

2003 No. 32

MAGISTRATES' COURTS

**Magistrates' Courts (Sex Offender Orders) (Amendment)
Rules (Northern Ireland) 2003**

Made - - - - - *18th January 2003*

Coming into operation *10th February 2003*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(a), 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, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Sex Offender Orders) (Amendment) Rules (Northern Ireland) 2003 and shall come into operation on 10th February 2003.

(2) In these Rules, “the principal Rules” means the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999(b).

Amendment of the principal Rules

2.—(1) After Rule 3 of the principal Rules, there shall be inserted the following new Rule:

“Proceedings in respect of interim sex offender order

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

(2) An interim sex offender order shall be in Form 4 in the Schedule.

(3) A summons issued on foot of a complaint under Article 6A(6) of the 1998 Order (variation or discharge of interim 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 interim sex offender order was made.”

(2) In Rule 4 of the principal Rules, there shall be inserted after the words “a sex offender order”, in each of the four places in which they appear, the words “or interim sex offender order”.

(3) For the Schedule to the principal Rules, there shall be substituted the Schedule to these Rules.

Dated 18th January 2003.

Irvine of Lairg, C.

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

(b) S.R. 1999 No. 224

SCHEDULE

Rule 2(3)

FORM 1

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1998

MAGISTRATES' COURTS (SEX OFFENDERS ORDERS) RULES (NORTHERN IRELAND) 1999

(Articles 6(2) and 6A(2), Rules 3 and 3A)

Summons on foot of complaint for [sex offender order] [and] [Interim Sex Offender Order]*

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS a complaint has been made before me on (date) at (place) in respect of an application for [a sex offender order] [and] [an interim 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 have acted, since the relevant date, in such a way as to give reasonable cause to believe that [a sex offender order under Article 6] [and] [an interim sex offender order under Article 6A]* of the Criminal Justice (Northern Ireland) Order 1998 is necessary to protect the public in the United Kingdom or any particular members of that public from serious harm from you (give particulars of the date(s), place(s) and nature of the behaviour 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 20 .

Signed

Justice of the Peace

[Clerk of Petty Sessions]

To:

[the defendant]

* Delete as appropriate

Note:

Where the court is satisfied that this summons was served on you within what appears to be a reasonable time before the hearing or adjourned hearing it may proceed in your absence to determine the application for a sex offender order.

Where an application for a sex offender order (“the main application”) to a court of summary jurisdiction has not been determined, the applicant may apply to the court for an interim sex offender order, pending the determination of the main application.

If a sex offender order or interim 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, home address and date of birth (within 3 days)
- any changes to your name or home address (within 14 days of the change)
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 14 days within a twelve month period (within 14 days)
- any plans you have to travel abroad for a period of eight days or longer (not less than 48 hours in advance).

If, without a reasonable excuse, you do anything you are prohibited from doing by such an order, or fail to comply with the notification requirements of the Sex Offenders Act 1997 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

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1998

MAGISTRATES' COURTS (SEX OFFENDER ORDERS) RULES (NORTHERN IRELAND) 1999

(Article 6, Rule 3)

Sex Offender Order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

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 in the United Kingdom or any particular members of that 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 requirements 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 requirements 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 20 .

Signed

Clerk of Petty Sessions

Note:

One of the requirements of a sex offender order is that you (the defendant) will be subject to the notification requirements of Part I of the Sex Offenders Act 1997. The requirements of that Act oblige you to report to a prescribed police station within 3 days of the service of this order and to notify the police of your name, home address and date of birth. You are further obliged to notify the police of:

- any changes to your name or home address (within 14 days of the change)
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 14 days within a twelve month period (within 14 days)
- any plans you have to travel abroad for a period of eight days or longer (not less than 48 hours in advance).

Your local designated police station will be able to explain these conditions and requirements in more detail.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without a reasonable excuse, you do anything you are prohibited from doing by such an order, or fail to comply with the notification requirements of the Sex Offenders Act 1997 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 3

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1998
MAGISTRATES' COURTS (SEX OFFENDER ORDERS) RULES (NORTHERN IRELAND) 1999
(Article 6(6) and A(6), Rules 3 and 3A)

Summons on foot of complaint to vary or discharge a[n] [interim]* sex offender order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS a[n] [interim]* 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 20 .

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

(State grounds)

THIS IS TO COMMAND YOU the said defendant to appear 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 20 .

Signed

Justice of the Peace

[Clerk of Petty Sessions]

To:

* Delete as appropriate

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.

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 1998
MAGISTRATES' COURTS (SEX OFFENDERS ORDER) RULES (NORTHERN IRELAND) 1999

(Article 6A, Rule 3A)

Interim Sex Offender Order

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

Whereas a complaint has been made that the defendant, being a sex offender, acted in a manner which gave reasonable cause to believe that a sex offender order is necessary to protect the public in the United Kingdom or any particular members of that public from serious harm from [him][her].

And whereas the application for the sex offender order (“the main application”) has not been determined and the applicant has applied to the court for an interim sex offender order, pending the determination of the main application.

The court hereby makes the following order:

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 [for the period of] until further order]*.

This interim sex offender order shall (if still in force) cease to have effect on the determination of the main application.

And, by virtue of Article 6A(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 requirements 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 20 .

Signed
Clerk of Petty Sessions

*Delete as appropriate

Note:

One of the requirements of an interim sex offender order is that you (the defendant) will be subject to the notification requirements of Part I of the Sex Offenders Act 1997. The requirements of that Act oblige you to report to a prescribed police station within 3 days of the service of this order and to notify the police of your name, home address and date of birth. You are further obliged to notify the police of:

- any changes to your name or home address (within 14 days of the change)
- any address you stay at or plan to stay at in addition to your home address for a period of longer than 14 days within a twelve month period (within 14 days)

- any plans you have to travel abroad for a period of eight days or longer (not less than 48 hours in advance).

Your local designated police station will be able to explain these conditions and requirements in more detail.

The restrictions in this order apply throughout the United Kingdom (England and Wales, Scotland and Northern Ireland).

If, without a reasonable excuse, you do anything you are prohibited from doing by such an order, or fail to comply with the notification requirements of the Sex Offenders Act 1997 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.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Sex Offender Orders) Rules (Northern Ireland) 1999 to prescribe the procedure on an application for an interim sex offender order, and for the variation and discharge of such an order.

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