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STATUTORY RULES OF NORTHERN IRELAND

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**2008 No. 253**

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Anti-social Behaviour Orders) (Amendment) Rules (Northern Ireland) 2008**

*Made* - - - - *16th June 2008*  
*Coming into operation* *16th July 2008*

The Magistrates' Courts Rules Committee makes the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) and Article 6C(4) of the Anti-social Behaviour (Northern Ireland) Order 2004(2) 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) 2008 and shall come into operation on the 16th July 2008.

**Amendment of the Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004**

2. The Magistrates' Courts (Anti-social Behaviour Orders) Rules (Northern Ireland) 2004(3) are amended as follows:—

(1) In Rule 2(1), after “Article 3”, insert “or an interim anti-social behaviour order under Article 4”.

(2) After Rule 4, insert the following new Rule—

**“Special measures for witnesses**

5. Rules 149AA to 149AH (*special measures for vulnerable or intimidated witnesses*) of the Magistrates' Courts Rules (Northern Ireland) 1984 shall apply in relation to proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order as they apply in relation to criminal proceedings, subject to the following omissions and modifications—

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(1) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)  
(2) S.I. 2004/1988 (N.I. 12) as inserted by the Criminal Justice (Northern Ireland) Order 2005 (S.I. 2005 No. 1965 (N.I. 15)). Article 6C(4) was amended by Article 94 of the Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008 No.1216 (N.I. 1)).  
(3) S.R. 2004 No. 324

- (a) in Rule 149AA(1), for “criminal proceedings”, substitute “proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order under the Anti-social Behaviour (Northern Ireland) Order 2004”;
  - (b) Rule 149AA(3)(b) is omitted;
  - (c) in Rule 149AA, any reference to Form 15B shall be construed as a reference to Form 6 in the Schedule;
  - (d) in Rule 149AC(1)(a), for “the trial”, substitute “the hearing of any proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order under the Anti-social Behaviour (Northern Ireland) Order 2004”;
  - (e) in Rule 149AC(3)(a), after “proceedings”, insert “and, where appropriate, any specified authority”;
  - (f) Rule 149AF(3) is omitted;
  - (g) in Rule 149AG(2)(a), “the offence charged” is omitted; and
  - (h) Rules 149AG(6) to (13) are omitted.”.
- (3) In the Schedule—
- (a) for Form 1, substitute the new Form 1 set out in the Schedule to these Rules; and
  - (b) after Form 5, insert the new Form 6 set out in the Schedule to these Rules.

*George Conner  
W A McNally  
Nigel Broderick  
John Rea  
John P B Maxwell*

Dated 16th June 2008

## SCHEDULE

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### 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 No. 324] ("the 2004 Rules") to take account of amendments which have been made to the Anti-social Behaviour (Northern Ireland) Order 2004 by the Criminal Justice (Northern Ireland) Order 2005 and the Criminal Justice (Northern Ireland) Order 2008.

They amend the 2004 Rules to prescribe the procedure to be followed in relation to an application for an interim anti-social behaviour order, and insert a new Form to be used for such applications.

These Rules also provide that Rules 149AA to 149AH (*special measures for vulnerable or intimidated witnesses*) of the Magistrates' Courts Rules (Northern Ireland) 1984 shall, with certain modifications, apply in relation to proceedings on an application for, or relating to the issue whether to make, vary or discharge an anti-social behaviour order as they apply in relation to criminal proceedings. A new Form for applications for special measures directions is also inserted.