
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART VIII

CIVIL PROCEEDINGS UPON COMPLAINT

Procedure upon complaint

Issue of summons upon civil complaint

79. Where a complaint in a civil matter is made to a justice of the peace ^{F1}... upon which a court of summary jurisdiction ^{F1}... has power to make an order against any person, the justice may issue a summons directed to that person requiring him to appear before that court to answer to the complaint.

F1 Words in art. 79 repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 86(16), **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

Hearing of proceedings upon civil complaint

80.—(1) On the hearing of a complaint in a civil matter the court shall, if the defendant appears or is represented, state the substance of the complaint.

(2) The court, after hearing the evidence and any such representations as may be made by or on behalf of the parties, may make any order which it has jurisdiction to make upon the complaint or may dismiss the complaint.

(3) If the defendant or his representative on his behalf admits the truth of the complaint or consents, the court may, subject to any enactment to the contrary, make the order without hearing evidence.

Non-appearance of defendant

81.—(1) Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter, the complainant appears but the defendant does not, the court may, without prejudice to its powers under this Order or any other enactment, adjourn or further adjourn or, subject to paragraph (2), proceed in his absence.

(2) The court shall not begin to hear the complaint or proceed in the absence of the defendant, unless either it is proved to the satisfaction of the court, upon oath or by affidavit or in such other manner as may be prescribed, that the summons was served on him within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer to the complaint.

Changes to legislation: *The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Procedure upon complaint is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Non-appearance of complainant

82. Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter the defendant appears but the complainant does not, the court may dismiss the complaint, order it to be struck out, adjourn, further adjourn, or, if sufficient evidence has been received on a previous occasion, proceed in the absence of the complainant.

Non-appearance of both parties

83. Where at the time and place appointed for the hearing or adjourned hearing of a complaint in a civil matter neither the complainant nor the defendant appears the court may dismiss the complaint, order it to be struck out or adjourn or further adjourn the hearing, or, if evidence has been received on a previous occasion, proceed in their absence.

Dismissal without prejudice to further complaint as to same matter

84.—(1) Where it has been unable for any reason to adjudicate upon the merits of a complaint in a civil matter, the court may order that the complaint be dismissed without prejudice to a further complaint alleging the same cause of complaint.

(2) Where the court, having adjudicated upon the merits of a complaint in a civil matter, dismisses the complaint the dismissal shall be expressed to be on the merits.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Procedure upon complaint is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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 (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](#)