

1974. No. 333

**MAGISTRATES' COURTS****Magistrates' Courts (Amendment) (No. 3) Rules (Northern Ireland) 1974***Made* . . . . . 31st December 1974*Coming into operation* . . . . . 7th February 1975*To be laid before Parliament*

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b), read with section 21(2) of the Interpretation Act (Northern Ireland) 1954(c), on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice and with the concurrence, as respects so much of the rules as amends Schedule 2 to the Magistrates' Courts Rules (Northern Ireland) 1965(d), of the Treasury(e), hereby makes the following rules:

*Citation and commencement*

1. These rules may be cited as the Magistrates' Courts (Amendment) (No. 3) Rules (Northern Ireland) 1974 and shall come into operation on 7th February 1975.

*Amendment or revocation of principal rules*

2. The Magistrates' Courts Rules (Northern Ireland) 1965 are amended or revoked to the extent specified in the schedule.

Northern Ireland Office  
30th December 1974

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

We concur in so much of these rules as amends schedule 2 to the Magistrates' Courts Rules (Northern Ireland) 1965.

31st December 1974

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

(a) Formerly the Ministry of Home Affairs for Northern Ireland; see S.R. & O. 1921, No. 1804 and S.I. 1973/2163.  
(b) 1964. c. 21 (N.I.).  
(c) 1954. c. 33 (N.I.).  
(d) S.R. & O. (N.I.) 1965 No. 206 as amended by S.R. & O. (N.I.) 1971 No. 37 and S.R. & O. (N.I.) 1972 No. 173.  
(e) Formerly the Ministry of Finance for Northern Ireland; see SI. 1973/2163.

## SCHEDULE

## Amendment of the Magistrates' Courts Rules (Northern Ireland) 1965

<i>Provision of principal rules amended or revoked</i>	<i>Amendment or revocation</i>
Rule 23A	<p>For paragraph (1) of rule 23A there shall be substituted the following paragraph:</p> <p>“(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.”</p> <p>In paragraph (2) of rule 23A the words “The copy of” shall be omitted.</p>
Rule 118	<p>For rule 118 there shall be substituted the following rule:</p> <p><i>“Taking of recognisances of accused and sureties where court has certified consent to bail and accused has been remanded in custody.</i></p> <p><b>118.</b> Where an accused has been remanded or committed for trial in custody and a court has certified its consent to his being released on bail, his recognisance or that of any surety specified in the certificate may be taken by:</p> <p>(a) any person referred to in Rule 115(2); or</p> <p>(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;</p> <p>and after taking such recognisance or recognisances that person or member shall discharge the accused from custody and send the recognisance or recognisances to the clerk of petty sessions.”</p>
Schedule 2	<p>The heading “<b>C. In proceedings to which Part IX of the Act applies</b>” and the paragraph numbered 9 under that heading are revoked.</p>

<i>Provision of principal rules amended or revoked</i>	<i>Amendment or revocation</i>
Schedule 3	<p>For schedule 3 there shall be substituted the following:</p> <p style="text-align: center;"><b>“SCHEDULE 3</b></p> <p style="text-align: center;"><b>FEES PAYABLE FOR SERVICE OF A SUMMONS OR PROCESS</b></p> <p>1.—(1) Subject to sub-paragraph (2), for the service of a summons or process 75p</p> <p>(2) Where service of a summons or process is required to be personal 112p</p> <p>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.”</p>

#### EXPLANATORY NOTE

*(This note is not part of the rules, but is intended to indicate their general purport.)*

These rules amend the Magistrates' Courts Rules (Northern Ireland) 1965.

The stage at which the prosecutor is required to serve a statement of complaint for the purpose of a preliminary investigation on the accused and upon the clerk of petty sessions is altered by requiring service a reasonable time before the day fixed for the taking of depositions relating to the commission of the offence in accordance with rule 24 of the 1965 rules.

The 1965 rules are amended to enable the recognisance of an accused or his surety to be taken before the member of the Royal Ulster Constabulary in charge of the police station at which the accused is in custody prior to his commitment to prison where the court has certified its consent to the release of the accused on bail.

The requirement to pay a court fee on a summons issued upon complaint in a civil matter is abolished and the fees payable to a summons server for service of a summons or process are increased.