
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART I

INTRODUCTORY

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F1} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

- (a) subject to paragraph 6 of Schedule 5, references to a “court of summary jurisdiction” shall be construed as referring to a resident magistrate sitting in petty sessions;
- (b) “magistrates' court” includes a court of summary jurisdiction and a resident magistrate or^{F2} lay magistrate] sitting out of petty sessions.

(3) In this Order—

“accused” includes an accused person who has been convicted of an offence;

“attachment of earnings order” means an order under Article 101;

^{F3}
...

[^{F4}“child” has the same meaning as in Article 2(2) of the Criminal Justice (Children) (Northern Ireland) Order 1998;]

[^{F5}“collection order” means (except in Article 96(1B)) an order under section 3 of the Justice Act (Northern Ireland) 2016;]

[^{F6}“commit to custody” means commit to prison or, where any statutory provision authorises or requires committal to some other place of detention instead of committal to prison, to that other place;]

“complaint” includes information;

“complainant” includes informant;

^{F3}
...

“debt proceedings” means proceedings under Article 62;

“decree” includes a dismiss, a decree on a counterclaim and an order under Article 107 of the Judgements Enforcement (Northern Ireland) Order 1981^{F7};

[^{F8}“the Department” means the Department of Justice;]

“domestic proceedings” has the meaning assigned to it by Article 88;

“ejectment proceedings” means proceedings under Article 67;

“enactment” includes a Measure of the Assembly;

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“impose imprisonment” means pass a sentence of imprisonment or fix a term of imprisonment for failure to pay any sum of money or for want of distress to satisfy any sum of money, or for failure to do or abstain from doing anything required to be done or left undone;

“magistrates' courts rules” means rules made under Article 13;

“order” includes a decree or refusal to make an order;

“petty sessions” means petty sessions held pursuant to Article 11;

“plaintiff” means a person on whose behalf a process is issued under Article 62(5) or Article 67(3) to commence debt proceedings or, as the case may be, ejectment proceedings;

“prescribed” means prescribed by magistrates' court rules;

“resident magistrate” means a resident magistrate or a deputy resident magistrate appointed under Part II of the Magistrates' Courts Act (Northern Ireland) 1964^{F9F10} . . . ;

“Rules Committee” means the Rules Committee appointed under Article 13(2);

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954;

“summary offence” means an offence which is punishable upon summary conviction, whether or not it is also triable upon indictment, except an offence which may be dealt with summarily in accordance with Articles 45 and 46 of this Order or section 5 of the Newspaper Libel and Registration Act 1881^{F11} or, in the case of a child^{F4} under Article 17 of the Criminal Justice (Children) (Northern Ireland) Order 1998] with the consent of the accused;

“summary proceeding” means any proceeding before a magistrates' court other than ^{F12}... a preliminary inquiry or, except where an indictable offence is being tried summarily, connected with such an ^{F12}... inquiry.

[^{F13}(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.]

(5) Any reference in this Order to a sum adjudged to be paid by a conviction or order of a magistrates' court shall be construed as including a reference to any costs, damages^{F14}, compensation or other sums] adjudged to be paid by a conviction or order of which the amount is ascertained by the conviction or order.

(6) For the purposes of section 42 of the Northern Ireland Constitution Act 1973^{F15} (validity of Acts of the Parliament of Northern Ireland), provisions of this Order which re-enact provisions of an Act of the Parliament of Northern Ireland shall be deemed to be provisions of such an Act.

F1 1954 c. 33 (NI)

F2 2002 c. 26

F3 Words in art. 2(3) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 86\(1\)\(a\)](#), [Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F4 1998 NI 9

F5 Words in art. 2(3) inserted (1.6.2018) by [Justice Act \(Northern Ireland\) 2016 \(c. 21\)](#), s. 61(2), [Sch. 2 para. 3\(1\)](#); S.R. 2018/99, art. 2(c)

F6 1989 NI 15

F7 1981 NI 6

F8 Words in art. 2(3) inserted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\)](#), s. 106(2), [Sch. 1 para. 86\(1\)\(b\)](#) (with [Sch. 8 para. 1](#)); S.R. 2016/387, art. 2(k) (with art. 3)

F9 1964 c. 21 (NI)

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- F10** Words in art. 2(3) in definition of "resident magistrate" repealed (3.4.2006) by Justice (Northern Ireland) Act 2002 (c. 26), ss. 86, 87, **Sch. 13** (with s. 89); S.R. 2006/124, **art. 2**, Sch.
- F11** 1881 c. 60
- F12** Words in art. 2(3) repealed (17.10.2022) by Criminal Justice (Committal Reform) Act (Northern Ireland) 2022 (c. 4), s. 5(2), **Sch. para. 8(1)(a)**; S.R. 2022/221, art. 2(d)
- F13** Art. 2(4) substituted (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), **Sch. 1 para. 86(2)** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k) (with art. 3)
- F14** 1990 NI 17
- F15** 1973 c. 36

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied by [S.R. 2007/199 reg. 19\(6\)](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to legislation.gov.uk. [S.I. 2018/1125, reg. 8 omitted \(31.12.2020\)](#) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on legislation.gov)
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)