
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 428

MAGISTRATES' COURTS

**Magistrates' Courts (Amendment)
Rules (Northern Ireland) 1997**

Made - - - - 22nd September
1997
Coming into operation 14th October 1997

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾, Article 16(5) of the Road Traffic Offenders (Northern Ireland) Order 1996⁽²⁾ and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules (Northern Ireland) 1997 and shall come into operation on 14th October 1997.

(2) In these Rules the “principal Rules” means the Magistrates' Courts Rules (Northern Ireland) 1984⁽³⁾ and a reference to a Rule or Form by number means the Rule or Form so numbered in the principal Rules.

Form of summons

2. In Rule 8 after paragraph (6), the following new paragraph shall be added—

“(7) A summons issued in respect of an offence involving obligatory or discretionary disqualification within the meaning of Article 4 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall bear an endorsement in Form 2B.”.

Plea of guilty by post

3.—(1) In Rule 10 paragraph (1) for the words “by Forms 3, 4 and 6” substitute the words “by Forms 3 and 4 and Form 6 or 6A as appropriate.”.

(1) S.I. 1981/1675 (N.I. 26)

(2) S.I. 1996/1320 (N.I. 10)

(3) S.R. 1984 No. 225. The relevant amendments are S.R. 1985 No. 269, S.R. 1986 No. 175 and S.R. 1992 No. 541 and S.R. 1996 No. 126

(2) In Rule 10 paragraph (3) after the words “in Form 6” insert the words “or Form 6A as appropriate.”.

(3) In Form 3 after the words “in Form 6” insert the words “or Form 6A as appropriate” in both places where they occur.

Service of summons

4.—(1) Rule 11 shall be amended in accordance with this Rule.

(2) In paragraph (2) after the words “subject to” insert the words “paragraph (3A) and”.

(3) In paragraphs (3) and (5) at the beginning insert the words “Subject to paragraph (3A)”.

(4) After paragraph (3) insert the following new paragraph—

“(3A) A Service of a summons under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997(4) may be effected by a member of the Northern Ireland Court Service or a member of the Royal Ulster Constabulary—

(a) by delivering a copy to the person to whom it is directed or by leaving it for him with some person apparently over the age of sixteen years at his usual or last known place of abode or at his place of business;

(b) by sending a copy of the summons by ordinary post in an envelope addressed to the person to be served at his last known place of abode.”.

(5) In paragraph (4) after the words “Subject to” insert the words “paragraph (3A)”.

(6) In paragraph (7) after the words “certificate of service in” insert the words “Form 109A or”.

Receipt of certificates in evidence

5.—(1) In Rule 12B after the words “as a certificate in” insert the words “Form 109A, Form 109B, Form 109C, or”.

(2) After Rule 12B insert the following new Rules—

“Proof of service of notice of registration under the Road Traffic Offenders (Northern Ireland) Order 1996

12C. Service of notice of registration under Article 76(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 may be proved in any proceedings by a certificate of service in Form 109B.

Proof of service of a requirement to identify driver of vehicle under Article 15 of the Road Traffic Offenders (Northern Ireland) Order 1996

12D. Service of a requirement under Article 177 of the Road Traffic (Northern Ireland) Order 1981, to give information as to the identity of the driver of a vehicle may be proved in any proceedings by a certificate of service in Form 109C.”.

Statutory Declarations

6. After Rule 13A insert the following new Rule 13B—

“Declarations under the Road Traffic Offenders (Northern Ireland) Order 1996

13B.—(1) A declaration under Article 77 or 78 of the Road Traffic Offenders (Northern Ireland) Order 1996 shall be made in Form 110D.

(2) Where the clerk of petty sessions or the court accepts service of such a declaration the clerk of petty sessions shall—

- (a) record the receipt of the statutory declaration in the Order Book against the relevant entry of registration of the sum as a fine; and
- (b) notify the Chief Constable in writing that the statutory declaration has been received.”.

Warrants

7.—(1) Rule 14 shall be amended in accordance with this Rule.

(2) In paragraph (1) for the words “paragraph (2)” substitute the words “paragraphs (2) and (2A)”;

(3) After paragraph (2) insert the following new paragraph (2A)—

“(2A) A warrant issued under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 shall be signed by a resident magistrate or justice of the peace but shall not in any case be signed by the clerk of petty sessions.”;

(4) After paragraph (5) insert the following new paragraph—

“(6) Where—

- (a) a warrant for the arrest of a defendant is issued under Regulation 4(2)(b) or 5(5) of the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; and
- (b) the court before which the defendant is brought is not acting for the same petty sessions district as the court in which the sum is registered as a fine;

the clerk of petty sessions for the court before which the defendant is brought shall forward a copy of any order made by that court to the clerk of petty sessions for the court in which the sum is registered as a fine.”.

New Section I in Part III of the principal Rules

8. In Part III of the principal Rules after section “H” there shall be added the following new section—

“I

Road Traffic Offenders (Northern Ireland) Order 1996

Applications under Article 37(6) and (7) of the Road Traffic Offenders (Northern Ireland) Order 1996

52A.—(1) In this rule and Rules 52B and 52C—

- (a) “the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;
- (b) “course organiser” and “supervising court” have the meanings assigned to them by Article 38(2) of the Offenders Order.

(2) An application to the supervising court under Article 37(6) or (7) of the Offenders Order shall be made in Form 122 within 28 days of the date specified in the order under Article 36(2) of the Offenders Order in respect of the applicant’s period of disqualification.

(3) The application shall be served on the clerk of petty sessions and on the course organiser and in the case of an application under Article 37(6) of the Offenders Order shall be accompanied by the notice under Article 37(5) of the Offenders Order.

(4) On being served with such an application, the clerk of petty sessions shall fix a date and time for the hearing of the application and notify the applicant and course organiser of the date and time so fixed.

(5) If the applicant or the course organiser fails to appear or be represented at the hearing of the application without reasonable excuse, the court may adjourn the hearing or decide the application in his absence.

Notice of order under Article 27 of the Offenders Order

52B. Where the court makes an order under Article 27 of the Offenders Order that a defendant shall inform the court of his date of birth or sex or both and the defendant is not present in court, the clerk of petty sessions shall serve notice of that order on the defendant in Form 123.

Application for removal of disqualification

52C.—(1) Part VII of the Order and Part V of these Rules shall apply to an application under Article 47 of the Offenders Order for an order removing a disqualification for holding or obtaining a licence.”.

Notice of order of court

9.—(1) Rule 105 shall be amended in accordance with this Rule.

(2) In paragraph (1) at the beginning insert the words “Subject to paragraph (2A)”.

(3) After paragraph (2) insert the following new paragraph—

“(2A) Paragraphs (1) and (2) shall not apply to a sum adjudged to be paid by a conviction of a magistrates' court by virtue of Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996.

(2B) Where a court makes an order under Article 91 or 92 of the Order with respect to the enforcement of a sum registered for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 the clerk of petty sessions shall unless the court otherwise directs serve on the person against whom that sum is registered notice in writing of the order of the court.”.

(4) In paragraph (3) after the word “offender” insert the words “or person against whom a sum has been registered for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996.”.

Evidence

10. After Rule 149A insert the following new Rule 149B—

“Admissibility of records as evidence under Article 16(5) of the Road Traffic Offenders (Northern Ireland) Order 1996

149B.—(1) For the purposes of Article 16 of the Road Traffic Offenders (Northern Ireland) Order 1996 the matters described in paragraph (2) shall be admissible as evidence of any fact stated therein to the same extent as oral evidence if that fact is admissible in those proceedings.

- (2) The matters described are—
- (a) a document being, of forming part of, or submitted in connection with an application for—
 - (i) an appointment for a test of competence to drive under Part II of the Order of 1981⁽⁵⁾;
 - (ii) an appointment for an extended driving test under Article 41 of the Offenders Order;
 - (iii) a driving licence and its counterpart granted under Part II of the Order of 1981;
 - (iv) a provisional driving licence and its counterpart granted under Part II of the Order of 1981;
 - (v) a test certificate under Article 61(2) of the Order of 1995⁽⁶⁾;
 - (vi) a goods vehicle test certificate under Article 65(2) of the Order of 1995;
 - (vii) a public service vehicle licence under Article 61 of the Order of 1981;
 - (viii) an approved driving instructor's certificate of registration or a licence under Article 132(2)(b) or 135 of the Order of 1981.
 - (b) evidence of the result of—
 - (i) a test of competence to drive under Part II of the Order of 1981 or,
 - (ii) an extended driving test under Article 41 of the Offenders Order;
 - (c) a driving licence and its counterpart granted under Part II of the Order of 1981;
 - (d) a provisional driving licence and its counterpart granted under Part II of the Order of 1981;
 - (e) a test certificate issued under Article 61(2) of the Order of 1995;
 - (f) a goods vehicle test certificate under Article 65(2) of the Order of 1995;
 - (g) a public service vehicle licence granted under Article 61 of the Order of 1981;
 - (h) a public service vehicle disc issued under regulation 7 of the Public Service Vehicles Regulations (Northern Ireland) 1985⁽⁷⁾;
 - (i) a notification of refusal to issue or grant a certificate or licence under—
 - (i) Article 61(4) of the Order of 1995;
 - (ii) regulation 5(1) of the Goods Vehicles (Certification) Regulations (Northern Ireland) 1990⁽⁸⁾;
 - (iii) regulation 8(3) of the Public Service Vehicles Regulations (Northern Ireland) 1985; or
 - (iv) regulation 17 of the Motor Cars (Driving Instruction) Regulations (Northern Ireland) 1991⁽⁹⁾.
 - (j) an approved driving instructor's certificate under Article 132(2)(g) or licence under Article 135 of the Order of 1981;
 - (k) a notice of intention to revoke a licence under Article 10 of the Order of 1981;

⁽⁵⁾ S.I. 1981/154 (N.I. 1)
⁽⁶⁾ S.I. 1995/2994 (N.I. 6)
⁽⁷⁾ S.R. 1985 No. 123
⁽⁸⁾ S.R. 1990 No. 224
⁽⁹⁾ S.R. 1991 No. 373

- (l) a notice revoking or suspending a licence under Article 61(1) (public service vehicle licences), or 73(1) (large goods vehicle and passenger-carrying vehicle driver's licence) of the Order of 1981;
- (m) in connection with the licensing and registration of mechanically propelled vehicles under the Vehicle Excise and Registration Act 1994⁽¹⁰⁾—
 - (i) a document being, or forming part of, or submitted in connection with, an application for a vehicle licence or a trade licence or in connection with a repayment of duty under section 19 of the 1994 Act or the recovery of underpayments or overpayments of duty under the 1994 Act;
 - (ii) a vehicle licence, trade licence, registration book or registration mark;
 - (iii) a document containing a declaration and particulars in relation to vehicles exempted from duty under the 1994 Act.
- (3) In this Rule—
 - (a) “the 1994 Act” means the Vehicle Excise and Registration Act 1994;
 - (b) “the Order of 1981” means the Road Traffic (Northern Ireland) Order 1981;
 - (c) “the Order of 1995” means the Road Traffic (Northern Ireland) Order 1995;
 - (d) “the Offenders Order” means the Road Traffic Offenders (Northern Ireland) Order 1996;
 - (e) “certificate of competence to drive” means a certificate issued in pursuance of Regulation 37 of the Motor Vehicle (Driving Licences) Regulations (Northern Ireland) 1996⁽¹¹⁾;
 - (f) “driving licence” means a licence to drive a motor vehicle granted under Part II of the Order of 1981;
 - (g) “counterpart” has the meaning assigned to it by Article 19D of the Order of 1981;
 - (h) “registration book” means a registration book issued under the Road Vehicles (Registration and Licensing) Regulations (Northern Ireland) 1973⁽¹²⁾;
 - (i) “registration mark” has the meaning assigned to it by section 62 of the 1994 Act;
 - (j) “trade licence” has the meaning assigned to it under section 11 of the 1994 Act;
 - (k) “vehicle licence” means a licence for a mechanically propelled vehicle under the 1994 Act;
 - (l) “the Department” means Department of the Environment.”.

Taking of recognizances

11. Rule 150 shall be amended by inserting after paragraph (2) the following new paragraph:

“(2A) A recognizance under the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 may be taken by a member of the Royal Ulster Constabulary.”.

New Forms

12. The forms set out in the Schedule shall be inserted in Schedule 1 to the principal Rules in the place appropriate to their number.

⁽¹⁰⁾ 1994 c. 22

⁽¹¹⁾ S.R. 1996 No. 542

⁽¹²⁾ S.R. 1973 No. 490

Dated 22nd September 1997

Irvine of Lairg, C.

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

SCHEDULE

Rule 12

“Form 1 A ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996 ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4 (Rules 7 and 17)

Complaint

of

Complainant

of

Defendant

} Petty Sessions District of

} County Court Division of

I, _____ of _____ say [on oath] that

And the complainant prays that a [warrant in Form 8A may issue for the arrest of the defendant] [summons in Form 2A may issue for the attendance of the defendant on the hearing of the complaint].

[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 [and sworn] before me this _____ day of _____ 19 ____.

Resident Magistrate
[Justice of the Peace].

“Form 2 A ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996 ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4 (Rule 8)

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

Summons to Defendant for failure to pay a sum adjudged to be paid by a conviction of a magistrates' court

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

WHEREAS a complaint has been made before me that on the (date) at (place) in the said petty sessions district the sum of £ was registered against you in respect of Fixed Penalty Notice No. as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 and whereas a Notice of Registration of the fine was served on you under Article 76(2) of that Order and whereas you have defaulted on payment of that fine.

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 for the said petty sessions district.

WARNING

The court may order you to be committed to prison in default of payment of the fine.

This day of 19 .

Resident Magistrate
[Justice of the Peace]

To the said Defendant

“Form 2BROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996(Articles 11, 28(5), 29)MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Rule 8(7))

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

Endorsement on Summons in Respect of an Offence Involving Obligatory or Discretionary Disqualification

The offence in respect of which you are charged involves obligatory or discretionary disqualification for holding or obtaining a driving licence. You are therefore required either to—

- (a) deliver the licence and its counterpart to the court; or
- (b) bring the licence and its counterpart to court with you at the hearing.

If you are convicted of the offence you will be required to produce your licence and counterpart in court. Failure to do so is an offence punishable summarily.

NOTE:

1. If you have applied for a new licence but not yet received it you must be able to satisfy the court of the truth of this.
2. If you have surrendered your licence and its counterpart on receiving a fixed penalty notice, the receipt issued must be delivered or produced to the court.

“Form 6AROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996(Articles 12, 27)MAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Article 24(2); Rule 10)

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

Notification of Plea of Guilty for Offences Involving obligatory or discretionary disqualifications from driving

[Title as in Form 1]

In connection with the summonses, 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 the receipt of summons(es), notice, statement of facts and notice of alleged previous convictions.

Signed: MALE/FEMALE

Date of Birth:

Present Address:

Please complete either Section A or B below

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 aforementioned clerk of petty sessions in writing.

WARNING

You should provide details of your date of birth and sex. If you are convicted of an offence involving obligatory or discretionary disqualification for holding or obtaining a licence, and you fail to provide these details, the court will order you to provide them in writing. Failure to comply with such an order is a criminal offence for which you are liable to prosecution.

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

“Form 8AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Article 138(5); Rules 14 and 143)ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4

Warrant of Arrest

of
 Complainant
 of
 Defendant

} Petty Sessions District of

} County Court Division of

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 defendant and bring him before a magistrates' court for the said county court division unless the said sum be sooner paid.

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 9A.

“Form 9AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Article 129; Rule 16)ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4

Bail Endorsement on Warrant of Arrest

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 60AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Article 92; Rules 105, 143 and 144)ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 7

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

To: Petty Sessions Office
Courtthouse

Order Book No.

Take notice that at a magistrates' court held at (place) _____
on (date) _____ the court found that you
have defaulted on payment of a sum registered against you for enforcement as a fine
under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996.

The court allowed you until (date) _____, to
pay the following sums [the court ordered you to pay the following sums by
instalments of _____ commencing on (date) _____]

:	
REGISTERED SUM	£
COSTS	£
AMOUNT ALREADY PAID.....	£

BALANCE DUE	£

You may however apply to the court by notice in writing addressed to me at the
above address for an order for payment by instalments pursuant to Article 91(3) of
the Magistrates' Courts (Northern Ireland) Order 1981 or for further time for payment
or for variation of an order for payment by instalments pursuant to Article 91(4) of
the said Order. And the court ordered that if such payment is not made or such
application received by me within the time allowed [a warrant of commitment be
issued committing you to prison [young offenders centre] for _____ days; [a warrant
of distress be issued for the purpose of levying the sum outstanding]. The issue of a
warrant would increase the amount due. Payment may be made to me within the time
allowed at the above address, or may be sent by post at your own risk. A payment
made by post must be accompanied by this notice and postage must be prepaid.

Dated the _____ day of _____ 19 _____.

Clerk of Petty Sessions

NOTE: It will be helpful to the court in dealing with your application if you will
provide particulars of income, outgoings and any change of circumstances
since the order was made.

“Form 61AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Article 92; Rules
105, 143 and 144)ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996ROAD
TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN
IRELAND) 1997; Regulations 6 and 7

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

Warrant of Distress for Sum Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996

of
 Clerk of Petty Sessions
 [Complainant]
 of
 Defaulter
 [Defendant]

} Petty Sessions District of
 }
 } County Court Division of

WHEREAS [upon hearing of a complaint that] on the (date) at (place) in the said petty sessions district the sum of £ was registered against the defaulter [defendant] as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of Fixed Penalty Notice No. and whereas a Notice of Registration of the fine was served on the defaulter [defendant] under Article 76(2) of that Order and whereas the defaulter [defendant] has defaulted on payment of that fine.

An order was made on the day of 19 , by a magistrates' court for the said district against the said defaulter [defendant] to the following effect viz:—

AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.

THIS IS TO COMMAND YOU to whom this warrant is addressed forthwith to make distress of the money and goods of the defaulter [defendant]; and if the sum stated at the foot of this warrant, together with the reasonable expenses of the making and keeping of the said distress, be not paid, then not earlier than the third day after the making of such distress to sell or cause to be sold the said goods, by auction or otherwise as the defaulter [defendant] may in writing allow, and pay the proceeds of the said distress to the clerk of petty sessions for the said district, and if no such distress can be found, to certify the same to the court within a reasonable time.

Fine	£
Cost of Warrant	£

Total	£
Part Payment	£

Balance	£

This day of 19 .

Resident Magistrate

To the Superintendent of the Royal Ulster Constabulary at

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

“Form 62AMAGISTRATES’ COURTS (NORTHERN IRELAND) ORDER 1981(Articles 91 and 92(1)(b); Rules 14, 105 and 143)ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 7

Warrant of Commitment for Fine Registered under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996

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

WHEREAS upon the hearing of a complaint that on the (date) _____ at (place) _____ in the said petty sessions district the sum of £ _____ was registered against the defendant as a sum adjudged to be paid by a conviction under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 in respect of Fixed Penalty Notice No. _____ and whereas a Notice of Registration of the fine was served on the defendant under Article 76(2) of that Order and whereas the defendant has defaulted on payment of that fine.

An order was made on the _____ day of _____ 19____, by a magistrates’ court for the said district against the said defendant to the following effect viz:—

AND WHEREAS the defendant has not paid the fine as ordered.

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

To lodge the defendant in HM Prison [Young Offenders Centre] at _____ [in accordance with Part XI of the Prison and Young Offenders Centre Rules (Northern Ireland) 1995] there to be imprisoned [detained] for the period of _____ unless the said sums be sooner paid.

And for this the present warrant shall be a sufficient authority to all whom it may concern. The sum levied to be paid to the clerk of petty sessions at _____

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

The warrant to be returned within a reasonable time if not executed.

Fine	£
Part Payment before default fixed	£
Amount due when default fixed	£
Part Payment after default fixed	£
Cost of Warrant	£

Balance	£

This day of '9 .

Resident Magistrate

To the Superintendent of the Royal Ulster Constabulary at

“Form 89AMAGISTRATES' COURTS (NORTHERN IRELAND) ORDER 1981(Articles 134, 135, 137, 138; Rules 150 to 152)ROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 5

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

Recognizance to Appear before a Magistrates' Court

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS a complaint was made that

The undersigned of the principal party to this recognizance, binds himself to perform the following obligations, viz:—

To appear personally before a Magistrates' Court sitting at in the above-named Petty Sessions District on the day of 19 at am and at every time and place to which, during the course of the proceedings, the hearing of the complaint may from time to time be adjourned and not to depart the court without leave.

The said principal party (together with of the undersigned [surety] [sureties] acknowledge[s] himself bound to forfeit to the Crown the sum[s] following viz:—

The principal party the sum of £ [and the said [surety] [sureties] the sum of £ each in the case the said principal party fails to perform the above obligation] [and in lieu of surety the said principal party hereby deposits the sum of £ of other valuable security to the value of that sum as security for performance of the said obligation]

Principal Party
Surety
Surety

Taken before me this day of 19 Taken before me this day of 19

[as to the said principal party] [as to the said principal party]
[as to the said suret[y][ies]] [as to the said suret[y][ies]]

[Governor] [Deputy Governor] Resident Magistrate
[Justice of the Peace]
[Clerk of Petty Sessions]
[Member of the Royal Ulster Constabulary]

“Form 109AROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996(Article 76)ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS (NORTHERN IRELAND) 1997; Regulation 4MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984(Rule 12B)

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

Certificate of Service of Summons on Defendant

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

I, _____ of _____
certify that on the _____ day of _____ 19____ I did serve a summons under
Regulation 4 of the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations
(Northern Ireland) 1997 on the above-named defendant in the manner endorsed by
me on the original summons.

Dated this _____ day of _____ 19____.

Signed:

“Form 109BROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996:(Article
76(2))ROAD TRAFFIC FIXED PENALTIES (ENFORCEMENT OF FINES) REGULATIONS
(NORTHERN IRELAND) 1997; Regulation 3MAGISTRATES' COURTS RULES (NORTHERN
IRELAND) 1984(Rule 12C)

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

Certificate of Service of Notice of Registration on Defaulter

of _____

Complainant } Petty Sessions District of _____

of _____

Defaulter } County Court Division of _____

 I, _____ of _____ hereby certify that on the _____ day of _____ 19____ I did serve a Notice of Registration under Article 76(2) of the Road Traffic Offenders (Northern Ireland) Order 1996 on the above named defaulter in the manner endorsed by me on the original Notice.

Dated this _____ day of _____ 19____.

Signed:

“Form 109CROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996(Article 15)MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984(Rule 12D)

Certificate of Service of Requirement to identify driver of a vehicle

of _____

Complainant } Petty Sessions District of _____

of _____

Defendant } County Court Division of _____

 I, _____ of _____ certify that on the _____ day of _____ 19____ I did serve a Requirement under Article 177 of the Road Traffic (Northern Ireland) Order 1981 on the above-named defendant in the manner endorsed by me on the Requirement (a copy whereof is hereto annexed).

Dated this _____ day of _____ 19____.

Signed

“Form 110DROAD TRAFFIC OFFENDERS (NORTHERN IRELAND) ORDER 1996(Articles 77, 78)MAGISTRATES' COURTS RULES (NORTHERN IRELAND) 1984(Rule 13B)

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

Statutory Declaration

of	}	Petty Sessions District of
Complainant		
of	}	County Court Division of
Defaulter [Defendant]		

I, _____ of _____ do solemnly and sincerely declare that—

- [(a) I was not the person to whom the fixed penalty notice number _____ referred to in the [Notice of Registration* (or here state document received) served on me on the _____ day of _____ was given];
- [(b) I did not know of the fixed penalty concerned or of any fixed penalty notice or notice to owner relating to this penalty until I received the [Notice of Registration] (or here state document received);]
- [(c) I was not the owner of the vehicle at the time of the alleged offence of which particulars were given in the relevant notice to owner and I have a reasonable excuse for failing to comply with that notice namely:— _____]
- [(d) I gave notice requesting a hearing in respect of the alleged offence as permitted in the relevant fixed penalty notice or notice to owner before the end of the suspended enforcement period or period allowed for response to that notice.]

Declarant

Declared before me this _____ day of _____ 19 _____,

at _____ in the petty sessions district of _____

Justice of the Peace
[Commissioner for Oaths]

IMPORTANT

1. If you knowingly and wilfully make a statement which is false in a material particular you will have committed an offence and be liable on conviction on indictment to a term of imprisonment, or a fine, or both under Article 10 of the Perjury (Northern Ireland) Order 1979. This is in addition to any proceedings which may be taken against you under Article 72 of the Road Traffic Offenders (Northern Ireland) Order 1996.
2. Articles 77 and 78 of the Road Traffic Offenders (Northern Ireland) Order 1996 provides that where a statutory declaration is made in accordance with either of those provisions and the declaration is served on the relevant clerk of petty sessions within 21 days of receipt (unless a longer time is allowed by the court) the registration of the fine will be void but further proceedings arising from the alleged offence may be brought.

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

Notice of Order to Give Information of Date of Birth and Sex

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

TAKE NOTICE that this court having this day of convicted you of the following offence(s) —

[and imposed an interim disqualification for holding or obtaining a driving licence]; ordered that [within days] you inform the court in writing of your {date of birth} [and] {sex}.

Failure to comply with such an order is a criminal offence for which you are liable to prosecution.

Dated this day of 19 .
Clerk of Petty Sessions

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1984 to make provision in relation to proceedings before a Magistrates' Court under the Road Traffic Offenders (Northern Ireland) Order 1996. That Order and the Road Traffic Fixed Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997 provide for fixed penalties given in respect of prescribed road traffic offences to be registered and enforced as fines in the Magistrates' Court. The Rules make further provision for applications by disqualified drivers under Part III of the Road Traffic Offenders (Northern Ireland) Order 1996. In particular the Rules:

- (a) provide for proof of service of documents;
- (b) make provision with respect to statutory declarations and warrants;
- (c) require notification to be given to the person against whom the sum is registered of any order of the court;
- (d) prescribe the procedure for an application to remove a disqualification for holding or obtaining a licence;

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

- (e) prescribe the procedure for an application by a disqualified driver for the review of a notice issued to him by the organiser of a road traffic rehabilitation course, or for a declaration of default in respect of that organiser;
- (f) prescribe matters admissible in evidence under Article 16 of the Road Traffic Offenders (Northern Ireland) Order 1996;
- (g) prescribe new forms.