

1992 No. 31

MAGISTRATES' COURTS

**The Magistrates' Courts (Backing of Warrants from the
Republic of Ireland) (Amendment) Rules
(Northern Ireland) 1992**

Made 23rd January 1992

Coming into operation 2nd March 1992

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a) and sections 2A and 8 of the Backing of Warrants (Republic of Ireland) Act 1965(b), 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 (Backing of Warrants from the Republic of Ireland) (Amendment) Rules (Northern Ireland) 1992 and shall come into operation on 2nd March 1992.

2. The Magistrates' Courts (Backing of Warrants from the Republic of Ireland) Rules (Northern Ireland) 1965(c) shall be amended by inserting, after Rule 6, the following rules:—

“6A.—(1) Where a court refuses to make an order in relation to a person under section 2 of the Act, any application to the court under section 2A(1) of the Act to state a case for the opinion of the High Court on any question of law arising in the proceedings must be made to the court by the chief constable within the period of 21 days following the day on which the order was refused, unless the court grants a longer period within which the application is to be made.

(2) An application under paragraph (1) shall be made in writing and shall identify the question or questions of law on which the opinion of the High Court is sought.

6B. Within 21 days after receipt of an application to state a case under section 2A(1) of the Act, the clerk of petty sessions shall send a draft case to the applicant or his solicitor and to the person to whom the warrant relates or his solicitor and shall allow each party 21 days within which to

(a) S.I. 1981/1675 (N.I. 26)

(b) 1965 c. 45; section 2A was inserted by paragraph 5 of Schedule 1 to the Criminal Justice Act 1988 c. 33 and is saved by virtue of section 37(5) of the Extradition Act 1989 c. 33

(c) S.R. 1965 No. 231

make representations thereon; and within 21 days after the latest day on which such representations may be made the court shall, after considering such representations and making such adjustments, if any, to the draft case as it thinks fit, state and sign the case which the clerk of petty sessions shall forthwith send to the applicant or his solicitor”.

Dated 23rd January 1992.

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the rules.)

These rules amend the Magistrates' Courts (Backing of Warrants from the Republic of Ireland) Rules (Northern Ireland) 1965 in relation to appeals by way of case stated against refusals to order the delivery of persons to the Republic of Ireland under section 2A of the Backing of Warrants (Republic of Ireland) Act 1965 (inserted by Schedule 1 to the Criminal Justice Act 1988).

New rules 6A and 6B are inserted into the 1965 Rules to specify the periods during which an application to state a case must be made and within which the court must comply with such an application.