
STATUTORY RULES OF NORTHERN IRELAND

2011 No. 417

The Magistrates' Courts (Banning Orders) Rules (Northern Ireland) 2011

Appeal by the prosecution

5.—(1) An appeal by the prosecution, against a failure by the court to make a banning order under section 43 of the 2011 Act, shall be in Form 5.

(2) A notice of appeal in Form 5 shall, within 14 days commencing on the day on which the decision of the magistrates' court was made,

- (a) be served personally on the offender; and
- (b) a copy of the notice lodged with the clerk of petty sessions for the court which failed to make the order, endorsed with the date upon which and the manner in which it was served on the offender.

(3) The clerk of petty sessions shall, as soon as practicable, send to the chief clerk for the county court division in which the appeal will be heard—

- (a) the copy of the notice of appeal;
- (b) all other proceedings in the case (including any written statements admitted in evidence under section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 and any pre-sentence report or medical report, within the meaning of the Criminal Justice (Northern Ireland) Order 1996 or the Criminal Justice (Northern Ireland) Order 2008 which was considered at the trial of the offender).

(4) After the county court has decided the appeal, the chief clerk for the county court division for which that county court is held, shall within seven days of such decision certify the decision.