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STATUTORY RULES OF NORTHERN IRELAND

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**1999 No. 224**

**MAGISTRATES' COURTS**

**Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999**

*Made* - - - - *12th May 1999*  
*Coming into operation* *1st June 1999*

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 (Sex Offender Orders) Rules (Northern Ireland) 1999 and shall come into operation on 1st June 1999.

**Interpretation**

2.—(1) In these Rules “the 1998 Order” means the Criminal Justice (Northern Ireland) Order 1998(2).

(2) Expressions used in these Rules and in the 1998 Order have the same meanings in these Rules as they have in that Order.

**Proceedings in respect of sex offender order**

3.—(1) A summons issued on foot of a complaint under Article 6(2) of the 1998 Order (application for sex offender order) shall be Form 1 in the Schedule.

(2) A sex offender order shall be in Form 2 in the Schedule.

(3) A summons issued on foot of complaint under Article 6(6) of the 1998 Order (variation or discharge of sex offender order) shall be in Form 3 in the Schedule, and such proceedings shall be in a court of summary jurisdiction acting for the petty sessions district in which the sex offender order was made.

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(1) S.I.1981/1675 (N.I. 26)  
(2) S.I. 1998/2839 (N.I. 20)

## Service of documents

4.—(1) Service of a summons may be effected—

- (a) by a member of the Royal Ulster Constabulary serving a copy of the summons on the defendant in person;
- (b) by sending a copy of the summons by ordinary first class post to the defendant at either his last-known address or any address which is currently notified by him under Part I of the Sex Offenders Act 1997<sup>(3)</sup> (in which cases the summons shall be deemed to have been received by him in the ordinary course of post); or
- (c) in the case of a summons on foot of a complaint for the variation or discharge of a sex offender order by the defendant mentioned in that order, in accordance with paragraphs (2), (6) and (7) of rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984<sup>(4)</sup> by delivering a copy of the summons to any police station within the petty sessions district in which the proceeding are brought and leaving a copy of it with the officer in charge or any other member of the Royal Ulster Constabulary.

(2) Where the court makes a sex offender order, the clerk of petty sessions shall serve a copy of it on the defendant—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary first class post to the defendant at either his last-known address or any address which is currently notified by him under Part I of the Sex Offenders Act 1997 (in which cases the order shall be deemed to have been received by him in the ordinary course of post),

and shall send a copy of the order by ordinary first class post to the complainant.

(3) Where the court either varies or discharges a sex offender order by a further order, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied or, as the case may be, the order discharging on the sex offender—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary first class post to the defendant at either his last-known address or any address which is currently notified by him under Part I of the Sex Offenders Act 1997 (in which cases the order shall be deemed to have been received by him in the ordinary course of post),

and shall send a copy to the complainant.

(4) In paragraph (3) references to the complainant and the defendant are references to the complainant and the defendant in the proceedings in which the sex offender order was originally made.

Dated 12th May 1999

*Irvine of Lairg, C.*

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<sup>(3)</sup> 1997 c. 51

<sup>(4)</sup> S.R. 1984 No. 225 to which there are relevant amendments in S.R. 1992 No. 541 and S.R. 1997 No. 428

SCHEDULE

Rule 3

**FORM 1 Summons on foot of complaint for sex offender order (Criminal Justice (Northern Ireland) Order 1998, Article 6(2))**

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

of	} <table border="0" style="margin-left: 20px;"> <tr> <td>Petty Sessions District of</td> </tr> <tr> <td>County Court Division of</td> </tr> </table>	Petty Sessions District of	County Court Division of
Petty Sessions District of			
County Court Division of			
Complainant			
of	} <table border="0" style="margin-left: 20px;"> <tr> <td>Petty Sessions District of</td> </tr> <tr> <td>County Court Division of</td> </tr> </table>	Petty Sessions District of	County Court Division of
Petty Sessions District of			
County Court Division of			
Defendant			

WHEREAS a complaint has been made before me on (date) at (place) in respect of an application for a sex offender order against you, the said defendant, to the effect that—

You are a sex offender by virtue of the following, namely—

Offence:

Date of conviction/finding/caution/punishment:

Court [Police Station]:

And that you on (date(s)) at (place(s))

have acted in such a way as to give reasonable cause to believe that a sex offender order under Article 2 of the Criminal Justice (Northern Ireland) Order 1998 is necessary to protect the public from serious harm from you and that you were responsible for acts, particulars of both of which are given above and in respect of which the complaint is made.

THIS IS TO COMMAND YOU to appear as a defendant at the hearing of the said complaint at (place) on (date) at (time) before a court of summary jurisdiction for the said petty sessions district.

This day of 19

Justice of the Peace  
[Clerk of Petty Sessions]

To: [the defendant]

**NOTE:** Where the court is satisfied that you received this summons within what appears to be a reasonable time before the hearing or adjourned hearing it may proceed in your absence.

If a sex offender order is made against you, you will be subject to the notification requirements of Part I of the Sex Offenders Act 1997, which oblige you to notify the police of your name and address.

If, without reasonable excuse, you do anything you are prohibited from doing by such an order, you will have committed an offence and will be liable—

(a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (currently £5,000) or to both;

(b) on conviction on indictment (that is, in the Crown Court) to imprisonment for a term not exceeding 5 years or to a fine or to both.

**FORM 2 Sex offender order (Criminal Justice (Northern Ireland) Order 1998, Article 6)**

*[Title as in Form 1]*

It is adjudged that the defendant, being a sex offender, acted in a manner which gave reasonable cause to believe that this order is necessary to protect the public from serious harm from [him] [her].

And it is ordered that the defendant is prohibited from .

And it is ordered that the defendant is subject to the notification requirement under Part I of the Sex Offenders Act 1997 from the date of service of this order.

Until (date not less than 5 years or until further order) .

And, by virtue of Article 6(5) of the Criminal Justice (Northern Ireland) Order 1998, while this order has effect, Part I of the Sex Offenders Act 1997 shall have effect as if—

- (a) the defendant were subject to the notification requirement of that Part; and
- (b) in relation to the defendant the relevant date (within the meaning of that Part) were the date of service of the order.

This      day of                      19      .

Clerk of Petty Sessions

**NOTE:** If, without reasonable excuse, the defendant does anything which [he] [she] is prohibited from doing by this order, [he] [she] will have committed an offence and will be liable —

- (a) on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (currently £5,000) or to both;
- (b) on conviction on indictment (that is, in the Crown Court) to imprisonment for a term not exceeding 5 years or to a fine, or to both.

**FORM 3 Summons on foot of complaint to vary or discharge sex offender order (Criminal Justice (Northern Ireland) Order 1998, Article 6(6))**

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

[Title as in Form 1]

WHEREAS a sex offender order, a copy of which is attached to this summons, was made against the defendant mentioned in that order on the            day of 19            .

And the complainant, who was the [complainant] [defendant] in those proceedings now applies by complaint for the [variation] [discharge] of the said sex offender order on the grounds that

(State grounds)

THIS IS TO COMMAND YOU the said defendant to appear on (date) at (time)            , before a court of summary jurisdiction for the said petty sessions district of            sitting at (place) to answer the complaint.

This            day of            19            .

Justice of the Peace  
[Clerk of Petty Sessions]

To:

**NOTE:** Except with the consent of both the complainant and the defendant a sex offender order cannot be discharged before the end of the period of 5 years beginning with the date of service of the order.

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**EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These Rules prescribe procedures for applications for sex offender orders under Article 6 of the Criminal Justice (Northern Ireland) Order 1998 and for the variation and discharge of such orders.