

**2006 No. 414**

**MAGISTRATES' COURT**

**The Magistrates' Courts (Anti-social Behaviour Orders)  
(Amendment) Rules (Northern Ireland) 2006**

*Made* - - - - - *17th October 2006*

*Coming into operation* - *15th November 2006*

The Magistrates' Court Rules Committee makes the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981<sup>(a)</sup> after consultation with the Lord Chancellor and with the agreement of the Lord Chief Justice:—

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2006 and shall come into operation on the 15th November 2006.

**Amendment of the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004<sup>(b)</sup>**

2.—(1) After Rule 2(4), there shall be inserted the following new paragraph—

“(5) An interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings shall be in Form 4A.”.

(2) Rule 3 is amended as follows—

- (a) at the end of sub-paragraph (1)(b) the word “or” shall be omitted;
- (b) at the end of sub-paragraph (1)(c) for “;”, there shall be substituted “; or”; and
- (c) after sub-paragraph (1)(c), there shall be inserted the following new sub-paragraph—

“(d) an interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings.”.

(3) Rule 4 is amended as follows—

- (a) after paragraph (1), there shall be inserted the following new paragraph—

“(1A) Any summons issued in accordance with paragraph (1) may be served by—

  - (a) the complainant or employee of the complainant;
  - (b) the summons server of the petty sessions district in which the proceedings are brought or in which the defendant or witness resides; or

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(a) S.I. 1981/1675 (N.I. 26) to which the most recent amendments were made by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4).  
(b) S.R. 2004 No. 324.

- (c) any person who has received permission from a resident magistrate or lay magistrate or from the clerk of petty sessions to serve the summons; and any such permission shall be endorsed on the original summons and signed by the person giving it.”.
  - (b) at the end of sub-paragraph (2)(b) the word “or” shall be omitted;
  - (c) at the end of sub-paragraph (2)(c) for “;”, there shall be substituted “; or”;
  - (d) after sub-paragraph (2)(c) there shall be inserted the following new sub-paragraph—  
“an interim anti-social behaviour order under Article 6A of the 2004 Order made on conviction in criminal proceedings;” and
  - (e) in paragraph (3) for “complainant”, there shall be inserted “complainant or, where appropriate, other specified authority”.
- (4) The Schedule shall be amended as follows:
- (a) by inserting after Form 4, the new Form 4A in the Schedule to these Rules; and
  - (b) by substituting for Form 5, the new Form 5 in the Schedule to these Rules.

*George Conner  
Nigel Broderick  
John Rea  
Sean McCann  
John P. B. Maxwell  
Mandy Kilpatrick*

Dated 17th October 2006





Form 5

Anti-social Behaviour (Northern Ireland) Order 2004

Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004

(Articles 3(7), 4(5), 6B(5), (8) and (11), Rule 3(1))

**Summons on Complaint for [Variation] [Discharge] of [Anti-social Behaviour Order] [Interim Anti-social Behaviour Order] [Anti-social Behaviour Order on Conviction] [Interim Anti-social Behaviour Order on Conviction]**

Of

Petty Sessions District of

Complainant

Of

County Court Division of

Defendant

WHEREAS—

[an anti-social behaviour order];  
[an interim anti-social behaviour order];  
[an anti-social behaviour order on conviction];  
[an interim anti-social behaviour order on conviction],

(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] [who is the specified authority under that order] now applies by complaint for the [variation] [discharge] of the said order on the grounds that (*specify grounds*)—

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

This                      day of                      20                      .

Lay Magistrate  
[Clerk of Petty Sessions]

To:

[the defendant]

**Note:**

An application for the variation or discharge of an anti-social behaviour order or an interim anti-social behaviour order may be made by either the relevant authority or the defendant mentioned in that order.

An application for the variation or discharge of an anti-social behaviour order on conviction or an interim anti-social behaviour on conviction may be made by the specified authority or the defendant mentioned in that order or the Chief Constable.

## **EXPLANATORY NOTE**

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

These Rules amend the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004 (S.R. 2004/324) to take account of amendments which have been made to the Anti-social Behaviour (Northern Ireland) Order 2004 (S.I. 2004/1988 (N.I. 12)) by the Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005/1965 (N.I. 15)).

They prescribe the procedure to be followed in relation to applications for the making, variation and discharge of interim anti-social behaviour orders made on conviction under Article 6A of the 2004 Order.