

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

FORMS

CRIMINAL PROCEEDINGS

A. Forms used in connection with both Summary Trial and Preliminary Investigation/Inquiry

FORM 1MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Complaint

(Article 20; Rules 7 and 17)

of
 Complainant } Petty Sessions District of
 of
 Defendant } County Court Division of

I, _____ of _____
say [on oath] that

[And the undersigned binds himself to attend when and where called on to prosecute or to give evidence against the defendant for the said offence or otherwise to forfeit to the Crown the sum of £ _____.]

Complainant
[for Complainant].

Taken before me this _____ day of _____ 19____
in the County Court Division of _____

Justice of the Peace

FORM 2MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Summons to Defendant to answer Complaint

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 24(1)(i); Rule 10)

[Title as in Form 1]

The purpose of this notice is to inform you that if, on the hearing of the complaint(s) referred to in the summons(es) served herewith, you wish to enter a plea of guilty, you or your solicitor may, at least three days before the date fixed for the hearing, notify the clerk of petty sessions for the above mentioned district in writing to that effect in Form 6; copy attached. It will not then be necessary for you to appear before the court as required by the said summons(es). You may also include in the said Form 6 in the space provided such statement in mitigation as you desire.

The evidence to be given at the hearing is that contained in Form 4 a copy of which is attached for your information, and the facts therein contained and those facts only will, in your absence, be read to the court. Your statement in mitigation will also be read to the court which may then deal with the case in your absence.

The court may decide not to proceed in your absence and, if so, it will adjourn the hearing. You will be notified of the time and place of the adjourned hearing and, in such a case, the trial will proceed at the adjourned hearing as if you had not entered a written plea of guilty.

You may at any time before the date of the hearing or adjourned hearing of any case withdraw your plea of guilty by writing to the clerk of petty sessions to that effect. Failure to do so immediately may result in delay and expense if the case has to be adjourned to allow the prosecution to bring its witness to court.

Neither this notice nor any reply you may send in answer to it limits your right to appear before the court at the time fixed for the hearing, either in person or by counsel or a solicitor, and to plead guilty or not guilty as you may desire. If you adopt this course the trial will proceed as though you had not already entered a written plea of guilty.

Dated this day of 19 .

Complainant
[On behalf of the Complainant]

FORM 4MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 **Statement of Facts**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 24(1)(ii); Rule 10)

[Title as in Form 1]

The purpose of this notice is to inform you that if you advise the clerk of petty sessions for the above mentioned district at that you wish to plead guilty to the charge(s) set out in the summons(es) served herewith without appearing before the court and the court proceeds to hear and dispose of the case in your absence under Article 24 of the above mentioned Order, the following statement of facts will be read out in open court before the court decides whether to accept your plea. If your plea of guilty is accepted the court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the complainant with respect to any fact relating to the charge.

Statement of Facts

Complainant
[On behalf of the Complainant]

FORM 5MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Certificate by Complainant of Service on Defendant of Forms 3 and 4

(Article 24(1); Rule 10)

[Title as in Form 1]

I, **the complainant**, hereby certify that copies of Forms 3 and 4 were served on the defendant together with the summons(es).

Dated this day of 19 .

Complainant
[On behalf of Complainant]

FORM 6MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Notification of Plea of Guilty and Statement of Mitigating Circumstances

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 24(2); Rule 10)

[Title as in Form 1]

In connection with the summons(es), for hearing on (date) notice and statement of facts now served upon you, will you please acknowledge receipt by signing and returning this form as soon as possible to the clerk of petty sessions at

I hereby acknowledge receipt of _____ summons(es), notice, statement of facts and notice of alleged previous convictions.

Signed: _____ MALE/FEMALE

Date of Birth (if over 21 state "over 21")

Present Address:

Please complete either Section A or B.

Note: If you intend to consult a solicitor you should do so before completing this form.

Section A.

If you desire a plea of guilty to be accepted without your attendance at court, please complete the following:

Plea of Guilty

I have read the statement of facts relating to the charge(s) against me.

I plead guilty to the charge(s) and I desire the court to deal with the case in my absence, and to take the following circumstances into account.

Signed

Mitigating Circumstances

(a) about the offence —

(b) about my personal and financial circumstances —

Section B.

If you propose to attend court considerable saving of time and expense may be effected if you will complete the following:

Do you intend to plead guilty?

Note: If having completed and returned the form, you change your mind, you should immediately inform the clerk of petty sessions in writing.

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FORM 7MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 Notice of Intention to Cite Previous Convictions

(Article 125; Rule 23(6))

[Title as in Form 1]

TAKE NOTICE that if, but only if, you are convicted of [any of] the offence(s) of _____ in respect of which you are summoned to appear before the magistrates' court for the above mentioned district on the _____ day of _____ 19____, the undermentioned convictions which are recorded against you will be brought to the notice of the court; and if you are not present in person before the court, the court may take account of any such previous conviction as if you had appeared and admitted it.

Date of Conviction	Court	Offence	Sentence

Dated this _____ day of _____ 19____.

Complainant

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify the complainant at _____ so that further inquiries can be made. Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

FORM 8MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 Warrant of Arrest

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Articles 20(3), (4) and (5), 25, 118 and 138(5); Rules 14 and 143)

[Title as in Form 1]

WHEREAS a complaint has been made [on oath and in writing] [and substantiated on oath] that

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and bring him before a magistrates' court for the said county court division.

This day of 19 .

Resident Magistrate
[Justice of the Peace]

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This form may be endorsed for bail as on Form 9.

FORM 9MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Bail Endorsement on Warrant of Arrest

(Article 129; Rule 16)

I HEREBY DIRECT that on his own bail of £ [with sureties of £ be released each].

This day of 19 .

Resident Magistrate
[Justice of the Peace]

FORM 10MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Warrant of Commitment on Remand [for enquiries after Conviction or for Medical Examination]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Articles 47, 50 and 51; Rules 14 and 143)

[Title as in Form 1]

WHEREAS the defendant appeared this day before the magistrates' court sitting at _____ upon a complaint that _____

AND WHEREAS the hearing has been adjourned to a magistrates' court at (place) _____ on (date) _____ at (time) _____ for the purpose of [further inquiries] [a medical examination].

This is to command you to whom this warrant is addressed to convey the defendant to HM Prison at _____ and there to deliver him to the Governor thereof, together with this warrant; and you, the said Governor, to receive him into your custody and unless you shall be otherwise ordered in the meantime to keep him until the above date and time [unless he and his sureties enter into the recognizances required by the endorsement on this warrant when he shall be produced before the said court;].

[And you, the said Governor, are hereby requested to arrange for an inquiry to be made [into the defendant's physical condition by a duly qualified medical practitioner] [into the defendant's mental condition by two duly qualified medical practitioners (one of whom shall be a practitioner appointed for the purposes of section 19 of the Mental Health Act (Northern Ireland) 1961) in order that a report be made thereon to the court.]

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This _____ day of _____ 19 _____ .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at _____

NOTE: This warrant may be endorsed for bail as on Form 11.

FORM 11MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 Consent to Bail on Remand

(Articles 37 and 47; Rule 16)

The court consented to defendant being released on his own bail of £ _____ [with sureties of £ _____ each] [or valuable securities].

This _____ day of _____ 19 _____ .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

FORM 12MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Warrant of Commitment on further Remand of Person in Custody unable to appear by reason of Illness or Accident

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 49; Rules 14 and 143)

[Title as in Form 1]

WHEREAS the defendant was on (date) , committed to your custody under a warrant on remand by a magistrates' court until today;

And the court is now satisfied that the defendant is unable by reason of [illness] [accident] to appear personally before the court;

THIS IS TO COMMAND YOU to whom this warrant is addressed to keep the defendant in your custody until the (date) at (time) when you shall produce the defendant before a magistrates' court sitting at (place)

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This day of 19 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

FORM 13MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Order to have Defendant brought before the Court before Expiration of Period of Remand

(Article 47(5))

[Title as in Form 1]

WHEREAS the defendant was committed to your custody under a warrant of commitment by a magistrates' court dated the day of 19 , [on remand until (date)] [or state other circumstances of commitment];

[And it appears expedient to continue the hearing of the charge against the defendant before the expiration of the period of remand];

YOU ARE HEREBY ORDERED to bring the defendant on (date) before the magistrates' court sitting at (place) at (time) to be further dealt with according to law.

This day of 19 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre]

B. Forms used in connection with Summary Trial.
FORM 14MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Warrant of Commitment on Sentence of Imprisonment/Detention

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 114; Rules 14, 15 and 143)

[Title as in Form 1]

WHEREAS upon the hearing of a complaint that

AN ORDER WAS MADE on the (date) , by a magistrates' court for the said district against the defendant to the following effect, viz:—

(Here insert order of court)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to execute the said order against the said defendant, as follows:—

To lodge him in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] to be detained there for the period of _____

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This day of 19 .

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

C. Forms used in connection with Preliminary Investigation/Inquiry.
FORM 15MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Statement of Complaint(s)

(Article 32(1)(b)(i); Rules 25 and 32(5) and (6))

[Title as in Form 1]

Complaint(s)

Dated the day of 19 .

Complainant
[On behalf of Complainant]

FORM 16MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Deposition of a Witness

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Articles 30(2), 34(2) and 39; Rules 26, 27 and 35)

[Title as in Form 1]

THE DEPOSITION of _____ of _____ taken in the presence and hearing of the defendant who stands charged [that] [as stated in the statement of complaint(s)]

The said deponent says on his oath that

And the said deponent binds himself [upon notice being given to him requiring his attendance] to attend and [to prosecute or] to give evidence at the trial of the said defendant for the said offence or otherwise to forfeit to the Crown the sum of _____ pounds.

Deponent

Taken before me this _____ day of _____, 19____, at _____ in the said county court division.

Resident Magistrate
[Justice of the Peace]

FORM 17MAGISTRATES; COURTS (NORTHERN IRELAND) ORDER 1981Warrant of Commitment for Trial

(Articles 37, 40 and 47; Rules 14 and 143)

[Title as in Form 1]

WHEREAS the defendant stands charged with the following offence(s):—

AND WHEREAS the defendant has been committed for trial to the Crown Court sitting at (place)

[AND WHEREAS a bill of indictment has been presented against the said defendant for the said offence(s).]

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the said defendant in HM Prison at _____ there to be imprisoned by the Governor until his trial for the said offence and he shall be discharged by due course of law or until he and his sureties enter into the recognizance required by the endorsement on this warrant.

And for this the present warrant shall be a sufficient authority to all whom it may concern.

This _____ day of _____, 19____.

Clerk of Petty Sessions

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This warrant to be endorsed for bail as on Form 11.

FORM 18MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Warrant of Commitment of Witness for refusing to enter Recognizance

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 39(5); Rules 14 and 143)

[Title as in Form 1]

WHEREAS a complaint was made on the (date) ,
on the oath of (name) that

AND WHEREAS (name) a witness, has,
without just excuse, refused to enter into a recognizance to give evidence on
the trial of the defendant;

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to convey
the said (name of witness) of
to the HM Prison [Young Offenders Centre] at [in
accordance with Part IV of the Young Offenders Centre Rules (Northern
Ireland) 1982] there to be kept in custody by the governor until the trial of the said
unless the witness
shall in the meantime enter into such recognizance as required.

And for this the present warrant shall be a sufficient authority to all whom
it may concern.

This day of 19 .

Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at
FORM 19MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Warrant for
Discharge

(Articles 37(4), 39(5) and 148(1); Rules 14, 16(3) and 143)

[Title as in Form 1]

WHEREAS a complaint was made that
(offence alleged with time and place).

THIS IS TO COMMAND YOU to discharge the said defendant so committed on
completing his recognizance unless he shall be in your custody for some other
cause.

This day of 19 .

Clerk of Petty Sessions

To the Governor of HM Prison [Young Offenders Centre].

D. Forms used in connection with Preliminary Inquiry.
FORM 20MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Notice of Intention
to Request Court to Conduct a Preliminary Inquiry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 32(1)(a); Rule 32)

[Title as in Form 1]

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of a magistrates' court at (place) on (date) to request the court to conduct a preliminary inquiry under the Order, unless the defendant (hereinafter called "the accused") objects to the conducting of such inquiry.

I hereby serve on you—

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the accused for trial by jury;
- (2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of the names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object to the court conducting a preliminary inquiry or, even if he does not object, he may at the inquiry object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

Dated this day of 19 .

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

*Delete where no exhibits

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MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32; Rules 31 and 32)

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978
(Section 1)

Notice of Intention to Request Court to Conduct a Preliminary Inquiry

[Title as in Form I]

The purpose of this Notice is to inform you that I, the above-named complainant, intend at the sitting of the magistrates' court at (place) on (date) to request the court to conduct a preliminary inquiry under the Order.

I hereby serve on you ---

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the defendant (hereinafter called "the accused") for trial;
- (2) copies of the written statements of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of the names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witnesses at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may at the inquiry make a submission that the holding of a preliminary inquiry would be contrary to the interests of justice and the court shall consider any such submission before deciding to hold such inquiry.

The accused may object to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry it is desirable in order to avoid any adjournment of the court that I be so informed a reasonable time before the commencement of the inquiry by writing to me at the following address—

so that I can secure the attendance of the witness at the court at the time of the inquiry.

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Dated this day of 19 .

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

* Delete where no exhibits

FORM 22

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Article 32; Rules 31 and 32)

CRIMINAL JURISDICTION ACT 1975
(Section 4(3))

**Notice of Intention to Request Court to Conduct a Preliminary Inquiry
(Extra-territorial Offences)**

[Title as in Form I]

The purpose of this Notice is to inform you that a magistrates' court for the said petty sessions district will sit at (place) on (date) to consider the complaint(s) of the extra-territorial offence(s) set out in the attached statement of complaint.

In accordance with section 4(3) of the Criminal Jurisdiction Act 1975 if the court at the request of the complainant decides to conduct an inquiry into the said complaint(s) the procedure will be by way of preliminary inquiry under Article 31 of the Order.

I hereby serve on you—

- (1) a statement of the complaint(s) on which I intend to ask the court to commit the above defendant (hereinafter called the accused) for trial;
- (2) copies of the written statement of each witness upon whose evidence the said complaint(s) is/are based;
- (3) a list of names of the said witnesses and the number of pages containing each statement;
- * (4) a list of every exhibit to be produced or referred to by the witness at the inquiry and referred to in such statements; and
- * (5) where practicable, copies of each written exhibit referred to in paragraph (4) and in the statements referred to in paragraph (2).

*Any of the exhibits referred to in paragraphs (4) and (5) of this Notice may be inspected by the accused at between the hour of and the hour of

*The accused has the right to inspect every exhibit either by himself or in consultation with his solicitor or any witness the accused may wish to call at his trial.

The accused may object at the inquiry to the admission of any statement tendered to the like extent as in the case of oral evidence and may require any person, whether his statement is tendered in evidence or not, to attend and give evidence at the inquiry except where it appears to the court that a witness is in the Republic of Ireland and that it is not reasonably practicable to secure his attendance.

Where the accused will require any witness whose statement of evidence is served together with this Notice to give oral evidence at the preliminary inquiry in order to avoid any adjournment of the court he should so inform me a reasonable time before the commencement of the inquiry by writing to me at the following address—

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so that I can if practicable secure the attendance of the witness at the court at the time of the inquiry.

Dated this day of 19 .

Complainant
[On behalf of Complainant]

To the Clerk of Petty Sessions at
and to the Accused at

* Delete where no exhibits

FORM 23MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981List of Witnesses and Number of Pages in Statement of Evidence of each Witness

(Rule 32(4))

[Title as in Form 1]

Full name of witness	No. of pages in each witness's written statement	
	Typescript	Manuscript

The above is a true statement of the names and witnesses, copies of whose written statements are served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division and of the number of pages in each written statement.

Complainant
[On behalf of Complainant]

FORM 24MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981List of Exhibits to be Produced or Referred to by Witness whose Written Statement is to be Tendered at a Preliminary Inquiry

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 32(1)(b)(iii); Rule 32(5))

[Title as in Form 1]

No. or letter of Exhibit as Marked	Description	Name of Witness whose statement refers to Exhibit	If a copy of a written exhibit has been served on defendant say "Yes" or "No"

The above is a true list and description of the exhibits to be produced or referred to by the witnesses whose written statements have been served on the defendant and the clerk of petty sessions for the above-named petty sessions district and county court division.

Complainant
[On behalf of Complainant]

FORM 25MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 **Statement of the Accused**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Articles 30(4) and (5), 34(3) and (4); Rules 26 and 35)

[Title as in Form I]

A charge/charges having been made against the above defendant (hereinafter called "the accused") before the undersigned justice as set out in the statement of complaint(s).

And witnesses for the prosecution having been severally examined in the presence of the accused;

And certain written statements for the prosecution having been admitted in evidence.

And the said charge/charges having been put to the accused in accordance with the Magistrates' Court Rules (Northern Ireland) 1984.

And the accused being informed of his right, if he so desired, to give evidence on his own behalf and to call witnesses [or to tender any written statement of evidence].

The accused was then addressed as follows:

"You are not obliged to say anything in answer to the charge(s) unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial. Do you wish to say anything in answer to the charge(s)?"

Whereupon the accused in reply said:—

The accused, [having made the statement above set out] [not having made any statement] in answer to the charge(s) was then asked whether he desired to give evidence on his own behalf, whether he desired to call witnesses; [or to tender a written statement of evidence pursuant to Article 33 of the Order].

The accused, having been informed that he was not obliged to give evidence or to call witnesses [or to tender any such statement] and that anyone giving evidence was liable to be cross-examined, in reply said:—

Taken before me this day of 19 ,
at

Resident Magistrate
[Justice of the Peace]

FORM 26MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 **Statement of Witness to be Tendered in Evidence at Preliminary Inquiry**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 33; Rule 39)

[Title as in Form 1]

Name of witness

Age (if over 21 enter "over 21")

Occupation

Address

I DECLARE that this statement consisting of _____ pages each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence at a preliminary inquiry or at the trial of any person, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe it to be true.

Dated this _____ day of _____ 19 ____ .

Signature of Witness

Signature endorsed on declaration by the person who recorded statement or to whom it was delivered.

[(For use only where witness cannot read)]

The said witness being unable to read the above statement I declare that I read it to _____ of _____ before he signed it and he assented to it in accordance with Article 33(1)(f) of the Magistrates' Courts (Northern Ireland) Order 1981.

Dated this _____ day of _____ 19 ____ .

Signature of Reader.]

NOTE: Whenever possible statements should be on paper of A4 size. If statements are typed double spacing should be used; a space should be left at the top of the first page for headings to be entered by the clerk of petty sessions; and each page should have a wide margin on the left.

FORM 27MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Authenticating Certificate of Clerk of Petty Sessions

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 40(3); Rules 14 and 143)

[Title as in Form 1]

WHEREAS a complaint has been made on oath and in writing that the defendant

AND WHEREAS it has been certified to me that

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and bring him before a magistrates' court of the said county court division.

This day of 19 .

Justice of the Peace

To the Superintendent of the Royal Ulster Constabulary at

NOTE: This warrant may be endorsed for bail as in Form 9.

**F. Forms used in connection with Summary Trial of
Indictable Offences specified in Schedule 2 to the Order
FORM 30MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Articles 20 and 45; Rules 8 and 44(1))

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 2 to the Order

[Title as in Form I]

WHEREAS a complaint has been made before me that on (date)
at (place)
in the said petty sessions district and county court division you, the said defendant,

THIS IS TO COMMAND YOU to appear in person as a defendant on the hearing of the said complaint at (place) , on (date)
at (time) before a magistrates' court of the said county court division.

This day of 19 .

Justice of the Peace
[Clerk of Petty Sessions]

Notice under Article 45 of the said Order of 1981

The [following] offence(s) [that is to say—]

for which you are hereby summoned to appear before the court [is] [are] [an] indictable offence(s) specified in Schedule 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a resident magistrate only with your consent, and if you do so consent, only where the prosecutor also consents.

The resident magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that for any of the reasons specified in Article 45(1) of the said Order, it is inexpedient to deal with any such offence(s) summarily.

FORM 30A

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981
(Articles 20 and 45; Rules 8 and 44)

NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978
(Sections 6, 7 and 30; Schedule 4)

Summons to Defendant to answer Complaint charging an Indictable Offence specified in Schedule 2 to the Order which is also a Scheduled Offence within the meaning of section 30(1) of the said Act of 1978

[Title as in Form 1]

WHEREAS a complaint has been made before me that on (date) in the said district and county court division you, the said defendant, at (place)

THIS IS TO COMMAND YOU to appear as a defendant on the hearing of the said complaint at (place) on (date) at (time) before a magistrates' court of the said county court division.

Dated this day of 19 .

Justice of the Peace
[Clerk of Petty Sessions]

Offences to which Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 applies:

Notice under Article 45 of the said Order of 1981

The [following] offence(s) [that is to say—]

for which you are hereby summoned to appear before the court [is] [are] [an] indictable offence(s) specified in Schedule 2 to the said Order of 1981 which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried at the Crown Court and which may be dealt with summarily by a resident magistrate only with your consent, and if you do consent, only where the prosecutor also consents.

If you do not consent to be dealt with summarily, you will be tried at the Crown Court sitting in Belfast without a jury unless the Attorney General certifies that the offence(s) [is] [are] not be treated as [a] scheduled offence(s) in which case you will be tried by jury.

The resident magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s) decide that for any of the reasons specified in Article 45(1) of the said Order it is inexpedient to deal with any such offence(s) summarily.

FORM 31MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981Notice under Article 45 of the above Order of 1981 to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such Offence.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 45; Rule 44(1))

The [following] offence(s) [that is to say —]

with which you are charged [is] [are] [an] indictable offence(s) specified in Schedule 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried by jury and which may be dealt with summarily by a resident magistrate only with your consent, and if you do so consent, only where the prosecutor also consents.

The resident magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s), decide that, for any of the reasons specified in Article 45(1) of the said Order of 1981, it is inexpedient to deal with any such offence(s) summarily.

Dated this day of 19 , at (time).

Signed

FORM 31MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 **Offences to which Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 applies: Notice under Article 45 of the Order to be given to an arrested person accused of an offence specified in Schedule 2 to that Order as soon as practicable after he has been formally charged with such offence.**

(Article 45; Rule 44(1))

The [following] offence(s) [that is to say—]

with which you are charged [is] [are] [an] indictable offence(s) specified in Schedule 2 to the said Order which may be dealt with summarily by a resident magistrate in accordance with Article 45 of that Order.

The purpose of this notice is to inform you that the above offence(s) [is] [are] [an] offence(s) for which you have a right to be tried at the Crown Court and which may be dealt with summarily by a resident magistrate only with your consent and if you do so consent, only where the prosecutor also consents.

If you do not consent to be dealt with summarily, you will be tried at the Crown Court sitting in Belfast without a jury unless the Attorney General certifies that the offence(s) [is] [are] not to be treated as [a] scheduled offence(s) in which case you will be tried by jury.

The resident magistrate may, however, even if you consent and the prosecutor also consents to the summary trial of [any of] the above-mentioned offence(s) decide that for any of the reasons specified in Article 45(1) of the said Order it is inexpedient to deal with any such offence(s) summarily.

Dated this day of 19 , at (time).

Signed

FORM 32MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 **Written Waiver of Requirement of Notice under Article 45 of the Order**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Article 45; Rule 44(2))

I HEREBY WAIVE my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried by jury for the offence(s) specified in Form 31 in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984 which form I have duly received, and I fully understand that the said offence(s) [is] [are] [an] offence(s) which may be dealt with summarily by a resident magistrate only with my consent and that if I do so consent only where the prosecutor also consents.

Dated this day of 19 .

Defendant

FORM 32AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981 Offences to which Schedule 4 to the Northern Ireland (Emergency Provisions) Act 1978 applies: Written Waiver of Requirement of Notice under Article 45 of the Order

(Article 45; Rule 44(2))

I HEREBY WAIVE my right to receive twenty-four hours' written notice of the fact that I am entitled to be tried at the Crown Court for the offence(s) specified in Form 31A in Schedule 1 to the Magistrates' Courts Rules (Northern Ireland) 1984 which form I have duly received, and I fully understand that the said offence(s) [is] [are] [an] offence(s) which may be dealt with summarily by a resident magistrate only with my consent and that if I do so consent only where the prosecutor also consents

Dated this day of 19 .

Defendant