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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 529**

**MAGISTRATES' COURTS**

**Magistrates' Courts (Amendment  
No. 2) Rules (Northern Ireland) 1997**

*Made* - - - - *9th December 1997*

*Coming into operation* *1st January 1998*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) 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 No. 2) Rules (Northern Ireland) 1997 and shall come into operation on 1st January 1998.

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

**Separate Warrants to be issued for each sentence imposed**

2.—(1) In Rule 15 paragraph (5), after the words “Treatment of Offenders (Northern Ireland) Order 1976(3)” there shall be inserted the words “or Article 28 of the Criminal Justice (Northern Ireland) Order 1996(4)”.

(2) In Rule 15 paragraph (6), for the words “that Article” there shall be substituted the words “either of the Articles referred to in paragraph (5)”.

**Endorsement of warrants of commitment as to release on bail**

3. In Rule 16 after paragraph (1), there shall be inserted the following new paragraph—

“(1A) Where under Article 5(5)(a) or Article 28(2)(b) of, or Schedule 2 to, the Criminal Justice (Northern Ireland) Order 1996, the court commits an offender in custody until he

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(1) S.I. 1981/1675 (N.I. 26)  
(2) S.R. 1984 No. 225  
(3) S.I. 1976/226 (N.I. 4)  
(4) S.I. 1996/3160 (N.I. 24)

can be brought or appear before the Crown Court, it may certify its consent to bail by endorsement on the warrant of commitment in Form 11A and the certificate of such consent may be signed on behalf of the court by the clerk of petty sessions.”.

#### **Section F in Part VII of the principal Rules**

4. In Part VII of the principal Rules, for Section F there shall be substituted the following new Section—

“F

*Criminal Justice (Northern Ireland) Order 1996*

#### **Interpretation of Section F**

124. In this Section—

- (a) “the 1996 Order” means the Criminal Justice (Northern Ireland) Order 1996;
- (b) “pre-sentence report”; “community order”; “custodial sentence”; “custody probation order”; and “mentally disordered” have the meanings assigned to them by Article 2(2) of the 1996 Order;
- (c) “medical report” has the meaning assigned to it by Article 22(5) of the 1996 Order;
- (d) “the appropriate county court division” means, except where it appears in Rule 126B, the county court division in which is located the place at which the Crown Court sat when the community order was made.

#### **Order for Absolute or Conditional Discharge**

125.—(1) Where the court makes an order for absolute or conditional discharge, it shall cause an entry to that effect to be made in the Order Book and, in the case of an order for conditional discharge, that entry shall also specify the duration of the order.

(2) Where a magistrates' court makes an order under Article 5(6) or (8), or the Crown Court makes an order under Article 5(7), of the 1996 Order, the clerk of petty sessions for the petty sessions district in which the order for conditional discharge was made shall make a note of the order under the said Article 5, opposite the entry in the Order Book relating to the making of the order of conditional discharge.

(3) Where a magistrates' court deals with a person under Article 5(8) of the 1996 Order in relation to an order for conditional discharge which was not made by that court, the clerk of petty sessions shall give a copy of the relevant entry in the Order Book to the clerk of petty sessions for the district in which the order was made.

(4) Where a magistrates' court convicts a person of an offence committed during the period of conditional discharge, the clerk of petty sessions shall, if the court which made the order for conditional discharge was the Crown Court, give a copy of the relevant entry in the Order Book to the chief clerk for the appropriate county court division.

(5) Where a magistrates' court makes an order under Article 12 of the 1996 Order substituting an order for conditional discharge for a probation order which was not made by that court, the clerk of petty sessions shall—

- (a) cause an entry to that effect to be made in the Order Book; and
- (b) give notice of the substitution to the clerk of petty sessions for the petty sessions district in which the probation order was made.

(6) The clerk of petty sessions to whom notice under paragraph (5) is given shall note the substitution of an order for conditional discharge for a probation order opposite the entry in the Order Book relating to the making of the probation order.

### **Entry in Order Book**

**125A.** Where a magistrates' court makes a statement under Article 9(4); 20(3)(a); 21(2); 24(4) or (5) or 33(2) of the 1996 Order, it shall cause that statement to be entered in the Order Book.

### **Community Order**

**126.—(1)** Where a magistrates' court makes a community order, any entry in the Order Book required to be made under Rule 19(1) shall include details of the following—

- (a) the duration of the order;
- (b) any conditions and requirements of the order;
- (c) the petty sessions district in which the offender resides or will reside.

(2) Where a court of summary jurisdiction amends or revokes a community order, it shall cause an entry to that effect to be made in the Order Book, opposite the entry relating to the making of the relevant order.

(3) Where a court of summary jurisdiction amends or revokes a community order which was not made by that court, the clerk of petty sessions shall—

- (a) if the community order was made by another magistrates' court, send a copy of the relevant entry in the Order Book to the clerk of petty sessions for that district; or
- (b) if the community order was made by the Crown Court, send a copy of the relevant entry in the Order Book to the chief clerk for the appropriate county court division.

(4) The clerk of petty sessions to whom notice under paragraph (3) is given, shall note the details given in the Order Book, opposite the entry relating to the making of the relevant community order.

(5) Any complaint made in respect of a breach of a requirement of a community order, and any application to revoke or amend a community order under Schedule 2 to the 1996 Order, shall be accompanied by a copy of the community order, to which the complaint or the application relates.

### **Committal to Crown Court**

**126A.** Where a court of summary jurisdiction commits an offender to the Crown Court under paragraph 3(3), paragraph 7(2)(b) or paragraph 9(2)(b) of Schedule 2 to the 1996 Order, the clerk of petty sessions shall (in addition to complying with paragraph 3(4) of Schedule 2 where it applies) notify the chief clerk for the appropriate county court division by sending to him—

- (a) where an offender is released on bail, a copy of any recognizance entered into; and
- (b) a certificate of the conviction or order made by the court of summary jurisdiction.

### **Release on Licence**

**126B.—(1)** Where a court of summary jurisdiction orders that Article 26 of the 1996 Order shall apply, the court shall cause a note to that effect to be entered in the Order Book and in the warrant of commitment.

(2) Where a court of summary jurisdiction commits an offender to the Crown Court under Article 28(2)(b) of the 1996 Order, the clerk of petty sessions shall send to the chief clerk for the appropriate county court division—

- (a) a certificate of the conviction by the court of summary jurisdiction;
- (b) a copy of any written statement which was tendered in evidence at the hearing;
- (c) where available, a copy of any report relating to the offender which was considered by the court of summary jurisdiction;
- (d) a copy of any recognizance entered into.

(3) For the purposes of this Rule “the appropriate county court division” means—

- (a) where the order that Article 26 of the 1996 Order shall apply was made by the Crown Court, the county court division in which is located the place at which the Crown Court sat when that order was made;
- (b) where the order that Article 26 of the 1996 Order shall apply was made by a court of summary jurisdiction, the county court division in which the offender resides.”.

#### **Notification of conviction before expiration of period of deferment**

5. In Rule 127 paragraph (1) for the words “Article 14 of the Treatment of Offenders (Northern Ireland) Order 1976” there shall be substituted the words “Article 3 of the Criminal Justice (Northern Ireland) Order 1996”.

#### **New Section L in Part VII of the principal Rules**

6. In Part VII of the principal Rules after Section “K”, there shall be added the following new Section—

“L

*Mental Health (Northern Ireland) Order 1986(5)*

#### **Supervision and Treatment Order**

147A.—(1) In this Rule—

- (a) “the 1986 Order” means the Mental Health (Northern Ireland) Order 1986;
- (b) “the petty sessions district concerned” has the meaning assigned to it by paragraph 3(4) of Schedule 2A to the 1986 Order;
- (c) “supervision and treatment order” means a supervision and treatment order under Schedule 2A to the 1986 Order;
- (d) “supervised person” and “supervising officer” have the meanings assigned to them by paragraph 1(1) of Schedule 2A to the 1986 Order;

(2) An application to a court of summary jurisdiction under paragraph 7(2) or 8(1) of Schedule 2A to the 1986 Order shall be in Form 124 and shall be served on the clerk of petty sessions for the petty sessions district concerned at least 14 days before the hearing of the application and shall be accompanied by a copy of the supervision and treatment Order, to which the application relates.

(3) A copy of Form 124 and of the supervision and treatment order referred to in paragraph (2) shall also be served on the respondent.

(4) The respondent to the application shall be either the supervised person, if the applicant is the supervising officer or the supervising officer, if the applicant is the supervised person.

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

#### **Documents to be sent to the chief clerk and to the parties to the Appeal**

7. Rule 155 shall be amended as follows:

- (a) by deleting in paragraph (1)(c) the word “and”;
- (b) by inserting in paragraph (1)(d), after the words “Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968(6)” the words “and any pre-sentence report or medical report, within the meaning of the Criminal Justice (Northern Ireland) Order 1996, which was considered at the trial of the appellant), and”;
- (c) by inserting in paragraph (1), after sub-paragraph (d) the following new sub-paragraph—
  - “(e) a copy of any entry in the Order Book made in pursuance of Article 10(7); 13(9); 15(4) or 19(5) of the 1996 Order, or under Rule 125A.”.

#### **Amendments to Schedule 1**

8. Schedule 1 shall be amended as follows:

- (a) by substituting for Form 14, the new Form 14 set out in Schedule 1 to these Rules;
- (b) by substituting in Form 87, for the number “21” each time it appears, the number “18”;
- (c) by inserting, in the place appropriate to its number, each new Form set out in Schedule 2 to these Rules.

Dated 9th December 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 1

“Form 14Magistrates' Courts (Northern Ireland) Order 1981(Article 114; Rules 14, 15, 125A and 143)Criminal Justice (Northern Ireland) Order 1996(Article 19, 21)

**Warrant of Commitment on Sentence of Imprisonment/Detention**

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

WHEREAS upon the hearing of a complaint that the defendant was convicted by a magistrates' court sitting at (place) on (date) of the following offence(s) ; (state shortly particulars of offence) which [is] [are] punishable with imprisonment in the case of a person aged 21 or over (or if under that age the sentence of imprisonment is for more than 4 years or is a sentence of detention in a young offenders centre or a sentence of detention during the Secretary of State's pleasure under section 73(1) of the Children and Young Persons Act (Northern Ireland) 1968).

AND the court [having considered a pre-sentence report] is of the opinion [that the offence, or the combination of the offence and one or more offences associated with it, was so serious that only such a sentence can be justified for the offence because (state reason)] [where the offence is a violent or sexual offence, that only such a sentence would be adequate to protect the public from serious harm from him because (state reason)] [proposed a community sentence which requires the consent of the defendant, and the defendant refused to give that consent].

[AND the court is of the opinion that a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996 is not appropriate [because (state reason) .] [AND the defendant refused to give his consent to a custody probation order.]

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)

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

[AND THE COURT ORDERED that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.]

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the Defendant 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.

Dated this day of

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

To the Superintendent of the Royal Ulster Constabulary at

SCHEDULE 2

“Form 11A Magistrates' Courts (Northern Ireland) Order 1981(Rule 16) Criminal Justice (Northern Ireland) Order 1996(Articles 5(5)(a), 28(2)(b), Schedule 2; paragraphs 3(3), 7(2)(b) and 9(2)(b))

**Consent to Bail**

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

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

Dated this day of

Resident Magistrate  
[Clerk of Petty Sessions]”

“Form 14A Magistrates' Courts (Northern Ireland) Order 1981(Rules 7, 17 and 126B) Criminal Justice (Northern Ireland) Order 1996(Article 27)

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

**Complaint on failure to comply with licence condition(s)**

of

Complainant

of

Defendant.

Petty Sessions District of

County Court Division of

I, \_\_\_\_\_ of \_\_\_\_\_  
say on oath that the above-named defendant was on (date) \_\_\_\_\_  
convicted by a court of summary jurisdiction for the petty sessions district of \_\_\_\_\_  
[Crown Court] sitting at (place) \_\_\_\_\_ of the  
following offence(s): (state shortly particulars of offence) \_\_\_\_\_

AND that on the (date) \_\_\_\_\_ the said court ordered that the  
defendant be imprisoned [detained] for \_\_\_\_\_ year(s) AND that Article 26 of  
the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND that the said defendant, released on licence under Article 26 of the Criminal  
Justice (Northern Ireland) Order 1996, on the (date) \_\_\_\_\_  
failed without reasonable excuse to comply with a condition of the said licence,  
namely (here set out condition which is contravened) [in as much as he (here set out  
particulars of failure) \_\_\_\_\_].

Complainant  
[for Complainant]

Taken before me \_\_\_\_\_, this \_\_\_\_\_ day  
of \_\_\_\_\_ in the County Court Division of \_\_\_\_\_

Justice of the Peace"

“Form 14B Magistrates' Courts (Northern Ireland) Order 1981(Rules 8 and 126B) Criminal Justice  
(Northern Ireland) Order 1996(Article 27)



*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 on failure to comply with licence condition(s)**

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

WHEREAS a complaint has been made before me by \_\_\_\_\_ of \_\_\_\_\_ that on *(date)* \_\_\_\_\_, you, the defendant were convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at \_\_\_\_\_ *(place)* of the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* \_\_\_\_\_ the said court ordered that you be imprisoned [detained] for \_\_\_\_\_ year(s) AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND that the said defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, on the *(date)* \_\_\_\_\_ failed without reasonable excuse to comply with a condition of the said licence *(here set out condition which is contravened)* [in as much as you *(here set out particulars of failure)* \_\_\_\_\_].

THIS IS TO COMMAND YOU to appear on the hearing of the above complaint at *(place)* \_\_\_\_\_ on *(date)* \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon, before a court of summary jurisdiction sitting for the petty sessions district of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Justice of the Peace  
[Clerk of Petty Sessions]

To you the said defendant"

“Form 14C Magistrates' Courts (Northern Ireland) Order 1981 (Rules 14, 126B and 143) Criminal Justice (Northern Ireland) Order 1996 (Article 27)

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

**Warrant for arrest on failure to comply with licence condition(s)**

of  
of  
Complainant  
Defendant

} Petty Sessions District of  
County Court Division of

WHEREAS a complaint has been made in writing and on oath that on (date) the defendant was convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court ordered that the defendant be imprisoned (detained) for year(s) AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND that the said defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, on the (date) failed without reasonable excuse to comply with a condition of the said licence (here set out condition which is contravened) [in as much as he (here set out particulars of failure)]

THIS IS TO COMMAND YOU to whom this warrant is addressed, to arrest the said and to bring him before a court of summary jurisdiction for the petty sessions district of sitting at (place) to answer to the said complaint.

Dated this day of

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 14DMagistrates’ Courts (Northern Ireland) Order 1981(Article 114; Rule 14, 15, 126B and 143)Criminal Justice (Northern Ireland) Order 1996(Article 27)

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 Commitment where person is recalled to prison under Article 27 of the Criminal Justice (Northern Ireland) Order 1996**

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

WHEREAS it appears that the defendant was on the (date) convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court ordered that the defendant be imprisoned [detained] for year(s) AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND WHEREAS it appears that the defendant was on the (date) discharged from HM Prison [Young Offenders Centre] at and was on that date serving the above sentence of imprisonment [period of detention], which but for his discharge pursuant to prison rules would have expired on the (date)

AND WHEREAS on the (date) a court of summary jurisdiction sitting at (place) being satisfied that the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, failed without reasonable excuse to comply with a condition of the said licence (here set out condition which is contravened) [in as much as he (here set out particulars of failure)]

THE COURT ORDERED that the licence be suspended and the defendant be recalled to prison [Young Offenders Centre] for (state period)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at in accordance with Part IV of the Young

Offenders Centre Rules (Northern Ireland) 1982] to be imprisoned [detained] there for the above period.

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

Dated this day of

Resident Magistrate  
[Clerk of Petty Sessions]

To the Superintendent of the Royal Ulster Constabulary at

“Form 14EMagistrates' Courts (Northern Ireland) Order 1981(Article 114; Rule 14, 15, 126B and 143)Criminal Justice (Northern Ireland) Order 1996(Article 28(2)(b))

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 commitment to Crown Court under Article 28(2)(b) of the Criminal Justice (Northern Ireland) Order 1996**

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

WHEREAS it appears that the defendant was on *(date)* convicted by a court of summary jurisdiction for the petty sessions district of *[Crown Court]* sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*

AND WHEREAS on the *(date)* the said court ordered that the defendant be imprisoned *[detained]* for *year(s)* AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND WHEREAS it appears that the defendant was on the *(date)* discharged from HM Prison *[Young Offenders Centre]* at *(place)* and was on that date serving the above sentence of imprisonment *[period of detention]* which but for his discharge pursuant to prison rules would have expired on the *(date)*

AND WHEREAS the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, was on the *(date)* convicted by a court of summary jurisdiction sitting at *(place)* of the following offence(s) being *[an]* offence(s) for which the court has power to sentence him to imprisonment *[detention]* namely: *(state shortly particulars of offence)*

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the said defendant *(name)* in HM Prison *[Young Offenders Centre]* at *(place)* *[in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982]* in order that he may be brought before the Crown Court sitting at *(place)*

Dated this *day* of *month*

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

To the Superintendent of the Royal Ulster Constabulary at *(place)*

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

“Form 14F Magistrates’ Courts (Northern Ireland) Order 1981 (Article 114; Rule 14, 15, 126B and 143) Criminal Justice (Northern Ireland) Order 1996 (Article 28(1))”

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 commitment where person is ordered under Article 28(1) of the Criminal Justice (Northern Ireland) Order 1996 to be returned to prison**

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

WHEREAS it appears that the defendant was on the *(date)* convicted by a court of summary jurisdiction for the petty sessions district of *(place)* [Crown Court] sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* the said court ordered that the defendant be imprisoned [detained] for *(year(s))* AND that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.

AND WHEREAS it appears that the defendant was on the *(date)* discharged from HM Prison [Young Offenders Centre] at *(place)* and was on that date serving the above sentence [period of detention] which but for his discharge pursuant to prison rules would have expired on the *(date)*

AND WHEREAS the defendant, released on licence under Article 26 of the Criminal Justice (Northern Ireland) Order 1996, was on the *(date)* convicted by a court of summary jurisdiction sitting at *(place)* of the following offence(s) being [an] offence(s) for which the court has power to sentence him with imprisonment [detention] namely: *(state shortly particulars of offence)* committed on the *(date)*

AND the court ordered that: *(state court order(s) made on conviction)*,

THE COURT FURTHER ORDERED that the defendant be returned to prison [Young Offenders Centre] for *(state period)*

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant *(name)* in HM Prison [Young Offenders Centre] at *(place)* [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] to be imprisoned [detained] there for the above period.

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

Dated this *(day)* day of *(month)*

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

To the Superintendent of the Royal Ulster Constabulary at *(place)*

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

“Form 63AMagistrates' Courts (Northern Ireland) Order 1981(Rules 14 and 125)Criminal Justice (Northern Ireland) Order 1996(Article 4)

**Order for [absolute] [conditional] discharge**

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS the defendant was on the (*date*) convicted by a magistrates' court sitting at (*place*) of the following offence(s): (*state shortly particulars of offence*).

And the court is of the opinion having regard to the circumstances including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment, [AND the court has explained to the defendant in ordinary language that if he commits another offence during the period specified below, he will be liable to be sentenced for the original offence for which the order is made].

It is therefore ordered that the defendant be discharged [absolutely] [subject to the condition that he commits no offence during the period of from the date of this order].

Dated this            day of

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

\* Insert details of any further order made by the court.

“Form 63BMagistrates' Courts (Northern Ireland) Order 1981(Rules 7, 17 and 125)Criminal Justice (Northern Ireland) Order 1996(Article 5)

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

**Complaint on Commission of Further Offence During Period of Conditional Discharge**

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

I, \_\_\_\_\_ of \_\_\_\_\_  
sway on oath that the above-named defendant was on *(date)*  
convicted by a magistrates' court sitting at *(place)* \_\_\_\_\_ of  
the following offence(s): *(state shortly particulars of offence)*

AND on the *(date)* \_\_\_\_\_, the said court made an order discharging  
the defendant subject to the condition that he should commit no offence during the  
period of \_\_\_\_\_ years then next ensuing.

AND the defendant was on the *(date)* \_\_\_\_\_ convicted by a  
magistrates' court [Crown Court] sitting at *(place)* \_\_\_\_\_ of  
the following offence(s): *(state shortly particulars of offence)*  
committed by him during the said period, that is, on the *(date)*  
and was sentenced [or ordered] to

Complainant  
[for Complainant:]

Taken before me this \_\_\_\_\_ day of \_\_\_\_\_ in the County Court  
Division of \_\_\_\_\_

Justice of the Peace

“Form 63CMagistrates' Courts (Northern Ireland) Order 1981(Rules 8 and 125)Criminal Justice  
(Northern Ireland) Order 1996(Article 5)

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 on Commission of Further Offence During Period of Conditional Discharge**

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

WHEREAS a complaint has been made before me by of that on (date) , you, the defendant were convicted by a magistrates' court sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made an order discharging you subject to the condition that you should commit no offence during the period of year(s) then next ensuing AND by the said complaint it is further alleged that you were on the (date) convicted by a magistrates' court [Crown Court] sitting at (place) of the following offence(s): (state shortly particulars of offence) committed by you during the said period, that is, on the (date) and that you were sentenced [or ordered] to

THIS IS TO COMMAND YOU to appear on the hearing of the above complaint at (place) on (date) at (time) o' clock in the forenoon, before a magistrates' court for the said county court division.

Dated this day of

Justice of the Peace  
[Clerk of Petty Sessions]

To you the said defendant"

"Form 63DMagistrates' Courts (Northern Ireland) Order 1981(Rules 14, 125 and 143)Criminal Justice (Northern Ireland) Order 1996(Article 5)



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

**Warrant for Arrest on Commission of Further Offence During Period of Conditional Discharge**

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS a complaint has been made in writing and on oath that on *(date)*, the defendant was convicted by a magistrates' court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* the said court made an order discharging the defendant subject to the condition that he should commit no offence during the period of *(year(s))* then next ensuing AND by the said complaint it is further alleged that the defendant was on the *(date)* convicted by a magistrates' court [Crown Court] sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)* committed by him during the said period, that is, on the *(date)* and was sentenced [or ordered] to

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

Dated this *(day)* day of *(month)*

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 63EMagistrates' Courts (Northern Ireland) Order 1981(Article 114; Rules 14, 15, 125 and 143)Criminal Justice (Northern Ireland) Order 1996(Article 5(5)(a))

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 Commitment to the Crown Court on Commission of Further Offence By Person in whose case an Order for Conditional Discharge has been made**

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

WHEREAS the defendant was on (date) convicted by the Crown Court sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND WHEREAS on the (date) the said court made an order discharging the defendant subject to the condition that he should commit no offence during the period of year(s) then next ensuing.

AND WHEREAS he was on the (date) convicted by a magistrates' court sitting at (place) of the following offence committed on the (date) during the period of conditional discharge, namely (state shortly particulars of offence)

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison (Young Offenders Centre) at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that he may be brought before the Crown Court sitting at (place)

Dated this day of

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

To the Superintendent of the Royal Ulster Constabulary at

Note: This warrant may be endorsed for bail as on Form 11A."

"Form 69A Magistrates' Courts (Northern Ireland) Order 1981 (Rules 14 and 126) Criminal Justice (Northern Ireland) Order 1996 (Article 10)

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

**Probation Order**

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS the defendant was on the (date) convicted by a magistrates' court sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND on the (date) the said court, [obtained and considered a pre-sentence report for the purpose of determining the most suitable method of dealing with the defendant] [did not obtain a pre-sentence report] and being of the opinion that the supervision of the defendant is desirable in the interests of [securing the rehabilitation of the defendant] [protecting the public from harm or preventing the commission by him of further offences].

AND the court has explained in ordinary language to the defendant:

- (a) why it is making the order;
- (b) the effect of this order and its requirements;
- (c) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and
- (d) that the court has power to review the order on the application of either the defendant or of the officer responsible for his supervision.

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of as required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to that district; and it is further ordered that the defendant shall during the said period comply with the following requirements:

1. That he shall keep in touch with the probation officer in accordance with such instructions as he may from time to time be given by the probation officer, and shall notify him of any change of address;
2. (Here will follow any additional requirements).

\*(AND the defendant has expressed his willingness to comply with the above requirements.)

Dated this day of

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

\* To be omitted in the case of a child under 14.

“Form 69B Magistrates' Courts (Northern Ireland) Order 1981(Rules 14 and 126) Criminal Justice (Northern Ireland) Order 1996(Article 13)

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

**Community Service Order**

of  
 Complainant  
 of  
 Defendant

} Petty Sessions District of  
 }  
 } County Court Division of

WHEREAS the above-named defendant being aged 16 or over, was on the (date) convicted by a magistrates' court sitting at (place) of the following offence(s): (state shortly particulars of offence)

which is (are) punishable with imprisonment.

AND on the (date), the said court [having considered a pre-sentence report] is satisfied that the defendant is a suitable person to perform unpaid work under a community service order and that provision can be made for him to do so.

AND the court has explained in ordinary language to the defendant:

- (a) why it is making this order;
- (b) the effect of this order and its requirements;
- (c) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and
- (d) that the court has power to review the order on the application of either the defendant or of the responsible officer (within the meaning of Article 17(3) of the Criminal Justice (Northern Ireland) Order 1996).

And the defendant has consented to the making of this order.

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of, shall during the period of 12 months beginning with the date of this order, be required to perform unpaid work for hours and shall comply with the following requirements:

- 1. That he shall keep in touch with the relevant officer in accordance with such instructions as he may be given by that officer and notify him of any change of address;
- 2. That he shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer;

[The court directs that such hours of work shall be [concurrent with] [additional to] the hours specified in the community service order(s) made on (date) for hours work [respectively].]

Dated this day of

Resident Magistrate  
[Justice of the Peace]  
[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.*

“Form 69CMagistrates' Courts (Northern Ireland) Order 1981(Rules 14 and 126)Criminal Justice (Northern Ireland) Order 1996(Article 15)

**Combination Order**

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

WHEREAS the above-named defendant being aged 16 or over, was on the *(date)* convicted by a magistrates' court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*

which is [are] punishable with imprisonment.

AND on the *(date)*, the said court [having considered a pre-sentence report] is of the opinion that the making of an order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996 combining probation and community service orders is desirable in the interests of [securing the rehabilitation of the defendant] [protecting the public from harm from him or preventing the commission by him of further offences].

AND the court has explained in ordinary language to the defendant:

- (a) why it is making this order;
- (b) the effect of this order and its requirements;
- (c) the consequences which may follow if he fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and
- (d) that the court has power to review the order on the application of either the defendant or of the responsible officer (within the meaning of Article 17(3) of the Criminal Justice (Northern Ireland) Order 1996).

IT IS ORDERED that the defendant, who [resides] [will reside] in the petty sessions district of shall during the period of 12 months beginning with the date of this order, be required to perform unpaid work for hours and shall be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to that district and shall comply with the following requirements:

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

1. That he shall keep in touch with the probation officer responsible for his supervision and, where a different person, the relevant officer responsible for the work to be performed under this order, in accordance with such instructions as he may from time to time be given by the officer or officers and notify the officer or officers of any change of address;
2. That he shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such time as he may be instructed by the relevant officer;
3. (*Here will follow any additional requirements*).

AND the defendant has consented to the making of the order and has expressed his willingness to comply with the above requirements.

Dated this            day of

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

“Form 69DMagistrates' Courts (Northern Ireland) Order 1981(Rules 7, 17 and 126)Criminal Justice (Northern Ireland) Order 1996(Schedule 2, paragraph 2)

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

**Complaint for failure to comply with requirement(s) of [probation]  
[community service] [combination] order**

of  
Complainant  
of  
Defendant

} Petty Sessions District of  
} County Court Division of

I, of  
say on oath that the above-named defendant was on the *(date)*  
convicted by a court of summary jurisdiction for the petty sessions district of  
[Crown Court] sitting at (place) of  
the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* the said Court made a [probation  
order] [community service order] [combination order under Article 15 of the Criminal  
Justice (Northern Ireland) Order 1996] requiring the said defendant to *(here set out  
requirement which is contravened)*

AND the said defendant did on *(date)* fail to comply  
with the last-mentioned requirement [in as much as he *(here set out particulars of*  
*breach)* ].

Complainant  
[for Complainant]

Taken before me, this day of in the County Court  
Division of in the County Court

Justice of the Peace”

“Form 69EMagistrates' Courts (Northern Ireland) Order 1981(Rules 8 and 126)Criminal Justice  
(Northern Ireland) Order 1996(Schedule 2, paragraph 2)

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 comply with requirement(s) of [probation] [community service] [combination] order**

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

WHEREAS a complaint has been made before me by \_\_\_\_\_ of \_\_\_\_\_ that on (date) \_\_\_\_\_, you, the said defendant were convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) \_\_\_\_\_ of the following offence(s): (state shortly particulars of offence)

AND that on the (date) \_\_\_\_\_ the said court made a [probation order] [community service order] [combination order under Article 15 of Criminal Justice (Northern Ireland) Order 1996] requiring you to (here set out requirements which is contravened) \_\_\_\_\_ and by the said complaint, it is further alleged that you did on (date) \_\_\_\_\_, fail to comply with the last-mentioned requirement of the said order [in as much as you (here set out particulars of breach) \_\_\_\_\_].

THIS IS TO COMMAND YOU, to appear on the hearing of the above complaint at (place) \_\_\_\_\_ on (date) \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon, before a court of summary jurisdiction sitting for the petty sessions district of \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Justice of the Peace  
[Clerk of Petty Sessions]

To you the said defendant

“Form 69FMagistrates' Courts (Northern Ireland) Order 1981(Rules 14, 126 and 143)Criminal Justice (Northern Ireland) Order 1996(Schedule 2, paragraph 2)



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

**Warrant for Arrest on failure to comply with requirement(s) of [probation] [community service] [combination] order**

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

WHEREAS a complaint has been made in writing and on oath that on (date) the defendant was convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) of the following offence(s): (state shortly particulars of offence):

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of Criminal Justice (Northern Ireland) Order 1996] requiring the said defendant to (here set out requirement which is contravened) and by the said complaint, it is further alleged that the defendant did on (date) fail to comply with the last-mentioned requirement of the said order [in as much as he (here set out particulars of breach)].

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said and to bring him before a court of summary jurisdiction sitting for the petty sessions district of sitting at (place) to answer to the said complaint.

Dated this day of

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 69G Magistrates’ Courts (Northern Ireland) Order 1981 (Rules 14 and 126) Criminal Justice (Northern Ireland) Order 1996 (Schedule 2, paragraph 3)

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

**Order on failure to comply with requirement(s) of [probation] [community service] [combination] order**

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) on (date) convicted the defendant of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996] which required him to (here set out requirement which is contravened). and by the said complaint, it is further alleged that you did on (date) fail to comply with the last mentioned requirement of the said order [in as much as you (here set out particulars of breach)].

AND WHEREAS on the (date), a court of summary jurisdiction sitting at (place) being satisfied that the defendant has failed without reasonable excuse to comply with the last mentioned requirement of the said order, ORDERED [that the defendant (here state particulars of decision)] [that the order should be revoked and that—].

Dated this day of

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

“Form 69H Magistrates' Courts (Northern Ireland) Order 1981 (Rules 126) Criminal Justice (Northern Ireland) Order 1996 (Schedule 2 paragraph 7, 9, 12, 13 and 15)

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 Application for [Revocation] [Amendment] of [probation] [community service] [combination] order**

of

Applicant

Petty Sessions District of

of

County Court Division of

Defendant

WHEREAS a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) on the (date) convicted [me] [the respondent (name)] of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996].

[AND having regard to the circumstances which have arisen since the order was made, namely: ]

TAKE NOTICE that I intend to apply to a court of summary jurisdiction for the petty sessions district of sitting at (place) on the (date), that the said order be [amended] [revoked] and that the defendant should be dealt with in some other manner for the offence in respect of which the order was made].

Dated this day of

Applicant

To you the said defendant

“Form 69IMagistrates' Courts (Northern Ireland) Order 1981(Rules 8 and 126)Criminal Justice (Northern Ireland) Order 1996(Schedule 2 paragraph 7, 12 and 17)

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 to [Amend] [Revoke] a [probation] [community service] [combination] order**

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

WHEREAS an application has been made by  
of \_\_\_\_\_ that on *(date)* \_\_\_\_\_, you,  
the said defendant were convicted by a court of summary jurisdiction for the petty  
sessions district of \_\_\_\_\_ [Crown Court] sitting at *(place)*  
\_\_\_\_\_, of the following offence(s): *(state shortly particulars  
of offence)* .

AND that on the *(date)* \_\_\_\_\_ the said court made a [probation  
order] [community service order] [combination order under Article 15 of the Criminal  
Justice (Northern Ireland) Order 1996].

AND, whereas by the said application *(name of applicant)*  
has applied that the said order be [amended] [revoked] [and the court deal with you  
in some other manner for the offence in respect of which the order was made].

THIS IS TO COMMAND YOU, to appear as a defendant on *(date)* \_\_\_\_\_,  
at \_\_\_\_\_ o'clock in the forenoon, before a court of summary jurisdiction for  
the petty sessions district of \_\_\_\_\_ sitting at *(place)*  
in answer to the said application.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Justice of the Peace  
[Clerk of Petty Sessions]

To you the said defendant

“Form 69JMagistrates' Courts (Northern Ireland) Order 1981(Rules 14, 126 and 143)Criminal Justice  
(Northern Ireland) Order 1996(Schedule 2 paragraph 7 and 17)

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

**Warrant for Arrest of Defendant on Failure to appear in answer to summons to [Amend] [Revoke] a [probation] [community service] [combination] order**

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

WHEREAS an application has been made that the defendant was convicted by a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996].

AND a summons to [revoke] [amend] the said order was duly served on the defendant requiring him to appear before a court of summary jurisdiction sitting at (place) on the (date)

AND the defendant failed to appear at the said court in answer to the summons.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest the said defendant and bring him before a court of summary jurisdiction for the petty sessions district of [Crown Court] sitting at (place) to answer to the said application.

Dated this day of

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 69K Magistrates’ Courts (Northern Ireland) Order 1981(Rules 14 and 126) Criminal Justice (Northern Ireland) Order 1996(Schedule 2 paragraph 7, 12, 13 and 15)

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

**Order to [Revoke] [Amend] a [probation] [community service] [combination] order**

of

Complainant

Petty Sessions District of

of

Courty Court Division of

Defendant

WHEREAS a court of summary jurisdiction for the petty sessions district of *sitting at (place)*, on *(date)* convicted the defendant of the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* the said court made a [probation order] [community service order] [combination order] under Article 15 of the Criminal Justice (Northern Ireland) Order 1996.

AND WHEREAS *(name)* has applied that the order should be [revoked] [amended] on the ground that:

[AND IT APPEARS to the court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be [revoked] [and that the court should deal with the defendant for the above offence in a manner in which it could deal with him if he had just been convicted by the court of the offence].

IT IS ORDERED that the said order should be [revoked] [amended] *(insert details of order as appropriate)*

[The defendant has expressed his willingness to comply with the requirements of the order as amended.]

Dated this *(day)* day of *(month)*

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

“Form 69LMagistrates' Courts (Northern Ireland) Order 1981(Article 114; Rules 14, 15, 126 and 143)Criminal Justice (Northern Ireland) Order 1996(Schedule 2 paragraphs 3(1)(d), 7(2)(a)(ii))

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 Commitment on [failure to comply with requirement(s)] [revocation] of a [probation] [community service] [combination] order**

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS it appears that the defendant was on the (date) convicted by a magistrates court sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996] [which required him to (here set out requirement which is contravened)].

AND WHEREAS on the (date) a court of summary jurisdiction sitting at (place) being satisfied that [the defendant failed without reasonable excuse to comply with the last mentioned requirement of the said order:] [having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that] the order should be revoked and that the court should deal with him for the above offence in a manner in which it could deal with the defendant if he had just been convicted by the court of the offence.

AND the court [having considered a pre-sentence report] is of the opinion [that the offence, or the combination of the offence and one or more offences associated with it, was so serious that only a custodial sentence can be justified for that offence because (state reason) ] (where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him, because (state reason) ) [proposed a community sentence which requires the consent of the defendant] [and the defendant refused to give that consent] [but assumes the defendant to have refused to give his consent on account of his wilful and persistent failure to comply with the requirements of a community order] AND [the court is of the opinion that a custody probation order under Article 24 of

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the Criminal Justice (Northern Ireland) Order 1996 is not appropriate because (*state reason*)  
] [the defendant refused to give his consent to a custody probation order].

THE COURT ORDERED THAT the said order be revoked and that for the said offence, the defendant be [imprisoned] [detained] in the [Prison] [Young Offenders Centre] for the period of of

[AND THE COURT ORDERED that Article 26 of the Criminal Justice (Northern Ireland) Order 1996 shall apply.]

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant 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.

Dated this day of

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

To the Superintendent of the Royal Ulster Constabulary at

“Form 69MMagistrates' Courts (Northern Ireland) Order 1981(Rule 126A)Criminal Justice (Northern Ireland) Order 1996(Schedule 2 paragraph 3(4))



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 failure to comply with requirement(s) of [probation] [community service] [combination] order**

of

Complainant.

of

Defendant.

Petty Sessions District of

County Court Division of

WHEREAS it appears that the defendant was on the (date) convicted by the Crown Court sitting at (place) of the following offence(s): (state shortly particulars of offence)

AND that on the (date) the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996] which required him to (here set out requirement which is contravened).

AND WHEREAS on the (date) a court of summary jurisdiction for the petty sessions district of sitting at (place) being satisfied, HEREBY CERTIFIES that the defendant has failed to comply with the last-mentioned requirement of the said order [in as much as he (here specify particulars of breach)].

Dated this day of

Resident Magistrate

To the Crown Court sitting at

“Form 69N Magistrates' Courts (Northern Ireland) Order 1981 (Article 114; Rules 14, 15, 126, 126A and 143) Criminal Justice (Northern Ireland) Order 1996 (Schedule 2 paragraph 3(3))

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 Commitment to the Crown Court on failure to comply with requirement of a [probation] [community service] [combination] order**

of

Complainant

Petty Sessions District of

of

Defendant

County Court Division of

WHEREAS it appears that the defendant was on the *(date)* convicted by the Crown Court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*;

AND that on the *(date)* the said court made a [probation order] [community service order] [combination order] under Article 15 of the Criminal Justice (Northern Ireland) Order 1996] which required him to *(here set out requirement which is contravened)*.

AND WHEREAS on the *(date)* a court of summary jurisdiction sitting at *(place)* being satisfied that the defendant has failed without reasonable excuse to comply with the last-mentioned requirement of the said order, the court ordered that the defendant be committed to custody until he can be brought before the Crown Court sitting at

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that he may be brought before the Crown Court sitting at *(place)*

Dated this            day of

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

To the Superintendent of the Royal Ulster Constabulary at

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

“Form 69OMagistrates' Courts (Northern Ireland) Order 1981(Article 114; Rules 14, 126, 126A and 143)Criminal Justice (Northern Ireland) Order 1996(Schedule 2 paragraph 7(2)(b) and 9(2)(b))

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 Commitment to Crown Court on Revocation of [probation] [community service] [combination] order**

of

Complainant

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS it appears that the defendant was on the *(date)* convicted by the Crown Court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)*

AND that on the *(date)* the said court made a [probation order] [community service order] [combination order under Article 15 of the Criminal Justice (Northern Ireland) Order 1996].

AND WHEREAS on the *(date)* a court of summary jurisdiction sitting at *(place)* being satisfied, having heard an application by the [defendant] [responsible officer], and having regard to circumstances which have arisen since the order was made, that it would be in the interests of justice that the order should be revoked [and that the defendant should be dealt with in some other manner for the offence in respect of which the order was made].

THIS IS TO COMMAND YOU, to whom this warrant is addressed to lodge the defendant in HM Prison [Young Offenders Centre] at [in accordance with Part IV of the Young Offenders Centre Rules (Northern Ireland) 1982] in order that he may be brought before the Crown Court sitting at *(place)*

Dated this            day of

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

To the Superintendent of the Royal Ulster Constabulary at

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

“Form 69PMagistrates' Courts (Northern Ireland) Order 1981(Rules 14, 126 and 126A)Criminal Justice (Northern Ireland) Order 1996(Article 24)

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

**Custody Prohibition Order**

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS the defendant was on the *(date)* convicted by a magistrates' court sitting at *(place)* of the following offence(s): *(state shortly particulars of offence)* which is punishable with imprisonment of 12 months or more.

AND the court [having considered a pre-sentence report] is of the opinion [that the offence or the combination of the offence and one or more offences associated with it, was so serious that only a custodial sentence can be justified for the offence because *(state reason)*] [where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him because *(state reason)*] [proposed a community sentence which requires consent of the defendant and the defendant refused to give that consent].

AND THE COURT is satisfied that it would be appropriate to make a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996 AND has explained in ordinary language to the defendant:

- (a) why it is making the order;
- (b) the effect of the probation order and its requirements;
- (c) the consequences which may follow if he fails to comply with any of the requirements of the probation order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made); and
- (d) that the court has power to review the probation order on the application of either the defendant or of the officer responsible for his supervision.

IT IS ORDERED that the defendant be imprisoned [detained] for

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

AND on his release from custody the defendant be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to the district in which he will reside and shall comply with the following requirements:

- (a) That he shall keep in touch with the probation officer in accordance with such instructions as he may from time to time be given by the probation officer, and shall notify him of any change of address;
- (b) *(Here will follow any additional requirements).*

The defendant has consented to the making of this order.

AND WHEREAS if the defendant had not consented to this order the term of imprisonment [detention] would have been *(here state the term of the custodial sentence the court would have passed under Article 20 of the Criminal Justice (Northern Ireland) Order 1996 if the defendant had not consented to the order).*

Dated this            day of

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

“Form 69Q Magistrates' Courts (Northern Ireland) Order 1981 (Article 114; Rules 14, 15, 126 and 143) Criminal Justice (Northern Ireland) Order 1996 (Article 24)

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 Commitment on sentence of Custody Probation Order**

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

WHEREAS it appears that the defendant was on the (date) convicted by a magistrates' court sitting at (place) on (date) of the following offence(s): (state shortly particulars of offence) which [is] [are] punishable with imprisonment of 12 months or more.

AND the court [having considered a pre-sentence report] is of the opinion [that the offence or the combination of the offence and one or more offences associated with it, was so serious that only a custodial sentence can be justified for the offence because (state reason)] [where the offence is a violent or sexual offence, that only a custodial sentence would be adequate to protect the public from serious harm from him because (state reason)] [proposed a community sentence which requires the consent of the defendant and the defendant refused to give that consent].

AND the court is satisfied that it would be appropriate to make a custody probation order under Article 24 of the Criminal Justice (Northern Ireland) Order 1996.

IT IS ORDERED that the defendant be imprisoned [detained] for

AND on his release from custody be required for the period of year(s) next ensuing to be under the supervision of a probation officer appointed for or assigned to the district in which he will reside.

THIS IS TO COMMAND YOU, to whom this warrant is addressed to lodge the defendant 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.

Dated this day of

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

To the Superintendent of the Royal Ulster Constabulary at

"Form 124Magistrates' Courts (Northern Ireland) Order 1981(Rules 147A)Mental Health (Northern Ireland) Order 1986(Schedule 2A paragraph 7(2), 8(1))

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

**Application for amendment of supervision and treatment order**

of

Complainant:

of

Defendant

Petty Sessions District of

County Court Division of

WHEREAS the Crown Court sitting at *(place)*  
on the *(date)* found me *[the Respondent]*  
charged with the following offence(s) namely: *(state shortly particulars of offence)*  
*[guilty by reason of insanity] [unfit to be tried and [he] [I] did the act or made the omission charged].*

AND that on the *(date)* the said court made a supervision  
and treatment order which required *[here set out requirement which is to be amended]*

TAKE NOTICE that I intend to apply under Schedule 2A to the Mental Health  
(Northern Ireland) Order 1986 for an amendment of the above requirement to a court  
of summary jurisdiction for the petty sessions district of  
sitting at *(place)* on *(date to be fixed)*  
at *(time)*

I attach a copy of the supervision and treatment order.

Dated this            day of

Applicant:

Address:

To Respondent:

“Form 125Magistrates' Courts (Northern Ireland) Order 1981(Rules 14 and 147A)Mental Health  
(Northern Ireland) Order 1986(Schedule 2, Paragraph 7(2), 11(1)(b))

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

**Order amending supervision and treatment order**

of

Complainant

of

Defendant



Petty Sessions District of

County Court Division of

WHEREAS the Crown Court sitting at *(place)* on the *(date)* made a supervision and treatment order within the meaning of Schedule 2A to the Mental Health (Northern Ireland) Order 1986.

AND WHEREAS *(name)* has applied that the order should be amended on the ground that

IT IS ORDERED that the said order should be amended *(here state particulars of amendment)*

Dated this *(day)* day of *(month)*

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

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**EXPLANATORY NOTE**

*(This note is not part of the Rules.)*

These Rules amend the Magistrates' Courts Rules (Northern Ireland 1984 ("the principal Rules") in consequence of the Criminal Justice (Northern Ireland) Order 1996 ("the Order"). The Order provides a sentencing framework which lays down procedural requirements which a court must observe before imposing certain sentences and makes two new disposals (a combination order and a custody probation order) available to the court. The Order restates with some amendments, provision made in the Probation Act (Northern Ireland) 1950 and Part III of the Treatment of Offenders (Northern Ireland) Order 1976. The Order further makes provision with respect to mentally disordered offenders and to release on licence of sex offenders.

The Rules more specifically—

(1) restate provision made in the principal Rules in relation to orders for absolute or conditional discharge (new Rule 125);

(2) restate, and extend provision made in the principal Rules in relation to probation orders, to community service orders and combination orders (new Rule 126);



(3) provide the procedure for the committal of an offender to the Crown Court under Schedule 2 to the Order (new Rule 126A);

(4) provide for the entry in the Order Book of statements, a court is required to make in accordance with the Order (new Rule 125A); and provides that such entries must be forwarded to an appellate court (Rule 7);

(5) prescribe the procedure (and forms) for the committal of an offender, released on licence under Article 26, to the Crown Court under Article 28(2)(b) (new Rule 126B);

(6) prescribe the procedure (and forms) to take account of the supervisory role placed on a court of summary jurisdiction in relation to supervision and treatment orders (a new means of disposal available to the Crown Court on a finding of insanity or unfit to be tried) (new Rule 147A).

The Rules replace a number of Forms, previously prescribed in the Probation Rules (Northern Ireland) 1950 (S.R. 1950 No. 58).