

1971. No. 179

[C]

MAGISTRATES' COURTS**Children and Young Persons (Amendment) Rules**

RULES, DATED 24TH JUNE 1971, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 23 OF THE MAGISTRATES' COURTS ACT (NORTHERN IRELAND) 1964.

I, the Right Honourable Brian Faulkner, D.L., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 23 of the Magistrates' Courts Act (Northern Ireland) 1964(a) and all other powers thereunto enabling, do hereby upon the recommendation of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, make the Rules hereinafter set forth.

Dated this 24th day of June 1971.

Brian Faulkner,
Minister of Home Affairs.

Citation

1. These Rules shall be cited as the Magistrates' Courts (Children and Young Persons) (Amendment) Rules (Northern Ireland) 1971.

Amendment of the Principal Rules

2. The Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969(b) are amended or revoked to the extent specified in the Schedule.

(a) 1964. c. 21 (N.I.).

(b) S.R. & O. (N.I.) 1969, No. 221.

SCHEDULE

Amendment or Revocation of the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969

Provision amended or revoked	Amendment or revocation
The Schedule	
General	Throughout the Forms for any reference to a district inspector and to all other constables to whom the document may be delivered for execution there shall be substituted a reference to the Chief Superintendent or, as the case may be, Superintendent of the Constabulary Division in which the document was issued.
Form 1	In the body of the Form the words "by the above-named complainant" are revoked.
Form 3	<p>In the brackets under the words "CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968" in the heading after the words "Section 64" there shall be added the words "<i>Rule 19(2)</i>".</p> <p>In the body of the Form after the words "to answer to the said complaint" there shall be inserted the words "and [, unless he/she is released on bail,] he/she shall be detained in a place of safety until he/she can be so brought".</p>
Form 17	In the body of the Form the words "has this day been found guilty" shall be omitted and before the words "for that he" there shall be inserted the words "the Defendant having pleaded guilty was found guilty".
Forms 17, 18, 19, 20, 21, 22, 23 and 24	<p>In the body of the Form for the words "the parent [or person legally liable to make contributions in respect]" there shall be substituted the words "the father/mother".</p> <p>In Note (1) at the end of the body of the Form for the words "the said Council of" there shall be substituted the words "the managers of the Training School".</p> <p>In Note (2) after the words "Training School" there shall be added the words "or after he/she attains the age of sixteen years".</p>
Form 19	<p>In the title to the Form the words "or Young Person" shall be omitted and for the word "taken" there shall be substituted the word "received".</p> <p>In the body of the Form the words "[or young person under the age of 17]" or "[or young person]" wherever they appear shall be omitted and after the word "child" where it firstly appears there shall be inserted the words "having been born, so far as has been ascertained on the day of 19".</p>
Forms 20, 21 and 22	In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]" and thereafter throughout the Form for the words "[or young person]" there shall be substituted the words "[or young person or person]".

Provision amended or revoked	Amendment or revocation
Form 25	In the title to the Form for the word " Committal " there shall be substituted " Commitment ".
Forms 29 and 30	In the body of the Form after the words "be sent to the Borstal Institution at" there shall be inserted the words "and he shall be lodged in accordance with Part VI of the Prison Rules (Northern Ireland) 1954 in the Prison at" and thereafter conveyed to the said Institution and there delivered to the person in charge thereof in order that he/she may undergo a period of Borstal training".
Form 30	In the body of the Form after the words "[under supervision]" there shall be inserted the words "[on licence]".
Forms 31, 32, 33, 34, 36, 37, 38 and 39	In the body of the Form for the words "the parent [or person legally liable to make contributions in respect]" there shall be substituted the words "the father/mother" and after the words "for so long as this order shall remain in force" there shall be inserted the words "or until he is allowed under section 145(1) of the Children and Young Persons Act (Northern Ireland) 1968 to be under the control of a parent, guardian, relative, next of kin or friend or until he/she attains the age of sixteen years, whichever is the earlier".
Form 32	In the body of the Form for the words "care or protection" there shall be substituted the words "care, protection or control".
Form 33	In the title to the Form the words " or Young Person " shall be omitted and for the word " taken " there shall be substituted the word " received ".
	In the body of the Form for the words "[or young person over the age of 17]" there shall be substituted "[or young person or person aged 17] having been born, so far as has been ascertained, on the day of 19", and throughout the remainder for the words "[or young person]" or "[young person's]" there shall be substituted respectively the words "[or young person or person]" and "[or young person's or person's]".
Forms 34, 36 and 39	In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]" and through the remainder for the words "[or young person]" or "[young person's]" there shall be substituted respectively the words "[or young person or person]" and "[or young person's or person's]", as the case may be.
Form 40	In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]".
Form 43	In the title to the Form the words " or Young Person " shall be omitted and for the word " taken " there shall be substituted the word " received ".
	In the body of the Form the words "[or young person under the age of 17]" shall be omitted and in paragraph (a) for the words "or young person" there shall be substituted the words "being over fourteen years of age".

Provision amended or revoked	Amendment or revocation
Form 44	<p>In the title to the Form after the word "supervision" there shall be inserted the word "order".</p> <p>In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]" and for the words "[or young person]" there shall be substituted the words "[or young person or person]".</p> <p>After the words "that the said child" there shall be inserted the words "[or young person or person]" and at the end of the Form after the words "the said child", where they secondly appear, there shall be inserted the words "[or young person or person having consented to the making of this order]".</p>
Forms 45 and 46	<p>In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]" and throughout the remainder for the words "[or young person]" there shall be substituted the words "[or young person or person]".</p>
Form 46	<p>In the body of the Form after the words "that the said child" there shall be inserted the words "[or young person or person]" and at the end of the Form after the words "the said child", where they secondly appear, there shall be inserted the words "[or young person or person having consented to the making of this order]".</p>
Form 48	<p>In the body of the Form for the reference to section 38(3) of the Education Act (Northern Ireland) 1947 there shall be substituted a reference to section 38(4).</p>
Form 49	<p>In the body of the Form after the words "suitable person" there shall be added the words "or order your parent or guardian, if any, to enter into a recognizance to exercise proper care and guardianship".</p>
Form 50	<p>In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]" and after the words "that the said child" there shall be inserted the words "[or young person or person]".</p> <p>At the end of the Form after the words "the said child", where they secondly appear, there shall be inserted the words "[or young person or person having consented to the making of this order]".</p>
Form 51	<p>Above the title under the words "CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968" the reference to section 81(3) shall be omitted and in the body of the Form for the expression "under the age of 17" there shall be substituted the words "under the age of 18".</p>

Provision amended or revoked	Amendment or revocation
Form 52	<p>Above the title under the words "CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968" for the expression "Section 81(3)" there shall be substituted "Section 97".</p> <p>In the body of the Form for the words "[or young person under the age of 17]" there shall be substituted the words "[or young person or person aged 17]"; for the words "the said child [or young person] he/she being still under the age of 17" there shall be substituted the words "the said child [or young person or person]"; and for the words "[or young person]", where they lastly appear, there shall be substituted the words "[or young person or person]".</p>
Form 54	<p>Above the title under the words "CHILDREN AND YOUNG PERSONS ACT (NORTHERN IRELAND) 1968" the reference in brackets to sections 74, 81 and 97 shall be omitted and the words in the title "Supervision or" shall be omitted.</p> <p>In the body of the Form for the words "a [supervision] [probation] order" there shall be substituted the words "a probation order" and the words "or other person appointed for that purpose by the Court" shall be omitted.</p>
Forms 54 and 55	<p>In the body of the Form immediately before the paragraph commencing "And the Court being satisfied" there shall be inserted the following paragraph:—</p> <p>"And the clerk of the Court having been notified by the Ministry of Home Affairs that the attendance centre specified in this Order is available for the reception from the Court of persons of his class or description".</p>
Form 56	<p>In the body of the Form, in the last paragraph, for the words "[supervision] [probation] order" there shall be substituted the words "probation order".</p>
Form 57	<p>In the body of the Form the words "was this day found guilty" shall be omitted; after the words "or being of the age of 10 years" there shall be inserted the words "but under the age of 14 years" and before the words "for that he" there shall be inserted the words "the Defendant having pleaded guilty was found guilty".</p>
Form 59	<p>In the body of the Form for the words "ten shillings" there shall be substituted the expression "£".</p>

Provision amended or revoked	Amendment or revocation
Form 61	In the body of the Form for the words "the age of 17" there shall be substituted the words "the age of 16" and at the end of the paragraph commencing with the words "This is to command" there shall be added the words "to show cause why a contribution order under section 156 of the said Act of 1968 should not be made against you".
Form 62	In the body of the Form for the words "person liable to make contributions in respect of" there shall be substituted the words "father [or mother] of"; and for the words "the age of 17" there shall be substituted the words "the age of 16". In Note (1) at the end of the Form after the word "Council" there shall be inserted the words "[or Managers]". In Note (2) after the words "Training School" there shall be added the words "or after he/she attains the age of sixteen years".
Form 63	In the body of the Form for the words "under 17" there shall be substituted the words "under the age of 16".
Form 64	In the body of the Form after the paragraph commencing with the words "And an application" there shall be inserted the following paragraph:— "You are hereby given at least seven days' notice that you have the right to appear at the hearing of the application before the Court and object to the making of the Order (as may any other relative or next of kin of the child)."
Forms 69 and 73	In the title to the Form for the words " or Young People " there shall be substituted the words " or Young Person ".
Form 71	For the words " <i>Section 105(8)(a)</i> " there shall be substituted the words " <i>Section 105(8) or (9)</i> ".
Form 74	In the body of the Form for the words "ten shillings" there shall be substituted the expression "£ ".

EXPLANATORY NOTE

(This Note is not part of the Rules but is intended to indicate their general purport.)

These Rules amend certain particulars in the Forms prescribed for use in relation to proceedings before Juvenile Courts under the Children and Young Persons Act (Northern Ireland) 1968 and contained in the Schedule to the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) 1969.