
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART XIII

GENERAL

Miscellaneous orders

Misbehaviour in court

160.—(1) A magistrates' court has jurisdiction under this Article to deal with any person who—

- (a) wilfully insults a resident magistrate or^{F1} lay magistrate], any witness before or officer of the court or any solicitor or counsel having business in the court, during his sitting or attendance in court or in going to or returning from the court; or
- (b) wilfully interrupts the proceedings of the court or otherwise misbehaves in court.

(2) In any such case the court may order any officer of the court, or any constable, to take the offender into custody and detain him until the rising of the court; and the court may commit the offender to prison for a specified period not exceeding one month or impose on him a fine not exceeding^{F2} £2,500] or both.

(3) A magistrates' court may at any time revoke an order of committal made under paragraph (2) and, if the offender is in prison, order his discharge.

(4) An order under paragraph (2) for the payment of a fine may be enforced as though the fine were a sum adjudged to be paid by a conviction.

F1	2002 c. 26
F2	1994 NI 15

Adjournment

161.—(1) A magistrates' court may at any time adjourn proceedings before it.

(2) Where a court of summary jurisdiction adjourns the hearing of a complaint any day on which a resident magistrate resumes the sitting to hear that complaint shall be deemed to be a day directed for the holding of petty sessions.

(3) The court may when adjourning either fix the time and place at which the proceedings are to be resumed or, unless it is remanding a person in custody or on bail, leave the time and place to be determined later by the court; but the proceedings shall not be resumed at that time and place unless the court is satisfied that the parties and witnesses had adequate notice thereof.

(4) Persons whose attendance has been required by summons shall, without the issue of further summons, attend on the day to which the hearing is adjourned.

Changes to legislation: The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Miscellaneous orders is up to date with all changes known to be in force on or before 11 March 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](#)

(5) Where a magistrates' court is for any reason unable to sit at the time appointed for such sitting, the clerk of petty sessions may adjourn the sitting and any summons, process, notice or recognizance requiring or conditioned for the appearance of a person at such sitting shall be deemed to be varied so as to require the appearance of that person at the time and place to which the sitting is so adjourned.

Recovery and remission of fees

162.—(1) Where any person fails to pay any court fee, a court of summary jurisdiction may, on complaint of the clerk of petty sessions to whom such payment is due, make an order requiring the payment to be made and such order shall be enforceable in the same manner as an order for the payment of a sum adjudged to be paid by a conviction.

(2) A magistrates' court may, if satisfied of the inability of a party in any proceedings or on whose behalf any proceedings are brought to pay any court fees, remit such fees wholly or in part.

Costs

163.—(1) Subject to magistrates' court rules, a magistrates' court may order that a successful complainant, plaintiff, applicant or appellant in any summary proceeding shall recover costs from a defendant or respondent.

(2) Where a complaint, debt or ejectment proceeding, application, appeal or other summary proceeding is dismissed, withdrawn or ordered to be struck out or where an order in any such proceeding is refused, the court may order that a defendant or respondent shall recover costs from the complainant, plaintiff, applicant or appellant.

(3) The court when making an order for adjournment may order that one party shall recover from another the costs of the adjournment.

(4) Paragraphs (1) and (2) shall not apply to costs in criminal cases.

Changes to legislation:

The Magistrates' Courts (Northern Ireland) Order 1981, Cross Heading: Miscellaneous orders is up to date with all changes known to be in force on or before 11 March 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.

View outstanding changes

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](#)