
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 127

MAGISTRATES' COURTS

**The Magistrates' Courts (Children's Evidence)
(Notices of Transfer) Rules (Northern Ireland) 1996**

Made - - - - *27th March 1996*
Coming into operation *8th April 1996*

The Lord Chancellor, in exercise of the powers conferred upon him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) and of 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 (Children's Evidence) (Notices of Transfer) Rules (Northern Ireland) 1996 and shall come into operation on 8th April 1996.

Interpretation

2.—(1) In these Rules—

“the Order” means the Children's Evidence (Northern Ireland) Order 1995(2) and a reference to an Article or Schedule by number is a reference to the Article or Schedule so numbered in the Order;

“notice of transfer” means a notice referred to in Article 4(1).

(2) Any reference in these Rules to a form by number is a reference to that form so numbered in the Schedule to these Rules.

Transfer in custody

3. Where a magistrates' court, in exercise of the power conferred by paragraph 2(1) of Schedule 1, orders a person to be kept in custody, a warrant of commitment in Form 1 shall be issued.

Notification of enlargement of recognizance

4. Where a magistrates' court, in exercise of the power conferred by paragraph 2(5)(b) of Schedule 1 enlarges, in a surety's absence, a recognizance conditioned in accordance with Article

(1) S.I.1981/1675 (N.I. 26)
(2) S.I. 1995/757 (N.I. 3)

47(1)(b) or 48 of the Magistrates' Courts (Northern Ireland) Order 1981, the clerk of petty sessions shall notify the surety of the decision of the court and inform him that he is bound to secure that the person charged appears before the Crown Court.

Documents to be sent to Crown Court

5. As soon as practicable and in any event within 7 days after a magistrates' court to which a notice of transfer has been given has discharged the functions reserved to it under Article 4(3), the clerk of petty sessions shall send to the chief clerk of the Crown Court—

- (a) the complaint, if it is in writing;
- (b) any recognizance entered into by any person in connection with the proceedings, together with a note of any enlargement thereof;
- (c) any documents or exhibits produced in evidence before the court which have been retained by him;
- (d) a copy of any criminal legal aid certificate granted by the court.

Dated 27th March 1996.

Mackay of Clashfern, C.

SCHEDULE

Rule 2

Form 1 Children's Evidence (Northern Ireland) Order 1995 (Article 4; Schedule 1

Rule 3

Warrant of Commitment on transfer of case to Crown Court for trial under Article 4 of the Children's Evidence (Northern Ireland) 1995

of Petty Sessions District of

Complainant

of

Accused (particulars and statute)

Alleged offence: The proceedings against the accused in respect of the above offence have been transferred to the Crown Court at

[address]

Direction: [You [the sub-divisional commander of (police sub-division), are hereby required to convey the accused to [prison] [young offenders centre] [remand home] and there deliver him to the [Governor] [person in charge] thereof, together with this warrant.

[You the [Governor] [person in charge] of [prison] [young offenders centre] [remand home] are hereby required to keep the accused in your custody and unless the defendant is released on bail in the meantime, to keep him until he is delivered in due course of law.]

[1] Bail: After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

(condition(s))

To provide accused's surrender to custody

This day of 199

[Resident Magistrate] [Clerk of Petty Sessions]

(condition(s))

[2]

To:— (a) the sub-divisional commander of (police sub-division) at (sub-divisional headquarters);

Notes: [1] Delete if bail is not granted [2] Insert condition(s)

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules provide for the procedure to be followed in magistrates' courts where a notice of transfer is given under Article 4(1) of the Children's Evidence (Northern Ireland) Order 1995 which comes into operation on 8th April 1996.

Rule 3 provides that where a magistrates' court has ordered that a person, to whom a notice of transfer relates, be kept in custody, a warrant of commitment (in Form 1) shall be issued.

Rule 4 provides that where a recognizance is enlarged in a surety's absence the clerk of petty sessions shall inform the surety of the court's decision.

Rule 5 provides for certain documents to be sent to the Crown Court by the magistrates' court to which a notice of transfer has been given.