

SCHEDULES

SCHEDULE 1

AMENDMENTS: SINGLE JURISDICTION

The Magistrates' Courts (Northern Ireland) Order 1981 (NI 26)

- 86.**—(1) In Article 2(3) (definitions)—
- (a) omit the definitions of “chief clerk” and “county court division”;
 - (b) after the definition of “decree” insert—
““the Department” means the Department of Justice;”.
- (2) For Article 2 (4) (references to officers of the court) substitute—
- “(4) References in this Order—
- (a) to chief clerks and to clerks of petty sessions are references to officers of the Department designated as such by the Department;
 - (b) to clerks of petty sessions include references to officers of the Department designated by the Department as assistant or deputy clerks of petty sessions.”.
- (3) Omit Article 4 (local jurisdiction of justices of the peace).
- (4) For Article 11 and the Part heading immediately above it substitute

“PART 3

THE HOLDING OF PETTY SESSIONS

Petty sessions

- 11.**—(1) Sessions for the holding of courts of summary jurisdiction shall continue to be known as petty sessions and are so referred to in this Order.
- (2) The Lord Chief Justice may give directions as to—
- (a) the places at which petty sessions are to be held;
 - (b) the days on which petty sessions are to be regularly held;
 - (c) the ordinary hours of sitting of courts of summary jurisdiction;

(d) such other incidental, consequential, transitional or supplementary matters as appear to the Lord Chief Justice to be necessary or proper.”.

(5) For Article 16 substitute—

“General jurisdiction to deal with charges

16.—(1) A magistrates’ court has jurisdiction—

- (a) to conduct a preliminary inquiry or a preliminary investigation into any indictable offence;
- (b) to hear and determine a complaint charging any summary offence.

(2) A district judge (magistrates’ courts) exercising the powers conferred by Article 45 and 46 has jurisdiction to try summarily any indictable offence.

(3) References above to offences are to offences, wherever committed, which are cognisable under the law of Northern Ireland.”.

(6) Omit Article 17 (offences committed on boundaries, etc.).

(7) In Article 18(4)(b) (summary trial) omit the words “sitting for the petty sessions district for which the resident magistrate or lay magistrate acted”.

(8) For Article 20 substitute—

“Issue of summons to accused or warrant for his arrest

20.—(1) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed a summary offence, the lay magistrate may issue a summons directed to that person requiring him to appear before a magistrates’ court to answer to the complaint.

(2) On a complaint being made to a lay magistrate that a person has, or is suspected of having, committed an indictable offence, the lay magistrate may either—

- (a) issue a summons requiring him to appear before a magistrates’ court;
or
- (b) issue a warrant to arrest that person and bring him before a magistrates’ court

(3) Where the offence charged in the complaint is an indictable offence, a warrant under this Article may be issued by a lay magistrate at any time notwithstanding that a summons has previously been issued and whether before or after the time mentioned in such summons for the appearance of the person summoned.

(4) Where a lay magistrate is satisfied that a summons issued under paragraph (1) has not been served, the lay magistrate may, without a

complaint being made to him, re-issue the summons extending the time for the appearance of the person summoned.

(5) Where a district judge (magistrates' courts) is satisfied that a person suspected of having committed a summary offence cannot for any reason be served with a summons, the district judge (magistrates' courts) may issue a warrant for the arrest of that person notwithstanding that a summons has not been first issued.

(6) A warrant may be issued in respect of any offence notwithstanding that the offence was committed outside Northern Ireland if an indictment for the offence may legally be preferred in Northern Ireland.

(7) A warrant shall not be issued under this Article unless the complaint is in writing and substantiated on oath."

(9) In Article 32(1)(a) (documents) omit "for the district in which the preliminary inquiry is to be held".

(10) Omit Article 36 (adjournment of committal proceedings).

(11) In Article 47 (remands)—

- (a) in paragraph (1)(a) omit "for the county court division for which the court is acting or before any other magistrates' court having jurisdiction to conduct the proceedings";
- (b) in paragraph (4E)(a) for the words from "the magistrates' court which" to the end substitute "a magistrates' court";
- (c) in paragraph (4F) for the words from "the magistrates' court which" to the end substitute "a magistrates' court".

(12) In Article 52 (sentencing of person convicted by another court) omit the words from "acting for the same petty sessions district" to the end.

(13) In Article 72 (issue of process) in paragraphs (1) and (2) omit the words from "acting for the petty sessions district" to the end.

(14) In Article 75 (transfer to county court) omit paragraph (3).

(15) In Article 77 (jurisdiction on civil complaint) omit paragraph (3).

(16) In Article 79 (issue of summons) omit "for a county court division" and "sitting for that county court division".

(17) In Article 85(4) (orders for periodic payment) omit the words from "of the petty sessions district" to the end.

(18) In Article 85A (proceedings by collection officer)—

- (a) in paragraphs (1), (2) and (3) omit "of the relevant court";
- (b) in paragraph (4)(a) omit "of a relevant court";
- (c) in paragraph (7) omit the definition of "the relevant court".

(19) In Article 85B (breach of maintenance order)—

- (a) in paragraph (1) omit “for the county court division which includes the petty sessions district for which the relevant court is acting”;
 - (b) in paragraph (2) for “the relevant court” (twice) substitute “a court of summary jurisdiction”;
 - (c) in paragraph (3) for “relevant court” substitute “court of summary jurisdiction”;
 - (d) in paragraph (5) omit the definition of “the relevant court”.
- (20) In Article 96(1) (transfer of fines) omit “in a petty sessions district” and “acting for that district”.
- (21) In Article 98 (enforcement: periodical payments)—
- (a) in paragraph (1)(a) omit “acting for the same petty sessions district as the court which made the order”;
 - (b) in paragraph (1)(b) omit the words from “acting for the same petty sessions district” to the end.
- (22) In Article 99 (enforcement: other payments)—
- (a) in paragraph (1)(a) omit “acting for the same petty sessions district as the court which made the order”;
 - (b) in paragraph (1)(b) omit the words from “acting for the same petty sessions district” to the end.
- (23) In Article 112 (enforcement: other orders)—
- (a) in paragraph (3)(a) omit “acting for the same petty sessions district as the court which made the order”;
 - (b) in paragraph (3)(b) omit the words from “acting for the same petty sessions district” to the end;
 - (c) omit paragraph (7).
- (24) In Article 113(7) (review of commitment) omit the words from “sitting for” to the end.
- (25) In Article 127(3) (power to bind over) omit the words from “where the person” to the end.
- (26) In Article 128(1) (discharge of recognizances) omit the words from “having jurisdiction either³/₄” to the end of sub-paragraph (b).
- (27) In Article 144 (procedure on appeal)—
- (a) in paragraph (2A) omit “having jurisdiction in the county court division in which the magistrates’ court sat”;
 - (b) in paragraph (3) omit “having jurisdiction in the county court division in which the magistrates’ court sat”.
- (28) In Article 148(1) (bail on appeal) omit “having jurisdiction in the petty sessions district for which the court acted”.

Status: *This is the original version (as it was originally enacted).*

(29) In Article 149(1) (recognizance to prosecute appeal) omit “having jurisdiction in the petty sessions district for which that court acted”.

(30) In Article 151(1) (estreat of recognizance) omit the words from “acting for the same petty sessions district” to “case was stated”.