STATUTORY RULES OF NORTHERN IRELAND

2000 No. 278

MAGISTRATES' COURTS

The Magistrates' Courts (Human Rights Act 1998) Rules (Northern Ireland) 2000

Made - - - -	*26th September2000*
Coming into operation	*2nd October 2000*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**1**) and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Human Rights Act 1998) Rules (Northern Ireland) 2000 and shall come into operation on 2nd October 2000.

Interpretation

2. In these Rules—

"the Act" means the Human Rights Act 1998 (**2**)

"Convention rights" has the same meaning as in section 1 of the Act;

"the Order" means the Magistrates' Courts (Northern Ireland) Order 1981;

"public authority" has the same meaning as in section 6(3) of the Act.

Proceedings in a magistrates' court

3.—(1) Subject to paragraph (2), a party who intends to rely on a Convention right or rights in proceedings before a magistrates' court, shall specify—

(a) in the summons or notice of application or appeal in relation to the proceedings before the court; or

(**1**) S.I.1981/1675 (N.I. 26)
(**2**) 1998 c. 42

(b) in a notice in Form 1, which shall be served by ordinary first class post on each of the other parties to the proceedings and on the clerk of petty sessions for the petty sessions district for which the court acts,

details of the Convention right or rights which it is alleged have been (or would be) infringed and details of any alleged infringement.

(2) Paragraph (1) shall not apply to any proceedings to which Part V of the Order applies.

Appeals to a county court

4.—(1) A party who intends to rely on a Convention right or rights in an appeal from a magistrates' court to a county court shall state that fact and shall specify such details as are referred to in paragraph (4)—

(a) if he is an appellant, in the notice of appeal;

(b) if he is a respondent, in a notice in Form 2.

(2) A notice in Form 2 shall be be served by ordinary first class post on each of the other parties to the appeal and on the Chief Clerk for the county court division in which the appeal will be heard.

(3) The following shall be specified in accordance with paragraph (1)—

(a) details of the Convention right or rights which is alleged have been (or would be) infringed and details of the alleged infringement;

(b) whether the appellant is claiming for damages in respect of a judicial act to which section 9(3) of the Act applies;

(c) where the appeal relates to a judicial act which is alleged to have infringed a Convention right or rights of a party as provided by section 9, details of the judicial act complained of and of the magistrates' court which is alleged to have performed that act.

(4) Paragraph (3)(*a*) shall not appply to any appellant or respondent except where such an appellant or respondent intends to rely on a Convention right or rights not relied upon by him before the magistrates' court from whose decision the appeal is brought.

5. The Magistrates' Courts Rules (Northern Ireland) 1984(**3**), the Magistrates' Courts (Children (Northern Ireland) Order 1995) Rules (Northern Ireland) 1996(**4**), and the Magistrates' Courts (Domestic Proceedings) Rules (Northern Ireland) 1996(**5**) shall have effect subject to the provisions of these Rules.

Dated 26th September 2000. *Irvine of Lairg,* C.

(**3**) S.R. 1984 No. 225
(**4**) S.R. 1996 No. 323
(**5**) S.R. 1996 No. 324

SCHEDULE Rule 3(1)(*b*)

FORM 1Notice of party raising intention to rely on Convention right (or rights) in proceedings otherwise than in summons or notice of application or appeal

[Title as in proceedings in which Convention right or rights are raised]

TAKE NOTICE that I intend to rely in the above-mentioned proceedings on a Convention right or rights.

[Specify details set out in Rule 3(1)]

Dated this day of 20 .

[Solicitor for the]
[On behalf of the]
[Complainant]
[Plaintiff]
[Appellant]
[Applicant]
[Defendant]
[Respondent]

To: The [Defendant] [Respondent] [Complainant] [Plaintiff] [Appellant] [Applicant] [any other party] of and to the Clerk of Petty Sessions for the above-named petty sessions district.

FORM 2Notice of repondent raising intention to rely on a Convention right or rights in appeal from a magistrates' court to a county court

[Title as in proceedings in which Convention right or rights are raised]

TAKE NOTICE that I intend to rely in the above-named appeal on a Convention right or rights.

[Specify details set out in Rule 4(3)]

Dated this day of 20 .

[Solicitor for the]
[On behalf of the]
[Respondent]

To. The [Appellant] [any other party] of and to the Clerk of Petty Sessions for the above-named petty sessions district.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules prescribe the procedure to be used

(a) in civil proceedings in a magistrates' court (rule 3);

(b) on appeal from a magistrates' court to a county court (rule 4),

in which Convention rights within the meaning of section 1 of the Human Rights Act 1998, are relied upon.