
STATUTORY RULES OF NORTHERN IRELAND

2016 No. 94

**MAGISTRATES' COURTS
PROCEDURE**

**The Magistrates' Courts (Violent Offences
Prevention Orders) Rules (Northern Ireland) 2016**

Made - - - - *2nd March 2016*
Coming into operation *1st June 2016*

The Magistrates' Courts Rules Committee makes and the Department of Justice, after consultation with the Lord Chief Justice, allows the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(1) and sections 58 and 60 of the Justice Act (Northern Ireland) 2015(2).

Citation, commencement and interpretation

1.—(1) These Rules may be cited as the Magistrates' Courts (Violent Offences Prevention Orders) Rules (Northern Ireland) 2016 and shall come into operation on 1st June 2016.

(2) In these Rules—

- (a) “the Act” means the Justice Act (Northern Ireland) 2015 and a reference to a section by number means the section so numbered in the Act and expressions used have the same meaning as in the Act; and
- (b) a reference to a Form by number means the Form so numbered in the Schedule to these Rules or a form to the like effect.

Violent offences prevention orders and interim violent offences prevention orders

2.—(1) A summons issued on foot of a complaint for—

- (a) a violent offences prevention order under section 57 of the Act; or
- (b) an interim violent offences prevention order under section 61 of the Act.

shall be in Form 1.

(1) [S.I. 1981/1675 \(N.I. 26\)](#); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4); paragraph 133 of Schedule 18 to the Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976); and paragraph 4 of the Schedule to the Northern Ireland (Miscellaneous Provisions) Act 2014 (c.13).

(2) [2015 c.9 \(N.I.\)](#).

(2) If a defendant wishes to dispute that an offence referred to in the summons under paragraph (1) is a relevant offence he shall, not less than 3 days before the date of the hearing, serve notice under section 58(6) of the Act on the Chief Constable and, at the same time, he shall serve a copy on the clerk of petty sessions.

(3) A violent offences prevention order shall be in Form 2.

(4) An interim violent offences prevention order shall be in Form 3.

Application for variation, renewal or discharge

3. A summons issued on foot of a complaint for—

- (a) the variation, renewal or discharge of a violent offences prevention order under section 60 of the Act; or
- (b) the variation or discharge of an interim violent offences prevention order under sections 60 and 61(7) of the Act;

shall be made in Form 4, and such proceedings shall be in a court of summary jurisdiction.

Service of documents

4.—(1) Subject to paragraph (2), service of a summons under these Rules may be effected—

- (a) by a member of the Police Service of Northern Ireland serving a copy of the summons on the defendant in person; or
- (b) by sending a copy of the summons by ordinary post to the defendant at his last-known address (in which cases the summons shall be deemed to have been received by him in the ordinary course of post, unless the defendant proves that he did not receive it).

(2) In the case of a summons on foot of a complaint for the variation, renewal or discharge of an order specified in Rule 3 issued by the defendant mentioned in that order, service shall be effected in accordance with paragraphs (2), (6) and (7) of Rule 11 of the Magistrates' Courts Rules (Northern Ireland) 1984⁽³⁾ by delivering a copy of the summons to any police station within the petty sessions district in which the proceedings are brought and leaving a copy with the officer in charge or any other constable.

(3) Where the court makes a violent offences prevention order or an interim violent offences prevention order, the clerk of petty sessions shall serve a copy of that order on the defendant—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant at his last-known address (in which case the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it).

(4) Where the court makes an order varying, renewing or discharging an order specified in Rule 3, the clerk of petty sessions shall serve on the defendant a copy of the order as it has been varied, renewed or discharged—

- (a) where the defendant is present, in person if practicable; or
- (b) by sending it by ordinary post to the defendant at either his last known address or any address which is currently notified by him under Part 8 of the Act (in which cases the order shall be deemed to have been received by him in the ordinary course of post unless the defendant proves that he did not receive it).

(3) S.R. 1984 No. 225; to which the most recent relevant amendments are S.R. 2009 No. 12, S.R. 2009 No. 310, S.R. 2011 No. 59, S.R. 2011 No. 418, S.R. 2012 No. 189, S.R. 2012 No. 415, S.R. 2013 No. 89, S.R. 2014 No. 12, S.R. 2014 No. 221.

(5) In paragraph (4), a reference to the defendant is a reference to the defendant in the proceedings in which the order was originally made.

William A McNally
Marc Little
Peter Luney
Eoghan McKenna
Cathy Hughes

Dated this 2nd day of March 2016.

In exercise of the powers conferred upon me in Article 13 of the Magistrates' Court (Northern Ireland) Order 1981 and after consultation with the Lord Chief Justice, I allow these Rules.
Sealed with the Official Seal of the Department of Justice on 2nd March 2016

David Ford
Minister of Justice

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 2(1)

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules contain provisions relating to Part 8 of the Justice Act (Northern Ireland) 2015 (2015 c.9) which makes provision in relation to violent offences prevention orders.

Rule 2 prescribes the procedure for an application for a violent offences prevention order and an interim violent offences prevention order.

Rule 3 prescribes the procedure for an application for variation renewal or discharge of a violent offences prevention order or for the variation or discharge of an interim violent offences prevention order.

Rule 4 prescribes the manner in which a summons or an order required to be served under these Rules may be served.