against the remainder.

(2) Where a proceeding is dismissed under this Rule, the court may order that any costs awarded on the dismissal, and which the plaintiff is liable to pay, shall be recovered by way of recoupment by the plaintiff from the defendant or defendants against whom an order is made, in addition to the plaintiff's costs of the order.

Dismiss

75. Where the court dismisses a claim upon the merits or without prejudice to a further claim in the same matter, the court shall so state by its formal order and the entry of the words "Dismissed on the Merits" or, as the case may be, "Dismissed Without Prejudice" in the appropriate Process Register shall be a sufficient record of the order.

Procedure where previous dismiss is produced

76. Where in a proceeding a defendant produces a dismiss without prejudice obtained by him against the plaintiff for the same cause of action, the plaintiff shall not be at liberty to proceed until he has paid to, or satisfied the defendant for the amount for costs shown in such dismiss.

Where process not entered by plaintiff it may be entered on application of defendant

77.—(1) Where a process which has been duly served has not been entered or re-entered for hearing by the plaintiff or his solicitor, the defendant or his solicitor may, on the day of the hearing, lodge in court the copy served on the defendant and apply to have it entered or re-entered as the case may be.

(2) Upon such an application the court may order the process to be entered or re-entered and dismiss the claim without prejudice to a further claim in the same matter, with costs.

Preparation of forms in debt or ejection proceedings

78.—(1) The party who brings the proceedings, or his solicitor, shall be responsible for the preparation of the process and all copies required for service.

(2) The party in whose favour an order is made in a proceeding, or his solicitor, shall be responsible for the preparation of the formal order to be issued by the court.

R 78-83

(3) The proper officer for the purposes of section 97(3) of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall be the clerk of petty sessions and, when an attachment of earnings order under section 75 or an enforcement order or a committal order under section 88 of that Act is lodged with the clerk, a duplicate of the formal order shall be attached thereto which, when signed in accordance with Rule 80(1) shall be transmitted to the Enforcement of Judgments Office in accordance with the said section 97(3).

Disposal of process

79.—(1) A plaintiff in whose favour an order has been made shall lodge the original process with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return the process to the plaintiff or his solicitor together with the formal order.

(2) Where a process has been entered or re-entered by the plaintiff for hearing and upon the hearing the court orders a dismiss, the defendant or his solicitor shall lodge the copy of the process served on him with the clerk of petty sessions when the form of the formal order is handed to the clerk who shall return it to the defendant or his solicitor together with the formal order.

(3) A copy process entered or re-entered by the defendant or his solicitor in accordance with Rule 77 and in respect of which a dismiss without prejudice with costs has been obtained, may be returned to the defendant or his solicitor for the purpose of preparing the formal order and shall otherwise be dealt with as an original process under paragraph (1).

Signing of formal orders in debt or ejectment proceedings

80.—(1) A formal order issued by the court shall be signed by the resident magistrate who made the order or by some other resident magistrate or by the clerk of petty sessions.

(2) A formal order shall be deemed to be issued on the earliest day it may lawfully be issued whether or not in fact it is actually issued on that day and such day shall be entered on the formal order as the date of issue.

Transfer of proceedings to county court

81. Where the court orders proceedings to be transferred to the county court under section 85 of the Act, it shall cause the clerk of petty sessions to transmit forthwith the original process and any notice of set-off or counter-claim or other document lodged in court in relation to the matter, together with a statement of the reasons for the transfer, to the county court, and, at the same time, to send all parties to the proceeding notice in writing of the transfer.

Enlargement or abridgement of times

82. The court may, upon such terms as it thinks fit, enlarge or abridge any of the times fixed by these Rules for taking any step or doing an act in debt or ejectment proceedings, or declare any step taken or act done to be sufficient even though not taken or done within the time or manner prescribed by the Rules.

Effect of non-compliance with Rules

83.—(1) Non-compliance with any of the Rules in this Part shall not render any proceeding void, but, in case of such non-compliance, the court may direct that the proceeding be treated as void, or that it may be set aside in part as irregular, or that it be amended or otherwise dealt with in such manner or upon such terms as the court thinks fit.

R 83-86

(2) The clerk of petty sessions shall make a note of any ruling under paragraph (1) in the appropriate Process Register.

(3) When the court directs that the proceeding be treated as void, it shall have power to award, if it thinks fit, such costs as it could have awarded if it had dismissed the proceeding.

Claims for rent joined under section 82(3) of the Act with claims in ejectment

84. In a proceeding in which a claim for rent or sums due under section 78 of the Act is joined to a claim for the recovery of premises in accordance with section 82(3) of the Act, so much of Rules 86 to 91 as is applicable shall have effect in relation to the proceeding.

B. RULES APPLICABLE TO DEBT PROCEEDINGS

Contents of process in debt proceedings

85.—(1) A process issued in debt proceedings shall set forth the full name and address of the plaintiff and of the defendant, the nature and amount of the claim and reasonable particulars thereof.

(2) Where an amount is abandoned under section 73 of the Act in order to bring the sum claimed within the jurisdiction of a court of summary jurisdiction, there shall be inserted in the process a statement of the fact of such abandonment after the particulars of claim.

(3) Two or more causes of action may be joined in the same process, provided that the amount claimed in respect of each such cause be stated in the particulars of claim and, except in cases to which section 71(2) of the Act applies, the total amount does not exceed £50.

(4) In a proceeding brought for a sum exceeding £50 the process shall state the enactment declaring such sum to be a debt or civil debt recoverable summarily.

(5) In a proceeding on a bill of exchange, promissory note, or other security for money, the process shall state the date of such security, the sum for which it was given, the parties thereto, the sums claimed to be due thereon for principal and interest respectively, and the times at which such sums respectively became due and payable.

(6) In a proceeding for rent, or for use and occupation, the process shall state the amount claimed, the time up to which the amount is alleged to be due and the situation of the lands or premises in respect of which the claim is made, and when brought upon a lease or other instrument, the date thereof and the parties thereto respectively.

(7) In a proceeding brought by an assignee of a debt, the process shall state the name and the description of the assignor, and the nature and date of the assignment.

(8) In a proceeding brought upon any written document not mentioned before in this Rule, the process shall state the date and nature of the document, and the parties thereto.

Set-off or counterclaim

86.—(1) Where a defendant desires to set-off any sum, or to make any counterclaim, he shall give to the plaintiff notice in writing specifying the amount of the set-off or counterclaim and giving reasonable particulars thereof at least six days before the hearing, and shall also at least two days before the hearing lodge a copy of such notice with the clerk of petty sessions.

R 86-91

(2) Where an amount is abandoned under section 73 of the Act in order to bring the sum specified in the notice of set-off or counterclaim within the jurisdiction of a court of summary jurisdiction there shall be inserted in the said notice a statement of the fact of such abandonment after the particulars of the set-off or counterclaim.

Details of claim, set-off or counterclaim may be demanded

87.—(1) A defendant who desires to be supplied with further or detailed particulars of a claim made against him in a process or a plaintiff who desires similar particulars of a set-off or counterclaim may give written notice demanding such particulars.

(2) A notice under this Rule shall be given at least four days before the date of hearing.

(3) Where particulars have not been furnished in compliance with this Rule the court may either proceed with the hearing or may, upon such terms as it thinks fit, adjourn the case and order such particulars to be delivered.

Order where debt paid before hearing

88.—(1) Where a defendant has paid the amount claimed in a process before the date of hearing, but has not paid the appropriate costs up till the date of payment, the court may make an order for the payment of the amount in the process with the costs, and direct that credit be given to the defendant for the amount paid.

(2) Where a claim in debt proceedings is not defended, evidence by the solicitor for the plaintiff that the full amount claimed has been received from the defendant after the issue of the process may be accepted as evidence that the amount claimed was due from the defendant at the time the process was issued.

Order where payments made on account before hearing

89. Where a defendant, subsequent to the issue of a process but before the hearing, makes any payment on account of the amount claimed which would have the effect of reducing it to an amount which would carry a smaller sum for costs than the amount claimed, the court may, upon proof of the date of such payment, make an order for the payment of the amount proved to be due at the issue of the process, with the appropriate costs, and direct that credit be given to the defendant for any sum paid.

Dismiss on proof of set-off or counterclaim

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

Tender

91.—(1) Where the defence is a tender before action brought, such defence shall not be available unless the defendant lodges with the clerk of petty sessions, at least two days before the hearing, the amount alleged to have been tendered and serves notice of such lodgment on the plaintiff.

(2) At the time of the making of an order in a proceeding where the amount of the tender has been lodged with the clerk, the court shall in addition order that the amount lodged be paid out to the parties upon such conditions and in such manner as it may think fit.

Issue of decree after postponement subject to payment by instalments

92. Where the court has postponed the issue of a decree subject to terms imposed under section 117(1) of the Act, whether as to payment of sums periodically or otherwise, the decree shall not issue until there has been default in compliance with such terms (which includes in relation to such payment, default in payment of an instalment) and an affidavit or statutory declaration setting out particulars of the default has been lodged with the clerk of petty sessions.

Costs in debt proceedings

93.—(1) Costs of the amount set forth in the appropriate scale in Schedule 4 shall be recovered by a successful party in debt proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the value of stamps according to paragraphs 1 and 2 of Schedule 2 upon documents issued on behalf of a successful party in debt proceedings, together with any witnesses' expenses and any fee paid by him to a summons server or other person in accordance with Rule 62 shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceedings.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fee paid or to be paid by him, but no other costs.

(4) Subject to paragraph (6) in addition to the costs, fees and expenses referred to in this Rule, a successful party may recover a sum equivalent to the value added tax at the appropriate rate on so much of the amount of those costs, fees and expenses as were incurred in respect of any taxable supply of goods or services within the meaning of Part I of the Finance Act 1972(zd); but only in so far as the tax is not deductible as input tax by the successful party.

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

(6) Paragraph (5) shall not apply to a decree in undefended proceedings within the meaning of Rule 73 or where value added tax is not recoverable by the successful party under paragraph (4).

Interest on amount awarded

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

Postponement of issue of decree to be stay of enforcement for purposes of section 97(3) of Act of 1969

95.—(1) Postponement of the issue of a decree subject to payment by instalments shall be treated as a stay of enforcement on the ground of the debtor's inability to pay for the purposes of section 97(3) of the Judgments (Enforcement) Act (Northern Ireland) 1969.

R 95-97

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

(3) No fee shall be payable for such memorandum.

C. RULES APPLICABLE TO EJECTMENT PROCEEDINGS*Contents of process in ejectment proceedings*

96.—(1) Every process issued in ejectment proceedings shall set forth the statement identifying the premises possession of which is sought to be recovered in the proceedings and the grounds on which possession is claimed.

(2) In a case to which paragraph (a) of section 76(1) of the Act applies the period and rent for which the premises were let, the date on which the interest of the tenant in the premises ended or, as the case may be, the date on which the notice to quit which determined the tenancy expired and the date on which such notice was served shall be stated in the process.

(3) In a case to which paragraph (b) of section 76(1) of the Act applies the capacity in which the defendant was put into possession and the date on which the demand for possession was made shall be stated in the process.

(4) In a case to which paragraph (c) of section 76(1) of the Act applies the process shall refer to the enactment under the provisions of which possession of the premises is obtainable or recoverable summarily and, if relevant, contain the particulars specified in paragraph (2).

(5) Where a claim for the recovery of rent or for any sum for which the defendant is liable under section 78 of the Act in respect of the period during which he has overheld the premises is joined in the same process as a claim for recovery of possession of those premises the provisions of paragraph (6) of Rule 85 shall apply to such process.

Costs in ejectment proceedings

97.—(1) Costs of the amount set forth in the appropriate scale in Schedule 5 shall be recovered by a successful party in ejectment proceedings who has been represented by a solicitor or by a solicitor who is a successful party.

(2) An amount corresponding to the value of stamps according to paragraphs 3 and 4 of Schedule 2 upon documents issued on behalf of a successful party in ejectment proceedings, together with any witnesses' expenses and any fee paid by him to a summons server or other person in accordance with Rule 62 shall be added to the costs awarded to him under paragraph (1) and shall form part of his costs in the proceeding.

(3) The court shall award by way of costs to a successful party who has not been represented by a solicitor, in addition to any witnesses' expenses, any fees paid or to be paid by him, but no other costs.

(4) Paragraphs (4) to (6) of Rule 93 apply to ejectment proceedings as they apply to debt proceedings.

PART V

**Appeals or Applications commenced by Notice
under Part VIII of the Act***Signature on notice*

98. A notice under Part VIII of the Act shall be signed by the appellant or applicant or by his solicitor or firm of solicitors, or in the name of the appellant or applicant or of such solicitor or firm of solicitors by some person duly authorised so to sign.

Time of service of notice

99.—(1) Subject to section 86(5) of the Act, a notice under Part VIII thereof shall be served on the other party to the proceedings at least fourteen days and on the clerk of petty sessions at least seven days before the hearing of the appeal or application.

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

(3) Without prejudice to the provisions of any enactment providing for the time within which an appeal may be made to a court of summary jurisdiction the court shall not hear and determine such appeal unless a notice under Part VIII of the Act is served under paragraph (1) upon the other party to the proceedings from which the appeal is brought within three months after the making of the decision or determination appealed from has been notified to the appellant.

Copy of decision or determination appealed from to be lodged

100. A copy of the decision or determination from which an appeal is brought shall be lodged with the clerk of petty sessions by the appellant at least seven days before the hearing of the appeal.

Manner of service of notice

101. A notice under Part VIII of the Act may be served by the appellant or applicant or any person authorised by him to serve such notice in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954.

Times of hearing of appeals or applications

102.—(1) The hearing of appeals or applications shall be at such sittings of the court as from time to time may be directed by the resident magistrate acting for the petty sessions district in which the hearing is to take place.

(2) The court may, notwithstanding that Rule 99(1) or 100 has not been complied with, order, upon such terms as it thinks fit, that the appeal or application shall be heard.

PART VI

Proceedings upon a Complaint in a Civil Matter*Order of Proceedings at the hearing of a complaint in a civil matter*

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

R 103-105

- (a) the substance of the complaint shall be stated to the defendant and, if necessary, explained to him; whereupon, unless precluded from making an order without hearing evidence, the court shall ask him whether or not he admits the truth of the complaint;
- (b) where the defendant admits the truth of the complaint or consents to the making of an order against him under section 90(3) of the Act the court may be addressed first by the complainant or his counsel or solicitor and then by the defendant or his counsel or solicitor;
- (c) where the defendant does not admit the truth of the complaint or consent to the making of an order against him, the complainant or his counsel or solicitor shall call his evidence and before doing so may address the court;
- (d) at the conclusion of the evidence for the complainant, the defendant or his counsel or solicitor may address the court whether or not he afterwards calls evidence;
- (e) at the conclusion of the evidence, if any, for the defence, the complainant or his counsel or solicitor may, with the leave of the court, call evidence to rebut that evidence;
- (f) at the conclusion of the evidence, if any, for the defence and the evidence in rebuttal as aforesaid, the defendant or his counsel or solicitor may address the court—
 - (i) if he has not previously done so; or
 - (ii) with the leave of the court, if the defendant and any other witness have been called on the part of the defendant.

Provided always that notwithstanding anything in the previous provisions of this Rule, the court may permit or invite the defendant or complainant or his counsel or solicitor to make a submission on a point of law arising at any stage of the proceedings and in that event shall permit the complainant or defendant or his counsel or solicitor, as the case may be, to reply.

Entries in Order Book

104.—(1) Where the defendant or his representative on his behalf admits the truth of the complaint or consents to the making of an order under section 90(3) of the Act, an entry to that effect shall be made in the Order Book as part of the order.

(2) Where the court under section 94 of the Act dismisses a complaint in a civil matter without prejudice to a further complaint alleging the same cause of complaint or upon the merits, the entry of the words "Dismissed without prejudice" or, as the case may be, "Dismissed on the merits" in the Order Book shall be a sufficient record of the order.

Method of making periodical payments

105.—(1) A court of summary jurisdiction ordering periodical payments to be made through a collecting officer under section 95 of the Act shall notify both parties of the times at which, and the place at which, payments are to be made and received.

(2) A collecting officer may send by post any periodical payments to the person entitled to them at the request, and at the risk, of that person.

(3) If a person makes any periodical payments to a collecting officer by post, he shall do so at his own risk and expense.

PART VII

Satisfaction and Enforcement of Orders

A. SUMS ADJUDGED TO BE PAID BY A CONVICTION

Notice to defendant of sum adjudged to be paid by a conviction in his absence

106.—(1) Where a person is absent and unrepresented when a sum is adjudged to be paid by him upon conviction, the clerk of petty sessions shall serve upon such person notice in writing stating the amount of the sum, the date on which the sum is to be paid and the manner in which payment is to be made.

(2) Unless a resident magistrate otherwise directs, a warrant of distress or commitment shall not be issued until the preceding provisions of this Rule have been complied with.

(3) A notice under this Rule shall be served by delivering it to the offender or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Orders for supervision

107.—(1) Unless an order under section 104 of the Act is made in the offender's presence, the clerk of petty sessions shall deliver to the offender or serve on him by ordinary post notice in writing of the order.

(2) It shall be the duty of any person for the time being appointed under the said section to advise and befriend the offender with a view to inducing him to pay the sum adjudged to be paid by a conviction and thereby avoid committal to custody and to give any information required by the court about the offender's conduct and means.

(3) Without prejudice to Rule 19, any order under section 104 of the Act placing a person under supervision pending payment of a sum adjudged to be paid by a conviction shall be entered in the Order Book.

B. SUSPENDED SENTENCES

Suspended sentences to be dealt with only in petty sessions

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

- (a) section 4 of the Vagrancy Act 1824(zf);
- (b) section 3 of the Vagrancy (Ireland) Act 1847(zg);
- (c) section 12 of the Licensing Act 1872(zh) (where the offence is punishable by imprisonment);
- (d) section 9 of the Summary Jurisdiction (Ireland) Act 1908(zi); or
- (e) section 24 of the Children and Young Persons Act (Northern Ireland) 1968:

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

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

(zf) 5 Geo. 4 c. 83.

(zg) 10 & 11 Vict. c. 84.

(zh) 35 & 36 Vict. c. 94.

(zi) 8 Edw. 7. c. 24.

R 108-111

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

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

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

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

Evidence of conviction to be sent to a court of assize or county court

109.—(1) Where a magistrates' court under section 20(3) of the said Act of 1968 commits an offender to a court of assize or county court having power to deal with him in respect of a suspended sentence, or, instead of doing so, furnishes written notice of the conviction to the clerk of the Crown and peace, the clerk of petty sessions shall send to the clerk of the Crown and peace a certificate of the conviction by the magistrates' court.

(2) Notwithstanding anything in Rule 7 of and Schedule 2 to these Rules a stamp shall not be required on any certificate of conviction or order required under this Rule.

C. PROBATION AND ABSOLUTE OR CONDITIONAL DISCHARGE

Entry of probation order, absolute or conditional discharge

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

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

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

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

R 111-113

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

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

D. ENFORCEMENT OF ORDERS MADE IN DEBT PROCEEDINGS

Enforcement process and order

112.—(1) Proceedings under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 where no instalment order has been made by the Enforcement of Judgments Office under section 31 of that Act shall be commenced by a process (in these Rules referred to as an “enforcement process”) requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated.

(2) On the hearing of an enforcement process the court may make—

- (a) an order (in these Rules referred to as an “enforcement order”) requiring the debtor to pay the amount due in such manner or by such instalments as the court thinks fit; or
- (b) such an order committing the debtor to prison as may be made under Rule 113.

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

Committal process and order

113.—(1) If the debtor defaults in payment of any instalment due under an enforcement order or due under an instalment order made by the Enforcement of Judgments Office under section 31 of the said Act of 1969, the creditor may serve on the debtor a process (in these Rules referred to as a “committal process”) requiring the debtor to appear personally on the date therein specified before a court of summary jurisdiction acting for the petty sessions district in which the enforcement order was made or, in the case of an instalment order under the said section 31, for the district in which the debtor resides or carries on business to show cause why an order (in these Rules referred to as a “committal order”) should not be made committing him to prison for his default in complying with the enforcement order.

(2) Upon proof of the making of the enforcement order, or instalment order, or, where the committal order is made under Rule 112(2)(b) upon proof of the original order for payment (which shall be given by the production of the original order or orders) and of the means of the debtor required by section 88(4) of the said Act of 1969, the court may, if the debtor fails to show cause why an order should not be made, make with costs such order committing him to prison as is authorised by that Act.

R 113-115

(3) Nothing in paragraph (2) shall, where it appears to the court that earnings fall to be paid to the debtor, affect the power of the court to make an attachment of earnings order under section 75 of the said Act of 1969 in lieu of a committal order.

Service of process issued under Rules 112 and 113

114.—(1) Service of a process issued in accordance with Rule 112 or Rule 113 shall be effected by delivering to the defendant personally a true copy thereof.

(2) Where the person against whom a committal process is issued no longer resides or uses or occupies any business premises in the petty sessions district in which the enforcement order was made, a committal process may be served by the summons server of the petty sessions district in which the defendant resides or in which any business premises used or occupied by him are situated and such service may be proved by affidavit.

E. ENFORCEMENT OF ORDERS MADE IN EJECTMENT PROCEEDINGS*Postponement of issue of decree for possession and application for the issue of the decree*

115.—(1) Where a decree has been granted directing that a plaintiff be put in possession of premises to which paragraph (a) of section 76(1) of the Act applies and the court has postponed the issue of the decree under section 117(1) of the Act for a period or periods conditional upon the payment of arrears of rent or sums due under section 78 of the Act by the defendant and where costs are ordered to be paid, the costs of the proceedings being paid by instalments either in addition to the current rent or otherwise the decree shall not, subject to section 118 of the Act, issue from the court until after default has been made in payment of an instalment and an order has been made by the court authorising the issue of the decree as provided by this Rule.

(2) Where default has been made as aforesaid, the plaintiff may apply to the court for an order authorising the issue of the decree upon giving the defendant notice in writing of his intention to make the application not less than seven days before the date of hearing of the application.

(3) Upon the hearing of the application the court may order that the decree be issued or, except as otherwise provided by section 117(1) of the Act, may from time to time adjourn the application or may further postpone the issue of the decree upon the existing conditions or upon such new conditions as it thinks fit as to payment by instalments or otherwise.

(4) Where the court makes any such order, other than an order of adjournment, it may award to the plaintiff a sum not exceeding £1.00 for the costs of the application, which shall be in addition to, and recovered in the same manner as any costs awarded on the original decree.

(5) The details of the application and the date on which it is heard shall be entered in the Ejectment Process Register.

(6) Where an application under this Rule is adjourned other than in the presence of the defendant or his solicitor the plaintiff or his solicitor shall notify the defendant or his solicitor of the date, time and place of the adjourned hearing.

Signature on notice of application for the issue of decree for possession

116. A form of notice of application under Rule 115 may be signed by the plaintiff or by his solicitor or firm of solicitors or in the name of such solicitor or firm of solicitors by some person duly authorised to sign.

Service and lodgment of notice of application

117.—(1) A notice of application signed in accordance with Rule 116 may be served in the same manner as a process under Rule 58 or Rule 60(1)(b) or may be sent by the applicant or his solicitor to the person to whom it is to be given by registered post or by the recorded delivery service in an envelope addressed to that person at his last known or usual place of abode.

(2) A copy of such notice shall be lodged with the clerk of petty sessions at least four days before the date of the hearing of the application and if the notice has been served by sending it by registered post or by the recorded delivery service, the receipt for the letter shall be attached to the copy so lodged and no further proof of service shall be required.

(3) In reckoning the four days referred to in paragraph (2) no account shall be taken of a Saturday, Sunday or a public holiday.

Entry of minute of order on application under Rule 115

118. A minute of any order whatsoever made upon an application under Rule 115 shall be entered in the Ejectment Process Register.

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

Duration of committal orders

119. A committal order under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 shall remain in force for one year and no longer.

Duplicate orders

120.—(1) Where a formal order has been lost or destroyed, or has improperly got into the hands of the person against whom the order was made or his agent, an application may be made to the court for the issue of a duplicate of such order, and the court may order that a duplicate be issued.

(2) Particulars of any such application and a minute of any order made thereon shall be entered in the appropriate Process Register.

(3) No costs of the application shall be awarded to any applicant for a duplicate order except in a case where it is proved to the court that the loss or destruction was caused by the other party or his agent, or where it is proved that the order is improperly in the possession of the other party or his agent.

(4) Any duplicate order issued under this Rule shall bear the word "Duplicate" in large letters on its face and shall have the same effect as the original order.

(5) Where costs are awarded under paragraph (3) the court may issue a decree for the recovery thereof.

R 121-125

Proper officer for purposes of section 27 of the Act of 1969

121.—(1) The proper officer for the purposes of section 27 of the said Act of 1969 shall be the clerk of petty sessions for the district in which the court sat when examining the debtor as to his means and the note of evidence in the proceedings shall be transmitted to the Enforcement of Judgments Office within seven days of the conclusion of the proceedings.

(2) An accurate written precis of the evidence of the witness shall be sufficient compliance with the provisions of that section if it is read over to and signed by the witness and his signature authenticated by the resident magistrate or clerk of petty sessions.

(3) Any exhibits referred to by the witness in his evidence shall be identified by a mark or number and transmitted with the note of evidence.

G. OTHER MATTERS IN RELATION TO THE ENFORCEMENT OF ORDERS

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

122. Without prejudice to Rule 19, where a magistrates' court allows time to pay a sum adjudged to be paid by a conviction or any other sum ordered to be recovered in proceedings upon complaint or orders payment of any such sum by instalments, an entry to that effect shall be made in the Order Book as part of the order.

Application for further time to pay or for payment to be by instalments in proceedings upon complaint

123.—(1) An application for further time to pay a sum adjudged to be paid by a conviction or other sum ordered to be paid in proceedings upon complaint or to be allowed to pay such sum in instalments may, unless the court requires the applicant to attend, be made in writing.

(2) Such application may be made to a resident magistrate sitting out of petty sessions and a minute of the order made on such application shall be entered in the Order Book.

Direction that money found on defaulter shall not be applied in satisfaction of sum adjudged to be paid by a conviction or in proceedings under section 110 of the Act

124. Where the defaulter is committed to, or ordered to be detained in a prison or other place of detention, any direction given under section 112(2) of the Act shall be endorsed on the warrant of commitment.

To whom payments of sums ordered to be paid in proceedings upon complaint are to be made

125.—(1) Except when the court otherwise directs, a person ordered to pay a sum by a magistrates' court in proceedings upon complaint shall, unless a warrant to enforce payment thereof has been issued, pay that sum or any instalment thereof to the clerk of petty sessions.

(2) The provisions of this Rule shall not derogate from those of section 5 of the Fines Act (Ireland) 1851(zk).

Payment where imprisonment imposed

126.—(1) The persons authorised for the purposes of section 113 of the Act to receive payment are:—

- (a) unless there has been issued to the Royal Ulster Constabulary a warrant of commitment, the clerk of petty sessions;
- (b) any member of the Royal Ulster Constabulary holding the warrant of commitment; or
- (c) any governor of the prison in which the prisoner is confined or any other person having lawful custody of the prisoner.

(2) No person shall be required to receive in part payment under section 113(2) of the Act an amount which, or so much of an amount as, will not procure a reduction of the period for which the defaulter is committed or ordered to be detained.

(3) Where a person having custody of the prisoner receives payment of any sum he shall endorse a certificate of receipt of the sum on the warrant of commitment and shall pay over the said sum to the clerk of petty sessions.

(4) Nothing in this Rule shall derogate from the provisions of section 5 of the Fines Act (Ireland) 1851.

(5) This Rule shall apply to committal orders under section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969 as it applies to warrants of commitment.

Part payment of sums to clerk of petty sessions

127. Where before a warrant is issued to enforce payment of a sum adjudged to be paid by the conviction or order of a magistrates' court, part of that sum has been paid to the clerk of petty sessions, he shall attach to or endorse on the warrant a certificate in the prescribed form.

Execution of warrants in proceedings upon complaint

128.—(1) Subject to this Rule, a warrant issued by a resident magistrate or justice of the peace in proceedings upon complaint shall be addressed to the chief superintendent or, as the case may be, the superintendent of the constabulary division in which the warrant is issued.

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

(3) On receipt of a warrant of commitment the prison governor or his deputy shall receive the person named in the warrant (or shall detain him if he is already in custody) for the period specified in the warrant.

(4) The prison governor or his deputy shall, upon receiving a prisoner into his custody together with a warrant of commitment, give to the person charged with the execution of the warrant a receipt for the prisoner.

(5) Where the person named in the warrant is to be produced in court after an adjournment or remand the prison governor shall, subject to section 54(5) of the Act, cause such person to be so produced at the time and place fixed by the warrant.

Execution of distress warrant by the Royal Ulster Constabulary

129.—(1) Sums adjudged to be paid by a conviction or order of a magistrates' court and levied under a warrant of distress addressed to a superintendent of the Royal Ulster Constabulary shall be paid over to the clerk of petty sessions.

R 129-133

(2) A warrant of distress shall authorise the person charged with its execution to take any money as well as the goods of the person against whom distress is to be levied and any money so taken shall be treated as if it were the proceeds of sale of goods taken under the warrant.

(3) Upon payment or tender of the sum to be levied and any expenses already incurred in connection with the distress to the person charged with executing the warrant, that person shall refrain from executing it.

(4) The person charged with the execution of a warrant of distress may sell the property distrained after the expiration of the period specified in the warrant, or if no period is fixed, after three days from the date of the distress, unless the sum for recovery of which the warrant was issued and the expenses of the distress are paid within that period.

(5) Where property is sold under a distress warrant, the person executing the warrant shall render to the owner of the property the balance of the proceeds of sale, if any, after retaining the sum to be levied and the expenses of the distress.

(6) A superintendent of the Royal Ulster Constabulary empowered to distrain goods under a warrant of distress may sell or cause such goods to be sold by public auction or in such other manner as the person against whom the distress is levied may in writing allow and may deduct the costs of such sale from the proceeds of sale.

Warrants of distress issued under section 111 of the Act

130. A warrant of distress issued under section 111 of the Act shall be enforced in the same manner as a warrant issued in proceedings upon complaint.

Costs of warrant to be added to sum due thereunder

131. There shall be added to the total of any sum due under a warrant of commitment or distress issued to the Royal Ulster Constabulary (other than a warrant of commitment issued by virtue of section 103 of the Act at the time of the defendant's conviction) the sum of £1 towards the costs of issuing and executing the warrant.

Sum referred to in Rule 131 leviable in addition to costs of sale, etc.

132. Where the warrant is a warrant of distress the sum referred to in Rule 131 shall be leviable in addition to any reasonable costs of making or keeping the distress or conducting the sale of the goods distrained in accordance with the order of the court.

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

133.—(1) For the purposes of these Rules an affidavit may be sworn, or a statutory declaration may be made, before a justice of the peace or before a commissioner for oaths.

(2) Without prejudice to paragraph (1), any such affidavit of service as is referred to in section 127(1) of the Act may be sworn before the clerk of petty sessions.

(3) A fee paid to a commissioner for oaths on the swearing of an affidavit or the making of a statutory declaration shall not be recoverable by the person paying the fee from the other party.

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

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

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

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

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

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

PART IX

Recognizances

Taking of recognizances

135.—(1) Every recognizance shall specify in full the name, address and occupation of each party bound and the amount in which each party is bound thereby.

(2) A recognizance may be taken by a resident magistrate, justice of the peace, clerk of petty sessions, or, where the person to be bound thereby is in prison or is a surety for such person, the governor or deputy governor of the prison.

R 135-139

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

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

(5) Where a person has deposited a sum of money or other valuable security with the clerk of petty sessions in lieu of sureties to a recognizance to prosecute an appeal to the county court or by way of case stated to the Court of Appeal, that recognizance may, where the person to be bound is outside Northern Ireland or is ill or is unable to attend at the time when he is required to enter it, be signed by his solicitor on behalf of and in the name of that person.

Deposit of recognizance with clerk of petty sessions

136. Without prejudice to Rule 21, where the condition of a recognizance is to appear before a magistrates' court or to be of good behaviour or to keep the peace or to be of good behaviour and keep the peace, the recognizance shall be deposited with the clerk of petty sessions.

Recognizances taken under section 130 or 131 of the Act

137.—(1) Where a person is discharged from custody upon his entering into a recognizance under section 130 or 131 of the Act, the member of the Royal Ulster Constabulary in charge of the constabulary station shall give such person a copy of the recognizance before he leaves the constabulary station.

(2) Where a person is released from custody under section 131(1)(a) of the Act upon his entering into a recognizance to appear before a magistrates' court, such recognizance need not be conditioned for his personal appearance before such court if the complaint into which enquiries are being made charges a summary offence.

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

138. Where an accused has been remanded or committed for trial in custody and the court has certified its consent to his being released on bail, his recognizance or that of any surety specified in the certificate may be taken by—

(a) any person referred to in Rule 135(2); or

(b) the member of the Royal Ulster Constabulary in charge of the police station where the accused is in custody prior to commitment to prison, and after taking such recognizance or recognizances that person or member shall discharge the accused from custody and send the recognizance or recognizances to the clerk of petty sessions.

PART X**Appeals****A. APPEAL TO COUNTY COURT***Notice of appeal, recognizances, etc.*

139.—(1) The notice of appeal to be given to the other party and the copy of the notice to be lodged with the clerk of petty sessions under section 144(1) of the Act shall be prepared and signed by the appellant or by his solicitor or other duly authorised agent.

(2) Where an appeal is against conviction or sentence or both conviction and sentence the notice of appeal shall so state and, where the appeal is against more than one conviction or sentence, only one notice need be given to the other party and only one copy thereof need be lodged with the clerk of petty sessions and such notice shall specify the convictions or sentences which are the subject of the appeal.

(3) Every copy of the said notice lodged with the clerk of petty sessions shall be endorsed with the date upon which and the manner in which the notice was so given.

(4) As soon as practicable after the clerk of petty sessions has received the copy of the notice of appeal and the appellant has, where he is required to do so, entered into a recognizance under section 148 or section 149 of the Act the resident magistrate or justice of the peace from whose conviction or order the appeal is to be brought or the clerk of petty sessions shall sign a separate form (in these Rules referred to as a "form of appeal") setting out the terms of each conviction or order separately appealed against which shall include a certificate signed by the clerk of petty sessions to the effect that notice of appeal has been given and that such recognizance has, where necessary, been duly entered.

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

Documents to be sent to the clerk of the Crown and peace and to the parties to the appeal

140.—(1) As soon as practicable after complying with Rule 139, the clerk of petty sessions shall send to the clerk of the Crown and peace—

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

(2) The clerk of petty sessions shall at the same time send to the appellant and to the respondent a copy of the form of appeal.

Procedure after appeal to county court is determined

141. After the county court has decided an appeal from a magistrates' court, the clerk of the Crown and peace shall certify such decision at the foot of the form of appeal and shall return the form of appeal to the clerk of petty sessions, who shall enter such decision in his Order Book.

Certificate by clerk of the Crown and peace that appeal has not been duly prosecuted

142.—(1) The certificate of the clerk of the Crown and peace under section 151(3) of the Act that an appeal to the county court has not been duly prosecuted shall be entered upon any recognizance entered into by the appellant under section 148 or section 149 of the Act and in any case upon the foot of the form of appeal.

(2) The recognizance and form of appeal shall be returned by the clerk of the Crown and peace to the clerk of petty sessions.

R 143-147

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

143. After he receives a notice of abandonment of an appeal to the county court the clerk of the Crown and peace shall return any recognizance of the appellant entered into under section 148 or 149 of the Act to the clerk of petty sessions.

B. APPEAL BY WAY OF CASE STATED

Contents of and signature upon written application for case stated

144. A written application under section 146 of the Act for a case to be stated for the opinion of the court of appeal shall—

- (a) specify the point of law involved in the determination by the magistrates' court of the proceedings or any issue as to its jurisdiction; and
- (b) be prepared and signed by the appellant or his solicitor or counsel.

Notification of decision to grant application for case stated

145. As soon as the court grants an application for a case stated, it shall notify the parties to the proceeding of its decision to grant the application.

Preparation and contents of case stated

146.—(1) A case stated by a magistrates' court under section 146 of the Act shall be prepared and signed by the resident magistrate or where the decision on which the case is stated was made in a proceeding brought for the prosecution of an offence specified in Part II of Schedule 2 to the Act and was heard by a justice of the peace other than a resident magistrate, by such justice.

(2) A resident magistrate or justice of the peace in preparing a case stated shall refer copies of the draft thereof to the parties to the proceeding in which the decision was made upon which the case is to be stated.

(3) Without prejudice to paragraph (1), after copies of the draft case stated have been referred to the parties under paragraph (2) any party may make written representations to the resident magistrate or justice of the peace on such draft within such time as the resident magistrate or justice of the peace may fix and a copy of the document in which such representations are made, dated and signed by the party making the same or his solicitor, shall be served by such party on any other party to the proceeding or his solicitor.

(4) A case stated by a magistrates' court shall state the facts found by the court and, unless one of the questions on which the opinion of the Court of Appeal is sought is whether there was evidence on which the magistrates' court could come to its decision, shall not contain a statement of the evidence.

Entry of order made by Court of Appeal

147. Where a copy of the order of the Court of Appeal has been received by the clerk of petty sessions pursuant to section 151(1) of the Act he shall enter a minute of the order in the Order Book and attach such copy thereto and shall notify the parties to the proceedings in writing of any direction made by the Court of Appeal for the continuance of the hearing by a magistrates' court and the date of such hearing.

C. OTHER MATTERS IN RELATION TO APPEALS TO THE COUNTY COURT
AND BY WAY OF CASE STATED

Appellant to be told of his right to apply to the High Court for release from custody or reduction of bail pending hearing of appeal

148. Where a magistrates' court or any justice of the peace having jurisdiction in the petty sessions district for which the court acted refuses to allow a person to be released from custody or has fixed the amount of a recognizance under section 148(1) of the Act pending his appeal to the county court or by way of case stated to the Court of Appeal, the magistrates' court or justice shall inform him of his right to apply to the High Court or to a Judge thereof in accordance with subsections (2) and (3) of section 148 of the Act for his release from custody or for reduction of the amount of the recognizance he or any surety has been required to enter or of the amount of any security to be given in lieu of sureties to the recognizance.

PART XI

Miscellaneous

Hours of sitting at petty sessions

149. Without prejudice to the powers of the Secretary of State under section 21(3)(a) of the Act to fix or alter the times when petty sessions shall be held regularly in or for a petty sessions district, a court of summary jurisdiction shall not, unless it is satisfied that not to do so would give rise to undue hardship or inconvenience to a party to any proceeding, commence to hear proceedings after the hour of four o'clock in the afternoon.

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

150.—(1) Where proceedings commenced by summons upon complaint are adjourned and the defendant is not remanded in custody or upon bail and the time and place at which the proceedings are to be resumed are, in accordance with section 162(2) of the Act, left to be determined later by the court, the original summons shall be returned by the clerk of petty sessions to the complainant.

(2) Where the court has determined such time and place, the clerk of petty sessions shall serve notice thereof upon the complainant and the defendant and the complainant shall relodge the original summons with the said clerk a reasonable time before the time specified in the notice.

(3) Without prejudice to the provisions of section 24 of the Interpretation Act (Northern Ireland) 1954 as to the manner in which any document may be served, such notice may be served in any manner directed by a resident magistrate (including service thereof upon a solicitor representing that he is authorised to accept service on behalf of the defendant) and the court before which the proceedings are resumed may declare the service of the notice, however effected, sufficient.

(4) This Rule shall, subject to any direction of the court, apply also to proceedings before a magistrates' court commenced by notice of application or notice of appeal as though for reference to the original summons or the defendant there were substituted a reference to such notice of appeal or application or the respondent, as the case may be.

R 151-152*Remands in hospital*

151. Where a person has been arrested and charged with an offence and by reason of illness has been taken to hospital before being remanded by a magistrates' court, a court sitting out of petty sessions in the precincts of the hospital may, instead of remanding him by committing him to prison, if it appears expedient to do so, remand him under section 54 of the Act in the custody of the governor of the appropriate prison and under the control of a prison officer for the purposes of section 18 of the Prison Act (Northern Ireland) 1953.

Service of copy of order to which section 110 of Act applies

152. Where the court makes, revokes, discharges, revives or varies an order to which section 110 of the Act applies, the court shall cause a copy of its order to be served on the person against whom it is made by delivering it to him or by sending it by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Northern Ireland Office
30th December 1974.

Merlyn Rees,
One of Her Majesty's Principal
Secretaries of State.

We concur in the making of Rule 7 and Schedule 2.

31st December 1974.

M. Cocks,
James A. Dunn,
Two of the Lords Commissioners of
Her Majesty's Treasury.

SCHEDULE 1

FORMS

LIST OF FORMS

CRIMINAL PROCEEDINGS

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

- 1 Complaint (*Section 35; Rules 8 and 17*)
- 2 Summons to defendant to answer complaint (*Section 35(1) and (2); Rule 9*)
- 3 Warrant for arrest of defendant (*Sections 35(2), (3) and (4); Rules 14 and 128*)
- 4 Endorsement on warrant for arrest for release on bail (*Section 130*)
- 5 Warrant for arrest of defendant on failure to surrender to bail (*Sections 35(3) or 37(2) and 138(5); Rules 14 and 128*)
- 6 Warrant of commitment on remand (*Section 54; Rules 14 and 128*)
- 7 Consent to bail on remand (*Section 54; Rule 16*)
- 8 Warrant of commitment on further remand of person in custody unable to appear by reason of illness or accident (*Section 56; Rules 14 and 128*)
- 9 Order bringing up prisoner before expiration of period of remand or in connection with a recognizance (*Sections 45(3) and 54(5)*)
- 10 Notice of time and place of taking of deposition of sick or dying person or person unable to attend before the court (*Sections 40(3), 49 and 50(5); Rule 48*)

B. Forms used in connection with Summary Trial

- 11 Warrant for arrest of defendant on failure to appear after service of a summons or where a defendant is evading service (*Section 37; Rules 14 and 128*)
- 12 Warrant for arrest of defendant on failure to appear at adjourned hearing (*Section 37; Rules 14 and 128*)
- 13 Warrant of commitment on sentence of imprisonment (*Section 115; Rules 14, 15 and 128*)
- 14 Warrant of commitment on remand for enquiries after conviction or for medical examination (*Sections 54, 57 and 58; Rules 14 and 128*)

C. Forms used in connection with Preliminary Investigation

- 15 Statement of complaint(s) (preliminary investigation) (*Rule 25*)
- 16 Deposition of a witness (*Section 44; Rules 26 and 27*)
- 17 Statement of the accused (*Section 42; Rule 26*)
- 18 Statement of an accused corporation (*Sections 42 and 167 and Schedule 5; Rule 26*)
- 19 Warrant to commit for trial (*Section 45; Rules 14 and 128*)
- 20 Order committing corporation for trial (*Section 167 and Schedule 5*)
- 21 Warrant of commitment of witness for refusing to enter recognizance (*Section 44(5); Rules 14 and 128*)
- 22 Warrant for discharge of accused committed for trial from prison on entering recognizance (or for discharge of witness committed) (*Sections 44(5) and 45(3); Rules 14, 16(3) and 128*)
- 23 Notice to clerk of the Crown and peace requesting that a witness conditionally bound over, or treated as conditionally bound over, be notified that his attendance is required at court of trial (*Section 44(3)*)
- 24 Notice by clerk of the Crown and peace requiring attendance of witness bound over, or treated as bound over, conditionally (*Section 44(3)*)
- 25 Certificate of clerk of petty sessions of witnesses bound over, or treated as having been bound over, conditionally (*Section 44; Rule 28(2)(i)*)

D. Forms used in connection with Preliminary Enquiry

- 26 Notice under section 2(1) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 of intention to request court to conduct a preliminary enquiry under that Act (*Rule 32*)
- 27 List of witnesses and number of pages in statement of evidence of each witness (*Rule 32*)
- 28 Statement of complaint(s) under section 2(2)(a) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 (*Rule 32*)
- 29 List of exhibits to be produced or referred to by witness whose written statement is to be tendered at a preliminary enquiry (*Rule 32*)
- 30 Statement of accused in answer to charge at preliminary enquiry (*Rule 35(6)*)
- 31 Statement of accused corporation in answer to charge at preliminary enquiry (*Rule 36*)
- 32 Statement of witness to be tendered in evidence at preliminary enquiry (*Section 3; Rule 39*)
- 33 Certificate of clerk of petty sessions authenticating statements of witnesses admitted in evidence, depositions taken at, or formal admission of facts for the purpose of preliminary enquiry (*Rule 41*)
- 34 List of exhibits produced or referred to in evidence at a preliminary enquiry (*Rule 42(h)*)

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

- 35 Certificate of indictment being presented (*Section 48(1)*)
- 36 Warrant to arrest person indicted (*Section 48(3); Rules 14 and 128*)
- 37 Warrant of commitment of person indicted (*Sections 45(2) and 48(4); Rules 14 and 128*)

F. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 3 to the Act

- 38 Summons to defendant to answer complaint charging an indictable offence specified in Schedule 3 to the Act (*Sections 35 and 52; Rules 9 and 44(1)*)
- 39 Notice under section 52 of the Act to be given to an arrested person accused of an offence specified in Schedule 3 to that Act as soon as practicable after he has been formally charged with such offence (*Section 52; Rule 44(1)*)
- 40 Written waiver of requirement of notice under section 52 of the Act (*Section 52; Rule 44(2)*)

DEBT PROCEEDINGS

- 41 Process in debt proceedings (*Section 71; Rules 55, 57 and 85*)
- 42 Notice of set-off or counterclaim in debt proceedings (*Rule 86*)
- 43 Notice of lodgment in court of amount tendered (*Rule 91(1)*)
- 44 Decree in debt proceedings (*Section 84; Rule 80*)
- 45 Affidavit of default in payment of instalment in support of application for issue of decree hitherto postponed on terms (*Section 117(1); Rule 92*)
- 46 Statutory declaration of default in payment of instalment in support of application for issue of decree hitherto postponed on terms (*Section 117(1); Rule 92*)
- 47 Dismiss in debt proceedings (*Sections 83(6), 84 and 169; Rule 80*)
- 48 Decree where costs by way of recoupment are ordered to be paid in debt proceedings (*Sections 84 and 169; Rules 74 and 80*)
- 49 Order for payment of costs of adjournment in debt proceedings (*Section 164(3)*)
- 50 Process register in debt proceedings (*Rule 66*)
- 51 Memorandum of a debt proceeding entered in the process register (*Rule 66(4)*)

EJECTMENT PROCEEDINGS

- 52 Process in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Section 76; Rules 55, 57 and 96*)
- 53 Process in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under section 78 of the Act (*Sections 76, 78 and 82(3); Rules 55, 57 and 96(5)*)
- 54 Process in ejectment proceedings in respect of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Section 76; Rules 55, 57 and 96(3)*)
- 55 Process in ejectment proceedings in respect of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76 and 81; Rules 55, 57 and 96(4)*)
- 56 Decree for recovery of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Sections 76 and 84; Rule 80*)
- 57 Decree for recovery of lands or premises to which paragraph (a) of section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under section 78 of the Act (*Sections 76, 78, 82(3) and 84; Rule 80*)
- 58 Decree for recovery of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Sections 76 and 84; Rule 80*)
- 59 Decree for recovery of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76, 81 and 84; Rule 80*)
- 60 Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies (*Sections 76, 84 and 169; Rules 75 and 80*)
- 61 Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and where arrears of rent or sums due under section 78 of the Act were claimed (*Sections 76, 78, 82(3), 84 and 169; Rules 75 and 80*)
- 62 Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (b) of section 76(1) of the Act applies (*Sections 76, 84 and 169; Rules 75 and 80*)
- 63 Dismiss in ejectment proceedings in respect of lands or premises to which paragraph (c) of section 76(1) of the Act applies (*Sections 76, 81, 84 and 169; Rules 75 and 80*)
- 64 Decree where costs by way of recoupment are ordered to be paid in ejectment proceedings (*Sections 76, 84 and 169; Rules 74 and 80*)
- 65 Decree where costs by way of recoupment are ordered to be paid in ejectment proceedings in respect of lands or premises to which paragraph (a) of section 76(1) of the Act applies and in which a claim for the recovery of arrears of rent or sums due under section 78 of the Act was made (*Sections 76, 84 and 169; Rules 74 and 80*)
- 66 Order for payment of costs of adjournment in ejectment proceedings (*Section 164(3); Rule 80*)
- 67 Process registered in ejectment proceedings (*Rule 66*)
- 68 Memorandum of an ejectment proceeding entered in the process register (*Rule 66(4)*)

APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

- 69 Notice of appeal to court of summary jurisdiction (*Section 86; Rule 98*)
- 70 Notice of application to court of summary jurisdiction (*Section 86; Rule 98*)

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

- 71 Complaint (*Section 89; Rule 8*)
- 72 Summons to defendant to answer complaint (*Section 89; Rule 9*)
- 73 Complaint to vary, etc., order for periodical payment (*Sections 87, 89 and 96; Rule 8*)
- 74 Summons to vary, etc., order for periodical payment (*Sections 89 and 96; Rule 9*)
- 75 Order varying, etc., order for periodical payment (*Section 96*)

SATISFACTION AND ENFORCEMENT OF ORDERS

A. Orders in Criminal Proceedings

- 76 Notice to defendant of sum adjudged to be paid by a conviction made in his absence (*Rule 106*)
- 77 Warrant of distress for sum adjusted to be paid by a conviction (*Sections 101 and 102(1)(a); Rules 14, 106, 128 and 129*)
- 78 Warrant of commitment for sum adjudged to be paid by a conviction (other than where time is allowed for payment) (*Sections 102(1)(b) and 103; Rules 14 and 128*)
- 79 Warrant of commitment for sum adjudged to be paid by a conviction where time for payment allowed (*Sections 101 and 102(1)(b); Rules 14, 106 and 128*)
- 80 Warrant of commitment where sum adjudged to be paid by a conviction ordered to be paid by instalments (*Sections 101, 102(1)(b), 113 and 115; Rules 14, 106 and 128*)
- 81 Warrant of commitment in default of distress for sum adjudged to be paid by a conviction (*Sections 101 and 102(1)(c); Rules 14, 106 and 128*)
- 82 Warrant of distress and commitment in default of distress for sum adjudged to be paid by a conviction (*Sections 101 and 102(1)(a) and (c); Rules 14, 106, 128 and 129*)
- 83 Certificate of receipt for sum paid to constable or governor of prison to be endorsed on warrant [or committal order] (*Section 113; Rule 126(3)*)
- 84 Notice of supervision of person under twenty-one years (*Section 104; Rule 107*)
- 85 Warrant of commitment on commission of further offence during operational period of suspended sentence (*Section 115; Rules 14, 15, 108 and 128*) (*Treatment of Offenders Act (N.I.) 1968 (Section 19(1)(a) or (b))*)
- 86 Complaint that offender has committed offence punishable with imprisonment during operational period of suspended sentence (*Rule 8*) (*Treatment of Offenders Act (N.I.) 1968 (Section 21)*)
- 87 Summons on complaint for appearance before court by which a suspended sentence has been passed (*Rule 9*) (*Treatment of Offenders Act (N.I.) 1968 (Section 21)*)
- 88 Warrant for arrest of person upon whom a suspended sentence has been passed (*Rules 14 and 128*) (*Treatment of Offenders Act (N.I.) 1968 (Section 21)*)

B. Orders in Debt Proceedings

- 89 Enforcement process under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 (*Rules 112 to 114*)
- 90 Enforcement order under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 (*Rule 112*)
- 91 Committal process under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 (*Rule 113*)
- 92 Committal order made under Part VII of the Judgments (Enforcement) Act (N.I.) 1969 (*Rules 112 and 113*)
- 93 Application for the issue of a duplicate decree or dismiss in debt proceedings (*Rule 120*)

C. Orders in Ejectment Proceedings

- 94 Notice of intention to apply for the issue of ejectment decree for overholding (*Section 117(1); Rules 115 to 117*)
- 95 Application for the issue of a duplicate decree or dismiss in ejectment proceedings (*Rule 120*)

D. Forms used in connection with examination as to means under sections 26 to 29 of Judgments (Enforcement) Act (Northern Ireland) 1969

- 96 Summons to judgment debtor to appear for examination as to means (*Section 89; Rule 9*) (*Judgments (Enforcement) Act (N.I.) 1969; Section 26(1)*)
- 97 Warrant for arrest of judgment debtor on failure to appear to or for wilful evasion of service of summons (*Section 159; Rule 14*) (*Judgments (Enforcement) Act (N.I.) 1969; Section 26(2)*)
- 98 Warrant of commitment of judgment debtor refusing to be sworn or to answer or to produce books, documents, etc., (*Section 159; Rule 14*) (*Judgments (Enforcement) Act (N.I.) 1969; Section 28*)
- 99 Recognizance for appearance before a court of summary jurisdiction under section 29(2)(a) of the Judgments (Enforcement) Act (N.I.) 1969 (*Sections 135, 136 and 137; Rule 135*) (*Act of 1969; Section 29(2)(a)*)
- 100 Recognizance for appearance before a designated officer under section 29(2)(a) of the Judgments (Enforcement) Act (Northern Ireland) 1969 (*Sections 135, 136 and 137; Rule 135*) (*Act of 1969; Section 29(2)(a)*)
- 101 Warrant of commitment by justice of the peace until judgment debtor can be brought before court of summary jurisdiction (*Section 159; Rule 14*) (*Judgments (Enforcement) Act (N.I.) 1969; Section 29(2)(b)*)
- 102 Warrant of commitment by justice of the peace until judgment debtor can be brought before designated officer (*Section 159; Rule 14*) (*Judgments (Enforcement) Act (N.I.) 1969; Section 29(2)(b)*)

E. Orders for the Payment of Sums (other than on Conviction) made in Proceedings upon Complaint

- 103 Warrant of distress for sum (other than a sum adjudged to be paid by a conviction) ordered to be recovered in proceedings upon complaint (*Section 109; Rules 14, 128 and 129*)
- 104 Order under section 122(4) of the Judgments (Enforcement) Act (Northern Ireland) 1969 directing the payment of arrears of local or other rate (*Rule 131*)
- 105 Complaint for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1); Rule 8*)
- 106 Summons for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1)(a); Rule 9*)
- 107 Warrant of arrest for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(1)(b); Rules 14 and 128*)
- 108 Recognizance for appearance before a resident magistrate under section 110 of the Act (*Sections 110(3), 135, 136 and 137; Rule 135*)
- 109 Warrant of commitment by justice of the peace until defendant can be brought before a resident magistrate under section 110 of the Act (*Section 110(3); Rules 14 and 128*)
- 110 Endorsement of consent to release on bail upon warrant of commitment until defendant can be brought before a resident magistrate (*Section 110(3)*)
- 111 Warrant of distress (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(a); Rules 14, 128 and 129*)
- 112 Warrant of distress (where warrant of arrest is issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(a); Rules 14, 128 and 129*)
- 113 Warrant to arrest (detain) defendant and keep him in custody pending return to distress warrant (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(b); Rules 14 and 128*)
- 114 Warrant to detain defendant and keep him in custody pending return to distress warrant (where warrant of arrest issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(4)(b); Rules 14 and 128*)
- 115 Recognizance for appearance at return to warrant of distress issued under section 110 of the Act (*Sections 110(4)(b), 135, 136 and 137; Rule 135*)

- 116 Warrant of commitment in default of distress (where summons issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(5); Rules 14 and 128*)
- 117 Warrant of commitment in default of distress (where warrant of arrest issued) for arrears under an order for periodical payment enforceable under section 110 of the Act (*Section 110(5); Rules 14 and 128*)
- 118 Summons under section 110 of the Act to attach pension or income (*Section 110(7); Rule 9*)
- 119 Order under section 110 of the Act to attach pension or income (*Section 110(7)*)

WITNESSES AND EVIDENCE

- 120 Summons to witness (*Section 120(1); Rule 9*)
- 121 Affidavit that it is probable that a person will not attend as witness at a preliminary investigation (*Section 120(2)*)
- 122 Warrant for arrest of witness required at preliminary investigation (*Section 120(2); Rules 14 and 128*)
- 123 Affidavit where witness has failed to appear in answer to a summons (*Section 120(3)*)
- 124 Warrant for arrest of witness on failure to appear to summons, etc., (*Section 120(3); Rules 14 and 128*)
- 125 Warrant of commitment of witness refusing to be sworn or to testify or produce document or thing (*Section 122; Rules 14 and 128*)
- 126 Certificate of [clerk of petty sessions] [collecting officer] of non-payment of sum ordered to be paid (*Section 125(a)*)
- 127 Statement of witness to be tendered in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (N.I.) 1968 (*Rule 134*)
- 128 Notice by complainant of intention to tender written statement at summary trial (*Rule 134*) (*Criminal Justice (Miscellaneous Provisions) Act (N.I.) 1968 (Section 1)*)

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

- 129 Recognizance to appear before a magistrates' court (*Sections 54 and 135 to 138; Rules 135 to 138*)
- 130 Recognizance [constabulary] to appear before a magistrates' court (*Sections 131(1)(a) and 135 to 138; Rule 137*)
- 131 Recognizance to appear at a constabulary station (*Sections 131(1)(b) and 135 to 138; Rule 137*)
- 132 Recognizance to appear at assize or county court (*Sections 45, 58(3) and 135 to 138; Rules 135 and 138*)
- 133 Recognizance for attendance at examination by medical practitioner (*Sections 58 and 135 to 138; Rules 135 and 138*)
- 134 Summons to defendant to answer complaint that he should be called upon to show cause why he should not be bound over (*Sections 89 and 128(1)(a) and Schedule 1; Rule 9*)
- 135 Recognizance to keep the peace [and] [or] to be of good behaviour (*Section 128; Rule 135*)
- 136 Notice to estreat recognizance before court of summary jurisdiction (*Section 138(3)*)
- 137 Warrant of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 14, 128(1) and 129*)
- 138 Warrant of commitment in default of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 14 and 128(1)*)
- 139 Warrant of distress and commitment in default of distress for sum forfeited upon the estreat of a recognizance (*Section 138(4); Rules 14, 128 and 129*)

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

A. Appeals to the County Court

- 140 Notice of appeal to county court (*Section 144; Rule 139*)
- 141 Form of appeal to county court (*Rules 139, 140 and 141*)
- 142 Recognizance to prosecute appeal to county court conditioned for bail (*Sections 135 to 138 and 148; Rules 135 and 138*)
- 143 Recognizance to prosecute appeal to county court not conditioned for bail (*Sections 135 to 138 and 149; Rule 135*)
- 144 Certificate by clerk of Crown and peace that appeal has not been duly prosecuted (*Section 151 (3); Rule 142*)
- 145 Notice of abandonment of appeal to county court (*Section 150(1)*)
- 146 Notice by clerk of petty sessions to clerk of the Crown and peace that appellant has abandoned his appeal to the county court (*Section 150(1)*)
- 147 Warrant to enforce an order by a county court made on appeal (*Section 153; Rules 14 and 128*)

B. Appeals by way of Case Stated to Court of Appeal

- 148 Application to state a case (*Section 146; Rule 144*)
- 149 Court's certificate of refusal to state a case (*Section 146(4)*)
- 150 Case stated by magistrates' court (*Section 146; Rule 146*)
- 151 Recognizance to prosecute appeal to Court of Appeal conditioned for bail (*Sections 135 to 138 and 148; Rules 135 and 138*)
- 152 Recognizance to prosecute appeal to Court of Appeal not conditioned for bail (*Sections 135 to 138 and 149; Rule 135*)
- 153 Notice of abandonment of appeal by way of case stated (*Section 150(2)*)
- 154 Notice by clerk of petty sessions to respondent that appellant has abandoned an appeal by way of case stated (*Section 150(2)*)
- 155 Warrant to enforce an order made on appeal by way of case stated to Court of Appeal (*Section 153; Rules 14 and 128*)
- 156 Condition to be added to recognizance in Form 143 or Form 152 to prosecute appeal where appellant is tenant or occupier appealing against order for possession (*Section 79*)

MISCELLANEOUS

- 157 Order Book (*Rule 19*)
- 158 Certificate of conviction or order (*Rule 20*)
- 159 General form for enforcement of conviction or order (*Part X*)
- 160 Certificate endorsed on unexecuted warrant (*Section 116(2)*)
- 161 Endorsement on warrant as to withdrawal thereof (*Section 159(1); Rule 18*)
- 162 Endorsements under sections 26 and 27 of the Petty Sessions (Ireland) Act 1851
- 163 Particulars of service to be endorsed on summons (*Rule 11(7)*)
- 164 Affidavit of service of summons on defendant (*Sections 37(3), 91(2) and 127; Rule 11*)
- 165 Affidavit of service of summons on witness (*Sections 120(3) and 127; Rule 11*)
- 166 Particulars of service to be endorsed on process (*Rule 63(3)*)
- 167 Affidavit of service of a process by a summons server or a person who has received permission to serve the process (*Section 127; Rules 58, 59 and 64*)
- 168 Warrant to discharge defendant from prison (other than where he has been committed for trial in custody) (*Section 54(5); Rules 14, 16(3) and 128*)
- 169 Receipt for prisoner (*Rule 128(4)*)
- 170 Order for taking fingerprints and palm prints (*Section 70*) (*Criminal Justice (Miscellaneous Provisions) Act (N.I.) 1968; Section 12 and Schedule 1*)
- 171 Certificate of payment of part of a sum adjudged to be paid (*Rule 127*)
- 172 Warrant directing person apparently entitled thereto to be put into possession of premises (*Section 159; Rule 14*) (*Summary Jurisdiction (Miscellaneous Provisions) Act (N.I.) 1946; Section 1*)
- 173 General form of affidavit of service of notice, etc., (*Section 27; Rule 133*)
- 174 Warrant of commitment on remand in hospital (*Section 54; Rules 14, 128 and 151*)

- 175 Certificate by or on behalf of complainant that summons sent by registered post or recorded delivery service and returned as undelivered will, if delivered by ordinary post come to notice of person to be served (*Rule 12(9)(e)*)
- 176 Form of affidavit of sending summons by ordinary post where permission for and service granted by resident magistrate under *Rule 12(9)* (*Rule 12(13)*)
- 177 Statement of dates on which defendant remanded (*Rules 28(2)(k)* and *42(1)(k)*)
- 178 Warrant of commitment on commission of further offence during operational period of suspended sentence imposed by county court on appeal (*Section 115; Rules 14, 15, 108 and 128*) (*Treatment of Offenders Act (N.I.) 1968 (Section 19(1)(a) or (b))*)
- 179 Complaint that offender has committed offence punishable with imprisonment during operational period of suspended sentence imposed by county court on appeal (*Rule 8*) (*Treatment of Offenders Act (N.I.) 1968 (Section 21)*)
- 180 Summons on complaint for appearance before magistrates' court where suspended sentence imposed on appeal to county court (*Rule 9*) (*Treatment of Offenders Act (N.I.) 1968 (Sections 20(5) and 21)*)
- 181 Warrant for arrest of person upon whom a suspended sentence has been imposed by county court on appeal (*Rules 14 and 128*) (*Treatment of Offenders Act (N.I.) 1968 (Sections 20(5) and 21)*)
- 182 Notice of direction made by Court of Appeal (*Section 153; Rule 147*)

F 2

FORM 2

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 35(1) and (2); Rule 9)

Summons to Defendant to answer Complaint

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made before me that on the _____ day
of _____ 19____, at _____
[in the said district and County [Borough]]
you, the said Defendant,

THIS IS TO COMMAND YOU to appear as a Defendant on the hearing of the
said complaint at _____ on the _____ day
of _____ 19____, at _____ o'clock in the
noon before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This _____ day of _____

19____

To the said Defendant.

FORM 3

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35(2), (3) and (4); Rules 14 and 128)

Warrant for Arrest of Defendant

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS a complaint has been made on oath, and in writing, that the Defendant

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough] to answer to the said complaint.

Resident Magistrate
[or Justice of the Peace].

This day of 19

To the Superintendent
Division

NOTE: This form may be endorsed for bail as on Form 4.

F 4-5

FORM 4

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 130)

Endorsement on Warrant for Arrest for Release on Bail

I HEREBY DIRECT that the Defendant may be bailed by Recognizance(s) h self in the sum of [with sureties in the sum of each] [or accompanied by the deposit of the sum of or other valuable security to the value of that sum in lieu of sureties].

Resident Magistrate
[or Justice of the Peace].

FORM 5

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35(3) or 37(2) and 138(5); Rules 14 and 128)

Warrant for Arrest of Defendant on failure to surrender to Bail

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS a complaint has been made on oath, and in writing, that the Defendant

AND WHEREAS the Defendant was released on the day of 19 , upon a recognizance conditioned for his appearance before a Magistrates' Court sitting at on the day of 19 , at the hour of o'clock in the noon [and at every time and place to which during the course of proceedings against the Defendant the hearing might from time to time be adjourned unless the Court otherwise ordered];

AND WHEREAS in breach of the said recognizance the Defendant has failed so to appear.

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This day of
To the Superintendent
Division

19

FORM 6

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54; Rules 14 and 128)

Warrant of Commitment on Remand

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant appeared this day before a Magistrates' Court for the said Petty Sessions District and County Borough upon a complaint that

AND WHEREAS the hearing of the said complaint has been adjourned to the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon at _____;

THIS IS TO COMMAND YOU to whom this Warrant is addressed to convey the Defendant to the Prison at _____ there to be kept in custody by the Governor of the said Prison until the above time when he shall produce the Defendant at the above place [(where warrant endorsed for bail) unless the Defendant and his sureties enter into the recognizances required by the endorsement on this warrant].

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

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

This _____ day of _____ 19____

To the Superintendent
Division

NOTE: This Warrant may be endorsed for bail as on Form 7.

F 7

FORM 7

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54; Rule 16)

Consent to Bail on Remand

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS on the _____ day of _____ 19____,
the Defendant _____ was committed
to the Prison at _____ charged with _____

I HEREBY CONSENT to the said Defendant being bailed by Recognizance(s)
hisself in the sum of _____ [with _____ sureties to the
sum of _____ or other valuable security to the value of that sum
in lieu of sureties] to appear before a Magistrates' Court sitting at
on the _____ day of _____ 19____, at the hour of _____
in the _____ noon, [and at every time and place to which during the course
of the proceedings against the said Defendant the hearing may be from time
to time adjourned].

This _____ day of _____ 19____

Resident Magistrate
[or Justice of the Peace].

FORM 8

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 56; Rules 14 and 128)

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

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | } | County [Borough] of |
| of | | |
| | } | Defendant |
| | | |

WHEREAS the Defendant was on the _____ day of _____ 19____, committed to your custody under a warrant of commitment on remand by a Magistrates' Court until to-day;

And the court is now satisfied that the Defendant is unable by reason of illness [or accident] to appear personally before the court;

THIS IS TO COMMAND YOU to whom this Warrant is addressed to keep the Defendant in your custody until the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon when you shall produce the Defendant before a Magistrates' Court sitting at _____

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

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

This _____ day of _____ 19____
To the Governor of the Prison at _____

F 9

FORM 9

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 45(3) and 54(5))

Order bringing up Prisoner before expiration of period of Remand or in connection with Recognizance

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant was committed to your custody under a warrant of commitment by a Magistrates' Court dated the _____ day of _____, 19____, [on remand until the _____ day of _____, 19____,] [or state other circumstances of commitment];

[And it since appears expedient to continue the hearing of the charge against the Defendant before the expiration of the period of remand] YOU ARE HEREBY ORDERED to bring the Defendant on the _____ day of _____, 19____, at the hour of _____ o'clock in the _____ noon, before the Magistrates' Court sitting at _____ [to be further dealt with according to law] [or that he may enter into a recognizance].

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To the Governor of the Prison at

FORM 10

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 40(3), 49 and 50(5); Rule 48)

Notice of time and place of taking of Deposition of sick or dying person or person unable to attend before the Court

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS an application was made under section [40] [49] of the Magistrates' Courts Act 1964 on the _____ day of _____ 19____, to _____ [Resident Magistrate] [Justice of the Peace] for the taking of the deposition of _____ of _____ and such application was granted;

THIS IS TO GIVE YOU NOTICE that it is proposed to take the said deposition at the hour of _____ o'clock in the _____ noon upon the _____ day of _____, 19____, at _____

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To:—
of _____

F 11

B. Forms used in connection with Summary Trial

FORM 11

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 37; Rules 14 and 128)

**Warrant for arrest of Defendant on failure to appear after service of a
Summons or where a Defendant is evading Service**

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | } | Complainant |
| | | |
| of | } | County [Borough] of |
| | | |
| | } | Defendant |
| | | |

WHEREAS a complaint has been made on oath, and in writing, that the Defendant

AND WHEREAS it has been proved on the oath of that there was duly issued by , a Justice of the Peace having jurisdiction in the above-named Petty Sessions District, a summons requiring the Defendant to appear at on the day of 19 , at o'clock in the noon and that the Defendant [was on the day of 19 , duly served with a copy of the said summons] and has failed to appear at the time and place appointed by the said summons] [is evading service of the said summons].

THIS IS TO COMMAND YOU to whom this Warrant is addressed, to arrest the said of and to bring h before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This day of 19
To the Superintendent
Division

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

FORM 12

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 37; Rules 14 and 128)

Warrant for arrest of Defendant on failure to appear at adjourned hearing

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made on oath and in writing that the Defendant

AND WHEREAS a summons was duly served on the Defendant to appear at _____ on the _____ day of _____ 19____, and the Defendant appeared before the Court at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon at the hearing of the said complaint;

AND WHEREAS the hearing of the said complaint was adjourned until the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon and the Defendant having failed to appear the Court considers it undesirable by reason of the gravity of the offence to proceed in the absence of the Defendant and the Court is satisfied that the Defendant had notice of the time and place of the adjourned hearing;

THIS IS TO COMMAND YOU to whom this Warrant is addressed to arrest the said Defendant and to bring him before a Magistrates' Court of the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____ 19____

To the Superintendent
Division

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

F 13

FORM 13

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 115; Rules 14, 15 and 128)

Warrant of Commitment on Sentence of Imprisonment

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS upon the hearing of a complaint that

An Order was made on the day of 19
by the Magistrates' Court sitting at against the
Defendant to the following effect, viz:—

(Here insert Order of Court.)

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute the said Order against the said person, as follows:—

To lodge h in the Prison at to be imprisoned
there for the period of month(s).

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

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

This day of 19 . . .

To the Superintendent
Division

FORM 14

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 54, 57 and 58; Rules 14 and 128)

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

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

WHEREAS the Defendant appeared this day before the Magistrates' Court
sitting at _____ charged
(State shortly particulars of offence.)

[And, the Defendant having been convicted of the said offence, the Court
decided to adjourn the hearing and remand the Defendant for the purpose of
enabling enquiries to be made [and] [or of determining the most suitable
method of dealing with the case];]

[And the Court, being satisfied that the Defendant did the act or made the
omission charged but being of opinion that an inquiry ought to be made into
h physical [and] [or mental] condition before the method of dealing with
h was determined, decided to adjourn the hearing and remand the Defend-
ant;]

THIS IS TO COMMAND YOU to whom this Warrant is addressed to convey
the Defendant to the Prison at _____ and there deliver
h to the Governor thereof, together with this Warrant; and you, the Govern-
or of the said Prison, to receive h into your custody and unless you, the
said Governor, shall be otherwise ordered in the meantime, to keep h until
the day of _____, 19____, at the hour of _____ o'clock
in the _____ noon when the Defendant shall be produced before the said
court;

F 14 (contd.)

[And you, the said Governor, are hereby requested to arrange for an inquiry to be made into the Defendant's physical [and] [or mental] condition by a duly qualified medical practitioner, in order that a report be made thereon to the court.]

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

This day of 19 .

To the Superintendent
Division

NOTE: This Warrant may be endorsed for bail as on Form 7.

F 16

FORM 16

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44; Rules 26 and 27)

Deposition of a Witness

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

THE DEPOSITION of _____ of
taken in the presence and hearing of the Defendant who stands charged [that]
[or as stated in the statement of complaint annexed to Form 17].

The said Deponent saith on h _____ oath that

And the said Deponent binds _____ self [upon notice being given to him/her
requiring his/her attendance] to attend and [to prosecute or] to give evidence
at the trial of the said Defendant for the said offence or otherwise to forfeit to
the Crown the sum of _____ pounds.

Deponent.

19 _____ Taken before me this _____ day of _____
at _____ in the said County [Borough].

Resident Magistrate
[or Justice of the Peace].

FORM 17

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 42; Rule 26)

Statement of the Accused

of

Petty Sessions District of

Complainant.

of

County [Borough] of

Defendant

A CHARGE/CHARGES having been made against the above Defendant (hereinafter called "the Accused") before the undersigned Justice as set out in the statement of complaint and numbered

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

And the said charge(s) [having been read or put to the Accused by reference to the charges as numbered in the Statement of Complaint] [being read] and where necessary its/their nature explained in ordinary language to the Accused;

And the Accused being informed of his right, if he so desired, to give evidence on his own behalf and to call witnesses:

The Accused was then addressed as follows:—

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

Whereupon the Accused in reply said:—

The Accused, having [made the statement above set out] [not made any statement] in answer to the charge(s) was then asked whether he desired to give evidence on his own behalf and whether he desired to call witnesses;

The Accused, having been informed that he was not obliged to give evidence or to call witnesses and that anyone giving evidence was liable to be cross-examined, in reply said:—

Taken before me this day of 19 , at

Resident Magistrate
[or Justice of the Peace].

F 18

FORM 18

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 42 and 167 and Schedule 5; Rule 26)

Statement of an Accused Corporation

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

A CHARGE/CHARGES having been made against
(hereinafter called "the Accused Corporation") before the undersigned Justice
as set out in the Statement of Complaint and numbered

And the witnesses for the prosecution, having been severally examined in
the presence of a representative of
the Accused Corporation;

And the said charge(s) [being read or put to the said representative by
reference to the charges as numbered in the Statement of Complaint] [being
read] and where necessary its/their nature explained in ordinary language to
the said representative;

And the said representative being informed of his right, if he so
desired, to give evidence on behalf of the Accused Corporation and to call
witnesses;

The said representative was then addressed as follows:—

"You are not obliged to say anything in answer to the charge(s) unless
you desire to do so but whatever you say will be taken down in writing
and may be given in evidence upon the trial of the Accused Corporation.
Do you wish to say anything on behalf of the Accused Corporation in
answer to the charge(s)?"

Whereupon the said representative in reply said:—

The said representative, having [made the statement above set out] [not
made any statement] in answer to the charge(s), was then asked whether he
desired to give evidence on behalf of the Accused Corporation and whether
he desired to call witnesses on its behalf.

The said representative, having been informed that he was not obliged
to give evidence or to call witnesses and that anyone giving evidence was liable
to be cross-examined, in reply said:—

Taken before me this day of 19, at

Resident Magistrate
[or Justice of the Peace].

FORM 19

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 45; Rules 14 and 128)

Warrant to commit for Trial

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS the Defendant stands charged with the following offence(s):—

AND WHEREAS the Defendant has been committed for trial at the next Court of Assize [or Belfast Recorder's Court] [or Londonderry Recorder's Court] [or County Court] to be held at _____ in and for the County [Borough] of _____ on the _____ day of _____ 19 _____ ;

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to lodge the said Defendant in the Prison at _____ there to be imprisoned by the Governor of the said Prison as follows:—

Until h _____ trial for the said offence and _____ he shall be discharged by due course of Law.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

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

This _____ day of _____ 19 _____

To the Superintendent
Division

NOTE: This Warrant to be endorsed for bail as on Form 7.

F 20

FORM 20

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 167 and Schedule 5)

Order committing Corporation for Trial

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

To
of

(full name of prosecutor)

WHEREAS (full title of Corporation)
(hereinafter called "the Accused Corporation") was this day charged before the
Magistrates' Court conducting the preliminary investigation at
with

(state shortly particulars of offence).

And the said Court after investigation of the said offence having
determined to commit the Accused Corporation for trial [and you the said
having this day been bound over to
prosecute the Accused Corporation] at the Court of Assize [or Belfast
Recorder's Court] [or Londonderry Recorder's Court] [or County Court] for
the County [Borough] of to be held at
on the day of 19

YOU THE SAID ARE HEREBY EMPOWERED, as
prosecutor, to prefer at the said Court of Assize [or Recorder's Court] [or
County Court] a bill of indictment in respect of the said offence.

Resident Magistrate
[or Justice of the Peace].

This day of

19

FORM 21

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(5); Rules 14 and 128)

Warrant of Commitment of Witness for refusing to enter Recognizance

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint was made on the _____ day of _____
19____, on the oath of _____
that _____

AND WHEREAS _____ a witness, has, without just
excuse, refused to enter into a recognizance to give evidence on the trial of the
Defendant;

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to convey
the said _____ of _____
to the Prison at _____ there to be kept in custody
by the Governor of the said Prison as follows:—

Until the trial of the said _____ unless the
witness shall in the meantime enter into such recognizance as required.

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

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

This _____ day of _____ 19____

To the Superintendent
Division

F 22

FORM 22

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 44(5) and 45(3); Rules 14, 16(3) and 128)

**Warrant for discharge of Accused committed for trial from prison on entering
Recognizance (or for Discharge of Witness Committed)**

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint was made that

(offence alleged with time and place).

AND WHEREAS

of

(prisoner)

(address of prisoner)

[(for Accused) was committed to Prison until his trial for the said offence, but has now duly entered into a recognizance to appear at his trial] [(for Witness) was committed for refusing to enter into a recognizance to give evidence on the trial of for the said offence but has now done so] [or and the said has not been committed for trial].

THIS IS TO COMMMAND YOU to discharge the said person so committed, unless he shall be in your custody for some other cause.

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

This day of

19

To the Governor of the Prison at

FORM 23

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(3))

Notice to the Clerk of the Crown and Peace requesting that a Witness conditionally bound over, or treated as conditionally bound over, be notified that his attendance is required at Court of Trial

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS _____ of _____
was on the _____ day of _____ 19 _____, bound over
[directed to be treated as bound over] by a recognizance in the sum of
£ _____ to appear upon notice being given to h _____ at the court
specified in the notice and there to give evidence on the trial of the Defendant;

THIS IS TO GIVE YOU NOTICE that I wish the said
to attend at the said trial.

Prosecutor/Defendant.

This _____ day of _____

19 _____

To the Clerk of the Crown and Peace
at _____

F 24

FORM 24

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44(3))

Notice by Clerk of the Crown and Peace requiring attendance of Witness
bound over, or treated as bound over, conditionally

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS, you _____ of _____
were on the _____ day of _____ 19 _____, bound over
[directed to be treated as bound over] by a recognizance to appear upon notice
being given to you at the court specified in such notice and there to give
evidence on the trial of _____

THIS IS TO GIVE YOU NOTICE that you are required to appear at the next
Court of Assize [or Belfast Recorder's Court] [or Londonderry Recorder's
Court] [or County Court] for the County [Borough] of _____
to be held at _____ on the _____ day of
19 _____, and there to give evidence accordingly and that unless you do so the
said recognizance will be forthwith enforced against you.

Clerk of the Crown and Peace.

at

This _____ day of _____

19 _____

FORM 25

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 44; Rule 28(2)(i))

Certificate of Clerk of Petty Sessions of Witnesses bound over, or treated as having been bound over, conditionally

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

I, _____, Clerk of Petty Sessions for the above-named Petty Sessions District, DO HEREBY CERTIFY that the deposition(s) of the witness(es), whose name(s) and address(es) are set out below, was taken in the presence and hearing of the above-named Defendant and that the said Defendant or his Solicitor or Counsel had an opportunity of cross-examining such witness(es).

The Magistrate considered the attendance of the said witness(es) at the trial to be unnecessary and bound him over [or directed that he be treated as bound over] to attend the trial conditionally in accordance with section 44(2) of the Magistrates' Courts Act (Northern Ireland) 1964.

| Name | Address |
|------|---------|
| | |

This _____ day of _____

19 _____

Clerk of Petty Sessions.

F 26

D. Forms used in connection with Preliminary Enquiry

FORM 26

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Section 2(1); Rule 32)

Notice of intention to request Court to conduct a Preliminary Enquiry

of

Complainant

Petty Sessions District of

of

County [Borough] of

Accused

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of the Magistrates' Court at for the said Petty Sessions District and County [Borough] on the day of 19 , to request the court to conduct a preliminary enquiry under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968, unless the accused objects to the conducting of such enquiry.

I hereby serve on you—

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

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

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

*Delete where no exhibits.

F 26 (contd.)

†(5) a list of every exhibit to be produced or referred to by the witnesses at the enquiry and referred to in such statements; and

†(6) copies of written exhibits referred to on the list referred to in paragraph (5) and in the statements referred to in paragraph (3).

The total number of pages of all documents served upon me is

Dated this day of 19

Signed

Accused/for Accused
Body Corporate by
Representative
OR
Clerk of Petty Sessions
or other responsible officer.

To

*(name of complainant
or prosecutor acting on behalf of complainant and if complainant or prosecutor
is a member of the Royal Ulster Constabulary give rank also).*

The address to which this Receipt is to be sent is as follows—

FORM 27

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 32)

List of Witnesses and Number of Pages in Statement of Evidence
of each Witness

of

Complainant

of

Accused

Petty Sessions District of

County [Borough] of

| <i>Full name of witness</i> | <i>No. of pages in each witness's written statement</i> |
|-----------------------------|---|
| | |

The above is a true statement of the names of witnesses, copies of whose written statements are served on the Accused and the Clerk of Petty Sessions for the above-named Petty Sessions District and County [Borough] and of the number of pages in each written statement.

Signed

Complainant/on behalf
of Complainant

F 28

FORM 28

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Section 2(2)(a); Rule 32)

Statement of Complaint(s)

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

The following is a statement of the complaint(s) referred to in the Notice served on the Clerk of Petty Sessions under section 2 of the above Act, a copy of which has been served on the Accused:—

Signed

Complainant/on behalf
of Complainant.

FORM 29

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 32)

**List of Exhibits to be Produced or Referred to by Witness whose
Written Statement is to be Tendered at a Preliminary Enquiry**

of
 Complainant } Petty Sessions District of
 of
 Accused } County [Borough] of

| <i>No. or letter of Exhibit as Marked</i> | <i>Description</i> | <i>Name of Witness whose statement refers to Exhibit</i> | <i>If a copy of a written exhibit has been served on Accused say "Yes" or "No"</i> |
|---|--------------------|--|--|
| | | | |

The above is a true list and description of the exhibits to be produced or referred to by the witnesses whose written statements have been served on the Accused and the Clerk of Petty Sessions for the above-named Petty Sessions District and County [Borough].

Signed

Complainant/on behalf
of Complainant.

F 30

FORM 30

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 35(6))

Statement of Accused in answer to Charge at Preliminary Enquiry

of

Complainant

Petty Sessions District of

of

Accused

County [Borough] of

A CHARGE/CHARGES having been made against (hereinafter called "the Accused") before the undersigned Justice as set out in the statement of complaint and numbered

And certain written statements of evidence for the prosecution having been admitted in evidence [and certain witnesses for the prosecution severally examined in the presence of the Accused];

And the said charge(s) [being read or put to the Accused by reference to the charges as numbered in the statement of complaint]; [being read] and where necessary its/their nature explained in ordinary language to the Accused;

And the Accused being informed of his right if he so desired, to give evidence on his own behalf and to call witnesses;

The Accused was then addressed as follows:—

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

Whereupon the Accused in reply said:—

The Accused [having made the statement above set out] [not having made any statement] in answer to the charge(s) was then asked whether he desired to give evidence on his own behalf and whether he desired to call witnesses or to tender any written statement of evidence of any witness in compliance with section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.

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

Taken before me this

day of

19, at

Resident Magistrate
[or Justice of the Peace].

FORM 31

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 36)

Statement of Accused Corporation in answer to Charge at Preliminary Enquiry

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | } | |
| Complainant | | |
| | } | |
| of | | |
| | } | County [Borough] of |
| | | |
| | } | |
| Defendant | | |

A CHARGE/CHARGES having been made against (hereinafter called "the Accused Corporation") before the undersigned Justice as set out in the statement of complaint and numbered

And certain written statements of evidence for the prosecution having been admitted in evidence [and certain witnesses for the prosecution severally examined in the presence of _____, a representative of the Accused Corporation];

And the said charge(s) [being read or put to the said representative by reference to the charge(s) as numbered in the statement of complaint] [being read] and where necessary its/their nature explained in ordinary language to the said representative;

And the said representative being informed of his right, if he so desired, to give evidence on behalf of the Accused Corporation and to call witnesses;

The said representative was then addressed as follows:—

"You are not obliged to say anything in answer to the charge(s) unless you desire to do so but whatever you say will be taken down in writing and may be given in evidence upon the trial of the Accused Corporation. Do you wish to say anything on behalf of the Accused Corporation in answer to the charge(s)?"

Whereupon the said representative in reply said:—

The said representative, having [made the statement above set out] [not made any statement] in answer to the charge(s), was then asked whether he desired to give evidence on behalf of the Accused Corporation and whether he desired to call witnesses on its behalf, or to tender any written statement of evidence of any witness on its behalf in compliance with section 3 of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.

The said representative, having been informed that he was not obliged to give evidence or to call witnesses and that any one giving evidence was liable to be cross-examined, in reply said:—

Taken before me this _____ day of _____ 19 _____, at

Resident Magistrate
[or Justice of the Peace].

F 32

FORM 32

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Section 3; Rule 39)

Statement of Witness to be tendered in evidence at Preliminary Enquiry

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

Name of Witness

Age (if over 21 enter "over 21")

Occupation

Address

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

Dated this _____ day of _____ 19 _____

Signature of Witness.

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

F 32 (contd.)

[(For use only where witness cannot read)]

The said Witness being unable to read the above statement I declare that I of read it to before he/she signed it and he/she assented to it in accordance with section 3(3) of the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968.

Dated this day of 19

Signature of Reader.]

NOTE: Whenever possible statements should be on paper measuring approximately 12" x 8". If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the Clerk of Petty Sessions; and each page should have a wide margin on the left.

F 33

FORM 33

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 41)

**Certificate of Clerk of Petty Sessions authenticating statements of witnesses
admitted in evidence, depositions taken at, or formal admission of facts
for the purpose of Preliminary Enquiry**

of

Complainant

Petty Sessions District of

of

County [Borough] of

Accused

WHEREAS after a preliminary enquiry held at
the said Accused was/were on the _____ day of _____ 19____,
committed for trial at the next court of Assize [or Belfast Recorder's Court]
[or Londonderry Recorder's Court] [or County Court] to be held at
_____ in and for the County [Borough] of
[or Division of _____] on the charges specified in the
statement of complaint sent to the clerk of the Crown and peace pursuant to
Rule 42 of the Magistrates' Courts Rules (Northern Ireland) 1974.

I HEREBY CERTIFY that the _____ (state number) statements purporting
to be signed by the persons whose names are listed in Schedule 1 hereto were
admitted in evidence under section 3 of the Criminal Procedure (Committal for
Trial) Act (Northern Ireland) 1968 at the said preliminary enquiry.

[I hereby further certify that the _____ (state number) depositions of
the witnesses whose names are listed in Schedule 2 hereto were taken and
sworn in the presence and hearing of the said Accused and that he/she or h
counsel or solicitor had full opportunity of cross-examining each of the
witnesses called for the prosecution.]

[I also certify that the complainant and/or the said Accused made an
admission of facts under section 2 of the Criminal Justice (Miscellaneous
Provisions) Act (Northern Ireland) 1968 for the purposes of the preliminary
enquiry which admission(s) was/were written down and signed by the
prosecutor and/or the said _____ on the _____ day
of _____ 19____, and is/are attached to this certificate.]

Dated this _____ day of _____ 19____.

Clerk of Petty Sessions.

Schedule 1

Written Statements of Witnesses

| <i>Name of Witness</i> | <i>No. of pages in each statement</i> |
|------------------------|---------------------------------------|
| | |

Schedule 2

Depositions of Witnesses

| <i>Name of Witness</i> | <i>No. of pages in each deposition</i> |
|------------------------|--|
| | |

F 34

FORM 34

CRIMINAL PROCEDURE (COMMITTAL FOR TRIAL) ACT (NORTHERN IRELAND) 1968
(Rule 42 (h))

List of exhibits produced or referred to in evidence at a Preliminary Enquiry

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Accused |

THE FOLLOWING is a list of exhibits produced or referred to at a preliminary enquiry before a Magistrates' Court for the said Division and County [Borough] held at _____ upon which was committed for trial at the next court of Assize [or Belfast Recorder's Court] [or Londonderry Recorder's Court] [or County Court] to be held at _____ in and for the County [Borough] of _____ [or Division of _____].

| <i>Number of Exhibit</i> | <i>Short description of Exhibit</i> | <i>Name of Witness whose statement or deposition refers to Exhibit</i> |
|--------------------------|-------------------------------------|--|
| | | |

Clerk of Petty Sessions.

E. Forms used in connection with Committal for Trial of Persons against whom an Indictment has been presented

FORM 35

**MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 48(1))**

Certificate of Indictment being presented

County [Borough] of

I HEREBY CERTIFY that upon the _____ day of _____ 19 _____
at the _____ held at _____
in the said County [Borough] a Bill of Indictment was presented against _____
for that he _____

(state particulars of offence(s) alleged in indictment)

and that the said _____ has not appeared and pleaded to the
said indictment.

Clerk of the Crown and Peace.

This _____ day of _____

19 _____

F 36

FORM 36

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 48(3); Rules 14 and 128)

Warrant to arrest Person Indicted

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made on oath and in writing that the Defendant

AND WHEREAS it has been certified to me that

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the County [Borough].

Justice of the Peace.

This day of

19

To the Superintendent
Division

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

F 38

F. Forms used in connection with Summary Trial of Indictable Offences specified in Schedule 3 to the Act

FORM 38

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 35 and 52; Rules 9 and 44(1))

CRIMINAL LAW ACT (NORTHERN IRELAND) 1967
(Section 10(3))

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 3 to the said Act of 1964

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made before me that on the _____ day of _____ 19____, at _____ [in the said district and County [Borough]] you, the said Defendant,

THIS IS TO COMMAND YOU to appear in person as a Defendant on the hearing of the said complaint at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This _____ day of _____

19____

F 38 (contd.)

Notice under section 52 of the said Act of 1964

The [following] offence(s) [that is to say—]

for which you are hereby summoned to appear before the court [is] [are] [an] indictable offence(s) specified in Schedule 3 to the said Act of 1964 which may be dealt with summarily by a Resident Magistrate in accordance with section 52 of that Act.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a Resident Magistrate only with your consent, and if you do so consent, only where the prosecutor also consents.

The Resident Magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that for any of the reasons specified in section 52(1) of the said Act of 1964, it is inexpedient to deal with any such offence(s) summarily and in that event order that a preliminary investigation or enquiry be conducted before him or any other resident magistrate or justice of the peace into [any of] the above-mentioned offence(s) in order to ascertain whether or not there is sufficient evidence of [any of] the offence(s) upon which you should be committed for trial by jury.

F 39

FORM 39

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 52; Rule 44(1))CRIMINAL LAW ACT (NORTHERN IRELAND) 1967
(Section 10(3))

Notice under section 52 of the above Act of 1964 to be given to an Arrested Person accused of an Offence specified in Schedule 3 to that Act as soon as practicable after he has been formally charged with such Offence

THE FOLLOWING OFFENCE(S), that is to say—

with which you are charged [is] [are] [an] indictable offence(s) specified in Schedule 3 to the said Act of 1964 which may be dealt with summarily by a Resident Magistrate in accordance with section 52 of that Act.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a Resident Magistrate only with your consent, and if you do so consent, only where the prosecutor also consents.

The Resident Magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that, for any of the reasons specified in section 52(1) of the said Act of 1964, it is inexpedient to deal with any such offence(s) summarily and in that event order that a preliminary investigation or enquiry be conducted before him or any other resident magistrate or justice of the peace into [any of] the above-mentioned offence(s) in order to ascertain whether or not there is sufficient evidence of [any of] the offence(s) upon which you should be committed for trial by jury.

Signed

Dated this day of 19 , at
o'clock in the noon.

FORM 40

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 52; Rule 44(2))

CRIMINAL LAW ACT (NORTHERN IRELAND) 1967
(Section 10(3))

Written Waiver of Requirement of Notice under section 52 of the Act

I HEREBY WAIVE my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried by jury for the offence(s) specified in Form 39 in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1974 which form I have duly received, and I fully understand that the said offence(s) [is] [are] [an] offence(s) which may be dealt with summarily by a Resident Magistrate only with my consent and that if I do so consent only where the prosecutor also consents.

Signed

Defendant

F 41

DEBT PROCEEDINGS

FORM 41

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 71; Rules 55, 57 and 85)

Process in Debt Proceedings

of

Plaintiff

Petty Sessions District of

of

County [Borough] of

Defendant

THE DEFENDANT IS HEREBY REQUIRED to appear before the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon to answer the Plaintiff's claim for the sum of £ _____ for

Dated this _____ day of _____ 19____

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

NOTE: If the amount of the above claim, together with the sum of £ _____ for the costs of this process, be paid to the Plaintiff or his solicitor before the* _____ day of _____ 19____, proceedings will be stayed.

*Insert entry date.

FORM 44

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 84; Rule 80)

Decree in Debt Proceedings

of
 Plaintiff
 of
 Defendant

} Petty Sessions District of
 County [Borough] of

Before the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant, claiming that he was indebted to the Plaintiff in the sum of £ for

And it appearing to the court upon the hearing that the Defendant is justly indebted to the Plaintiff in the said sum [or the sum of £].

IT IS THEREFORE ORDERED by the court that the Plaintiff do recover from the Defendant the said sum of £ together with the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

| | |
|-------------------------------|---|
| Debt | £ |
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 45

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 117(1); Rule 92)**Affidavit of Default in Payment of Instalment in support of
Application for Issue of Decree Hitherto Postponed on Terms**

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

I, _____, of _____
in the County [Borough] of _____
AND SAY as follows:—

, of

MAKE OATH

- At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____, the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of _____ on the terms that the Defendant paid the said sums by instalments of £ _____ payable on the _____ day of each _____, the first of such instalments to be paid on the _____ day of _____ 19____.
- The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____, balance of the sum so ordered to be paid aforesaid, is now due by him on foot of the said order.
- I am†
and the above facts are within my own personal knowledge.

Sworn before me this _____ day of _____ 19____, at
in the County [Borough] of _____

Deponent.

Justice of the Peace
[or Commissioner for Oaths]

†The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction.

FORM 46

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 117(1); Rule 92)

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

| | |
|----|----------------------------|
| of | Petty Sessions District of |
| | Plaintiff |
| of | County [Borough] of |
| | Defendant |

I, _____, of _____, of _____, DO SOLEMNLY AND SINCERELY DECLARE as follows:—

1. At the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, the Defendant was ordered to pay to the Plaintiff the sum of £ _____, the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses and the Court further ordered the issue of the decree therefor to be postponed for the period of _____ on the terms that the Defendant paid the said sums by _____ instalments of _____ payable on the _____ day of each _____, the first of such instalments to be paid on the _____ day of _____ 19____.
2. The Defendant has made default in payment, and has failed to pay _____ of the said instalments, and the sum of £ _____ balance of the sum so ordered to be paid as aforesaid, is now due on foot thereof.
3. I am† _____ and the above facts are within my own personal knowledge, and I make this solemn declaration, conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared before me this _____ day of _____, 19____, at _____ in the County [Borough] of _____

Declarant

Justice of the Peace
[or Commissioner for Oaths].

†The Plaintiff. A person in the Plaintiff's employment. A person acting under the Plaintiff's direction.

F 47

FORM 47

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 83(6), 84 and 169; Rule 80)

Dismiss in Debt Proceedings

| | | |
|----|-----------|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | Plaintiff | |
| of | } | County [Borough] of |
| | | |
| | Defendant | |

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming the sum of £ alleged to be due to the Plaintiff for

and the Plaintiff has failed to prove the said Claim.

IT IS THEREFORE ORDERED by the court that the said Claim be dismissed [on the merits] [without prejudice], and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of , 19

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 48

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 84 and 169; Rules 74 and 80)

**Decree where Costs by way of Recoupment are ordered to be paid in
Debt Proceedings**

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Plaintiff |
| of | } | County [Borough] of |
| | | Defendant |

By the Court of Summary Jurisdiction sitting at
on the day of 19 .

It appearing to the court that a process to appear before the above court
was duly served on the Defendants, claiming that they were indebted to the
Plaintiff in the sum of £ for

And it appearing to the court upon the hearing that the Defendant
is justly indebted to the Plaintiff in [the said
sum] [the sum of £].

And it further appearing to the court that the Plaintiff has failed to prove
his claim against the Defendant

IT IS THEREFORE ORDERED by the court that the Plaintiff do recover from the
Defendant the said sum of £ ,
together with the sum of £ for costs and the sum of
£ for witnesses' expenses. And whereas the proceeding
against the Defendant was dismissed
[on the merits] [without prejudice] and it was ordered that the Defendant
do recover from the Plaintiff the sum
of £ for costs of the dismiss and witnesses' expenses. And
whereas the Plaintiff has paid the sum of £ to the Defendant
on the foot of the said dismiss.

IT IS THEREFORE FURTHER ORDERED by the court that the Defendant
do pay to the Plaintiff by way of recoupment the
said sum of £ for costs and witnesses' expenses which the
Plaintiff was ordered to pay and has paid to the Defendant
Defendant making the sum to be paid to the Plaintiff by the
the total amount of £

F 48 (contd.)

| | | |
|-------------------------------|--------|----|
| Issued on the | day of | 19 |
| Debt | £ | |
| Costs | £ | |
| Costs of Dismiss | £ | |
| Witnesses' Expenses | £ | |
| Total | £ | |

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 49

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 164(3))

Order for Payment of Costs of Adjournment in Debt Proceedings

| | | |
|----|-----------|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | Plaintiff | |
| of | } | County [Borough] of |
| | | |
| | Defendant | |

By the Court of Summary Jurisdiction sitting at _____
on the _____ day of _____ 19 _____

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming the sum of £ _____ for _____

AND WHEREAS the _____ at the sitting of the court applied for an adjournment of the said process, and the court ordered that the hearing be adjourned until _____ the _____ day of _____ 19 _____, and further ordered that the _____ do pay to the _____ the sum of £ _____ by way of costs and the sum of £ _____ for witnesses' expenses incurred in respect of the adjournment.

IT IS THEREFORE ORDERED by the court that the _____ do recover from the _____ the sum of £ _____ for costs and witnesses' expenses.

Issued on the _____ day of _____ 19 _____

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

Resident Magistrate
[or Clerk of Petty Sessions].

FORM 50

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 66)

F 50
1660

COUNTY [BOROUGH] OF..... PETTY SESSIONS DISTRICT OF.....

Process Register in Debt Proceedings

| <i>Number</i> | <i>Date of hearing</i> | <i>Name of Resident Magistrate adjudicating</i> | <i>Solicitors and counsel (if any) for plaintiff and defendant</i> | <i>Plaintiff</i> <hr/> <i>Defendant</i> | <i>Amount sued for and cause of action</i> | <i>Names of witnesses (including names of persons making affidavits or statutory declarations)</i> | <i>Minute of adjudication</i> | <i>Date of issue of order</i> |
|---------------|------------------------|---|--|--|--|--|-------------------------------|-------------------------------|
| | | | | | | | | |

Magistrates' Courts

No. 334

Resident Magistrate.

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 66(4))

COUNTY [BOROUGH] OF..... PETTY SESSIONS DISTRICT OF.....

Memorandum of a Debt Proceeding entered in the Process Register of the Court of Summary Jurisdiction sitting at
, the day of 19

| <i>Date of hearing</i> | <i>Name of Resident Magistrate adjudicating</i> | <i>Solicitors and counsel (if any) for complainant and defendant</i> | <i>Plaintiff ----- Defendant</i> | <i>Amount sued for and cause of action</i> | <i>Names of witnesses (including names of persons making affidavits or statutory declarations)</i> | <i>Minute of adjudication</i> |
|------------------------|---|--|--|--|--|-------------------------------|
| | | | | | | |

I certify the above extract to be a true copy.

Resident Magistrate
[or Clerk of Petty Sessions].

Dated the day of 19

F 52

EJECTMENT PROCEEDINGS

FORM 52

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 76; Rules 55, 57 and 96)

Process in Ejectment Proceedings in respect of lands or premises to which
Paragraph (a) of Section 76(1) of the Act applies

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

WHEREAS the Plaintiff claims that the Defendant has neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at in the above-named petty sessions district, which the Defendant held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of , which tenancy [was duly determined by a notice to quit which expired on the day of 19 , and which notice was served on the day of 19] [or which tenancy ended on the day of 19].

THE DEFENDANT IS HEREBY REQUIRED to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock in the noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ for the costs of this process be paid to the Plaintiff or his solicitor before the* day of 19 proceedings will be stayed.

*Insert Entry Day.

FORM 53

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 78 and 82(3); Rules 55, 57 and 96(5))

Process in Ejectment Proceedings in respect of lands or premises to which
Paragraph (a) of Section 76(1) of the Act applies and for the recovery of
arrears of rent or sums due under Section 78 of the Act

| | | |
|----|-------------|----------------------------|
| of | } Plaintiff | Petty Sessions District of |
| of | | County [Borough] of |
| | } Defendant | |

WHEREAS the Plaintiff claims that the Defendant has neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district, which the Defendant held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of _____, which tenancy [was duly determined by a notice to quit which expired on the _____ day of _____ 19 _____ and which notice was served on the _____ day of _____ 19 _____] [or which tenancy ended on the _____ day of _____ 19 _____].

AND WHEREAS the Plaintiff claims that the Defendant is indebted to him in the sum of £ _____ in respect of arrears of rent up till the determination of the tenancy on the _____ day of _____ 19 _____ [and the sum of £ _____ due to him up to the issue of this process under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] [arising from such tenancy under a lease dated _____] [granted by [the Plaintiff] to [the Defendant]].

THE DEFENDANT IS HEREBY REQUIRED to appear before the Court of Summary Jurisdiction sitting at _____ on _____ the _____ day of _____ 19 _____, at the hour of _____ o'clock in the _____ noon, to answer to the Plaintiff's claim for possession of the said lands [or premises] and for the recovery of the said sum(s).

Dated this _____ day of _____ 19 _____

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ _____ in respect of [arrears of rent [and sums due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964]] and for the costs of this process be paid to the Plaintiff or his solicitor before the * _____ day of _____ 19 _____, proceedings will be stayed.

*Insert Entry Day.

F 54

FORM 54

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 76; Rules 55, 57 and 96(3))

**Process in Ejectment Proceedings in respect of lands or premises to which
Paragraph (b) of Section 76(1) of the Act applies**

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Plaintiff claims that the Defendant, having been put into possession of the lands [or premises] situate at in the above-named petty sessions district by permission of the Plaintiff as [servant] [herdsman] [caretaker] has refused [or omitted] to quit and deliver up possession of the lands [or premises] on demand made on the day of 19 , by [the agent or receiver of] the Plaintiff.

THE DEFENDANT IS HEREBY REQUIRED to appear before the Court of Summary Jurisdiction sitting at on the day of 19 , at the hour of o'clock in the noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19

Plaintiff

[or Solicitor for the Plaintiff]
[Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ for costs of this process be paid to the Plaintiff or his solicitor before the* day of 19 , proceedings will be stayed.

*Insert Entry Day.

FORM 55

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Sections 76 and 81; Rules 55, 57, and 96(4))

Process in Ejectment Proceedings in respect of lands or premises to which Paragraph (c) of Section 76(1) of the Act applies

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Plaintiff |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS the Plaintiff claims that he is entitled to recover possession of the lands [or premises] situate at in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken) by ejectment proceedings under and in accordance with Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 by reason of

(here state cause of action and include a claim, if necessary, for arrears of rent or sums due under section 78 of the Act).

THE DEFENDANT IS HEREBY REQUIRED to appear before the Court of Summary Jurisdiction sitting at on the day of 19, at the hour of o'clock in the noon, to answer to the Plaintiff's claim for possession of the said lands [or premises].

Dated this day of 19

Plaintiff [or Solicitor for the Plaintiff] [Address].

NOTE: If possession of the lands [or premises] is surrendered to the Plaintiff and the sum of £ for the costs of this process be paid to the Plaintiff or his solicitor before the * day of 19 proceedings will be stayed.

*Insert Entry Day.

F 56

FORM 56

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76 and 84; Rule 80)

Decree for recovery of lands or premises to which Paragraph (a) of Section 76(1) of the Act applies

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant, claiming that the Defendant had neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at in the above-named petty sessions district which he lately held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of per [quarter] [month] [week] which tenancy [was duly determined by a notice to quit served on the day of 19, which expired on the day of 19] [ended on the day of 19];

And it appearing to the court that the Defendant still neglects [or refuses] to deliver up possession of the said lands [or premises] and proof of the said holding, its [determination] [or end] at the time and manner thereof has been duly given and the Defendant has failed to show to the satisfaction of the court cause why possession should not be given.

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|-------|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | <hr/> |
| Total | £ |

FORM 57

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 78, 82(3) and 84; Rule 80)

Decree for recovery of lands or premises to which Paragraph (a) of Section 76(1) of the Act applies and for the recovery of arrears of rent or sums due under Section 78 of the Act

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Plaintiff |
| of | } | County [Borough] of |
| | | Defendant |

By the Court of Summary Jurisdiction sitting at _____
on the _____ day of _____ 19 _____

It appearing to the court that a process to appear before the above court was duly served on the Defendant, claiming that the Defendant had neglected [or refused] to deliver up to the Plaintiff possession of the lands [or premises] situate at _____ in the above-named petty sessions district which he lately held from the Plaintiff as tenant from [quarter to quarter] [month to month] [week to week] at a rent not exceeding the rate of fifty-five pounds a year, to wit, the rent of _____ per [quarter] [month] [week] [which tenancy was duly determined by a notice to quite served on the _____ day of _____ 19 _____, which expired on the _____ day of _____ 19 _____], [or which tenancy ended on the _____ day of _____ 19 _____], and claiming that the Defendant is indebted to the Plaintiff in the sum of £ _____ in respect of arrears of rent up till the _____ day of _____ 19 _____, [and the sum of £ _____ due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964 up to the date of the issue of the said process] [arising from such tenancy under a lease dated _____] [granted by [the Plaintiff] to [the Defendant]].

And it appearing to the court that the Defendant still neglects [or refuses] to deliver up possession of the said lands [or premises] and proof of the said holding, its [determination] [or end] and the time and manner thereof has been duly given and the Defendant has failed to show to the satisfaction of the court reasonable cause why possession should not be given and that the Defendant is indebted to the Plaintiff in the sum of £ _____ in respect of arrears of rent [and the sum of £ _____ due under section 78 of the said Act of 1964].

F 57 (contd.)

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [*or premises*] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ in respect of arrears of rent [and the sum of £ due under section 78 of the said Act of 1964], for costs the sum of £ and for witnesses' expenses the sum of £

Issued on the day of

19

Resident Magistrate
[*or Clerk of Petty Sessions*].

Arrears of rent or sums due
under section 78 of the

| | |
|-------------------------------|---|
| Act | £ |
| Costs | £ |
| Witnesses' Expenses | £ |

| | |
|-----------------|---|
| Total | £ |
|-----------------|---|

FORM 58

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76 and 84; Rule 80)

Decree for recovery of lands or premises to which Paragraph (b) of Section 76(1) of the Act applies

| | | |
|-----------|---|----------------------------|
| of | } | Petty Sessions District of |
| Plaintiff | | |
| of | } | County [Borough] of |
| Defendant | | |

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming that the Defendant had refused [or omitted] to quit and deliver up to the Plaintiff the possession of the lands [or premises] situate at in the above-named petty sessions district on demand made by [the agent or receiver of] the Plaintiff on the day of 19 , into the possession of which lands [or premises] the Defendant had been put by permission of the Plaintiff as [servant] [herdsman] [caretaker].

And it appearing to the court that the Defendant still refuses [or omits] to deliver up possession of the said lands [or premises] and proof of the said permissive possession, its determination and the time and manner thereof has been duly given and the Defendant has failed to show to the satisfaction of the court cause why possession should not be given.

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

F 59

FORM 59

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 81 and 84; Rule 80)

Decree for recovery of lands or premises to which Paragraph (c) of Section 76(1) of the Act applies

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming that the Plaintiff was entitled to recover possession of the lands [or premises] situate at in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken)
by ejection proceedings under and in accordance with Part VII of the Magistrates' Courts Act (Northern Ireland) 1964 by reason of

(here state grounds on which possession is claimed).

And it appearing to the court that the Plaintiff is justly entitled to possession of the said lands [or premises]

(here refer to section of the enactment under which possession is claimed)
proof having been given that

(here state reasons why recovery of possession is ordered).

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [or premises] and it is further ordered that the Plaintiff do recover from the Defendant the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

Costs £
Witnesses' Expenses £

Total £

FORM 60

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 75 and 80)

Dismiss in Ejectment Proceedings in respect of lands or premises to which Paragraph (a) of Section 76(1) of the Act applies

| | | |
|----|-------------|----------------------------|
| of | } Plaintiff | Petty Sessions District of |
| | | |
| of | } Defendant | County [Borough] of |
| | | |

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was served on the Defendant claiming possession of the lands [or premises] situate at
in the above-named petty sessions district being lands [or premises] which the Plaintiff alleged that the Defendant held from the Plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding fifty-pounds a year [which tenancy the Plaintiff alleged had been duly determined by a notice to quit served on the day of 19] [or which tenancy the Plaintiff alleged had ended on the day of 19] and the Plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim be dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|-------|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | <hr/> |
| Total | £ |

F 61

FORM 61

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 78, 82(3), 84 and 169; Rules 75 and 80)

Dismiss in Ejectment Proceedings in respect of Land or Premises to which Paragraph (a) of Section 76(1) of the Act applies and where arrears of rent or sums due under Section 78 of the Act were claimed

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was served on the Defendant claiming possession of the lands [or premises] situate at

in the above-named petty sessions district and County [Borough] being lands [or premises] which the Plaintiff alleged that the Defendant held from the Plaintiff from [quarter to quarter] [month to month] [week to week] at a rent not exceeding fifty-five pounds a year [which tenancy the Plaintiff alleged had been duly determined by a notice to quit served on the day of 19] [or which tenancy the Plaintiff alleged had ended on the day of 19] and claiming that the Defendant is indebted to the Plaintiff in the sum of £ in respect of arrears of rent up till the day of 19 , [and the sum of £ due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] and the Plaintiff has failed to prove the said claim(s).

IT IS THEREFORE ORDERED by the court that the said claim [for possession] [and] [for arrears of rent] and [such sum] be dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

FORM 62

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 75 and 80)

**Dismiss in Ejectment Proceedings in respect of Lands or Premises to which
Paragraph (b) of Section 76(1) of the Act applies**

| | | |
|----|-------------|----------------------------|
| of | } Plaintiff | Petty Sessions District of |
| of | | County [Borough] of |
| | } Defendant | |

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming possession of the lands [or premises] situate at in the above-named petty sessions district being lands [or premises] into possession of which the Plaintiff alleged the Defendant had been put by permission of the Plaintiff as [servant] [herdsman] [caretaker] and which the Defendant had refused [or omitted] to deliver up and the Plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim is dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

F 63

FORM 63.

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 81, 84 and 169; Rules 75 and 80)

Dismiss in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (c) of Section 76(1) of the Act applies

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

By the Court of Summary Jurisdiction sitting at
on the day of 19

It appearing to the court that a process to appear before the above court was duly served on the Defendant claiming possession of the lands [or premises] situate at in the above-named petty sessions district under the provisions of

(state enactment under which proceedings taken)
by reason of

and the Plaintiff has failed to prove the said claim.

IT IS THEREFORE ORDERED by the court that the said claim be dismissed [on the merits] [without prejudice] and that the Defendant do recover from the Plaintiff the sum of £ for costs and the sum of £ for witnesses' expenses.

Issued on the day of 19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| Total | £ |

FORM 64

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 74 and 80)

Decree where Costs by way of recoupment are ordered to be paid in Ejectment Proceedings

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Plaintiff |
| of | } | County [Borough] of |
| | | Defendant |

By the Court of Summary Jurisdiction sitting at _____ day of _____ 19__

It appearing to the court that a process to appear before the above court was duly served on the Defendants claiming possession of the lands [or premises] situate at _____ in the above-named petty sessions district being premises (*here state allegation in process*)

And it appearing to the court that the Plaintiff's claim against the Defendant _____ should be granted and that the Plaintiff has failed to prove his claim against the Defendant

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [or premises], the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses.

AND WHEREAS the proceeding against the Defendant was dismissed [on the merits] [without prejudice] and it was ordered that the Defendant do recover from the Plaintiff the sum of £ _____ for costs of the dismiss and witnesses' expenses. And whereas the Plaintiff has paid the sum of £ _____ to the Defendant on foot of the said dismiss.

IT IS THEREFORE FURTHER ORDERED by the court that the Defendant do pay to the Plaintiff by way of recoupment the sum of £ _____ for costs and witnesses' expenses which the Plaintiff was ordered to pay and has paid to the Defendant making the sum to be paid to the Plaintiff by the Defendant the total amount of £ _____

F 64 (contd.)

Issued on the

day of

19

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|-------|
| Costs of Claim | £ |
| Costs of Dismiss | £ |
| Witnesses' Expenses | £ |
| | <hr/> |
| Total | £ |
| | <hr/> |

FORM 65

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 76, 84 and 169; Rules 74 and 80)

Decree where Costs by way of recoupment are ordered to be paid in Ejectment Proceedings in respect of Lands or Premises to which Paragraph (a) of Section 76(1) of the Act applies and in which a claim for the recovery of arrears of rent or sums due under Section 78 of the Act was made

| | | |
|----|-------------|----------------------------|
| of | } Plaintiff | Petty Sessions District of |
| of | | County [Borough] of |
| | } Defendant | |

By the Court of Summary Jurisdiction sitting at _____
on the _____ day of _____ 19__

It appearing to the court that a process to appear before the above court was duly served on the Defendants claiming possession of the lands [or premises] situate at _____ in the above-named petty sessions district being lands [or premises]

(here state allegation in process)

and claiming that the Defendants were indebted to the Plaintiff in the sum of £ _____ in respect of arrears of rent [and the sum of £ _____ due under section 78 of the Magistrates' Courts Act (Northern Ireland) 1964] in respect of the said lands [or premises].

And it appearing to the court that the Plaintiff's claim against the Defendant should be granted and that the Plaintiff has failed to prove his claim against the Defendant

IT IS THEREFORE ORDERED that the Plaintiff do recover from the Defendant the said lands [or premises] together with the sum of £ _____ in respect of the said arrears of rent [and the said sum due under the said section 78], the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses.

AND WHEREAS the proceedings against the Defendant was dismissed [on the merits] [without prejudice] and it was ordered that the Defendant do recover from the Plaintiff the sum of £ _____ for costs of the dismiss and witnesses' expenses.

FORM 66

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 164(3); Rule 80)

Order for Payment of Costs of Adjournment in Ejectment Proceedings

of _____
 Plaintiff
 of _____
 Defendant
 Petty Sessions District of _____
 County [Borough] of _____

By the Court of Summary Jurisdiction sitting at
on the _____ day of _____ 19 _____

It appearing to the court that a process to appear before the above court
was duly served on the Defendant claiming possession of lands [or premises]
situate at _____
in the above-named petty sessions district;

AND WHEREAS the _____ at the sitting of the court
applied for an adjournment of the said process, and the court ordered that the
hearing be adjourned until _____ the _____ day of _____
19 _____, and further ordered that the _____ do pay to the
the sum of £ _____ the sum of £ _____ by way of costs and
the sum of £ _____ for witnesses' expenses incurred in respect of
the adjournment.

IT IS THEREFORE ORDERED by the court that the _____ recover
from the _____ the sum of £ _____ for costs and
witnesses' expenses.

Issued on the _____ day of _____ 19 _____

Resident Magistrate
[or Clerk of Petty Sessions].

| | |
|---------------------|---|
| Costs | £ |
| Witnesses' Expenses | £ |
| Total | £ |

FORM 67

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 66)

F 67
1680

COUNTY [BOROUGH] OF..... PETTY SESSIONS DISTRICT OF

Process Register in Ejectment Proceedings

| <i>Number</i> | <i>Date of hearing</i> | <i>Name of Resident Magistrate adjudicating</i> | <i>Solicitors and counsel (if any) for plaintiff and defendant</i> | <i>Plaintiff ———— Defendant</i> | <i>Description of lands or premises of possession of which claimed</i> | <i>Grounds on which possession claimed, i.e. whether paragraph (a), (b) or (c) of section 76(1) of the Act applies, and, if (c) applies, enactment under which proceedings brought</i> | <i>Names of witnesses (including persons making affidavits or statutory declarations)</i> | <i>Minute of Adjudication</i> | <i>Date of issue of Order</i> |
|---------------|------------------------|---|--|---|--|--|---|-------------------------------|-------------------------------|
| | | | | | | | | | |

Magistrates' Courts

No. 334

Resident Magistrate.

F 69

APPEALS AND APPLICATIONS TO COURTS OF SUMMARY JURISDICTION

FORM 69

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Section 86; Rule 98)

Notice of Appeal to Court of Summary Jurisdiction

of

Appellant

Petty Sessions District of

of

Respondent

County [Borough] of

TAKE NOTICE that I, the undersigned Appellant, intend to appeal to a Court of Summary Jurisdiction for the above-named petty sessions district sitting at on the day of 19 , against the decision of

(here state decision appealed against)

given under

(here state enactment under which decision appealed against was given)

Dated this day of 19

Appellant [or Solicitor for Appellant]

To [the Respondent of and to] the Clerk of Petty Sessions for the above-named petty sessions district.

FORM 70

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 86; Rule 98)

Notice of Application to Court of Summary Jurisdiction

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Applicant |
| of | } | County [Borough] of |
| | | Respondent |

TAKE NOTICE that I, the undersigned intend to apply to a Court of Summary Jurisdiction for the above-named petty sessions district sitting at _____ on the _____ day of _____ 19____, for [a licence, permit, certificate or authorisation, etc.] [an order authorising the disposal, destruction, forfeiture] under [state enactment].

Dated this _____ day of _____ 19____

Applicant
[or Solicitor for Applicant].

To [the Respondent
of
and to] the Clerk of Petty Sessions for the above-named petty sessions district.

F 71

PROCEEDINGS ON COMPLAINT IN A CIVIL MATTER

FORM 71

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 89; Rule 8)

Complaint

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I,
SAY [on oath] that

of

Complainant
[for Complainant].

Taken before me this
in the County [Borough] of

day of

19

Justice of the Peace.

FORM 72

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 89; Rule 9)

Summons to Defendant to Answer Complaint

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS a complaint has been made before me that on the _____ day
of _____ 19____, at _____
[in the said district and County [Borough]]
you, the said Defendant,

THIS IS TO COMMAND YOU to appear as a Defendant on the hearing of the
said complaint at _____ on the _____ day
of _____ 19____, at _____ o'clock in the _____ noon
before a Court of Summary Jurisdiction for the County [Borough].

Justice of the Peace.

This _____ day of _____ 19____

To the said Defendant.

F 73

FORM 73

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 87, 89 and 96; Rule 8)

Complaint to vary, etc., Order for periodical payment

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I, _____ of _____
SAY [upon oath] that by an order made on the _____ day of _____
19____, under the _____ Act, _____, by the
Court of Summary Jurisdiction sitting at _____
in the said petty sessions district [the Defendant] [the Complainant] [or other
person by whom payment to be made] was ordered

*(state shortly terms of the original order and mention any
subsequent order and effect thereof)*

And the Complainant _____ now applies for the
said order to be varied [or revived, revoked, suspended or discharged] on the
ground that _____

(state grounds of application)

Complainant
[for Complainant]

Taken before me this _____
in the County [Borough] of _____

day of _____

19____

Justice of the Peace.

FORM 74

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 89 and 96; Rule 9)

Summons to vary, etc., Order for periodical payments

of
 Complainant
 of
 Defendant
 Petty Sessions District of
 County [Borough] of

WHEREAS a complaint has been made to me by the [Complainant] [Defendant] who states that by an order made on the day of 19 , under the Act by a Court of Summary Jurisdiction sitting for the said petty sessions district the [Complainant] [Defendant] was ordered

(state shortly terms of the original order and mention any subsequent order and effect thereof)

And the [Complainant] [Defendant] now applies for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(state grounds of application)

THIS IS TO COMMAND YOU the said [Complainant] [Defendant] to appear on the day of 19 , at the hour of o'clock in the noon, before the Court of Summary Jurisdiction sitting at , to answer the said complaint.

Justice of the Peace.

This day of 19 .

To the said [Complainant] [Defendant].

F 75

FORM 75

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 96)

Order varying, etc., Order for periodical payment

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

Complaint has been made by the [Complainant] [Defendant] who states that by an order made on the _____ day of _____ 19____, under the _____ Act by a Court of Summary Jurisdiction sitting for the said petty sessions district the [Complainant] [Defendant] was ordered

(state shortly terms of the original order and mention any subsequent order and effect thereof)

And the [Complainant] [Defendant] has applied for the said order to be varied [or revived, revoked, suspended or discharged] on the ground that

(state grounds of application)

IT IS THIS DAY ADJUDGED that the said order be [forthwith] varied [or revoked, suspended or discharged] as follows:—

and the [Complainant] [Defendant] is ordered to pay the sum of £ _____ for costs.

Resident Magistrate.

This _____ day of _____

19____

SATISFACTION AND ENFORCEMENT OF ORDERS**A. Orders in Criminal Proceedings**

FORM 76

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Rule 106)

**Notice to Defendant of sum adjudged to be paid by a conviction made
in his absence**

Petty Sessions Office,
Court House,

19

Order Book No.

'TAKE NOTICE that at the Magistrates' Court held at
on the day of 19 , you were convicted
of [an offence] [offences] and ordered to pay the following sums:—

| | |
|----------------------|---|
| Fine | £ |
| Compensation, etc. £ | |
| Costs | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

The court allowed you until the day of 19 .
to pay these sums and ordered that if payments are not made on or before
that day a Warrant to enforce the order be issued against you; [or The Court
allowed you to pay these sums by instalments of commencing on the
day of 19 .]

The issue of a Warrant would increase the amount due by additional costs.

Payment may be made to me within the time allowed at my office at the
above address, or may be sent by post to me at the above address at your own
risk.

A payment made by post must be accompanied by this notice and postage
must be prepaid.

Clerk of Petty Sessions.

To:—

F 77

FORM 77

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(a); Rules 14, 106, 128 and 129)

Warrant of Distress for sum adjudged to be paid by a conviction

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

WHEREAS, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____,
by a Magistrates' Court sitting at _____ against the said
Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ _____ [and for compensation the sum of £ _____] and for costs the sum of £ _____ [by weekly [or monthly] instalments, the first instalment of] the said sum(s) to be paid [forthwith] [not later than the _____ day of _____ 19____], [the sum of £ _____ to be added to the costs if a Warrant is issued,] and that in default of payment the said sum(s) be levied by distress:

And [a notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant] [no notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant because [a Resident Magistrate directed accordingly] [the order was made in the presence of the Defendant or his counsel or solicitor]] and default having been made in payment;

THIS IS TO COMMAND YOU to whom this Warrant is addressed forthwith to make distress of the money and goods of the Defendant; and if the sum stated at the foot of this Warrant, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as Defendant may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named petty sessions district, and if no such distress can be found, to certify the same to the court within [the period of _____ days] [a reasonable time].

F 77 (contd.)

| | |
|-----------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| Cost of Warrant | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

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

This day of

19

To the Superintendent
Division

F 78

FORM 78

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 102(1)(b) and 103; Rules 14 and 128)

Warrant of Commitment for sum adjudged to be paid by a conviction (other than where time is allowed for payment)

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____, against the said Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ _____ [and for compensation the sum of £ _____] and for costs the sum of £ _____ forthwith and in default of payment to be imprisoned in the Prison at _____ unless the said sums be sooner paid;

AND WHEREAS the said order for payment has not been complied with and for the reason that the Defendant—
appeared to have sufficient means to pay the said sums forthwith;
[or, on being asked by the court whether he wished to have time for payment, the Defendant did not ask for time;]
[or, the court was satisfied that he had no fixed abode in Northern Ireland;]
[or
(state other special circumstances)].

F 78 (contd.)

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute the said order against the Defendant as follows:—

To lodge h in the Prison at there to be imprisoned for the period of unless the said sums be sooner paid;

And for this the Present Warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in days]. [within a reasonable time] if not executed.

| | |
|-----------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| Cost of Warrant | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

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

This day of 19

To the Superintendent
Division

F 79

FORM 79

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
 (Sections 101 and 102(1)(b); Rules 14, 106 and 128)

Warrant of Commitment for sum adjudged to be paid by a conviction where
 time for payment allowed

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS, upon the hearing of a complaint that

an order was made on the _____ day of _____
 by a Magistrates' Court sitting at _____
 Defendant to the following effect, viz:—

19 _____
 against the said

Defendant [(not) having admitted the offence charged in the complaint]
 is hereby convicted of the said offence and ordered to pay for fine the sum
 of £ _____ [and for compensation the sum of £ _____]
 and for costs the sum of £ _____ in _____ days and in
 default of payment to be imprisoned in the Prison at _____
 for the period of _____ unless the said sums be sooner paid
 [the sum of £ _____ to be added to the costs if a Warrant is issued].

And [a notice under Rule 106 of the Magistrates' Courts Rules (Northern
 Ireland) 1974 having been served on the Defendant] [no notice under Rule 106
 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served
 on the Defendant because [a Resident Magistrate directed accordingly] [the
 order was made in the presence of the Defendant or his counsel or solicitor]]
 and whereas the said order has not been complied with;

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute
 the said order against the Defendant as follows:—

F 79 (contd.)

To lodge h in the Prison at there to be imprisoned for the period of unless the said sums be sooner paid.

And for this the Present Warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in days] [within a reasonable time] if not executed.

| | |
|-----------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| Cost of Warrant | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

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

This day of 19

To the Superintendent
Division

F 80

FORM 80

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101, 102(1)(b), 113 and 115; Rules 14, 106 and 128)

**Warrant of Commitment where sum adjudged to be paid by a conviction
ordered to be paid by instalments**

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS, upon the hearing of a complaint that

an order was made on the day of
by a Magistrates' Court sitting at
Defendant to the following effect, viz:—

19
against the said

Defendant [(not) having admitted the offence charged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ [and for compensation the sum of £] and for costs the sum of £ and in default of payment to be imprisoned in the Prison at for the period of unless the said sums be sooner paid. Warrant not to issue so long as Defendant pays instalments of commencing on the day of 19 , but in default of payment of the said several instalments or any one of them, the Defendant is to be imprisoned for such period, calculated in accordance with the provisions of section 113(2) of the Magistrates' Courts Act (Northern Ireland) 1964 as would be appropriate, having regard to the above-mentioned period in default of payment of the total sum, unless the sum remaining due be sooner paid. [The sum of £ to be added to the costs if a Warrant is issued.]

F 80 (contd.)

And [a notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant] [no notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant because [a Resident Magistrate directed accordingly] [the order was made in the presence of the Defendant or his counsel or solicitor]] and whereas the Defendant has made default in payment of the said instalments, and there now remains due on foot of the said order the sum of £

THIS IS TO COMMAND YOU to whom this Warrant is addressed, to execute the said order against the Defendant as follows:—

To lodge h in the Prison at , there to be imprisoned for [the period of] [such period, calculated in accordance with the provisions of section 113(2) of the Magistrates' Courts Act (Northern Ireland) 1964, as would be appropriate, having regard to the amount remaining due and to the above-mentioned period in default of payment of the total sums, unless the sum remaining due be sooner paid].

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern. The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in time] if not executed. days] [within a reasonable

| | |
|---------------------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| Cost of Warrant | £ |
| <hr/> | |
| Total | £ |
| Amount paid | £ |
| <hr/> | |
| Balance due | £ |

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

To the Superintendent
Division

F 81 (contd.)

To lodge h in the Prison at
imprisoned for the period of
be sooner paid.

there to be
unless the said sums

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in days] [within a reasonable
time] if not executed.

| | |
|-----------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| Cost of Warrant | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

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

This day of

19

The Superintendent
Division

F 82

FORM 82

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 101 and 102(1)(a) and (c); Rules 14, 106, 128 and 129)

Warrant of Distress and Commitment in default of distress for sum adjudged to be paid by a conviction

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS, upon the hearing of a complaint that

an order was made on the _____ day of _____ 19 _____, against the said Defendant to the following effect, viz:—

Defendant [(not) having admitted the offence alleged in the complaint] is hereby convicted of the said offence and ordered to pay for fine the sum of £ _____ [and for compensation the sum of £ _____] and for costs the sum of £ _____ [by weekly [or monthly] instalments, and the first instalment of] the said sum(s) to be paid [forthwith] [not later than the _____ day of _____ 19 _____], [the sum of £ _____ to be added to the costs if a Warrant is issued,] and the said sum(s) be levied by distress and in default of distress the Defendant to be imprisoned in the Prison at _____ for the period of _____ unless the said sums be sooner paid.

And [a notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant] [no notice under Rule 106 of the Magistrates' Courts Rules (Northern Ireland) 1974 having been served on the Defendant because [a Resident Magistrate directed accordingly] [the order was made in the presence of the Defendant or his counsel or solicitor]] and default having been made in payment [of a balance of £ _____]

FORM 84

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 104; Rule 107).

Notice of supervision of person under twenty-one years

of _____

Complainant

of _____

Defendant

Petty Sessions District of _____

County [Borough] of _____

You, the above-named Defendant, were on the _____ day of _____ 19____, adjudged by a conviction of a Magistrates' Court sitting at _____ to pay the sum(s) shown at the foot hereof and given until the day of _____ 19____, to pay the said sum(s) and were, by order of the court placed under the supervision of _____ until [the said sum(s)] [a balance of _____] be paid or further order be made.

Clerk of Petty Sessions.

This _____ day of _____ 19____

| | |
|-------------------------|---|
| Fine | £ |
| Compensation | £ |
| Costs | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |
| Deduct for part-payment | £ |
| <hr/> | |
| Balance | £ |
| <hr/> | |

To—
Address—

F 85

FORM 85

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 115; Rules 14, 15, 108 and 128)

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

Warrant of Commitment on commission of further Offence during
operational period of Suspended Sentence

of

| | | |
|-------------|---|----------------------------|
| | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the Defendant was on the _____ day of _____ 19 _____, convicted by a Magistrates' Court sitting at _____ for the above-named petty sessions district of the said County [Borough] of the following offence:—

(state shortly particulars of offence) and upon his conviction for the said offence was sentenced to imprisonment for _____ (state period) but the said court made an order that the said sentence of imprisonment should not take effect unless during the period of _____ years from that day the Defendant committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS the said period during which the said sentence should not take effect was by [a Court of Assize for the County [Borough] of _____] [or a County Court for the County Court Division of _____] [or a Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough] sitting at _____ on the _____ day of _____ 19 _____, varied so as to expire on the _____ day of _____ 19 _____];

AND WHEREAS the Defendant was on the _____ day of _____ 19 _____, convicted by [a Court of Assize for the County [Borough] of _____] [or a County Court for the County Court Division of _____] [or a Magistrates' Court for [the petty sessions district of _____ and the County [Borough] of _____] [the above-named petty sessions district and County [Borough] sitting at _____] of the following offence

(state shortly particulars of offence) being an offence punishable with imprisonment committed by the Defendant on the day of 19 , during the said period [as so varied], a Court of Summary Jurisdiction sitting at for the above-named petty sessions district and County [Borough] on the day of 19 , ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment of for the original term].

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

To lodge the Defendant in the Prison at to be imprisoned there for the period of [to commence on the expiration of the term of imprisonment

(give particulars of any term of imprisonment to which the Defendant is liable where the term specified in the present Warrant is ordered to run consecutively to any term imposed by this or any other Court.)]

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

Resident Magistrate
[or Clerk of Petty Sessions].

To the Superintendent
Division

F 86

FORM 86

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 8)

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

Complaint that offender has committed offence punishable with imprisonment during operational period of suspended sentence

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I of
SAY [on oath] that the Defendant was convicted by [a Court of Assize for the above-named County [Borough]] [or a County Court for the County Court Division of in the above-named County [Borough]] [or a Magistrates' Court for the above-named petty sessions district and County [Borough]] sitting at of the following offence:—

(state shortly particulars of offence) and was sentenced to imprisonment for (state period) and that the said Court made an order that the said sentence of imprisonment should not take effect unless during the period of years from the date of conviction the Defendant committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS on the day of 19, the Court sitting at varied the said period during which the said sentence should not take effect so as to expire on the day of 19 ;]

I [SAY] [SWEAR] that on the day of 19, the Defendant was convicted by [a Court of Assize for the County [Borough] of] [or a County Court for the County Court Division of] [or a Magistrates' Court for the petty sessions district of and the County [Borough] of] [or the above-named petty sessions district and County [Borough]] sitting at of the following offence:—

(state shortly particulars of offence) being an offence punishable with imprisonment, committed by the Defendant on the _____ day of _____ 19 _____ during the said period [as so varied].

Complainant
[for Complainant].

Taken before me this _____ day of _____ 19 _____, in the County
[Borough] of _____

Justice of the Peace.

F 87

FORM 87

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 9)

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

Summons on complaint for appearance before Court by which a suspended sentence has been passed

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS a complaint has been made before me that on the _____ day of _____ 19____, you, the said Defendant, were convicted by [a Court of Assize for the above-named County [Borough]] [or a County Court for the County Court Division of _____ in the above-named County [Borough]] [or a Magistrates' Court for the above-named petty sessions district and County [Borough]] sitting at _____ of the following offence:—

(state shortly particulars of offence) and were sentenced to imprisonment for _____ (state period) and that the said Court made an order that the said sentence of imprisonment should not take effect unless during the period of _____ years from the date of such conviction you committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS on the _____ day of _____ 19____, the _____ Court sitting at _____ varied the said period during which the said sentence should not take effect so as to expire on the _____ day of _____ 19____;]

AND WHEREAS the complaint alleges that on the _____ day of _____ 19____, you were convicted by [a Court of Assize for the County [Borough] of _____] [or a County Court for the County Court Division of _____] [or a Magistrates' Court for the petty sessions district of _____ and the County [Borough] of _____] [or the above-named petty sessions district and County [Borough]] sitting at _____ of the following offence:—

(state shortly particulars of offence) being an offence punishable with imprisonment, committed by you on the day of 19 , during the said period [as so varied];

THIS IS TO COMMAND YOU to appear at [the Court of Assize] [or the County Court] [or a Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough]] namely, the Court which passed the said suspended sentence of imprisonment sitting at on the day of 19 , at o'clock in the noon.

Justice of the Peace.

This day of 19 .

To the said Defendant.

F 88

FORM 88

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 14 and 128)

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

Warrant for arrest of person upon whom a suspended sentence
has been passed

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made in writing and on oath that on the _____ day of _____ 19____, the said Defendant was convicted by [a Court of Assize for the above-named County [Borough]] [or a County Court for the County Court Division of _____ in the above-named County [Borough]] [or a Magistrates' Court for the above-named petty sessions district and County [Borough]] sitting at _____ of the following offence:—

(state shortly particulars of offence) and was sentenced to imprisonment for _____ (state period) and that the said Court made an order that the said sentence of imprisonment should not take effect unless during the period of _____ years from the date of such conviction the Defendant committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS the Court on the _____ day of _____ 19____, sitting at _____ varied the said period during which the said sentence should not take effect so as to expire on the _____ day of _____ 19____;]

AND WHEREAS the complainant alleges that on the _____ day of _____ 19____, the Defendant was convicted by [a Court of Assize for the County [Borough] of _____] [or a County Court for the County Court Division of _____] [or a Magistrates' Court for the petty sessions district of _____ and the County [Borough] of _____] [or the above-named petty sessions district and County [Borough]] sitting at _____ of the following offence:—

(state shortly particulars of offence) being an offence punishable with imprisonment, committed by the Defendant on the day of 19 , during the said period [as so varied];

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring him before [[the Court of Assize] [or the County Court] sitting at on the day of 19 , at o'clock in the noon] [or] [forthwith before a Magistrates' Court for the above-named petty sessions district and County [Borough]].

Justice of the Peace.

This day of 19 .

To the Superintendent
Division

NOTE: This form may be endorsed for bail as on Form 4.

F 89

B. Orders in Debt Proceedings

FORM 89

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 112 to 114)

**Enforcement Process under Part VII of the Judgments (Enforcement) Act
(Northern Ireland) 1969**

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Plaintiff |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS the Plaintiff alleges that the sum of £ is now due to him from the Defendant in pursuance of a decree obtained by him against the Defendant in a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [the Petty Sessions District of] on the day of 19 , whereby the Defendant was ordered to pay to the Plaintiff the sum of £ and the sum of £ for costs and witnesses' expenses;

AND WHEREAS no attachment of earnings order is in force;

THE DEFENDANT therefore is hereby required to appear personally before a Court of Summary Jurisdiction for the first-named Petty Sessions District at the hour of o'clock on the day of 19 , to be examined on oath touching the means he has or has had or but for his own default would have had since the date of the decree to satisfy the sum payable in pursuance of the said decree; and also to show cause why an order committing him to prison should not be made against him for default made by him in payment of the above-mentioned sum, or in the alternative, to show cause why an order should not be made against him for payment of the said sum by instalments or otherwise as the court shall direct.

Dated this day of 19 .

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

NOTE: If the amount due, together with the sum of £ for the costs of this process, be paid to the Plaintiff or his Solicitor before the* day of 19 , proceedings will be stayed.

*Insert entry date.

FORM 90

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Rule 112)

Enforcement Order under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at _____ on the day of _____ 19 _____

It appearing to the court that a process was duly served on the Defendant requiring him to appear personally before the above court and to show cause why an order committing him to prison should not be made against him for default made by him in payment of the sum of £ _____ due by him in pursuance of a decree of a Court of Summary Jurisdiction for the [above-named Petty Sessions District] [Petty Sessions District of _____] obtained by the Plaintiff against the Defendant on the _____ day of _____ 19 _____, whereby the Defendant was ordered to pay to the Plaintiff the sum of £ _____ and the sum of £ _____ for costs and witnesses' expenses or, in the alternative, to show cause why an order should not be made against the Defendant for payment of the said sum by instalments or otherwise as the court should direct;

And the Defendant having failed to show cause why an order should not be made and there being no attachment of earnings order in force in respect of the said sum;

IT IS THEREFORE ORDERED by the court that the Plaintiff do recover from the Defendant the said sum of £ _____ together with the sum of £ _____ for costs of this order and witnesses' expenses, by instalments of £ _____ on the _____ day of each of _____, the first of each instalments to be paid on the _____ day of _____ 19 _____.

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

Dated this _____ day of _____ 19 _____

Resident Magistrate [or Clerk of Petty Sessions].

F 91

FORM 91

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 113)

Committal Process under Part VII of the Judgments (Enforcement) Act
(Northern Ireland) 1969

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Plaintiff obtained an enforcement order against the Defendant in the above-named Court [or obtained an instalment order against the Defendant under section 31 of the above-named Act of 1969 from the Enforcement of Judgments Office] on the _____ day of _____ 19____, for the payment of the sum of £ _____ together with the sum of £ _____ for costs and the sum of £ _____ for witnesses' expenses by instalments of £ _____ ;

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

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

THE DEFENDANT is hereby required to appear personally before the Court of Summary Jurisdiction sitting at _____ on the _____ day of 19____, at the hour of _____ o'clock in the _____ noon, to show cause why he should not be committed to prison for default made by him in payment of the said sum or in the alternative for such other order as the court has power to make either under section 75 or section 88 of the said Act.

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the
Plaintiff]
[Address].

NOTE: If the amount in respect of which the Defendant has made default in payment, together with the sum of £ _____ for the costs of this process, be paid to the Plaintiff or his Solicitor before the* _____ day of 19____, further proceedings in respect thereof will be stayed.

*Insert entry date.

FORM 92

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 112 and 113)

Committal Order under Part VII of the Judgments (Enforcement) Act
(Northern Ireland) 1969

of

Plaintiff

Petty Sessions District of

of

County [Borough] of

Defendant

By the Court of Summary Jurisdiction sitting at _____ on
the _____ day of _____ 19 _____

It appearing to the court that a process was duly served on the Defendant requiring him to appear personally before the above-named court to show cause why he should not be committed to prison for default made by him in payment of £ _____ [being the _____ of the instalments due on the _____ day of _____ 19 _____, by] which he was ordered to pay to the Plaintiff [the sum of £ _____] by order of [the said court] [the Court of Summary Jurisdiction sitting at _____] [or the Enforcement of Judgments Office under section 31 of the above Act of 1969] made on the _____ day of _____ 19 _____

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

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

F 92 (contd.)

Dated this day of 19

| | |
|---------------------|-------|
| Amount due . | £ |
| Costs of this order | £ |
| Witnesses' expenses | £ |
| | <hr/> |
| Total . . . | £ |
| | <hr/> |

Resident Magistrate
[or Clerk of Petty Sessions].To the Superintendent
Division

FORM 93

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 120)

Application for the issue of a duplicate decree or dismiss in debt proceedings

of

Plaintiff

Petty Sessions District of

of

County [Borough] of

Defendant

THE DEFENDANT is hereby required to take notice that an application will be made to the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, for the issue of a duplicate of a _____ granted at the said court on the _____ day of _____ 19____, which has been lost [destroyed] [or which has improperly got into the hands of the Defendant or his agent].

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

F 94

C. Orders in Ejectment Proceedings

FORM 94

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 117(1); Rules 115 to 117)

Notice of intention to apply for the issue of Ejectment Decree for overholding

of

Plaintiff

Petty Sessions District of

of

County [Borough] of

Defendant

TAKE NOTICE that an application will be made to the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon for an order authorising the issue of a decree for the recovery of possession of the lands [or premises] situate at _____ granted at the said court on the _____ day of _____ 19____.

The said application will be made on the ground that default has been made by you in payment of the amounts which the court, at the time of the granting of the decree, ordered you to pay. You may, if you so desire, attend at the hearing of the application and make such representations to the court as you think fit.

Dated this _____ day of _____ 19____.

Plaintiff
[or Solicitor for the Plaintiff]
[Address].

To the Defendant.

Copy to the Clerk of Petty Sessions

FORM 95

**MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 120)**

**Application for the Issue of a Duplicate Decree or Dismiss in
Ejectment Proceedings**

of

Plaintiff

Petty Sessions District of

of

Defendant

County [Borough] of

THE DEFENDANT is hereby required to take notice that an application will be made to the Court of Summary Jurisdiction sitting at _____ on the _____ day of _____ 19____, for the issue of a duplicate of a _____ granted at the said court on the _____ day of _____ 19____, which has been lost [destroyed] [or which has improperly got into the hands of the Defendant or his agent].

Dated this _____ day of _____ 19____

Plaintiff
[or Solicitor for the Plaintiff]

F 96

D. Forms used in connection with examination as to means under sections 26 to 29 of Judgments (Enforcement) Act (Northern Ireland) 1969

FORM 96

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 89; Rule 9)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 26(1))

Summons to Judgment Debtor to appear for examination as to means

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS a complaint has been made before me that on the _____ day of _____ 19____, at _____ you, the said Defendant, after service of a custody warrant deeming such of your goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to your means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

THIS IS TO COMMAND YOU to attend in person before a Court of Summary Jurisdiction for the said County [Borough] at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon to be examined as to your means and to produce all books, documents and things in your possession and control relevant to your means and in particular—

(specify books, documents or other things to be produced)

Justice of the Peace.

This _____ day of _____

19____

To the said Defendant.

FORM 97

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159; Rule 14)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 26(2))

Warrant for arrest of Judgment Debtor on failure to appear to or for wilful evasion of service of Summons

Enforcement Officer

| | | |
|----|-------------|------------------------------|
| of | Complainant | } Petty Sessions District of |
| of | | |
| | Defendant | } County [Borough] of |
| | | |

WHEREAS a complaint has been made [on oath, and in writing] that on the _____ day of _____ 19____, at [in the said District and County [Borough]] the Defendant, after service of a custody warrant deeming such of his/her goods as are specified in section 21(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 to be in the custody of the Enforcement of Judgments Office, upon being required under section 21(3) of that Act by the Complainant to answer certain questions as to his/her means did fail or, as the case may be, refuse to answer or to answer satisfactorily such questions;

AND WHEREAS it has been proved on the oath of _____, a Justice of the Peace having jurisdiction in the above-named Petty Sessions District, a summons requiring the Defendant to attend in person for examination as to his/her means by a Court of Summary Jurisdiction at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon and to produce all books, documents and things in his/her possession and control relevant thereto and that the Defendant [was on the _____ day of _____ 19____, duly served with a copy of the said summons and has without just excuse failed to attend at the time and place appointed by the said summons] [is wilfully evading service of the said summons];

F 97 (contd.)

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said _____ of _____ and to bring him/her before a Court of Summary Jurisdiction sitting for the said County [Borough] on the _____ day of _____ 19____, at _____ o'clock in the _____ noon at _____ there to be examined as to his/her means or if it is not practicable to do so before the said Court at the said time and place, to bring him/her before a Justice of the Peace in accordance with section 29(2) of the said Act.

Resident Magistrate
[or Justice of the Peace].

This _____ day of _____

19____.

To the Superintendent
Division

FORM 98.

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159; Rule 14)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 28)

**Warrant of Commitment of Judgment Debtor refusing to be sworn
or to answer or to produce Books, Documents, etc.**

Enforcement Officer

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS the Defendant appeared at _____ on the _____ day of _____ 19____, before a Court of Summary Jurisdiction for the above-named Petty Sessions District in the said County [Borough] [in answer to a summons] [under a warrant of arrest] in order that he/she be examined as to his/her means;

AND WHEREAS the Defendant without just excuse refused [to be sworn] [to answer or answer satisfactorily questions [or a question] relevant to his/her means] [and] [to produce [certain] books [or a book] [document(s)] [or thing(s)]]; in particular—

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to convey the Defendant to Her Majesty's Prison at _____ there to be imprisoned as follows:—until he/she shall be produced before the Court of Summary Jurisdiction for the said County [Borough] at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon unless he/she shall sooner consent [to be sworn] [or to answer the said question(s)] [or to produce the said [book(s)] [document(s)] [or thing(s)]]].

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

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

This _____ day of _____ 19____

To the Superintendent
Division

F 99

FORM 99

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135, 136 and 137; Rule 135)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 29(2)(a))

**Recognizance for appearance before a Court of Summary Jurisdiction
under section 29(2)(a) of the Judgments (Enforcement) Act (Northern
Ireland) 1969**

Enforcement Officer

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend pursuant to] [wilfully evading the service of] a summons requiring him/her to attend before a Court of Summary Jurisdiction acting for the Petty Sessions District of in the said County [Borough] on the day of 19 , in order to be examined as to his/her means;

AND WHEREAS it is not practicable to bring the Defendant before a Court of Summary Jurisdiction acting for the said District within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has thought fit to discharge him/her upon his/her entering into this recognizance;

The undersigned
of

(name and occupation)

(address) the Defendant being the
Principal Party to this recognizance, hereby binds himself/herself to perform the following obligation, viz. to appear before a Court of Summary Jurisdiction sitting at in the said County at o'clock in the noon on the day of 19 .

F 99 (contd.)

And the said Principal Party [together with
and occupation) of _____ and _____
(name and occupation) of _____ suret to this
 recognizance], hereby acknowledge(s) [himself] [herself] [themselves] bound
 to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ _____ [the first-named surety
 the sum of £ _____ and the second-named surety the sum of £ _____]
 in case the said Principal Party fails to perform the foregoing obligation [and
 in lieu of sureties the said Principal Party hereby deposits [the sum of
 £ _____ or other valuable security to the value of that sum] as security
 for the performance of the said obligation].

..... } Principal Party
 } Suret

19 Taken and acknowledged before me this _____ day of _____

Justice of the Peace
 [or Clerk of Petty Sessions].

F 100

FORM 100

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135, 136 and 137; Rule 135)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 29(2)(a))

**Recognizance for appearance before a Designated Officer under
Section 29(2)(a) of the Judgments (Enforcement) Act (Northern
Ireland) 1969**

Enforcement Officer

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend in pursuance of an attendance order directing] [wilfully evading the service of [a summons] [an attendance order] requiring] him/her to attend before an officer of the Enforcement of Judgments Office designated for the purpose under section 5 of the above Act of 1969 at _____ on the _____ day of _____ 19 _____, in order to be examined as to his/her means;

AND WHEREAS it is not practicable to bring the Defendant before such an officer within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has thought fit to discharge him/her upon his/her entering into this Recognizance;

The undersigned _____ (*name and occupation*)
of _____ (*address*) the Defendant being the
Principal Party to this recognizance, hereby binds himself/herself to perform
the following obligation, viz. to appear before such an officer at the Enforcement
of Judgments Office at _____ o'clock in the _____
the _____ day of _____ 19 _____ noon on

F 100 (contd.)

And the said Principal Party [together with (name and occupation) of and (name and occupation) of suret to this recognizance] hereby acknowledge(s) [himself] [herself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said Principal Party fails to perform the foregoing obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ or other valuable security to the value of that sum] as security for the performance of the said obligation].

..... } Principal Party
 } Suret

Taken and acknowledged before me, this 19 day of

Justice of the Peace
 [or Clerk of Petty Sessions]

F 101

FORM 101

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159; Rule 14)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 29(2)(b))

**Warrant of Commitment by Justice of the Peace until Judgment
Debtor can be brought before Court of Summary Jurisdiction**

Enforcement Officer

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend pursuant to] [wilfully evading the service of] a summons requiring him/her to attend before a Court of Summary Jurisdiction acting for the Petty Sessions District of in the said County [Borough] on the day of 19 , in order to be examined as to his/her means;

AND WHEREAS it is not practicable to bring the Defendant before a Court of Summary Jurisdiction acting for the said District within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has ordered him/her to enter a recognizance to appear before such a Court of Summary Jurisdiction;

AND WHEREAS the Defendant refuses to enter into such a recognizance;

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, to convey the Defendant to Her Majesty's Prison at and you, the Governor of the said Prison, to receive the Defendant into the said Prison and keep him/her in custody until he/she can be brought before a Court of Summary Jurisdiction sitting for the said County [Borough] at on the day of 19 , at o'clock in the noon.

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

Justice of the Peace
[or Clerk of Petty Sessions].

This day of

19

To the Superintendent
Division

FORM 102

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159; Rule 14)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969
(Section 29(2)(b))

Warrant of Commitment by Justice of the Peace until Judgment
Debtor can be brought before a Designated Officer

Enforcement Officer

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS the Defendant has been taken into custody upon a warrant of arrest for [failing without just excuse to attend in pursuance of an attendance order directing] [wilfully evading the service of [a summons] [an attendance order] requiring] him/her to attend before an officer of the Enforcement of Judgments Office designated for the purpose under section 5 of the above Act of 1969 at _____ on the _____ day of 19____, in order to be examined as to his/her means;

AND WHEREAS it is not practicable to bring the Defendant before such an officer within twenty-four hours after he/she was so taken into custody and he/she has pursuant to section 29(2) of the Judgments (Enforcement) Act (Northern Ireland) 1969 been brought before a Justice of the Peace for the said County [Borough] who has ordered him/her to enter a recognizance; to appear before such an officer;

AND WHEREAS the Defendant refuses to enter into such a recognizance;

THIS IS THEREFORE TO COMMAND YOU, to whom this warrant is addressed, to convey the Defendant to Her Majesty's Prison at _____ and you, the Governor of the said Prison, to receive the Defendant into the said Prison and keep him/her in custody until he/she can be brought before such an officer. And it is further directed that he/she be brought before such an officer at the Enforcement of Judgments Office at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon.

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

Justice of the Peace
[or Clerk of Petty Sessions].

This day of

19

To the Superintendent
Division

F 103

E. Order for the Payment of Sums (other than on Conviction) made in Proceedings upon complaint

FORM 103

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 109; Rules 14, 128 and 129)

Warrant of Distress for sum (other than a sum adjudged to be paid by a conviction) ordered to be recovered in Proceedings upon Complaint*

| | | |
|----|-------------|----------------------------|
| of | Complainant | Petty Sessions District of |
| of | | County [Borough] of |
| | | Defendant |

WHEREAS upon the hearing of a complaint that

an order was made on the _____ day of _____ 19____ by the Court of Summary Jurisdiction against the said [Complainant] [Defendant] to the following effect, viz.:—

[and to pay the sum of £ _____ and] the sum of £ _____ for costs [[by weekly] [or monthly] instalments, the first instalment of] the said sum(s) to be paid forthwith [not later than the _____ day of 19____] the sum of £ _____ to be added to the costs if a warrant is issued and that in default of payment the said sum(s) be levied by distress;

And default having been made in payment;

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, forthwith to make distress of the money and goods of the [Complainant] [Defendant] and if the sum stated at the foot of this Warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as the [Complainant] [Defendant] may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named petty sessions district, and if no such distress can be found, to certify the same to the court within [the period of _____ days] [a reasonable time].

F 104

FORM 104

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

Order under section 122(4) of the Judgments (Enforcement) Act (Northern Ireland) 1969 directing the Payment of Arrears of Local or other Rate*

Rate Collector of the

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

By the Court of Summary Jurisdiction sitting at on the day of 19 ;

Upon the hearing of a complaint that the Defendant, having been duly served with a six day notice under section 152 of the Grand Jury (Ireland) Act 1836 as modified by section 122(4) of the Judgments (Enforcements) Act (Northern Ireland) 1969, had failed to pay to the Complainant, the duly authorised Rate Collector of his District, the sum of £ being the amount due to the Council as [Poor] [Consolidated] Rate for the [year] [months] commencing on the day of 19 , in respect of rateable property situate at in the said County [Borough]; The court being satisfied as to the truth of the complaint directs the Defendant to pay to the Complainant [the said sum] [the sum of £] and for the costs the sum of £ making a total sum of £

Dated this day of 19 .

Resident Magistrate [or Clerk of Petty Sessions].

| | |
|-----------------|----------|
| Arrears of rate | £ |
| Costs of order | £ |
| Total | £ |

*Not applicable to proceedings commenced after 1st October 1973 (S.R. & O. (N.I.) 1973, No. 47 Art. 2 and Sched. 4).

FORM 105

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1); Rule 8)

Complaint for Arrears under an Order for Periodical Payment enforceable
under Section 110 of the Act

| | | |
|----|-------------|------------------------------|
| of | Complainant | } Petty Sessions District of |
| of | | |
| | Defendant | } County [Borough] of |

I, _____ of _____
SAY [upon oath] that by an order duly made on the _____ day of _____
19____, by a Court of Summary Jurisdiction held [in and for the said Petty
Sessions District and County [Borough] [as varied on _____]

_____ (name and occupation)
(hereinafter called "the Defendant") [was
adjudged to be the putative father of an illegitimate child of which
_____ was the mother, and was ordered to pay the
_____ weekly sum of £ _____ for the maintenance and education of the
said child from the _____ day of _____ 19____, until the
said child should attain the age of _____ years or, if he/she should
die under that age, until the date of his/her death] [was ordered to pay for the
maintenance of _____, his wife, and her _____ children
of the marriage committed to her custody, a weekly sum of £ _____]
[was ordered to pay the sum of £ _____ [per week] [per month] to
_____ under [[a contribution order under section 156] [an arrears order
under section 157] of the Children and Young Persons Act (Northern Ireland)
1968]] [an order under section 24 of the Supplementary Benefits &c. Act
(Northern Ireland) 1966] [an order under Article 101 of the Health and
Personal Social Services (Northern Ireland) Order 1972]] and the sum of
£ _____ for costs;

And that the payments directed to be made by the said order have not been
made according thereto by the Defendant and that there is now in arrear for
the same the sum of £ _____, being the amount due under the order until
the _____ day of _____ 19____, [including the said sum for
costs] [and the Complainant has been requested in writing by _____ to
proceed in his/her name as collecting officer for the recovery of the said sums].

F 105 (contd.)

And the Complainant prays that [a summons may issue against] [a warrant may issue for the arrest of] the Defendant.

Complainant
[for Complainant].

| | | |
|--------------------|---|-------|
| Arrears due . . . | £ | |
| Costs due . . . | £ | |
| Total . . . | £ | <hr/> |

Taken and sworn before me this day of 19

Justice of the Peace.

FORM 106

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1)(a); Rule 9)

Summons for Arrears under an Order for Periodical Payment enforceable
under Section 110 of the Act

| | | |
|----|-------------|----------------------------|
| of | Complainant | Petty Sessions District of |
| of | | County [Borough] of |
| | Defendant | |

WHEREAS a complaint has been made [upon oath] on the _____ day
of _____ 19____, by _____
of _____ (hereinafter called "the Complainant")
that by an order duly made on the _____ day of _____ 19____,
by a Court of Summary Jurisdiction [held in and for the said Petty Sessions
District and County [Borough]] [as varied on _____]
[you were adjudged to be the putative father of an illegitimate child of which
_____ was the mother, and were ordered to pay the
weekly sum of £ _____ for the maintenance and education of the
said child from the _____ day of _____ 19____, until the said
child should attain the age of _____ years or if he/she should die
under that age, until the date of his/her death] [you, the husband
of _____ were ordered to pay for the main-
tenance of _____ and her children of the marriage
committed to her custody a weekly sum of £ _____] [you were
ordered to pay the sum of £ _____ [per week] [per month]
to _____ under [[a contribution order under section 156] [an
arrears order under section 157] of the Children and Young Persons Act
(Northern Ireland) 1968] [an order under section 24 of the Supplementary
Benefits &c. Act (Northern Ireland) 1966] [an order under Article 101 of the
Health and Personal Social Services (Northern Ireland) Order 1972]] and the
sum of £ _____ for costs;

And that the payments directed to be made by the said order have not
been made according thereto by you, and that there is now in arrear for the
same the sum of £ _____ being the amount due under the order until
the _____ day of _____ 19____, [(including the said sum for
costs)].

F 106 (contd.)

THIS IS THEREFORE TO COMMAND YOU to appear as a Defendant on the hearing of the said complaint at the Petty Sessions Courthouse, on the day of 19 , at o'clock in the noon before such Resident Magistrate as shall be there, to show cause why an order should not be made against you in respect of the said sums.

Justice of the Peace.

| | |
|-------------------|-------|
| Arrears due . . . | £ |
| Costs due . . . | £ |
| | <hr/> |
| Total . . . | £ |
| | <hr/> |

This day of 19 .

To the said Defendant.

FORM 107

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(1)(b); Rules 14 and 128)**Warrant of Arrest for arrears under an Order for Periodical Payment
enforceable under Section 110 of the Act**

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS a complaint has been made on oath and in writing on the day of 19 , by (hereinafter called "the Complainant") that by an order duly made on the day of 19 , by a Court of Summary Jurisdiction [held in and for the said Petty Sessions District and County [Borough]] [as varied on of (hereinafter called "the Defendant")] [was adjudged to be the putative father of an illegitimate child of which was the mother and was ordered to pay the weekly sum of for the maintenance and education of the said child from the day of 19 , until the said child should attain the age of years or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of his wife, and her children of the marriage committed to her custody, a weekly sum of £] [was ordered to pay the sum of £ [per week] [per month] to under [[a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ for costs;

And that the payments directed to be made by the said order have not been made according thereto by him and that there is now in arrear for the same the sum of £ , being the amount due under the said order [(including the said sum for costs)].

FORM 108

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 110(3), 135, 136 and 137; Rule 135)

Recognizance for appearance before a Resident Magistrate under Section 110
of the Act

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | | Complainant |
| | } | |
| of | | |
| | | County [Borough] of |
| | | Defendant |

WHEREAS the Defendant has been taken into custody upon a warrant of arrest for failing to comply with an Order made by the Court of Summary Jurisdiction [acting for the Petty Sessions District of _____ in the said County] on the _____ day of _____ 19____, whereby he was ordered to pay certain sums as therein set forth.

AND WHEREAS it is not practicable to bring the Defendant before a Resident Magistrate within twenty-four hours after he has been so taken into custody, and he has, pursuant to section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 been brought before a Justice of the Peace for the said County, who has thought fit to discharge him upon his entering into this recognizance.

The undersigned _____ (name and occupation)
of _____, the Defendant,
being the Principal Party to this recognizance, hereby binds himself to perform the following obligation, viz., To appear before a Resident Magistrate at _____ in the said County at _____ o'clock in the _____ noon on the _____ day of _____ 19____.

And the said Principal Party [together with _____ (name and occupation)]

F 108 (contd.)

of _____ and _____ (name and occupation)

of _____ suret to this recognizance], hereby acknowledge(s) [himself] [themselves] bound to forfeit to the Crown the sums following, namely:—

The said Principal Party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said Principal Party fails to perform the foregoing obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ or other valuable security to the value of that sum] as security for the performance of the said obligation].

| | |
|-------|--------------------|
| | } Principal Party. |
| | |
| | |

} Suret

Taken and acknowledged before me, this _____ day of _____ 19 _____

Justice of the Peace
[or Clerk of Petty Sessions].

F 110

FORM 110

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(3))

**Endorsement of Consent to release on Bail upon Warrant of Commitment
until Defendant can be brought before a Resident Magistrate**

Petty Sessions District of
County [Borough] of

WHEREAS on the _____ day of _____ 19____, the within-named Defendant _____ was committed to the Prison at _____ as stated within, I hereby consent to the said Defendant _____ being bailed by Recognizance _____ himself in the sum of _____ [and _____ suret _____ in the sum of _____ each] [or accompanied by a deposit of £ _____ or other valuable security to the value of that sum in lieu of sureties].

Justice of the Peace,

This _____ day of _____ 19____

FORM 111

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 110(4)(a); Rules 14, 128 and 129)

Warrant of Distress (where Summons issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of _____
 Complainant
 of _____
 Defendant
 Petty Sessions District of _____
 County [Borough] of _____

WHEREAS a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County [Borough]] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____ and her children of the marriage committed to her custody, a weekly sum of £ _____] [was ordered to pay the sum of _____ [per week] [per month] to _____ under [[a contribution order under section 156] [or an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not been made according thereto by him, and that there is now in arrear for the same the sum of £ _____, being the amount due under the said Order [(including the said sum for costs)];

AND WHEREAS a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction acting for the said Petty Sessions District to show cause why an order should not be made against him in respect of the said sum. And the Defendant [having duly appeared, and not having shown any cause why the said sums should not be paid] [having failed to

F 111 (contd.)

appear and proof having been given that the summons was duly served on him], and the sum of £ duly appearing to the Court upon oath to be due by the Defendant under the said Order, an Order was made by the Court on the day of 19 , to the following effect:—

IT IS HEREBY ORDERED that the sum of £ , together with the further sum of £ , being costs incurred upon the last-mentioned proceedings at the making of this Order, and the sum of £ for the costs of issue of this warrant (both such last-mentioned sums being hereinafter referred to as the "costs of enforcement") be levied by distress of the Defendant's money and goods and sale of his goods.

THIS IS THEREFORE TO COMMAND YOU, to whom this Warrant is addressed, unless the said sums be sooner paid, to execute the said Order against the Defendant as follows:—

To levy forthwith the said sums by distress of his money and goods and the sale of his goods, the sums levied to be paid to the Clerk of Petty Sessions for the said District.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

And I further command you to make return to this Warrant on the day of 19 , to a Resident Magistrate at

| | |
|-----------------------|---|
| Arrears due | £ |
| Costs due | £ |
| Costs of Enforcement | £ |
| <hr/> | |
| Total | £ |
| <hr/> | |

Resident Magistrate
[or Clerk of Petty Sessions].

This day of 19 .

To the Superintendent
Division

FORM 112

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 110(4)(a); Rules 14, 128 and 129)

Warrant of Distress (where Warrant of Arrest is issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of

Petty Sessions District of

Complainant

of

County [Borough] of

Defendant

WHEREAS a complaint has been made on oath on the day of
 19 , by the above-named Complainant, that by an Order duly made on
 the day of 19 , by a Court of Summary
 Jurisdiction [acting for the said Petty Sessions District and County [Borough]]
 [as varied on] the above-named Defendant [was adjudged
 to be the putative father of an illegitimate child of which
 was the mother, and was ordered to pay the weekly sum of £
 for the maintenance and education of the said child from the day
 of 19 , until the said child should attain the age
 of years, or if he/she should die under that age, until
 the date of his/her death] [was ordered to pay for the maintenance
 of , his wife, and her children of the
 marriage committed to her custody, a weekly sum of £
 [was ordered to pay the sum of £ [per week] [per month]
 to under [[a contribution order under section 156] [an
 arrears order under section 157] of the Children and Young Persons Act
 (Northern Ireland) 1968] [an order under section 24 of the Supplementary
 Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of
 the Health and Personal Social Services (Northern Ireland) Order 1972]] and
 the sum of £ for costs;

And that the payments directed to be made by the said Order have not
 been made according thereto by him, and that there is now in arrear for the
 same the sum of £ , being the amount due under the said Order
 [(including the said sum for costs)];

AND WHEREAS by Warrant issued in pursuance of section 110 of the
 Magistrates' Courts Act (Northern Ireland) 1964 the Superintendent of the
 Royal Ulster Constabulary to whom the Present Warrant is addressed was
 commanded forthwith to apprehend the Defendant and convey him before a
 Resident Magistrate, acting in and for the said County, to answer to the said
 complaint and be dealt with according to law. And the Defendant, being

F.112 (contd.)

brought before a Resident Magistrate, as aforesaid, to show cause why the said sum should not be paid, and the sum of £ duly appearing upon oath to be due by the Defendant under the said Order, an Order was made on the day of 19 , to the following effect:—

IT IS HEREBY ORDERED that the sum of £ together with the further sum of £ , being costs incurred upon the last-mentioned proceedings at the making of this Order and the sum of £ for the costs of issue of this Warrant (both such last-mentioned sums being hereinafter referred to as the "costs of enforcement"), be levied by distress of the Defendant's money and goods and sale of his goods.

THIS IS THEREFORE TO COMMAND YOU, to whom this Warrant is addressed, unless the said sums be sooner paid, to execute the said Order against the Defendant as follows:—To levy forthwith the said sums by distress of his money and goods and the sale of his goods, the sums levied to be paid to the Clerk of Petty Sessions for the said District.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

AND I FURTHER COMMAND YOU to make return to this Warrant on the day of 19 , to a Resident Magistrate at

To the Superintendent
Division

| | |
|----------------------|---|
| Arrears due | £ |
| Costs due | £ |
| Costs of Enforcement | £ |
| Total | £ |

Resident Magistrate
[or Clerk of Petty Sessions]

This day of 19 .

To the Superintendent
Division

FORM 113

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(b); Rules 14 and 128)

Warrant to arrest (detain) defendant and keep him in Custody pending return to Distress Warrant (where Summons issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | | Complainant |
| of | } | County [Borough] of |
| | | |
| | | Defendant |

WHEREAS a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County [Borough]] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to _____ under [[a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c, Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not been made according thereto by him, and that there is now in arrear for the same the sum of £ _____, being the amount due under the said Order [(including the said sum for costs)];

AND WHEREAS a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction acting for the said Petty Sessions District to show cause why an Order should not be made against him in respect of the said sums. And the Defendant [having duly appeared, and not having shown any cause why the said sums should not be paid] [having failed to appear and proof having been given that the summons was duly served on him] and the sum of £ _____ duly appearing to the court upon oath to be

F 113 (contd.)

due by the Defendant under the said Order, an Order was made by the court on the day of 19 , to the following effect:—It is hereby ordered that the sum of £ together with the further sum of £ being costs incurred upon the last-mentioned proceedings at the making of this Order, and the sum of £ for the costs of issue of this warrant (both such last-mentioned sums being hereinafter referred to as the "costs of enforcement"), be levied by distress of the Defendant's money and goods and the sale of his goods.

AND WHEREAS a Warrant of Distress has been issued in pursuance of the said Order, and the Defendant [not being present and] not having entered a recognizance to the satisfaction of the court for his appearance on the day appointed for the return to the Warrant, namely the day of 19 , an Order was made on the day of 19 , to the following effect:—It is ordered that a Warrant do issue commanding the Superintendent of the Royal Ulster Constabulary at to [arrest and] detain the Defendant and lodge him in the Prison at to be there kept in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the following recognizance for his appearance at the time and place aforesaid:—

THIS IS THEREFORE TO COMMAND YOU, to whom this Warrant is addressed, to [arrest and] detain the Defendant and lodge him in the Prison at and you, the Governor of the said Prison, to receive the Defendant and keep him in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the before-mentioned recognizance for his appearance at the time and place aforesaid.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

| | |
|----------------------|---|
| Arrears due | £ |
| Costs due | £ |
| Costs of Enforcement | £ |
| <hr/> | |
| Total | £ |

Resident Magistrate
[or Clerk of Petty Sessions].

This day of

19

To the Superintendent
Division

FORM 114

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(4)(b); Rules 14 and 128)

Warrant to detain Defendant and keep him in Custody pending return to
Distress Warrant (where Warrant of Arrest issued) for Arrears under an
Order for Periodical Payment enforceable under Section 110 of the Act

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS a complaint has been made on oath on the _____ day of
 19____, by the above-named Complainant, that by an Order duly made on
 the _____ day of _____ 19____, by a Court of Summary Jurisdiction
 [acting for the said Petty Sessions District and County [Borough]] [as varied
 on _____] the above-named Defendant [was adjudged to be
 the putative father of an illegitimate child of which _____ was
 the mother, and was ordered to pay the weekly sum of £ _____ for the
 maintenance and education of the said child from the _____ day of
 19____, until the said child should attain the age of _____ years, or if he/she
 should die under that age, until the date of his/her death] [was ordered to pay
 for the maintenance of _____, his wife, and her children of the
 marriage committed to her custody, a weekly sum of £ _____] [was ordered
 to pay the sum of £ _____ [per week] [per month] to
 under [[a contribution order under section 156] [an arrears order under section.
 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an
 order under section 24 of the Supplementary Benefits &c., Act (Northern
 Ireland) 1966] [an order under Article 101 of the Health and Personal Social
 Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not
 been made according thereto by him, and that there is now in arrear for the
 same the sum of £ _____ being the amount due under the said Order [(includ-
 ing the said sum for costs)];

AND WHEREAS by Warrant issued under section 110 of the Magistrates'
 Courts Act (Northern Ireland) 1964 the Superintendent of the Royal Ulster
 Constabulary to whom the Present Warrant is addressed was commanded
 forthwith to apprehend the Defendant and convey him before a Resident
 Magistrate acting in and for the said County to answer to the said complaint
 and be dealt with according to law. And the Defendant being brought before
 a Resident Magistrate as aforesaid, to show cause why the said sums should
 not be paid, and not having shown any cause why the same should not be paid,

F 114 (contd.)

and the sum of £ duly appearing on oath to be due by the Defendant under the said Order, an Order was made on the day of 19 , to the following effect:—IT IS HEREBY ORDERED that the sum of £ together with the further sum of £ , being costs incurred upon the last-mentioned proceedings at the making of this Order and the sum of £ for the costs of issue of this warrant (both such last-mentioned sums being hereinafter referred to as the "costs of enforcement"), be levied by distress of the Defendant's money and goods and the sale of his goods.

AND WHEREAS a Warrant of Distress has been issued in pursuance of said Order, and the Defendant not having entered a recognizance to the satisfaction of the Resident Magistrate for his appearance on the day appointed for the return to the Warrant, namely the day of 19 , an Order was made on the day of 19 , to the following effect:—It is ordered that a Warrant do issue commanding the Superintendent of the Royal Ulster Constabulary at to detain the Defendant and to lodge him in the Prison at to be there kept in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the following recognizance for his appearance at the time and place aforesaid:—

THIS IS THEREFORE TO COMMAND YOU, to whom this Warrant is addressed, to detain the Defendant and to lodge him in the Prison at and you, the Governor of the said Prison, to receive the Defendant and keep him in custody until the day of 19 , and then have him brought before a Resident Magistrate at unless he shall enter the before-mentioned recognizance for his appearance at the time and place aforesaid.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

| | |
|------------------------|-------|
| Arrears due | £ |
| Costs due | £ |
| Costs of Enforcement £ | |
| | <hr/> |
| Total | £ |
| | <hr/> |

Resident Magistrate
[or Clerk of Petty Sessions].

This day of 19

To the Superintendent
Division

F 115 (contd.)

The said Principal Party the sum of £ [the first-named surety
the sum of £ and the second-named surety the sum of £]
in case the said Principal Party fails to perform the foregoing obligation [and
in lieu of sureties the said Principal Party hereby deposits [the sum of
£ or other valuable security to the value of that sum] as security
for the performance of the said obligation].

| | |
|-------|--------------------|
| | } Principal Party. |
| | |
| | |

Taken and acknowledged before me this day of 19 .

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

FORM 115

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 110(4)(b), 135, 136 and 137; Rule 135)

Recognizance for Appearance at return to Warrant of Distress issued under
Section 110 of the Act

| | | |
|----|-------------|----------------------------|
| of | Complainant | Petty Sessions District of |
| of | Defendant | County [Borough] of |

WHEREAS a complaint was made that the Defendant did fail to comply with an Order made at the Court of Summary Jurisdiction [acting for the Petty Sessions District of _____ in the said County] on the _____ day of _____ 19____, whereby he was ordered to pay certain sums of money as therein set forth.

AND WHEREAS upon the hearing of the said complaint it was ordered that a Warrant of Distress be issued to recover by distress of the Defendant's money and goods and the sale of his goods the sum of £ _____ due upon the said Order, together with the further sum of £ _____ for costs attending such complaint and the making of the Order, and it was further ordered that return be made to the said Warrant on the _____ day of _____ 19____.

The undersigned

_____ (name and occupation)
of _____, the Defendant, being the
Principal Party to this Recognizance, hereby binds himself to perform the
following obligation, viz., To attend and appear before the Resident Magistrate
sitting at _____ in the said County [Borough] at _____ o'clock
on the _____ day of _____ 19____, being the
day appointed for the return to the Warrant of Distress as aforesaid.

And the said Principal Party [together with

_____ (name and occupation)
of _____ and _____ (name and occupation)

of _____, suret to this Recognizance] hereby
acknowledge(s) [himself] [themselves] bound to forfeit to the Crown the sums
following, namely:—

FORM 116

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(5); Rules 14 and 128)Warrant of Commitment in default of Distress (where Summons issued) for
Arrears under an Order for Periodical Payment enforceable under Section
110 of the Act

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

WHEREAS a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age; until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to _____ under [a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____, being the amount due under the said Order [(including the said sum for costs)];

AND WHEREAS a summons was issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 commanding the Defendant to appear before the Court of Summary Jurisdiction for the said Petty Sessions District to show cause why an Order should not be made against him in respect of the said sums. And the Defendant [having duly appeared and not

FORM 117

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 110(5); Rules 14 and 128)

Warrant of Commitment in Default of Distress (where Warrant of Arrest issued) for Arrears under an Order for Periodical Payment enforceable under Section 110 of the Act

of
 Complainant
 of
 Defendant

Petty Sessions District of
 County [Borough] of

WHEREAS a complaint has been made upon oath on the _____ day of _____ 19____, by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____, by a Court of Summary Jurisdiction [acting for the said Petty Sessions District and County] [as varied on _____] the above-named Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____ his wife, and her children of the marriage committed to her custody, a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to _____ under [[a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____, being the amount due under the said Order [(including the said sum for costs)];

AND WHEREAS by Warrant issued under section 110 of the Magistrates' Courts Act (Northern Ireland) 1964 the Superintendent of the Royal Ulster Constabulary to whom the Present Warrant is addressed was commanded forthwith to apprehend the Defendant and convey him before a Resident Magistrate acting in and for the said County to answer to the said complaint and be dealt with according to law. And the Defendant being brought before

F 117 (contd.)

a Resident Magistrate as aforesaid to show cause why the said sum should not be paid, and not having shown any cause why the same should not be paid, and the sum of £ duly appearing upon oath to be due by the Defendant under the said Order. It was ordered by the said Resident Magistrate on the day of 19 , that the said sum of £ together with the further sum of £ for the costs incurred upon the last-mentioned proceedings at the making of the Order and the sum of £ for the costs of the issue of the warrant of distress (both such last-mentioned sums being hereinafter referred to as the "costs of enforcement"), be forthwith levied by distress of the Defendant's money, goods and chattels and sale of his goods and chattels.

[AND WHEREAS upon the return to the Warrant of Distress issued for the recovery of the said sums it appears that no sufficient distress can be had wherewith to satisfy the said sums] [And whereas upon the admission of the Defendant it appears that no sufficient distress can be had wherewith to satisfy the said sums and no Warrant of Distress has been issued] the court ordered that the Defendant be imprisoned for the period of month(s).

THIS IS THEREFORE TO COMMAND YOU, to whom this Warrant is addressed, to convey the Defendant to the Prison at and this is also to command you, the Governor of the said Prison, to receive the Defendant into the said Prison and to imprison him there for the period of month(s) unless the said sum and costs [and the sum of £ , being the reasonable expenses attending the distress] be sooner paid and satisfied.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

| | |
|----------------------|-------|
| Arrears due . . . | £ |
| Costs due . . . | £ |
| Costs of Enforcement | £ |
| | <hr/> |
| Total . . . | £ |
| | <hr/> |

Resident Magistrate
[or Clerk of Petty Sessions].

This day of

19

To the Superintendent
Division

FORM 118

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(7); Rule 9)

Summons under Section 110 of the Act to attach Pension or Income

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | | County [Borough] of |
| | } | Defendant |

WHEREAS a complaint has been made to me by the above-named Complainant, that by an Order duly made on the _____ day of _____ 19____ by a Court of Summary Jurisdiction [held in and for the said Petty Sessions District and County [Borough]] [as varied on _____] [you were adjudged to be the putative father of an illegitimate child of which _____ was the mother and were ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [you were ordered to pay for the maintenance of your wife, and her children of the marriage committed to her custody a weekly sum of £ _____] [you were ordered to pay the sum of £ _____ [per week] [per month] to _____ under [[a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And that the payments directed to be made by the said Order have not been made according thereto by you and that there is now in arrear for the same the sum of £ _____, being the amount due under the Order [(including the said sum for costs)] and there is payable to you a certain pension [or income] capable of being attached, namely:—

(insert particulars).

THIS IS THEREFORE TO COMMAND YOU to appear as a Defendant on the hearing of the said complaint at the Petty Sessions Courthouse on the _____ day of _____ 19____, at _____ o'clock in the _____ noon before such Resident Magistrate as shall be there, to show cause why an Order should not be made that the sum of £ _____ or such part thereof as the court may order be attached out of the said pension (or income).

FORM 119

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 110(7))

Order under Section 110 of the Act to attach Pension or Income

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS an Order was made by the court on the _____ day of _____ 19 _____ [as varied on _____] whereby the Defendant [was adjudged to be the putative father of an illegitimate child of which _____ was the mother, and was ordered to pay the weekly sum of £ _____ for the maintenance and education of the said child from the _____ day of _____ 19 _____, until the said child should attain the age of _____ years, or if he/she should die under that age, until the date of his/her death] [was ordered to pay for the maintenance of _____, his wife, and the children of the marriage committed to her custody a weekly sum of £ _____] [was ordered to pay the sum of £ _____ [per week] [per month] to _____ under [[a contribution order under section 156] [an arrears order under section 157] of the Children and Young Persons Act (Northern Ireland) 1968] [an order under section 24 of the Supplementary Benefits &c., Act (Northern Ireland) 1966] [an order under Article 101 of the Health and Personal Social Services (Northern Ireland) Order 1972]] and the sum of £ _____ for costs;

And a complaint has been made that the payments directed to be made by the said Order have not been made according thereto by him and that there is now in arrear for the same the sum of £ _____ [(including the said sum for costs)].

AND WHEREAS it appears to the court that there is payable to the Defendant a certain pension (or income) capable of being attached, namely:—

(insert particulars).

AND WHEREAS the court is satisfied after giving the Defendant an opportunity of being heard that he has without reasonable cause made default in payment under the said Order and that there is now due thereunder the sum of £ _____

F 119. (contd.)

IT IS ORDERED that the sum of £ be attached out of the said pension (*or* income) and paid [to the Complainant personally] [for the use of the Complainant to the Clerk of Petty Sessions for the said District] [to on her behalf] in accordance with the terms of the said Order.

And it is further ordered that the Defendant do pay to the Complainant [through the Clerk of Petty Sessions for the said District] the sum of £ for the costs incurred in obtaining this Order.

| | | |
|----------------------|---|---|
| Arrears due | . | £ |
| Costs due | . | £ |
| Costs of Enforcement | | £ |
| <hr/> | | |
| Total | . | £ |
| <hr/> | | |

.....
Resident Magistrate

This day of

19

WITNESSES AND EVIDENCE

FORM 120

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 120(1); Rule 9)

Summons to Witness

of

| | | |
|---|---|----------------------------|
| Complainant [or Plaintiff] [or Appellant] [or Applicant] | } | Petty Sessions District of |
| Defendant [or Respondent] | } | County [Borough] of |

of

WHEREAS [a [Complaint has been made] [Process has been issued by the Plaintiff claiming] that the Defendant] [or a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

AND WHEREAS I am satisfied that you are able to give material evidence on behalf of the and or produce a document or thing; namely:—

THIS IS TO COMMAND YOU to appear as witness before a Magistrates' Court at on the day of 19 at o'clock in the noon, [and there produce the said document or thing].

Justice of the Peace.

This day of 19

To:—
of

F 121

FORM 121

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(2))

Affidavit that it is probable that a person will not attend as Witness at a Preliminary Investigation

of

Complainant } Petty Sessions District of

of

Defendant } County [Borough] of

WHEREAS a complaint has been made on oath and in writing that the Defendant

I (if member of Royal Ulster Constabulary state rank) SAY ON OATH that I believe that it is probable that of

being required as a witness at a preliminary investigation into such complaint will not attend such investigation and I therefore pray that a Warrant be issued for his arrest.

Deponent. Sworn before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____

Justice of the Peace.

FORM 122

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(2); Rules 14 and 128)

Warrant for Arrest of Witness required at Preliminary Investigation

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

WHEREAS a complaint has been made on oath and in writing that the Defendant

AND WHEREAS oath has been made that of can give material evidence at a preliminary investigation into the said complaint but will not attend voluntarily.

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This day of 19

To the Superintendent
Division

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

F 123

FORM 123

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(3))

Affidavit where Witness has failed to appear in answer to a Summons

| | | |
|----|---|----------------------------|
| of | Complainant [or Plaintiff] [or Appellant] [or Applicant] | Petty Sessions District of |
| of | Defendant [or Respondent] | County [Borough] of |

WHEREAS [a [Complaint has been made] [Process has been issued by the Plaintiff claiming] that the Defendant] [or a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

I SAY ON OATH that I caused
of
being a material witness to be summoned to attend before a Magistrates' Court sitting at on the day of 19,
at o'clock in the noon and that he did not attend* in answer to the summons and no just excuse was shown for such failure to attend.

Sworn before me this day
of 19, at
Deponent in the County
[Borough] of

Justice of the Peace.

*See Affidavit of Service, Form 165.

FORM 124

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 120(3); Rules 14 and 128)

Warrant for arrest of Witness on failure to appear to Summons, etc.

| | | |
|----|---|----------------------------|
| of | Complainant [or Plaintiff] [or Appellant] [or Applicant] | Petty Sessions District of |
| of | Defendant [or Respondent] | County [Borough] of |

WHEREAS [a [Complaint has been made] [Process has been issued by the Plaintiff claiming] that the Defendant] [or a Notice of [Appeal] [Application] to a Magistrates' Court of the said County [Borough] has been duly served].

AND WHEREAS it has been proved by the oath of that of a material witness was duly summoned to attend before a Magistrates' Court sitting at on the day of 19 [and on the oath of that the said was on the day of 19, duly served with a copy of the summons*].

AND WHEREAS the said [failed to attend at the time and place appointed by the said summons] [is evading service of the summons] and no just excuse has been offered for h failure to attend.

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring h before a Magistrates' Court of the said County [Borough].

Justice of the Peace.

This day or 19

To the Superintendent
Division

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

*See Affidavit of Service, Form 165.

F 125

FORM 125

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 122; Rules 14 and 128)

Warrant of Commitment of Witness refusing to be sworn or to testify
or produce Document or Thing

of

Complainant
[or Plaintiff]
[or Appellant]
[or Applicant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

WHEREAS [a [Complaint has been made] [Process has been issued by the
Plaintiff claiming] that the Defendant] [or a Notice of [Appeal] [Application]
to a Magistrates' Court of the said County [Borough] has been duly served].

AND WHEREAS of
a material witness has, without just excuse, refused to [make oath as a witness]
[answer certain questions] [and or to produce a certain document or thing].

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to convey
the said to the Prison at
there to be imprisoned as follows:— Until he shall be produced before the
Magistrates' Court at on the day
of 19, at o'clock in the noon
unless he shall in the meantime consent [to be sworn] [or to answer the said
questions] [or to produce the said document or thing].

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

Justice of the Peace.

This day of

19

To the Superintendent
Division

FORM 126

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 125(a))

Certificate of [Clerk of Petty Sessions] [Collecting Officer] of non-payment
of sums ordered to be paid

I HEREBY CERTIFY that the payments due to me on behalf of

from

under an Order made by the Court of Summary Jurisdiction sitting at
on the day of 19
under the

(state Act under which the Order was made)

have not been made to me in full, and that there is now in arrear the sum of
£ in respect of [periodical payments [or instalments] due up
to and including the day of 19].

This day of 19

Clerk of Petty Sessions [Collecting Officer] of

F 127

FORM 127

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 134)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT
(NORTHERN IRELAND) 1968
(Section 1)

**Statement of Witness to be tendered in evidence under section 1 of the
Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968**

Name of Witness

Age (*if over 21 say "over 21"*)

Occupation

Address

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

This _____ day of _____ 19 _____

Signature of Witness.

[(For use only where witness cannot read)]

The said witness being unable to read the above statement, I _____ of _____ read it to h _____ before he/she signed it and he/she assented to it in accordance with section 1(4)(b) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.

This _____ day of _____ 19 _____

Reader.]

NOTE: Whenever possible statements should be on paper measuring approximately 12" x 8". If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the Clerk of Petty Sessions; and each page should have a wide margin on the left.

FORM 128

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 134)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT
(NORTHERN IRELAND) 1968
(Section 1)

Notice by Complainant of intention to tender written statement at
summary trial

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

The purpose of this notice is to inform you that the Complainant intends at the sitting of the Magistrates' Court at for the said Petty Sessions District and the said County [Borough] on the day of 19 , to tender the written statement(s) of the following witness(es), namely—

to which this notice is appended [together with the following copy/copies of documentary exhibit(s)—

(here list any documentary exhibits)

referred to in the statement(s) of the witness(es)

[The following is a list of exhibits (other than the documentary exhibits referred to above) which will be produced or are referred to in the written statement(s) of the witness(es), namely—

1.

Any of the exhibits referred to in this notice may be inspected by you at between the hour of and the hour of

F 128 (contd.)

You have the right to inspect every exhibit by yourself or in consultation with your solicitor or in consultation with your solicitor and any expert witness you may wish to call at the hearing before the Court.

You have the right to object to the written statements of the witness(es) being tendered in evidence at the hearing and, if you do so, you should give notice of your objection within seven days of receiving this notice and the written statements attached hereto in order to avoid any adjournment of the Court and so that the complainant can secure the attendance of the witness(es) at the time of the hearing.

This day of 19

Complainant
[for Complainant]

To (*name of Defendant*)

at (*address*)

and to the Clerk of Petty Sessions

at

RECOGNIZANCES AND FORMS USED IN CONNECTION THEREWITH

FORM 129

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Sections 54 and 135 to 138; Rules 135 to 138)

Recognizance to appear before a Magistrates' Court

of Complainant of Defendant Petty Sessions District of County [Borough] of

WHEREAS a complaint was made that

the undersigned (name and occupation) of [Borough] of in the County, the Principal Party to this Recognizance, hereby binds self to perform the following Obligation, viz., to appear personally before a Magistrates' Court at on the day of 19, at o'clock in the noon [and to appear personally at every time and place to which during the course of proceedings the hearing of the said complaint may from time to time be adjourned and not to depart the Court without leave].

And the said Principal Party [together with (name and occupation) of in the County [Borough] of and (name and occupation) of in the County [Borough] of sureties] hereby acknowledge(s) the Crown the sum(s) following, viz:— the undersigned bound to forfeit to

The said Principal Party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

F 129 (contd.)

| | | |
|-------|---|------------------|
| ..... | } | Principal Party. |
| ..... |  | Suret . |
| | | |

at Taken before me this day of 19 ,

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]
 [or Governor/Deputy Governor of Prison].

FORM 130

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 131(1)(a) and 135 to 138; Rule 137)

Recognizance [Constabulary] to appear before a Magistrates' Court

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the undersigned Principal Party to this Recognizance was taken into custody by _____ on the _____ day of _____ 19____, and [after being charged with _____] was released from custody at _____ Constabulary Station upon his entering into this Recognizance, the undersigned

(name and occupation) of _____ in the County [Borough] of _____ the Principal Party to this Recognizance hereby binds himself to perform the following Obligation, viz., to appear [personally] before a Magistrates' Court at _____ on the _____ day of _____ 19____, at _____ o'clock in the _____ noon [and to appear [personally] at every time and place to which during the course of proceedings the hearing [of the said charge] may from time to time be adjourned and not to depart the Court without leave].

And the said Principal Party [together with (name and occupation) of _____ and (name and occupation) of _____ in the County [Borough] of _____] the undersigned sureties] hereby acknowledge(s) bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

FORM 131

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 131(1)(b) and 135 to 138; Rule 137)

Recognizance to appear at a Constabulary Station

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the undersigned Principal Party to this Recognizance was taken into custody by _____ on the _____ day of _____ 19 _____, and whereas inquiries into certain matters concerning the said Principal Party cannot be completed forthwith and he has been released from custody at _____ Constabulary Station, upon his entering into this Recognizance; the undersigned _____ (name and occupation) of _____ in the County [Borough] of _____ the Principal Party to this Recognizance hereby binds _____ self to perform the following Obligation, viz., to attend at _____ Constabulary Station on the _____ day of _____ 19 _____, at _____ o'clock in the _____ noon unless he previously receives notice in writing from a member of the Royal Ulster Constabulary not below the rank of Inspector that his attendance is not required;

And the said Principal Party [together with _____ (name and occupation) of _____ in the County [Borough] of _____ and _____ (name and occupation) of _____ in the County [Borough] of _____ the undersigned sureties] hereby acknowledge(s) _____ bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

F 131 (contd.)

| | | |
|-------|---|------------------|
| ..... | } | Principal Party. |
| ..... |  | Suret . |
| | | |

at Taken before me this day of 19 ,

[Rank]
R.U.C. in charge of Constabulary
Station.

FORM 132

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 45, 58(3) and 135 to 138; Rules 135 and 138)

Recognizance to appear at Assize or County Court

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the Defendant stands charged [that] [or as stated in the statement of complaint annexed to Form 17]

the undersigned (name and occupation)
of , the Principal Party to this
in the County [Borough] of , self to perform the following Obligation(s)
Recognizance, hereby binds viz., to attend the next Court of
viz., to attend the next Court of
to be held at for the County [Court Division]
of on the day of 19 ,
at o'clock in the noon and there to surrender h self
to the Governor of the Prison at and plead to any
indictment presented against h for the said offence, and take trial
for the same, and not to depart the court without leave and so from court to
court to which the trial may be adjourned until this Recognizance shall be
discharged by the court.

[And, in addition, to undergo medical examination by
and for that purpose [attend at]
[reside at] [from] [upon] the day
of 19 , at o'clock] [when arrangements
have been made for his reception until he is discharged therefrom]:

And the said Principal Party [together with
(name and occupation) of
in the County [Borough] of , and
(name and occupation) of
in the County [Borough] of , the undersigned sureties] hereby
acknowledge(s) bound to forfeit to the Crown the sum(s)
following, viz: —

F 132 (contd.)

The Principal Party the sum of £ [the first-named surety the sum of £]
 and the second-named surety the sum of £]
 in case the said Principal Party fails to perform the above Obligation [and in
 lieu of sureties the said Principal Party hereby deposits [the sum of
 £ or other valuable security to the value of that sum] as security
 for performance of the said Obligation].

..... } Principal Party.
 } Suret

at Taken before me this day of 19

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]
 [or Governor/Deputy Governor of Prison].

FORM 133

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 58 and 135 to 138; Rules 135 and 138)

Recognizance for attendance at examination by Medical Practitioner

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | } | County [Borough] of |
| | | |
| Complainant | | |
| of | } | |
| | | |
| | } | |
| | | |
| Defendant | | |

WHEREAS a complaint was made that the Defendant

and the Magistrates' Court before which he was charged therewith being satisfied that he [did the act] [or] [made the omission] charged and being of the opinion that an inquiry ought to be made into his [physical] [mental] condition, the court adjourned the hearing of the complaint until the day of 19, at o'clock, the undersigned

(name and occupation) of in the County [Borough] of , the Principal Party to this Recognizance, hereby binds self to perform the following Obligation, viz:—

To undergo medical examination by and for that purpose [attend at] [reside at] [from] [upon] the day of 19, at o'clock [when arrangements have been made for his reception until he is discharged therefrom] and to appear before the court at the said adjourned hearing and not to depart therefrom without leave;

And the said Principal Party [together with (name and occupation) of in the County [Borough] of , and (name and occupation) of in the County [Borough] of acknowledge(s) the undersigned sureties] hereby bound to forfeit to the Crown the sum(s) following, viz:—

F 133 (contd.)

The Principal Party the sum of £ [the first-named surety the sum of £ and the second-named surety the sum of £] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ or other valuable security to the value of that sum] as security for performance of the said Obligation].

..... } Principal Party.
 } Suret

at Taken before me this day of 19 .

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]
 [or Governor/Deputy Governor of Prison].

FORM 134

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 89 and 128(1)(a) and Schedule 1; Rule 9)

Summons to Defendant to Answer complaint that he should be called upon to show cause why he should not be Bound Over

| | |
|-------------|----------------------------|
| of | Petty Sessions District of |
| Complainant | |
| of | County [Borough] of |
| Defendant | |

WHEREAS a complaint has been made before me that you the said Defendant should be called upon to show cause why you should not be ordered 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;

THIS IS TO COMMAND YOU to appear as a Defendant on the hearing of the said complaint at _____ on the _____ day of _____ 19____ at _____ o'clock in the _____ noon before a Magistrates' Court of the County [Borough]

Justice of the Peace.

This _____ day of _____ 19____

To the said Defendant.

F 135

FORM 135

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 128; Rule 135)

Recognizance to keep the Peace [and] [or] to be of Good Behaviour

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint was made that

AND IT WAS ORDERED by the Magistrates' Court at that the said Defendant should be bound by recognizance [to keep the peace] [and] [to be of good behaviour] to all Her Majesty's liege subjects and particularly towards the Complainant for the period of _____ months. The undersigned (*name and occupation*) of _____ in the County [Borough] of _____, the Principal Party to this Recognizance, hereby binds _____ self to perform the following Obligation, viz., [to keep the peace] [and] [to be of good behaviour] towards all Her Majesty's liege subjects and particularly towards the Complainant for the period of _____ months now next ensuing, and the said Principal Party [together with _____ (*name and occupation*) of _____ in the County [Borough] of _____, and _____ (*name and occupation*) of _____ in the County [Borough] of _____ acknowledge(s) _____, the undersigned sureties] hereby bound to forfeit to the Crown the sum(s) following, viz:—

F 136

FORM 136

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(3))

Notice to estreat recognizance before Court of Summary Jurisdiction

| | | |
|---|---|---|
| Petty Sessions District of County [Borough] of | } | TAKE NOTICE, that the Recognizance entered into on the _____ day of _____ 19 ____ |
|---|---|---|

by you the undernamed persons conditioned that

having become forfeited, an application will be made to the Court of Summary Jurisdiction to be held at the Petty Sessions Courthouse in the County [Borough] of _____ on _____ the _____ day of _____ 19 ____, at _____ o'clock in the _____ noon, to estreat the said Recognizance so entered into by you and each of you, and it is intended to sustain such application on the following grounds, viz:—that the said Principal Party to the said Recognizance failed to perform the conditions thereof, and contrary thereto did

Given under my hand, at _____ this _____ day
 of _____ 19 ____

Superintendent.

To _____ the Principal Party
 and _____ of _____
 and _____ of _____
 the sureties to the said Recognizance.

FORM 137

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 14, 128(1) and 129)

Warrant of Distress for sum forfeited upon the estreat of a Recognizance

of
 Complainant
 of
 Defendant

} Petty Sessions District of
 }
 } County [Borough] of

WHEREAS upon the _____ day of _____ 19 _____,
 entered into a recognizance
 in the sum of £ _____ conditioned that

AND WHEREAS on the _____ day of _____ 19 _____,
 upon an application to a Court of Summary Jurisdiction for the above-named
 Petty Sessions District by
 to estreat the said recognizance, proof was given on oath that notice in writing
 (stating the general grounds upon which the application was made) was served
 personally on [or left at the usual place of abode of] the said _____
 at least seven days before the said application
 was made and whereas it was proved in open court that the conditions of the
 recognizance had not been performed, the said court ordered the estreat of the
 said recognizance to the amount of £ _____ and payment of £ _____
 for costs (including £ _____ to be added for the costs of the Warrant);

AND WHEREAS default has been made in payment of the said amount and
 the said court ordered that the said amount be levied by distress;

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, forthwith
 to make distress of the money and goods of the said _____
 and if the said amount, together with the reasonable expenses of the making
 and keeping of the said distress, be not paid, then not earlier than the [third]
 day after the making of such distress to sell or cause to be sold the said goods,
 by auction or otherwise, as the said _____
 may in writing allow, and pay the proceeds of the said distress to the Clerk of
 Petty Sessions for the above-named Petty Sessions District, and if no such
 distress can be found, to certify the same to the court [within the period of
 days] [within a reasonable time].

Resident Magistrate
 [or Clerk of Petty Sessions].

This _____ day of _____ 19 _____

To the Superintendent
 Division

F 138

FORM 138

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 14 and 128(1))

**Warrant of Commitment in default of distress for sum forfeited upon the
estreat of a Recognizance**

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS upon the _____ day of _____ 19____
entered into a recognizance
in the sum of £ _____ conditioned that

AND WHEREAS on the _____ day of _____ 19____
upon an application to a Court of Summary Jurisdiction for the above-named
Petty Sessions District by _____
to estreat the said recognizance, proof was given on oath that notice in writing
(stating the general grounds upon which the application was made) was served
personally on [or left at the usual place of abode of] the said _____
at least seven days before the said application
was made and whereas it was proved in open court that the conditions of
the recognizance had not been performed, the said court ordered the estreat of
the said recognizance to the amount of £ _____ and payment of £ _____
for costs (including £ _____ to be added for the costs of the Warrant);

AND WHEREAS [the said _____ has or admits that]
[or] [it has been returned to a warrant of distress that] he has no [sufficient]
[goods] [it appears that no sufficient distress whereas to levy the said amount
could be found].

AND WHEREAS default has been made in payment [of the said amount]
[of a balance of £ _____] and the said court ordered that the said _____
be imprisoned for the period
of _____ month(s);

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute
the said order against the Defendant as follows:—

F 138 (contd.)

To lodge h in the Prison at
imprisoned for the period of
be sooner paid.

there to be
unless the said amount

And for this the Present Warrant shall be a sufficient Authority to all
whom it may concern.

The sum levied to be paid to the Clerk of Petty Sessions.

The Warrant to be returned [in
time] if not executed.

days] [within a reasonable

Resident Magistrate
[or Clerk of Petty Sessions].

This day of

19

To the Superintendent
Division

F 139

FORM 139

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 138(4); Rules 14, 128 and 129)

Warrant of Distress and Commitment in default of distress for sum forfeited upon the estreat of a Recognizance

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS upon the _____ day of _____ 19____, entered into a recognizance in the sum of £ _____ conditioned that

AND WHEREAS on the _____ day of _____ 19____, upon an application to a Court of Summary Jurisdiction for the above-named Petty Sessions District by _____ to estreat the said recognizance, proof was given on oath that notice in writing (stating the general grounds upon which the application was made) was served personally on [or left at the usual place of abode of] the said _____ at least seven days before the said application was made and whereas it was proved in open court that the conditions of the recognizance had not been performed the said court ordered the estreat of the said recognizance to the amount of £ _____ and payment of £ _____ for costs (including £ _____ to be added for the costs of the Warrant);

AND WHEREAS default has been made in payment of [the amount] [a balance of £ _____] and the said court ordered the said amount be levied by distress and in default of distress the said _____ be imprisoned in the Prison at _____ for the period of _____ unless the said amount be sooner paid.

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, forthwith to make distress of the money and goods of the said _____ and if the said amount, together with the reasonable expenses of making and keeping the said distress, be not paid, then not earlier than the [third] day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise, as the said _____ may in writing allow, and pay the proceeds of the said distress to the Clerk of Petty Sessions for the above-named Petty Sessions District and if no such distress can be found the said _____ is to be imprisoned in the Prison at _____ for the period of _____ month(s).

F 139 (contd.)

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern. The Warrant to be returned [in days] [within a reasonable time] if not executed.

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

This day of 19

To the Superintendent
Division

F 140

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

A. Appeals to County Court

FORM 140

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964 (Section 144; Rule 139)

Notice of Appeal to the County Court

of

Complainant [or Plaintiff] [or Applicant] [or Appellant]

Petty Sessions District of

of

Defendant [or Respondent]

County [Borough] of

TAKE NOTICE that it is the intention of the above-named [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] to appeal to the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court for the Division of] sitting on the day of 19 , against the [Conviction] [and] [Sentence] [Order] made [passed] by a Magistrates' Court for the above-named Petty Sessions District sitting at on the day of 19

Signed

Party Appealing [or Solicitor or Agent for Party Appealing].

To:—

of and to the Clerk of Petty Sessions for the above-named Petty Sessions District.

FORM 141

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 139, 140 and 141)

Form of Appeal to County Court

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

I CERTIFY that upon the hearing of [a complaint that] [a process claiming]
[an application for] [an appeal against]

(state cause of complaint, nature of process, grounds of application or appeal)
an order was made on the _____ day of _____ 19____
[by a Magistrates' Court] [a Court of Summary Jurisdiction] of the above
District against the said _____ of
to the following effect, viz:—

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

This _____ day of _____ 19____

I CERTIFY that notice of the appeal to the County Court was duly given by
the said Complainant [Plaintiff] [Applicant] [Appellant] [Defendant]
[Respondent] upon the _____ day of _____ 19____, [and that he/she
has duly entered into recognizance to prosecute the said appeal and to pay
any costs which may be awarded against him/her [together with sureties]
[and has given with the consent of the court security

(state nature and amount of security) in lieu of sureties to that recognizance]]
and the said appeal will be heard at the County Court to be held at
on the _____ day of _____ 19____

Clerk of above Petty Sessions.

This _____ day of _____ 19____

I CERTIFY that upon the hearing of the said appeal on the _____ day
of _____ 19____, the County Court ordered that

Clerk of the Crown and Peace.

This _____ day of _____ 19____

F 142

FORM 142

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and Section 148; Rules 135 and 138)

Recognizance to prosecute Appeal to County Court Conditioned for Bail

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS a complaint was made that

The undersigned *(name and occupation)*
of
in the County [Borough] of _____, the Principal Party to this
Recognizance, hereby binds himself to perform the following Obligation, viz:—
To attend the sitting of the [Belfast Recorder's Court] [Londonderry Recorder's
Court] [County Court] to be held at _____ [in and for
the County Court Division of _____]
on the _____ day of _____ 19____, at _____ o'clock
in the _____ noon and there to prosecute his appeal against the [conviction]
[and] [sentence] [order] made [passed] by a [Court of Summary Jurisdiction]
[Magistrates' Court] for the above petty sessions district made on the _____ day
of _____ 19____, upon the said complaint and to abide by
the judgment and order of the said [Recorder's] [County] Court thereon and to
pay such costs as may be awarded by the said Court and not to abscond pend-
ing the execution of the original order or of the judgment of the said
[Recorder's] [County] Court and not to depart the Court without leave and so
from court to court until this Recognizance shall be discharged by the Court.

And the said Principal Party [together with
(name and occupation) of

in the County [Borough] of _____ and
(name and occupation) of _____
in the County [Borough] of _____ the undersigned sureties] hereby
acknowledge(s) _____ bound to forfeit to the Crown the sum(s)
following, viz:—

The said Principal Party the sum of £ _____ [the first-named surety the
sum of £ _____ and the second-named surety the sum of £ _____] in case the
said Principal Party fails to perform the above Obligation [and in lieu of
sureties the said Principal Party hereby deposits [the sum of £ _____ or other
valuable security to the value of that sum] as security for the performance of
the said Obligation].

F 142 (contd.)

| | | |
|-------|---|------------------|
| ..... | } | Principal Party. |
| ..... |  | Suret |
| | | |

Taken before me this day of 19

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]
 [or Governor/Deputy Governor of Prison].

F 143

FORM 143

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and 149; Rule 135)

Recognizance to prosecute Appeal to County Court not Conditioned for Bail

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

WHEREAS [a complaint was made] [a process was issued by the Plaintiff claiming] [an application was made for] [an appeal against]

The undersigned (name and occupation) of in the County [Borough] of , the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute his/her appeal to the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court for the Division] against the order made by the court of the above petty sessions district on the day of 19 , at the hearing of the said [complaint] [process] [application] [appeal] and to abide by the judgment and order of the [Belfast Recorder's Court] [Londonderry Recorder's Court] [County Court] thereon and to pay such costs as may be awarded by the said court.

And the said Principal Party [together with

(name and occupation) of in the County [Borough] of and

(name and occupation) of in the County [Borough] of acknowledge(s) the undersigned sureties] hereby bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ [the first-named suerty the sum of £ and the second-named surety the sum of £] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ or other valuable security to the value of that sum] as security for the performance of the said Obligation].

F 143 (contd.)

| | | |
|-------|---|-----------------|
| ..... | } | Principal Party |
| ..... |  | Suret |
| | | |

Taken before me this day of 19 . .

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

FORM 146

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(1))

**Notice by Clerk of Petty Sessions to Clerk of the Crown and Peace that
Appellant has abandoned his Appeal to the County Court**

County [Borough] of [Division of]
Petty Sessions District of
Between
and Appellant
Respondent

THIS IS TO GIVE YOU NOTICE that I have received from the above-named Appellant notice that he has abandoned his appeal to the County Court against a [conviction] [and] [sentence] [order] made [passed] by the Court of Summary Jurisdiction [Magistrates' Court] for the above-named petty sessions district sitting on the day of 19

Signed
Clerk of Petty Sessions.

This day of 19

To the Clerk of the Crown and Peace
at
Copy to the Respondent
of

F 147

FORM 147

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 153; Rules 14 and 128)

Warrant to enforce an Order by a County Court made on Appeal

| | | |
|----|---|------------------------------|
| of | Complainant [or Plaintiff] [or Applicant] [or Appellant] | } Petty Sessions District of |
| of | Defendant [or Respondent] | } County [Borough] of |

WHEREAS upon hearing of a [complaint] [process] [an application] [an appeal]

(*here set out complaint or as case may be*)
 a Magistrates' Court for the above-named petty sessions district sitting at _____ on the _____ day of _____ 19____, made the following Order:

AND WHEREAS the said [Complainant] [Plaintiff] [Appellant] [Defendant] [Respondent] appealed to the [_____] Recorder's Court [County Court for the division of _____] sitting at _____ and on the _____ day of _____ 19____, the last-mentioned court ordered that:

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute the said Order as follows:

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

Clerk of the Crown and Peace
 [or Resident Magistrate]
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]

This _____ day of _____ 19____
 To the Superintendent
 Division.

B. Appeals by way of Case Stated to Court of Appeal

FORM 148

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 146; Rule 144)

Application to Court to state a Case

To _____, Esq., Resident Magistrate
[Justice of the Peace] who sat as [a Court of Summary
Jurisdiction] [Magistrates' Court] for the Petty Sessions District
of _____ on the _____ day of _____ 19 _____.

In the matter of a [complaint] [process] [application] [appeal] wherein
[I the undersigned]
was [Complainant] [Plaintiff] [Applicant] [Appellant] [or I the undersigned]
was [Defendant] [Respondent]
heard and determined by the said [Court of Summary Jurisdiction] [Magis-
trates' Court] sitting at _____ on the _____ day of
19 _____.

Being dissatisfied with the decision of the court on a point of law involved
in the determination of the said court as being wrong in law, I hereby, pursuant
to section 146 of the Magistrates' Courts Act (Northern Ireland) 1964 make
application to you to state a case for the opinion of the Court of Appeal on the
following point of law:—

Signed
Appellant
[or Solicitor for Appellant].

This _____ day of _____ 19 _____

Copy to be served on the Respondent
of _____

F 149

FORM 149

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 146(4))**Court's Certificate of Refusal to state a Case**In the County [Borough] of
Petty Sessions District ofBefore the [Court of Summary Jurisdiction] [Magistrates' Court] sitting
at

WHEREAS on the day of 19 , a certain
decision upon a point of law in a proceeding before the court was made by me
the undersigned [Resident Magistrate] [Justice of the Peace] and whereas
being dissatisfied with the said decision
as being wrong in law has applied to me pursuant to section 146 of the said
Act of 1964 to state case for the opinion of the Court of Appeal thereon.

Now I, being of the opinion that the application of the said
is frivolous, hereby certify that such
application is refused.

Resident Magistrate
[or Justice of the Peace for the said County [Borough]].

This day of 19 .

F 150 (contd.)

6. I was of opinion that

(state grounds of decision)

and accordingly

(state decision including any sentence or order).

QUESTION

7. The question for the opinion of the Court of Appeal is

Resident Magistrate
[or Justice of the Peace].

This **day of**

19

**Insert only if the opinion of the Court of Appeal is sought whether there was evidence upon which the Magistrates' Court could come to its decision.*

FORM 151

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and 148; Rules 135 and 138)

Recognizance to prosecute Appeal to Court of Appeal Conditioned for Bail

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS a complaint was made that

The undersigned (name and occupation)
of in the County [Borough] of
the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute his appeal by way of case stated against the [conviction] [order] made by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above petty sessions district made on the day of 19 , upon the said complaint and to abide by the judgment or order of the Court of Appeal thereon and to pay such costs as may be awarded by the said Court and except where sooner committed under a warrant of commitment issued consequent upon the affirmation of a sentence of imprisonment, to appear before the [Court of Summary Jurisdiction] [Magistrates' Court] within [ten] days after the judgment or order of the Court of Appeal has been given unless the determination in respect of which the case is stated is reversed by that judgment or order and the [conviction] [order] appealed against is quashed.

And the said Principal Party [together with
(name and occupation) of in the County [Borough]
of and
(name and occupation) of the undersigned sureties]
hereby acknowledge bound to forfeit to the
Crown the sum(s) following, viz:—

The said Principal Party the sum of £ [the first-named surety the
sum of £ and the second-named surety the sum of £] in case the
said Principal Party fails to perform the above Obligation [and in lieu of
sureties the said Principal Party hereby deposits [the sum of £ or other
valuable security to the value of that sum] as security for the performance of
the said Obligation].

F 151 (contd.)

| | | |
|-------|---|------------------|
| ..... | } | Principal Party. |
| ..... |  | Suret |
| | | |

Taken before me this day of 19 .

Resident Magistrate
 [or Justice of the Peace]
 [or Clerk of Petty Sessions]
 [or Governor/Deputy Governor of Prison].

FORM 152

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 135 to 138 and 149; Rule 135)

Recognizance to prosecute Appeal to Court of Appeal
Not Conditioned for Bail

| | | | |
|---|--|---|----------------------------|
| of | } <table border="0"> <tr> <td>Complainant [or Plaintiff] [or Applicant] [or Appellant]</td> <td>Petty Sessions District of</td> </tr> </table> | Complainant [or Plaintiff] [or Applicant] [or Appellant] | Petty Sessions District of |
| Complainant [or Plaintiff] [or Applicant] [or Appellant] | | Petty Sessions District of | |
| of | County [Borough] of | | |
| | Defendant [or Respondent] | | |

WHEREAS [a complaint was made that] [a process was issued by the Plaintiff claiming that] [an application for _____ was made] [an appeal was made]

The undersigned _____ (name and occupation) of _____ in the County [Borough] of _____ the Principal Party to this Recognizance, hereby binds himself to perform the following Obligation, viz:—To prosecute his appeal by way of case stated against the [conviction] [order] made by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above petty sessions district made on the day of _____ 19 _____, upon the said [complaint] [process] [application] [appeal] and to abide by the judgment or order of the Court of Appeal thereon and to pay such costs as may be awarded by the said Court.

And the said Principal Party [together with _____ (name and occupation) of _____ in the County [Borough] of _____ and _____ (name and occupation) of _____ in the County [Borough] of _____ the undersigned sureties] hereby acknowledge _____ bound to forfeit to the Crown the sum(s) following, viz:—

The said Principal Party the sum of £ _____ [the first-named surety the sum of £ _____ and the second-named surety the sum of £ _____] in case the said Principal Party fails to perform the above Obligation [and in lieu of sureties the said Principal Party hereby deposits [the sum of £ _____ or other valuable security to the value of that sum]] as security for the performance of the said Obligation.

| | | | |
|------------------|--|------------------|-------|
| | } <table border="0"> <tr> <td>Principal Party.</td> </tr> <tr> <td>Suret</td> </tr> </table> | Principal Party. | Suret |
| Principal Party. | | | |
| Suret | | | |
| | | | |
| | | | |

Taken before me this _____ day of _____ 19 _____

Justice of the Peace
[or Clerk of Petty Sessions].

F 153-4

FORM 153

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(2))

Notice of Abandonment of Appeal by way of Case stated

To the Clerk of Petty Sessions for the Petty Sessions District of
in the County [Borough] of

THIS IS TO GIVE NOTICE that, whereas on the day of
19 , I applied for a case to be stated for the opinion of the Court of Appeal
by a [Court of Summary Jurisdiction] [Magistrates' Court] for the above-
named Petty Sessions District sitting at upon a determination
of the said Court made on the day of 19 ;
I am abandoning my appeal by way of case stated.

Signed

Appellant.

This day of 19

FORM 154

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 150(2))

Notice by Clerk of Petty Sessions to Respondent that Appellant has
abandoned an Appeal by way of Case stated

To of Respondent in an appeal by way of case
stated from a determination of a [Court of Summary Jurisdiction] [Magistrate's
Court] sitting at made on the day of
19 by Appellant.

THIS IS TO GIVE YOU NOTICE that I have received notice from the said
Appellant that he has abandoned his appeal.

Signed

Clerk of Petty Sessions.

This day of 19

FORM 155

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 153; Rules 14 and 128)

Warrant to enforce an Order made on Appeal by way of Case stated
to the Court of Appeal

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

WHEREAS upon the hearing of a [complaint] [process] [an application] [an appeal]

(here set out complaint or as case may be)

a Magistrates' Court for the above-named petty sessions district sitting at on the day of 19, made the following Order:—

AND WHEREAS the said [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] appealed to the Court of Appeal and on the day of 19, the Court of Appeal ordered that:

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute the said Order as follows:

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

Registrar/Asst. Registrar
[or Resident Magistrate]
[or Justice of the Peace]
[or Clerk of Petty Sessions]

This day of 19

To the Superintendent
Division.

F 156

FORM 156

Condition to be added to Recognizance in Form 143 or Form 152 to prosecute Appeal where appellant is tenant or occupier appealing against order for possession.

(Section 79)

Add after the words "to pay such costs as may be awarded by the said Court" the following paragraph:—

'And the said Principal Party further undertakes not to do or to suffer others to do any waste, injury or dilapidation to the premises, the subject of the appeal, pending the hearing of such appeal and to satisfy all rent, mesne profits or any sum due to the respondent under section 78(1) of the above Act of 1964 while the appellant continues in possession of such premises.'

**Order Book, as prescribed by the Magistrates' Courts Rules (N.I.) 1974
made under the Magistrates' Courts Act (N.I.) 1964**

(Rule 19)

County [Borough] of
Petty Sessions District
of

DATE OF ORDER

MISCELLANEOUS

Magistrates' Courts

| <i>Number</i> | <i>Parties</i> | <i>Names of Witnesses examined</i> | <i>Cause of complaint or nature of appeal or application</i> | <i>Particulars of Order (where money is ordered to be paid, the amount is to be written in words)</i> |
|---------------|----------------|--|--|---|
| | | | | |

(FORM 157 (continued))

| <i>Signature of Resident Magistrate or Justice</i> | <i>Proceedings subsequent to the hearing:— Result of Appeal or Petition Grant of further time to pay, etc.</i> | <i>Name of person ordered to pay money</i> |
|--|--|--|
| | | |

1810
F 157 (contd.)

Magistrates' Courts

No. 334

FORM 158

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 20)

Certificate of Conviction or Order

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I CERTIFY that upon the hearing of a complaint that

[a conviction] [an order] was made on the
19 , by the Magistrates' Court sitting at
to the following effect, viz:—

day of

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

This

day of

19

F 159

FORM 159

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Part X)

General Form for Enforcement of Conviction or Order

of

Complainant

Petty Sessions District of

of

County [Borough] of

Defendant

WHEREAS upon the hearing of a complaint that

an Order was made on the _____ day of _____
by a Magistrates' Court against the said
to the following effect, viz:—

19

AND WHEREAS the said Order has not been complied with:

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to execute
the said Order against the said
as follows:—

And for this the Present Warrant shall be a sufficient Authority to all whom
it may concern.

[The sum levied to be paid to the Clerk of Petty Sessions.]

This Warrant is to be returned [in _____ days] [within a reasonable
time] if not executed.

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

This _____ day of _____

19

To the Superintendent
Division

FORM 160

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 116(2))

Certificate endorsed on Unexecuted Warrant

I CERTIFY that after diligent search (and for the following reasons)

(insert reasons.)

[full names of person against whom Warrant is issued] [or sufficient property of *(name of person)*] cannot be found.

Signed

to whom this
Warrant was
delivered for
execution.

This day of

19

FORM 161

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 159(1); Rule 18)

Endorsement on Warrant as to withdrawal thereof

I, _____, CERTIFY that because
this Warrant is withdrawn.

Justice of the Peace
[or Resident Magistrate].

F 162

FORM 162

PETTY SESSIONS (IRELAND) ACT 1851
(Gb under section 26)

Endorsements under sections 26 and 27 of the Petty Sessions
(Ireland) Act 1851

I CERTIFY that I have reason to believe that the person against whom the within Warrant was issued [is to be found] [has goods] at _____ in the County of _____ and that I believe the signature to the within Warrant to be in the handwriting of the said Justice.

Signed

to whom this Warrant was delivered for execution.

This _____ day of _____

19 _____

To:—
of

(Gc under section 27)

It being certified to me as above, I HEREBY ENDORSE the within Warrant for execution in the County of _____

Signed

Chief Constable
[or Assistant Chief Constable]
[or Chief Superintendent] of
the Royal Ulster Constabulary.

This _____ day of _____

19 _____

To:—
of

F 165

FORM 165

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Sections 120(3) and 127; Rule 11)

Affidavit of Service of Summons on Witness

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I, _____ of _____, a person entitled to serve summonses under Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1974, MAKE OATH AND SAY that I did serve a witness summons in this matter on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the original summons.

Deponent.

Sworn before me this _____ day of _____ 19____, at [Borough] of _____ in the County _____

Justice of the Peace.

Name(s) and Address(es) of Witness(es).

FORM 166

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 63(3))

Particulars of Service to be endorsed on Process

Served the within process on the day of 19 ,
at
*by delivering a copy to Defendant;
*by leaving a copy for Defendant with a person apparently over the age of 16,
at the Defendant's usual/last known place of abode/place of business.

Signed

Summons server
[or person who has received permission
to serve the process].

*Delete as necessary.

F. 167

FORM 167

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 127; Rules 58, 59 and 64)

Affidavit of Service of a Process by a Summons Server or a person who has received permission to Serve the Process

of

Petty Sessions District of

Plaintiff

of

County [Borough] of

Defendant

I, _____ of _____
in the County [Borough] of _____ [summons server for the
above-named petty sessions district] [being a person who has received per-
mission from a [Resident Magistrate] [Clerk of Petty Sessions] to serve the
process]], SAY ON OATH that I did serve the process in this matter on the
above-named Defendant at the time and place in the manner endorsed by
me on the original process.

Deponent.

Sworn before me this _____ day
of _____ 19____, at
[Borough] of _____ in the County

Justice of the Peace.

FORM 168

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54(5); Rules 14, 16(3) and 128)

Warrant to discharge Defendant from Prison (other than where he has been committed for trial in custody)

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | } | |
| Complainant | | |
| | } | |
| of | | |
| | } | County [Borough] of |
| | | |
| | } | |
| Defendant | | |

WHEREAS a complaint was made that

AND WHEREAS the hearing of the said complaint was adjourned to the _____ day of _____ 19____, and the Defendant was by a Warrant of Commitment issued on the _____ day of _____ 19____, remanded in custody until that day and [on the _____ day of _____ 19____] the court [has since] certified its consent to the Defendant being released on bail by a recognizance conditioned for h appearance before a Magistrates' Court sitting at _____ on the _____ day of _____ 19____, h self in the sum of £ _____ [together with a surety in the sum of £ _____ and another in the sum of £ _____] [or accompanied by the deposit of the sum of £ _____ [or other valuable security to the value of that sum] in lieu of sureties] and whereas such recognizance has been entered into.

THIS IS TO COMMAND YOU to discharge the said Defendant from prison unless he be in your custody from some other cause.

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

This _____ day of _____ 19____

To the Governor of the Prison at

F. 169

FORM 169

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 128(4))

Receipt for Prisoner

H.M. Prison at

I HEREBY CERTIFY that I have received from
of the prisoner
together with a Warrant of Commitment under the hand of
Esq., [Resident Magistrate] [Justice of the Peace]
[Clerk of Petty Sessions] at the time he was delivered into my custody.

Signed

Governor
[or Deputy Governor] of the
Prison at

This . . . day of

19

FORM 170

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 70)

CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT (NORTHERN
IRELAND) 1968
(Section 12 and Schedule 1)

Order for taking Finger-prints and Palm-prints

| | | |
|----|-------------|------------------------------|
| of | Complainant | } Petty Sessions District of |
| of | | |
| | Defendant | } County [Borough] of |

WHEREAS (hereinafter called "the Defendant")
 [having on the day of 19 , been taken into
 custody] [has appeared before the Magistrates' Court sitting at
 upon the day of 19] charged that

(state shortly particulars of offence).

And application being made to me by (insert name and rank)
of the Royal Ulster Constabulary.

IT IS ORDERED that the finger-prints and palm-prints of the Defendant be
taken by a Constable.

Dated this day of 19 .

Resident Magistrate
[or Justice of the Peace].

FORM 171

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 127)

Certificate of Payment of part of a sum adjudged to be paid

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

I CERTIFY that I have received the sum of £
payment of the sum adjudged to be paid.

in part

Clerk of Petty Sessions for the above-named Petty Sessions District.

This

day of

19

FORM 172

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

(Section 159; Rule 14)

SUMMARY JURISDICTION (MISCELLANEOUS PROVISIONS) ACT

(NORTHERN IRELAND) 1946

(Section 1)

JUDGMENTS (ENFORCEMENT) ACT (NORTHERN IRELAND) 1969

(Section 1(2)(b))

Warrant directing person apparently entitled thereto to be put into Possession of Premises

of
 Complainant } Petty Sessions District of
 of
 Defendant } County [Borough] of

WHEREAS upon the hearing of a complaint made under section 1(1)(a) of the Summary Jurisdiction (Miscellaneous Provisions) Act (Northern Ireland) 1946 that the Defendant on the day of 19 , with intent wrongfully to take possession of, or use, the premises at belonging to wilfully entered upon such premises, a Court of Summary Jurisdiction for the above-named Petty Sessions District and County [Borough] on the day of 19 , convicted the Defendant of an offence under the said section;

An order was made by the court directing that the said being the person appearing to the court to be lawfully entitled to possession of the said premises be put into possession thereof.

THIS IS THEREFORE TO DIRECT YOU to execute the said order accordingly and to remove the Defendant and his chattels therefrom and to put the said into possession of the said premises forthwith.

Resident Magistrate
 [or Clerk of Petty Sessions].

Dated this day of 19 .

To the Chief Enforcement Officer,

The Enforcement of Judgments Office,

[Branch Office at] 1.

F 173

FORM 173

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 127; Rule 133)

General Form of Affidavit of Service of Notice, etc.

of

| | | |
|-------------|---|----------------------------|
| | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

I (full names and rank or description where applicable) of a person entitled to serve a notice [or state other document served] under section (state statutory provision authorising service) MAKE OATH AND SAY that I did serve the notice [or state other document] dated on the person(s) whose name(s) appear(s) at the foot hereof at the time and place and in the manner endorsed by me on the notice [or other document].

Deponent. Sworn before me this _____ day of _____ 19____, at _____ in the County [Borough] of _____

Justice of the Peace
[or Commissioner for Oaths].

Name(s) and address(es) of person(s) on whom notice served.

FORM 174

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 54; Rules 14, 128 and 151)

Warrant of Commitment on Remand in Hospital

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the defendant appeared this day before a Magistrates' Court for the said Petty Sessions District and County [Borough] upon a complaint that

AND WHEREAS the hearing of the said complaint has been adjourned to the _____ day of _____ 19____, at the hour of _____ o'clock in the _____ noon at _____

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to place the defendant in the custody of the Governor of H.M. Prison at _____ and under the control of a prison officer at _____ Hospital, there to be kept in custody until he can be conveyed to the prison at _____ and produced at the above place or further remanded in accordance with section 56 of the above Act of 1964.

And for this the Present Warrant shall be a sufficient Authority to all whom it may concern.

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

This _____ day of _____ 19____

To the Superintendent
Division

NOTE: This Warrant may be endorsed for bail as on Form 7.

F 175

FORM 175

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 12(9)(e))

Certificate by or on behalf of complainant that summons sent by registered post or recorded delivery service and returned as undelivered will, if delivered by ordinary post, come to notice of person to be served

I
of

HEREBY CERTIFY that, having regard to the reason given by the Post Office for the non-delivery of the envelope containing the copy summons attached hereto, dated _____ addressed to the defendant [*or* witness] stated in the form of advice (also attached) for the following reason, namely—

to the best of my knowledge and belief a copy of the summons if sent by ordinary post to the address of the defendant [*or* witness] stated in the summons will come to his/her notice a reasonable time before (*date*) being the date on which he or she is summoned to appear before the court.

[On behalf of] Complainant

Date

FORM 176

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 12(13))

Form of affidavit of sending summons by ordinary post where permission for such service granted by resident magistrate under Rule 12(9) of Magistrates' Courts Rules (Northern Ireland) 1974

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | Complainant |
| of | } | County [Borough] of |
| | | Defendant |

I
of
[a] [the] summons server of the above petty sessions district [or a person permitted under Rule 11(2)(b) of the Magistrates' Courts Rules (Northern Ireland) 1974 to serve the summons referred to herein] MAKE OATH AND SAY that on the day of 19 , at
(as endorsed on the original summons) I posted by ordinary post a copy summons dated issued to

(name of person to be served) at

(address of person to be served) according to the permission of a resident magistrate also endorsed on the original summons (attached hereto).

| | | |
|----------|----------------------------|-----|
| Deponent | Sworn before me this | day |
| | of 19 , at | |
| | in the County [Borough] of | |

Justice of the Peace
[or Commissioner for Oaths]

F 177

FORM 177

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964

MAGISTRATES' COURTS RULES 1974

(Rules 28(2)(k) and 42(1)(k))

Statement of dates on which defendant remanded

| | | |
|-------------|---|----------------------------|
| Complainant | } | Petty Sessions District of |
| Defendant | | County [Borough] of |

DEFENDANT first appeared at _____ and was remanded [in custody] [on bail]
 on _____ and was further remanded
 to the _____ day of _____ 19 _____
 as set out below.

| <i>Date of remand</i> | <i>Date remanded to</i> | <i>In custody on bail</i> | <i>Remarks</i> |
|-----------------------|-------------------------|---------------------------|----------------|
| | | | |

Clerk of Petty Sessions

To:

The Clerk of the Crown and Peace,
County Courthouse

FORM 178

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 115; Rules 14, 15, 108 and 128)

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

Warrant of commitment on commission of further offence during operational period of suspended sentence imposed by county court on appeal

| | | |
|-------------|---|----------------------------|
| of | } | Petty Sessions District of |
| Complainant | | |
| of | } | County [Borough] of |
| Defendant | | |

WHEREAS the Defendant was on the _____ day of _____ 19____, convicted by a Magistrates' Court sitting at _____ for the above-named petty sessions district of the said County [Borough] of the following offence:—

and the Court ordered that:

On appeal to the County Court for the Division of _____ from his [sentence] [conviction] for the said offence, the County Court on the _____ day of _____ 19____ substituted for the said order an order that he be sentenced for the said offence to imprisonment for (state period) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of _____ years from that day the Defendant committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS the said period during which the said sentence should not take effect was by [a Court of Assize for the County [Borough] of _____] [or a County Court for the County Court Division of _____] [or a Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough]] sitting at _____ on the _____ day of _____ 19____, varied so as to expire on the _____ day of _____ 19____ ;]

F 178 (contd.)

AND WHEREAS the Defendant was on the day of
19 , convicted by [a Court of Assize for the County [Borough]
of] [or a County Court for the County Court Division
of] [or a Magistrates' Court for the petty sessions dis-
trict of and the County [Borough] of]
[the above-named petty sessions district and County [Borough] sitting
at] of the following offence:—

(state shortly particulars of offence) being an offence punishable with
imprisonment committed by the Defendant on the day of
19 , during the said period [as so varied], a Court of Summary Jurisdic-
tion sitting at for the above-named petty sessions district
and County [Borough] on the day of 19 , ordered
that the said suspended sentence take effect [with the substitution of a term
of imprisonment of for the original term]:

THIS IS TO COMMAND YOU, to whom this Warrant is addressed to execute
the last-mentioned Order as follows:

To lodge the Defendant in the Prison at
to be imprisoned there for the period of
[to commence on the expiration of the term of imprisonment

(give particulars of any term of imprisonment to which the Defendant is
liable where the term specified in the present Warrant is ordered to run con-
secutively to any term imposed by this or any other Court.)]

And for this the Present Warrant shall be a sufficient Authority to all
whom it may concern.

Resident Magistrate
[or Clerk of Petty Sessions]

This day of 19

To the Superintendent
Division.

FORM 179

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 8)

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

Complaint that offender has committed offence punishable with imprisonment during operational period of suspended sentence imposed by county court on appeal

| | | |
|----|---|----------------------------|
| of | } | Petty Sessions District of |
| | | |
| | | Complainant |
| | } | |
| of | | |
| | | County [Borough] of |
| | | Defendant |

I _____ of _____
SAY [on oath] that the Defendant was convicted by a Magistrates' Court sitting at _____ for the above-named petty sessions district of the said County [Borough] of the following offence:—

and the Court ordered that:

On appeal to the County Court for the Division of _____ from his [sentence] [conviction] for the said offence, the County Court on the _____ day of _____ 19 _____ substituted for the said order an order that he be sentenced for the said offence to imprisonment for _____ (state period) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of _____ years from that day the defendant committed in Northern Ireland another offence punishable with imprisonment;

(continue as in Form 86).

F 180

FORM 180

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rule 9)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Sections 20(5) and 21)

Summons on complaint for appearance before Magistrates' Court where
suspended sentence imposed on appeal to county court

of

Complainant

Petty Sessions District of

of

Defendant

County [Borough] of

WHEREAS a complaint has been made before me that on the _____ day
of _____ 19____, you the said Defendant were convicted by a
Magistrates' Court sitting at _____ for the above-named petty
sessions district of the said County [Borough] of the following offence:—

and the Court ordered that:

On appeal to the County Court for the Division of _____
from your [sentence] [conviction] for the said offence the County Court on
the _____ day of _____ 19____ substituted for the said Order an
order that you be sentenced for the said offence to imprisonment for
(state period) but the said County Court made an order that the
said sentence of imprisonment should not take effect unless during the period
of _____ years from that day you committed in Northern Ireland another
offence punishable with imprisonment;

[AND WHEREAS the said period during which the said sentence should not
take effect was by [a Court of Assize for the County [Borough] of
_____] [or a County Court for the County Court Division of
_____] [or a Court of Summary Jurisdiction for the above-named petty
sessions district and County [Borough]] sitting at _____ on
the _____ day of _____ 19____, varied so as to expire on the
_____ day of _____ 19____;]

F 180 (contd.)

AND WHEREAS the complaint alleges that on the day of
 19 , you were convicted by [a Court of Assize for the County [Borough]
 of] [or a County Court for the County Court Division of
] [or a Magistrates' Court for [the petty sessions district
 of and the County [Borough] of]
 [the above-named petty sessions district and County [Borough] sitting at
] of the following offence:—

(state shortly particulars of offence) being an offence punishable with imprison-
 ment, committed by you on the day of 19 ,
 during the said period [as so varied]:

THIS IS TO COMMAND YOU to appear before a Court of Summary Jurisdic-
 tion for the above-named petty sessions district and County [Borough] sitting
 at on the day of 19 at
 o'clock in the noon.

Justice of the Peace

This day of 19 .

To the said Defendant.

F 181

FORM 181

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Rules 14 and 128)

TREATMENT OF OFFENDERS ACT (NORTHERN IRELAND) 1968
(Sections 20(5) and 21)

Warrant for arrest of person upon whom a suspended sentence has been imposed by a County Court on appeal

of

Complainant

of

Defendant

Petty Sessions District of

County [Borough] of

WHEREAS a complaint has been made in writing and on oath that the Defendant was on the day of 19 , convicted by a Magistrates' Court sitting at for the above-named petty sessions district of the said County [Borough] of the following offence:

and the Court ordered that:

On appeal to the County Court for the Division of from his [sentence] [conviction] for the said offence the County Court on the day of 19 , substituted for the said order an order that he be sentenced for the said offence to imprisonment for (state period) but the said County Court made an order that the said sentence of imprisonment should not take effect unless during the period of years from that day the Defendant committed in Northern Ireland another offence punishable with imprisonment;

[AND WHEREAS the said period during which the said sentence should not take effect was by [a Court of Assize for the County [Borough] of] [or a County Court for the County Court Division of] [or a County Court of Summary Jurisdiction for the above-named petty sessions district and County [Borough]] sitting at on the day of 19 , varied so as to expire on the day of 19 ;]

F 181 (contd.)

AND WHEREAS the complaint alleges that the Defendant was on the day of 19 , convicted by [a] Court of Assize for the County [Borough] of [] [or a County Court for the County Court Division of [] [or a Magistrates' Court for [the petty sessions district of [] and the County [Borough] of [] [the above-named petty sessions district and County [Borough] sitting at []] of the following offence:—

(state shortly particulars of offence) being an offence punishable with imprisonment, committed by the Defendant on the day of 19 , during the said period [as so varied]:

THIS IS TO COMMAND YOU, to whom this Warrant is addressed, to arrest the said and bring him forthwith before a Magistrates' Court of the said County [Borough] to answer to the said complaint.

Justice of the Peace.

This day of 19

To the Superintendent
Division.

F 182

FORM 182

MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964
(Section 153; Rule 147)

Notice of direction made by Court of Appeal

of

Complainant
[or Plaintiff]
[or Applicant]
[or Appellant]

Petty Sessions District of

of

Defendant
[or Respondent]

County [Borough] of

WHEREAS upon the hearing of a [complaint] [process] [an application] [an appeal]

(here set out complaint or as the case may be)

a Magistrates' Court for the above-named petty sessions district sitting at _____ on the _____ day of _____ 19 _____, made the following order:—

(here set out order)

AND WHEREAS the said [Complainant] [Plaintiff] [Applicant] [Appellant] [Defendant] [Respondent] appealed to the Court of Appeal by way of case stated:

AND WHEREAS the Court of Appeal having heard the said appeal directed that:

TAKE NOTICE that a Magistrates' Court sitting at _____ will proceed in accordance with such direction and that you are hereby notified to attend thereat on the _____ day of _____ 19 _____ at _____ o'clock in the _____ noon.

Dated this _____ day of _____ 19 _____

Clerk of Petty Sessions.

To the above-named and

Sched. 2

SCHEDULE 2

COURT FEES

A. In proceedings to which Part VII of the Act applies

Debt Proceedings

| | <i>Fee</i> |
|---|------------|
| 1 Process, (ordinary, enforcement or committal) | 25p |
| 2 Set-off, counterclaim, decree (including an order made on application under Part VII of the Judgments (Enforcement) Act (Northern Ireland) 1969) or dismiss | 25p |

Ejectment Proceedings

| | |
|--|-----|
| 3 Process (including proceedings where a claim for rent or sums due under section 78 of the Act is joined with a claim for possession) | 25p |
| 4 Decree or dismiss | 25p |

Duplicate Orders and Extracts from Register

| | |
|-----------------------------------|-----|
| 5 Notice for duplicate order | 10p |
| 6 Duplicate order | 10p |
| 7 Certified extract from register | 10p |

B. In proceedings to which Part VIII of the Act applies

| | |
|---|-----|
| 8 Notice of application or notice of appeal to a magistrates' court | 25p |
|---|-----|

C. Appeals and Case Stated

| | |
|---|-------|
| 10 Copy notice of appeal lodged with clerk of petty sessions (except where appellant in prison) | 50p |
| 11 Written application for case stated | 50p |
| 12 Case stated | £1.00 |

D. Miscellaneous

| | |
|--|-------|
| 13 A certificate of conviction or order | 25p |
| 14 A duplicate licence being certified copy of particulars issued under section 38(2) of the Licensing Act (Northern Ireland) 1971 recorded in the register of licences | £5.00 |
| 15 A notice of application for the renewal or transfer of a licence for the sale of intoxicating liquor by retail or for the grant of an occasional or extension licence | £1.00 |
| 16 A notice of application to a magistrates' court not otherwise provided for | 25p |

Sched. 3

SCHEDULE 3

FEES PAYABLE FOR SERVICE OF A SUMMONS OR PROCESS

- 1.—(1) Subject to sub-paragraph (2), for the service of a summons or process 75p
- (2) Where service of a summons or process is required to be personal 112p
- 2. For the service of a summons or process where there are two or more defendants or witnesses in the same proceedings there shall be a separate fee for each defendant or witness.

SCHEDULE 4

DEBT PROCEEDINGS

TABLE 1: PLAINTIFF'S COSTS (UNDEFENDED¹ PROCEEDINGS)

| In proceedings where amount decreed— (1) | Solicitor's costs ² (2) |
|---|---------------------------------------|
| (i) does not exceed £30 | £7.00 |
| (ii) exceeds £30 | £13.00 |

¹ For proceedings treated as undefended see Rule 73.

² See Rule 57(2): Only 50% of costs specified in column (2) payable where defendant pays amount due before entry day.

Judgments (Enforcement) Act (N.I.) 1969: Part VII—Costs of enforcement order under Rule 112(2)(a) shall be in accordance with this Table as if the total amount ordered to be paid were the amount decreed. Costs of a committal order following upon an enforcement order or an attachment of earnings order shall be one half of amount of costs appropriate to an enforcement order.

TABLE 2: PLAINTIFF'S COSTS (DEFENDED PROCEEDINGS)

| In actions where amount decreed— (1) | Solicitor's costs (2) | Counsel's fee (3) |
|---|--------------------------|----------------------|
| (i) does not exceed £30 | £10.00 | £5.00 |
| (ii) exceeds £30 | £19.50 | £10.00 |

TABLE 3: DEFENDANT'S COSTS (DEFENDED PROCEEDINGS)

| In actions where amount claimed— (1) | Solicitor's costs (2) | Counsel's fee (3) |
|---|--------------------------|----------------------|
| (i) does not exceed £30 | £9.00 | £5.00 |
| (ii) exceeds £30 | £18.50 | £10.00 |

Sched. 5

SCHEDULE 5

EJECTMENT PROCEEDINGS*

TABLE 1: PLAINTIFF'S COSTS

| <i>Solicitor's costs</i> ¹ | <i>Counsel's fee</i> ² |
|---------------------------------------|-----------------------------------|
| (1) | (2) |
| £15.00 | £8.00 |

¹ See Rule 57(2) and (3): Only 50% of solicitor's costs in column (1) payable where defendant delivers up possession and, where appropriate, pays any arrears of rent or any sum due under section 78 of the Act before entry day.

² No fee to be allowed for counsel where proceedings are undefended unless court otherwise orders.

³ This Table includes proceedings where a claim for rent or for sums due under section 78 of the Act is joined with a claim for the recovery of premises.

* "Ejectment proceedings" means proceedings for the recovery of premises to which section 76 of the Act applies (including cases of permissive occupancy) and see Note 3.

TABLE 2: DEFENDANT'S COSTS

| <i>Solicitor's costs</i> | <i>Counsel's fee</i> |
|--------------------------|----------------------|
| (1) | (2) |
| £14.00 | £8.00 |

EXPLANATORY NOTE

(This note is not part of the Rules, but is intended to indicate their general purport.)

These Rules consolidate the Magistrates' Courts Rules (Northern Ireland) 1965 to include amendments to them made prior to the making of these Rules.

- I List of Abbreviations used in Table of Amendments and in the Index to 1964 Act and these Rules
- II Table of Amendments and Repeals of 1964 Act
- III Index to 1964 Act and these Rules

**I List of Abbreviations used in Table of Amendments
and in the Index to 1964 Act and these Rules**

| <i>Short Title of Act or Order in Council</i> | <i>Abbreviation</i> |
|--|-----------------------------|
| Interpretation Act (Northern Ireland) 1954 | 1954 c. 33 |
| County Courts Act (Northern Ireland) 1959 | 1959 c. 25 |
| Backing of Warrants (Republic of Ireland) Act 1965 | 1965 c. 45 (U.K.) |
| Fisheries Act (Northern Ireland) 1966 | 1966 c. 17 |
| Maintenance and Affiliation Orders Act (Northern Ireland) 1966 | 1966 c. 35 |
| Supplementary Benefits &c Act (Northern Ireland) 1966 | 1966 c. 28 |
| Criminal Law Act (Northern Ireland) 1967 | 1967 c. 18 |
| Increase of Fines Act (Northern Ireland) 1967 | 1967 c. 29 |
| Road Traffic Act (Northern Ireland) 1967 | 1967 c. 38 |
| Costs in Criminal Cases Act (Northern Ireland) 1968 | 1968 c. 10 |
| Criminal Justice (Miscellaneous Provisions) Act (Nor- thern Ireland) 1968 | 1968 c. 28 |
| Treatment of Offenders Act (Northern Ireland) 1968 | 1968 c. 29 |
| Criminal Procedure (Committal for Trial) Act (Nor- thern Ireland) 1968 | 1968 c. 32 |
| Children and Young Persons Act (Northern Ireland) 1968 | 1968 c. 34 |
| Grand Jury (Abolition) Act (Northern Ireland) 1969 | 1969 c. 15 |
| Theft Act (Northern Ireland) 1969 | 1969 c. 16 |
| Protection of the Person and Property Act (Northern Ireland) 1969 | 1969 c. 29 |
| Judgments (Enforcement) Act (Northern Ireland) 1969 | 1969 c. 30 |
| Road Traffic Act (Northern Ireland) 1970 | 1970 c. 2 |
| Explosives Act (Northern Ireland) 1970 | 1970 c. 10 |
| Maintenance and Affiliation Orders Act (Northern Ireland) 1970 | 1970 c. 16 |
| Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972 | 1972 c. 11 |
| Electricity Supply (Northern Ireland) Order 1972 | 1972 S.I. 1072 (N.I. 9) |
| Rates (Northern Ireland) Order 1972 | 1972 S.I. 1633 (N.I. 16) |

**II Table of Amendments and Repeals of the Magistrates' Courts Act
(Northern Ireland) 1964 before 1st June 1973**

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|--|
| Section 2(1) | For "1950" substitute "1968" and for "section 47" substitute "section 63". | 1968 c. 34 s. 181(2) and Schedule 7 |
| 6(4) | In subsection (4)(b) for "levied" substitute "made". | 1972 S.I. 1633 (N.I. 16) Art. 63(1) and Schedule 17, para. 14 |
| 40(4) | For "sections 44 and 45" onwards substitute "sections 61 and 62 of the Children and Young Persons Act (Northern Ireland) 1968". | 1968 c. 34 s. 181(2) and Schedule 7 |
| 41(1) | At end of section 41(1) add "or under any provision of the Explosives Act 1875 or section 4 of the Explosives Act (Northern Ireland) 1970". | 1970 c. 10 s. 7(2) |
| 42(1) | For "section 48 of the said Act of 1950" substitute "section 64 of the Children and Young Persons Act (Northern Ireland) 1968". | 1968 c. 34 s. 181(2) and Schedule 7 |
| 42(2) | For section 42(2) substitute— "The place at which a Magistrates' Court is sitting to conduct a preliminary investigation shall be deemed to be an open court except where— (a) any statutory provision (within the meaning of section 1(f) of the Interpretation Act (Northern Ireland) 1954) 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." | 1968 c. 32 s. 6(2) |
| 42 | Subsection (5) added— "(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." | 1967 c. 18 s. 10(1) |
| 46 | For "felony" substitute "offence". | 1967 c. 18 s. 10(2) |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|--|---|
| Section 48(1) | The words "found by a grand jury in any court of assize or", "county" where next occurring and "found or" where twice occurring thereafter repealed. | 1969 c. 15 s. 3(2) |
| 48(2) | For "presented at a County Court where the Judge has exercised the power conferred by section 5(1B) of the Jury Laws Amendment Act (Northern Ireland) 1926" substitute "in respect of which the Judge has pursuant to section 2(3) of the Grand Jury (Abolition) Act (Northern Ireland) 1969, directed the entry of "No Bill"." | 1969 c. 15 s. 4(2) and Schedule |
| 50(4) and (5) | Subsection (4), and in subsection (5) the words "before a grand jury or" repealed. | 1969 c. 15 s. 4(2) and Schedule |
| 52(2) | For subsection (2) substitute— "(2) A resident magistrate shall not deal summarily under this section with any offence without the consent of the prosecutor." | 1967 c. 18 s. 10(3) |
| 53(4) | For "one hundred pounds" substitute the words "two hundred pounds". | 1968 c. 28 s. 12 and Schedule 1 |
| 63 | For "one" substitute "two" and after "loss of" insert "or damage to". For the words from "by the aggrieved person" to the end substitute "(other than loss or damage due to an accident arising out of the presence of a motor vehicle on a road) suffered by the aggrieved person as a result of the commission of the offence." | 1967 c. 18 s. 10(4) 1967 c. 38 s. 37(2)(b) |
| 64(1) | For "six months" substitute "twelve months". | 1968 c. 28 s. 12 and Schedule 1 |
| 64(3) | For "section 66 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1953" substitute "section 63 of the Miscellaneous Transferred Excise Duties Act (Northern Ireland) 1972". | 1972 c. 11 s. 75 and Schedule 4 |
| 67 | Section repealed. | 1969 c. 16 s. 31(2) Schedule 3 Part II |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|--|
| Section 68 | For section substitute— “68. Without prejudice to any other enactment, a person who aids and abets, counsels or procures the commission by another person of 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.” | 1967 c. 18 s. 10(5) |
| 69 | The words “or attempts to procure” repealed. | 1967 c. 18 s. 15(2) Schedule 2 Part II |
| 70 | Add subsection (5)— “(5) In this section, any reference to finger-prints shall be construed as including a reference to palm prints.” | 1968 c. 28 s. 12 and Schedule 1 |
| 88(2) | Subsection repealed. | 1972 S.I. 1633 (N.I. 16) Art. 63(3) Schedule 19 Part I |
| 88(3) | After the words “complaint arose” the words “or within the period provided by section 2 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1970” inserted. | 1970 c. 16 s. 2(4) |
| 95(9) | For “£5” substitute “£10”. | 1967 c. 29 s. 1(1) and Schedule Part I |
| 98(d) | Words “section 20 of the National Assistance Act (Northern Ireland) 1948 or” repealed; Words “or section 24 of the Supplementary Benefits Act (Northern Ireland) 1966” added at end of paragraph (d). | 1966 c. 28 s. 42(3) and Schedule 7 1966 c. 28 s. 42(1) Schedule 5 para. 6 |
| 105 | Section repealed. | 1969 c. 30 s. 132 and Schedule 6 |
| 106 | Section repealed. | ” |
| 107 | Section repealed. | ” |

| Provision of 1964 Act | Amendment or repeal | Amending or repealing provision |
|--|---|--|
| Cross- heading before section 108 | In the cross-heading for " <i>upon civil complaint</i> " substitute " <i>made in proceedings upon complaint otherwise than on conviction</i> ". | 1969 c. 30 s. 130 and Schedule 4 |
| Section 108 | For "upon" where secondly occurring substitute "on". | " |
| | The words "(except where the sum is due in respect of local or other rates)" (which were added by 1969 c. 30 s. 130 and Schedule 4 after "allowed such time may") repealed. | 1972 S.I. 1633 (N.I. 16) Art. 63(3) and Schedule 19 Part I |
| 109 | The subsection (3) (added by 1969 c. 30 s. 130 and Schedule 4) repealed. | " |
| 110 | In subsection (1) after "thereof" insert "or in payment of any costs awarded on the making of such order". | 1969 c. 30 s. 130. and Schedule 4 |
| | Paragraph (d) of subsection (9) repealed. | 1966 c. 28 s. 42(3) and Schedule 7 |
| | In subsection (9) after paragraph (g) insert— "(h) orders under section 24 of the Supplementary Benefits &c. Act (Northern Ireland) 1966;" | 1966 c. 28 s. 42(1) and Schedule 5 |
| | In subsection (9) after paragraph (h) add paragraph (i)— "(i) orders registered in a court of summary jurisdiction under Part II of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966;" | 1966 c. 35 s. 12(2) |
| | In subsection (9) after paragraph (i) add paragraph (j)— "(j) contribution orders under Part X of the Children and Young Persons Act (Northern Ireland) 1968." | 1968 c. 34 s. 181(2) and Schedule 7 |
| | In subsection (9) paragraph (f) repealed. | 1968 c. 34 s. 181(2)(3) Schedules 7 and 8 |
| 111 | After "complaint" insert "otherwise than on conviction". | 1969 c. 30 s. 130 and Schedule 4 Part II |
| 116 | Add subsection (4)— "(4) Without prejudice to sections magistrate or other justice of the peace who issued the warrant or 157 and 159, where the resident made the conviction or order upon | 1968 c. 28 s. 12 and Schedule 1 |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|--|
| Section 116 <i>contd.</i> | which it was issued is unable to exercise his functions under subsection (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 subsection shall be exercisable by any resident magistrate." | |
| 117(2) | Subsection (2) repealed. | 1969 c. 30 s. 132 and Schedule 6 |
| 119 | Section repealed. | " |
| 128(1) | In subsection (1)(b) insert after "and" the words "in lieu of or". | 1967 c. 18 s. 10(6) |
| 128(7) | In subsection (7) for "section 57(2)" and "1950" substitute "section 76(2)" and "1968". | 1968 c. 34 s. 181(2) and Schedule 7 |
| 131 | In subsection (4) for "section 28(2)" and "1950" substitute "section 31(5)" and "1968". | 1968 c. 34 s. 181(2) and Schedule 7 |
| 145 | The words from "and in either case" onwards repealed in so far as those words relate to costs in criminal appeals. | 1968 c. 10 s. 11 and Schedule |
| 149(1) | In subsection (1) for "notice of appeal is given" substitute "a copy of the notice of appeal is lodged with the clerk of petty sessions". | 1968 c. 28 s. 12 and Schedule 1 |
| 154 | For section substitute— "154.—(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 section 2 of the County Court Appeals Act (Northern Ireland) 1964 to the Court of Appeal— (a) the time during which the appellant, pending 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 | 1968 c. 28 s. 12 and Schedule 1 |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|---|
| Section 154 <i>contd.</i> | <p>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.</p> <p>(2) When the county court or the Court of Appeal gives a direction under subsection (1)(b) it shall state its reasons for giving it.</p> <p>(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 (as defined in section 1(f) of the Interpretation Act (Northern Ireland) 1954) 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."</p> | |
| 159(2) | In subsection (2) the words from "except" to "rate" repealed. | 1969 c. 30 s. 132 and Schedule 6 |
| 164(1) and (2) | Subsections (1) and (2) repealed in so far as they relate to costs in criminal cases. | 1968 c. 10 s. 11 and Schedule |
| 169(1) | <p>In subsection (1)—</p> <p>(a) in the definition of "children or young persons" for the words from "Part III" onwards substitute "Part IV of the Children and Young Persons Act (Northern Ireland) 1968";</p> <p>(b) in the definition of "decree" for "the Debtors Act (Ireland) 1872" substitute "section 88 of the Judgments (Enforcement) Act (Northern Ireland) 1969";</p> <p>(c) in the definition of "summary offence" for "section 61 of the Children and Young Persons Act (Northern Ireland) 1950" substitute "section 79 of the Children and Young Persons Act (Northern Ireland) 1968".</p> | <p>1968 c. 34 s. 181(2) and Schedule 7</p> <p>1969 c. 30 s. 130 and Schedule 4 Part II</p> <p>1968 c. 34 s. 181(2) and Schedule 7</p> |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|---|
| Schedule 2 | <p>In Part I paragraph 4 repealed.</p> <p>In Part II paragraph 7 for "section 15" and "1950" substitute respectively "section 24" and "1968".</p> | <p>1966 c. 17 s. 211 and Schedule 8</p> <p>1968 c. 34 s. 181(2) and Schedule 7</p> |
| Schedule 3 | <p>Paragraph 4 repealed.</p> <p>Paragraph 5 repealed.</p> <p>In paragraph 7 for the words "section 13(1)" substitute "Part II".</p> <p>Paragraph 8 repealed.</p> <p>For paragraph 11 substitute— "11. 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 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."</p> <p>After paragraph 11 insert the following paragraph— "11A. Offences under Part IV of the Bankruptcy Amendment Act (Northern Ireland) 1929".</p> | <p>1969 c. 29 s. 6(2)</p> <p>1969 c. 16 s. 31(2) and Schedule 3 Part II</p> <p>1968 c. 28 s. 12 and Schedule 1</p> <p>1969 c. 16 s. 31(2) and Schedule 3 Part II</p> <p>1969 c. 16 s. 28</p> <p>1968 c. 28 s. 12 and Schedule 1 para. 7</p> |

| <i>Provision of 1964 Act</i> | <i>Amendment or repeal</i> | <i>Amending or repealing provision</i> |
|----------------------------------|---|---|
| Schedule 3 <i>contd.</i> | <p>For paragraph 14 substitute— “14. Offences under sections 53 and 55 to 58 of the Post Office Act 1953.”</p> <p>Paragraph 15 repealed.</p> <p>For paragraphs 17 to 20 substitute— “17. 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.</p> <p>18. Any person alleged to be guilty of an offence under section 4(1) of the Criminal Law Act (Northern Ireland) 1967 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).</p> <p>19. 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).</p> <p>20. Any indictable offence which may be tried by a magistrates' court by virtue of section 9 of the Criminal Law Act (Northern Ireland) 1967.”</p> | <p>1969 c. 16 s. 31(1) and Schedule 2</p> <p>1969 c. 16 s. 31(2) Schedule 3 Part II</p> <p>1967 c. 18 s. 10(7)</p> |
| Schedule 6 | <p>The entry relating to the Electricity Supply Act (Northern Ireland) 1948 repealed.</p> <p>The entries relating to the Welfare Services Act (Northern Ireland) 1949 repealed.</p> <p>The entries relating to the Children and Young Persons Act (Northern Ireland) 1950 repealed.</p> | <p>1972 S.I. 1072 (N.I. 9) Art. 54(2) and Schedule 7</p> <p>1971 c. 2 s. 47 and Schedule 4</p> <p>1968 c. 34 s. 181(3) and Schedule 8</p> |

**III Index to Magistrates' Courts Act (Northern Ireland) 1964 and to
Magistrates' Courts Rules (Northern Ireland) 1974**

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| REVOCATION of order for periodical payment at any time on civil complaint | 88(4) and 96 | |
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