
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART IV

MAGISTRATES' COURTS RULES

Magistrates' courts rules

13.—(1) For the purposes of or in relation to any jurisdiction exercisable by magistrates' courts, any such rules as may be made with respect to such courts by virtue of section 21 (1) of the Interpretation Act (Northern Ireland) 1954^{F1}. . . may be made in accordance with the provisions of this Article.

(2) There shall be a Rules Committee appointed by the^{F2}Lord Chief Justice] (which may be styled “The Magistrates' Courts Rules Committee”) which shall consist of such number of persons not exceeding nine as may be appointed and shall include at least two resident magistrates, one practising barrister and one practising solicitor.

^{F3}(3) It is for the Rules Committee to make such rules as are referred to in paragraph (1) (which may be known as “magistrates' courts rules”).

^{F4}(3ZA) For the purposes of paragraphs (3A) to (3D), “relevant authority” means—

- (a) in relation to magistrates' courts rules which deal (or would deal) with an excepted matter, the Lord Chancellor; and
- (b) otherwise, the Department of Justice;

and for the purposes of this paragraph “deal with” and “excepted matter” have the same meanings as in the Northern Ireland Act 1998.]

^{F5}(3A) After making magistrates' courts rules the Rules Committee must submit them to the relevant authority.

(3AA) The relevant authority must, after consultation with the Lord Chief Justice, allow or disallow rules submitted to it.

(3AB) Magistrates' courts rules have effect only if the relevant authority allows them.

(3AC) If the relevant authority disallows rules submitted to it, it must give the Rules Committee written reasons why it has disallowed them.]

(3B) Paragraph (3C) applies if the ^{F6}relevant authority] gives the Rules Committee written notice that ^{F7}it] thinks it is expedient for magistrates' courts rules to include provision that would achieve a purpose specified in the notice.

(3C) The Rules Committee must make such magistrates' courts rules as it considers necessary to achieve the specified purpose.

(3D) Those rules must be—

- (a) made within a reasonable period after the ^{F8}relevant authority] gives notice under paragraph (3B);

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(b) made in accordance with this Article.]

(4) The Rules Committee may regulate their own quorum and procedure and appoint such sub-committee as they think fit.

(5) The chairman of the Rules Committee shall be such member of the committee^{F9} as the Lord Chief Justice shall designate] and the secretary to such committee shall be such person as the Lord Chancellor shall designate.

(6) Where any enactment—

(a) in force on 16th August 1964 (other than an enactment referred to in Article 15 (1)); or

(b) passed after 6th July 1964 and which does not expressly provide otherwise;

requires or authorises the making of rules (including rules prescribing forms and costs) in relation to any proceeding or matter whatsoever in magistrates' courts, such rules shall be made in accordance with the provisions of this Article and the provisions of any such enactment shall have effect accordingly.

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| F1 | Words in art. 13(1) repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 146, 148(1), Sch. 5 para. 65(2), Sch. 18 Pt. 3; S.I. 2006/1014, art. 2(a) , Sch. 1 |
| F2 | Words in art. 13(2) substituted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 65(3); S.I. 2006/1014, art. 2(a) , Sch. 1 |
| F3 | Art. 13(3)-(3D) substituted (3.4.2006) for art. 13(3) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 65(4); S.I. 2006/1014, art. 2(a) , Sch. 1 |
| F4 | Art. 13(3ZA) inserted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 133(a) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F5 | Art. 13(3A)-(3AC) substituted for art. 13(3A) (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), s. 28, Sch. para. 4(1) |
| F6 | Words in art. 13(3B) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 133(c)(i) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F7 | Word in art. 13(3B) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 133(c)(ii) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F8 | Words in art. 13(3D) substituted (12.4.2010) by Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), arts. 1(2), 15(5), Sch. 18 para. 133(b) (with arts. 28-31); S.I. 2010/977, art. 1(2) |
| F9 | Words in art. 13(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15(2), 148(1), Sch. 5 para. 65(5); S.I. 2006/1014, art. 2(a) , Sch. 1 |

^{F10}Control of magistrates' courts rules

13A.—(1) Magistrates' courts rules that are required under Article 13 to be submitted to the Lord Chancellor are subject to annulment in pursuance of a resolution of either House of Parliament in the same manner as a statutory instrument and section 5 of the Statutory Instruments Act 1946 applies accordingly.

(2) Magistrates' courts rules that are required under Article 13 to be submitted to the Department of Justice are subject to negative resolution.]

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| F10 | Art. 13A inserted (13.5.2014) by Northern Ireland (Miscellaneous Provisions) Act 2014 (c. 13), s. 28, Sch. para. 4(2) |
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Rules Committee may make recommendations to Lord Chancellor

14. ^{F11}

F11 Art. 14 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(2), 146, 148(1), Sch. 5 para. 66, Sch. 18 Pt. 3; S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1

Rules under or for the purpose of particular enactments

15.—(1) The power under^{F12} section 32A(1) of the Treatment of Offenders Act (Northern Ireland) 1968] with respect to the making of rules under that Act regarding persons charged before magistrates' courts shall be exercised by the Secretary of State after consultation with the Rules Committee.

(2) Magistrates' courts rules may assign to juvenile courts the hearing of any applications for orders or licences relating to children^{F13} . . . being applications cognizable by courts of summary jurisdiction, if in the opinion of the^{F14}Lord Chief Justice] after consultation with the Rules Committee it is desirable in the interests of the children^{F13} . . . concerned that such applications should be heard by juvenile courts.

(3) For the purposes of paragraph (2), any complaint under^{F15} Schedule 13] to the Education and Libraries (Northern Ireland) Order^{F15} 1986] (which relates to compulsory attendance at school), shall be deemed to be an application for an order relating to a child.

F12 1996 NI 24

F13 1998 NI 9

F14 Words in art. 15(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15(2), 148(1), Sch. 5 para. 67; S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1

F15 1986 NI 3

Modifications etc. (not altering text)

C1 Art. 15: functions of Secretary of State transferred to Department of Justice (12.4.2010) by [Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 4(1)(2), [Sch. 1](#) (with arts. 28-31); S.I. 2010/977, [art. 1\(2\)](#)

Changes to legislation:

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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](#)