

## 1976 No. 2

## MAGISTRATES' COURTS

## Magistrates' Courts (Emergency Provisions) Rules (Northern Ireland) 1976

*Made* . . . . . 2nd January 1976

*Coming into operation* . . . . . 2nd February 1976

*To be laid before Parliament*

The Secretary of State(a) in pursuance of section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(b) hereby, on the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, makes the following rules:

*Citation and commencement*

1. These rules may be cited as the Magistrates' Courts (Emergency Provisions) Rules (Northern Ireland) 1976 and shall come into operation on the 2nd February 1976.

*Modification of 1974 Rules in relation to proceedings within section 2 of 1975 Act*

2. Where section 2 of the Northern Ireland (Emergency Provisions) (Amendment) Act 1975(c) has effect in relation to any proceedings the provisions of the Magistrates' Courts Rules (Northern Ireland) 1974(d) specified in the first column of the Schedule shall, in relation to those proceedings, have effect subject to the modifications specified in the second column of the Schedule.

Northern Ireland Office  
2nd January 1976

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

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(a) Formerly the Minister of Home Affairs for Northern Ireland: see S.I. 1973/2163  
(b) 1964 c. 21 (N.I.)  
(c) 1975 c. 62  
(d) S.R. 1974 No. 334

**Modifications of 1974 Rules in relation to proceedings within section 2 of the Northern Ireland (Emergency Provisions) (Amendment) Act 1975**

<i>Provision modified</i>	<i>Modification</i>
Rule 34	<p>For paragraph (2) there shall be substituted the following paragraph—</p> <p>“(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 ask the accused or each of them if he has any submission to make that the holding of a preliminary enquiry would be contrary to the interests of justice and the court shall consider any such submission before deciding to hold a preliminary enquiry.”</p> <p>In paragraph (4) after the word “representative” there shall be inserted the word “successfully”.</p> <p>In paragraph (5) the words from “and in order” to “in respect of that other or others” shall be omitted.</p>
Schedule 1	<p>In Form 26 in the body of the Form in the first Paragraph the words “unless the accused objects to the conducting of such enquiry” and in the paragraph beginning “The accused may object” the words from “may object” to “he”, where it secondly appears, shall be omitted.</p>

## EXPLANATORY NOTE

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

Section 2 of the Northern Ireland (Emergency Provisions) (Amendment) Act 1975 provides that in proceedings for certain scheduled offences where the prosecutor requests a magistrates' court to conduct a preliminary enquiry into the offence under the Criminal Procedure (Committal for Trial) Act (Northern Ireland) 1968 the court shall, notwithstanding anything in section 1 of the Act of 1968, conduct a preliminary enquiry into the offence unless the court is of opinion that in the interests of justice a preliminary investigation should be conducted into the offence under Part VI of the Magistrates' Courts Act (Northern Ireland) 1964. Scheduled offences are those specified in Part I of Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1973.

These rules make certain consequential modifications of the Magistrates' Courts Rules (Northern Ireland) 1974.