

2018 No. 103

MAGISTRATES' COURTS

PROCEDURE

**The Magistrates' Courts (Amendment No.2) Rules (Northern
Ireland) 2018**

Made - - - - - *23rd April 2018*

Coming into operation in accordance with Rule 1.

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(a).

Citation, commencement and interpretation

1. These Rules shall be cited as the Magistrates' Courts (Amendment No.2) Rules (Northern Ireland) 2018 and shall come into operation on the same day as section 1 of the Justice Act (Northern Ireland) 2016(b).

2. In these Rules "the principal Rules" means the Magistrates' Courts Rules (Northern Ireland) 1984(c), and a reference to a rule is a reference to that rule so numbered in the principal Rules.

Amendments to the principal Rules

3. The principal Rules are amended as follows:—

(1) In Rule 11—

- (a) in paragraph (2), omit "paragraph (3A),";
- (b) in paragraph (3), omit "paragraph (3A) and";
- (c) omit paragraph (3A);
- (d) in paragraph (4), omit "paragraph (3A),";
- (e) in paragraph (5), omit "paragraph (3A),"; and
- (f) in paragraph (7), omit "Form 109A, Form 109B,".

(2) In Rule 12B, omit "Form 109A, Form 109B,".

(3) Omit Rule 12C.

(4) Omit Rule 12E.

(a) 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).

(b) 2016 c.21 (N.I.)

(c) S.R. 1984 No. 225; to which the most recent relevant amendments were made by S.R. 2016 No. 93.

(5) In Rule 14—

- (a) in paragraph (1), for the words “paragraphs (2), (2A) and (2B)” substitute “paragraph (2)”;
- (b) omit paragraph (2A); and
- (c) omit paragraph (2B);

(6) For Rule 105, substitute the following new Rules—

“Notice to defendant of sum adjudged to be payable by a conviction

105.—(1) Where a person has been adjudged by a conviction to pay a sum the clerk of petty sessions shall serve upon such person notice in writing in Form 60.

(2) Notice of the registration of a fixed penalty for enforcement as a fine under Article 76 of the Road Traffic Offenders (Northern Ireland) Order 1996 or section 67 of the Justice Act (Northern Ireland) 2011 shall be in Form 60A and shall be served on the person against whom it has been registered by the clerk of petty sessions.

(3) A notice under paragraph (1) or (2) shall—

- (a) state the amount of the sum due and, if the sum consists of separate amounts, state each separate amount;
- (b) contain information about how payments may be made under the terms of the order;
- (c) contain information about the consequences of failing to pay the sum in accordance with the order; and
- (d) where a collection order under section 3 of the Justice Act (Northern Ireland) 2016 has not been made, advise the defendant that he may, within the time allowed, apply to the court in writing for further time to pay or for an order for payment by instalments or for the variation of any order for payment by instalments.

(4) A notice under paragraph (1) or (2) shall be served by delivering it to the defendant or person against whom a sum has been registered for enforcement as a fine or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Collection order

105A.—(1) A collection order under section 3 of the Justice Act (Northern Ireland) 2016 shall be in Form 60B and shall be served by the clerk of petty sessions on the debtor and, at the same time, a copy thereof shall be sent to the collection officer.

(2) A collection order shall be served by delivering it to the debtor or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Summons to debtor to attend on a collection officer

105B.—(1) A summons under section 5(4) of the Justice Act (Northern Ireland) 2016 requiring a debtor to attend on a collection officer at the time and place specified in the summons shall be in Form 60C.

(2) Notwithstanding Rule 11, a summons under section 5(4) of the 2016 Act may be served by a collection officer by—

- (a) delivering a copy to the debtor 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 his place of business;
- (b) sending a copy of the summons by ordinary post in an envelope addressed to the debtor at his usual or last known place of abode; or

- (c) sending a copy of the summons by registered post or the recorded delivery service in an envelope addressed to the debtor at his usual or last known place of abode.

(3) The summons shall be served not less than seven days before the time specified and the person who serves it shall complete and sign the certificate of service on the original summons.

Summons to debtor to attend a default hearing

105C.—(1) A summons under section 6(10) or section 8(3) of the Justice Act (Northern Ireland) 2016 requiring a debtor to appear before a court of summary jurisdiction at the time and place specified in the summons shall be in Form 60D.

(2) Notwithstanding Rule 11, a summons under section 6(10) or 8(3) of the Justice Act (Northern Ireland) 2016 may be served by a collection officer or, as the case may be, the clerk of petty sessions by—

- (a) delivering a copy to the debtor 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 his place of business;
- (b) sending a copy of the summons by ordinary post in an envelope addressed to the debtor at his usual or last known place of abode; or
- (c) sending a copy of the summons by registered post or the recorded delivery service in an envelope addressed to the debtor at his usual or last known place of abode.

(3) The summons shall be served not less than seven days before the hearing and the person who serves it shall complete and sign the certificate of service on the original summons.

(4) If the person fails to appear in person or by his legal representative in response to a summons served under sub-paragraph 2(b) or (c), such service shall not be valid unless an acknowledgement of service appearing to be signed by the debtor or his solicitor is produced to the court.

(5) Unless the contrary is proved, the signed acknowledgement of service shall be taken as proof of service and the summons shall be deemed to have been served at the time at which the envelope containing it would have been delivered in the ordinary course of post.

Arrest where debtor fails to attend default hearing

105D.—(1) A warrant of arrest under section 10 of the Justice Act (Northern Ireland) 2016 requiring a constable to arrest a debtor and bring him before a court unless he enters into a recognizance to appear at the court shall be in Form 60E.

(2) A recognizance requiring a debtor to appear before a court for a default hearing shall be in Form 60F and may be taken by a constable.

Notification of court order at default hearing

105E. Where, at a default hearing, a court exercises any of the powers conferred by section 9 of the Justice Act (Northern Ireland) 2016, the collection officer or, as the case may be, clerk of petty sessions shall serve upon the debtor notice in writing of the decision by delivering it to the debtor or by sending it to him by ordinary post in an envelope addressed to him at his last known or usual place of abode.

Interpretation

105F. In rules 105C to E, “default hearing” means a hearing under section 6(1) or 8(2) of the Justice Act (Northern Ireland) 2016.

Appeals

105G.—(1) An appeal under section 25(1) of the Justice Act (Northern Ireland) 2016 against a decision of a collection officer shall be in Form 55 and shall be served on the collection officer at least 14 days before the hearing of the appeal.

(2) At the same time, the appellant shall serve a copy of the notice on the clerk of petty sessions which shall be endorsed with the date and manner of service on the collection officer and should be accompanied by a copy of the decision being appealed.”.

(7) Rules 105A and 105B are renumbered 106A and 106B respectively.

(8) Omit Rule 106.

(9) For Rule 109(3), for the words “functions under Part IX of the Order in enforcing payment of the sum” substitute “powers under section 9 of the Justice Act (Northern Ireland) 2016, following a referral under section 6 or 8 of that Act”.

(10) In Rule 150, omit paragraph (2A).

(11) In Schedule 1—

(a) omit Form 1A;

(b) omit Form 1B;

(c) omit Form 2A;

(d) omit Form 2C;

(e) omit Form 8A;

(f) omit Form 8D;

(g) omit Form 9A;

(h) omit Forms 60 to 60C;

(i) after Form 59, insert the new Forms 60 to 60F as set out in the Schedule;

(j) in Form 61, after the words “AND WHEREAS the said order has not been complied with.” insert the words “AND following a default hearing at [Default hearing venue] on [Default hearing date] the court ordered pursuant to section 9(1)(f) of the Justice Act (Northern Ireland) 2016 that payment of the outstanding amount be levied by distress.”;

(k) in Form 61A—

(i) in the heading, for the words “Road Traffic Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulations 6 and 7” substitute “Justice Act (Northern Ireland) 2016; Section 9”; and

(ii) after the words “AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.” insert the words “[AND following a default hearing at [Default hearing venue] on [Default hearing date] the court ordered pursuant to section 9(1)(f) of the Justice Act (Northern Ireland) 2016 that payment of the outstanding amount be levied by distress.”;

(l) in Form 62, after the words “AND WHEREAS the said order has not been complied with.” insert the words “[AND following a default hearing at [Default hearing venue] on [Default hearing date] the court issued a committal warrant pursuant to section 9(1)(i) of the Justice Act (Northern Ireland) 2016.]”;

(m) in Form 62A—

(i) in the heading, for the words “Road Traffic Penalties (Enforcement of Fines) Regulations (Northern Ireland) 1997; Regulation 7” substitute “Justice Act (Northern Ireland) 2016; Section 9”; and

(ii) after the words “AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.” insert the words “[AND following a default hearing at [Default hearing venue] on [Default hearing date] the court issued a committal warrant pursuant to section 9(1)(i) of the Justice Act (Northern Ireland) 2016.]”;

(n) for Form 62B, substitute the new Form 62B as set out in the Schedule;

- (o) in Forms 62C to 62L, in the heading, for “Rule 105A” substitute “Rule 106A”;
- (p) in Form 62M—
 - (i) in the heading, for the words “The Penalty Notices (Justice Act (Northern Ireland) 2011) (Enforcement of Fines) Regulations (Northern Ireland) 2012; Regulation 7” substitute “Justice Act (Northern Ireland) 2016; Section 9”; and
 - (ii) after the words “AND WHEREAS the defaulter [defendant] has not paid the fine as ordered.” insert the words “[AND following a default hearing at [Default hearing venue] on [Default hearing date] the court issued a committal warrant pursuant to section 9(1)(i) of the Justice Act (Northern Ireland) 2016.]”;
- (q) for Form 72, substitute the new Form 72 as set out in the Schedule;
- (r) for Form 72B, substitute the new Form 72B as set out in the Schedule;
- (s) omit Form 89A;
- (t) omit Form 89B;
- (u) omit Form 109A;
- (v) omit Form 109B;
- (w) omit Form 109D; and
- (x) omit Form 109E.

*Nigel Broderick
Eoghan McKenna
David Russell
Peter Luney*

Dated 19th April 2018

In exercise of the powers conferred upon me by 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 23rd April 2018



Nick Perry
A senior officer of the Department of Justice

SCHEDULE

Rule 3(11)(i)

‘Form 60

Magistrates’ Courts (Northern Ireland) Order 1981 Article 91, Rule 105

Notice to Defendant of Sum Adjudged to be Payable by a conviction

Name and address of defendant:

Case Ref:

Online Account Ref:



At (name of court) on (date) you were convicted of (an) offence(s) and ordered to pay the following sums on the terms shown below:

Fine Notice Details						
Charge	Fine amount	Offender Levy	Extra Costs	Other Party	Charge Total	Payment terms
OVERALL TOTAL						
Payment received*						

* Any payments made by you at Court may not be reflected on this notice

Driving Licence Disqualifications and Endorsements (if applicable)
(Insert details)
If you do not surrender your driving licence in court you must surrender it to the court office within 5 days of the date of court. Failure to do this may result in further prosecution.

Supervised Activity Order details (if applicable)
And it was ordered that the defendant shall, within the period of 12 months beginning with the date of this order, be required to complete a Supervised Activity Order for _____ hours.

Making Payments	
	Online using a debit or credit card at www.courtsni.gov.uk You will need your case reference number [ID] and your online account number [online ref]
	Call [payment centre tel num] and pay by debit or credit card. You will need your case reference number [ID]
Alternatively send a crossed cheque including your case reference [ID] and name made payable to 'NI Courts and Tribunals Service' to: [payment centre][payment centre address]. Enclose the payment slip attached to this notice. For receipts, enclose a stamped addressed envelope.	

Please note that payment can be made in full or in part by any of the above payment methods up until the payment due date.

Where no collection order has been made, insert the following—

[FURTHER TIME TO PAY

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application.

NOTE: A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.]

Where a collection order has been made, insert the following—

[See attached collection order for details of payment methods and compliance with order.]

FAILURE TO PAY

Failure to pay as ordered by the Court will make you liable for further enforcement action. This will include:

- deducting money from your benefits or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
- a Supervised Activity Order requiring you to complete unpaid work for a specified period to clear the outstanding amount;
- a warrant committing you to prison for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

Dated:

Clerk of Petty Sessions

Form 60A

Magistrates' Courts (Northern Ireland) Order 1981, Rule 105 [Road Traffic Offenders (Northern Ireland) Order 1996: Article 76(2)] [Justice Act (Northern Ireland) 2011: section 67]

Notice of registration of a fixed penalty as a fine

Name and address of defendant:

Case Ref:

Online Account Ref:

On [FP_Issue_Date] a Fixed Penalty Notice was issued against you and remains unpaid.

The Chief Constable (or person authorised on his behalf) has now issued a registration certificate under [Article 61(3)/Article 69(2)] of the Road Traffic Offenders (NI) Order 1996 [section 66(3) of the Justice Act (NI) 2011] requiring a sum equal to the fixed penalty plus one half of the amount of that penalty, to be registered under [Article 76 of the Road Traffic (NI) Order 1996] [section 67 of the Justice Act (NI) 2011] for enforcement as a fine.

The particulars of the offence to which the fixed penalty notice relates are:

Date of offence:

Location of offence:

Nature of offence:

Fixed Penalty Notice no:

Date notice to owner/notice to hirer was issued (if applicable):



Vehicle Registration No. (if applicable):

Driver No. (if applicable):

You are hereby given notice that:—

(a) in consequence of the registration certificate issued by the Chief Constable, or person authorised on his behalf, the sum of (insert amount) has been registered as a fine and [is now enforceable by a court of summary jurisdiction] [a Collection Order has been made, a copy of which is attached].

(b) you must pay the fine on or before (date).

Making Payments	
	Online using a debit or credit card at www.courtsni.gov.uk You will need your case reference number [ID] and your online account number [online ref]
	Call [payment centre tel num] and pay by debit or credit card. You will need your case reference number [ID]
Alternatively send a crossed cheque including your case reference [ID] and name made payable to 'NI Courts and Tribunals Service' to: [payment centre][payment centre address]. Enclose the payment slip attached to this notice. For receipts, enclose a stamped addressed envelope.	

Please note that payment can be made in full or in part by any of the above payment methods up until the payment due date.

Where no collection order has been made, insert the following—

[FURTHER TIME TO PAY

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application. NOTE: A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.]

Where a collection order has been made, insert the following—

[See attached collection order for details of payment methods and compliance with order.]

FAILURE TO PAY

Failure to pay as ordered by the Court will make you liable for further enforcement action. This could include:

- deducting money from your benefit or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
- a Supervised Activity Order requiring you to complete unpaid work for a specified period to clear the outstanding amount;
- a warrant committing you to prison for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

Dated:

Clerk of Petty Sessions

Form 60B

Magistrates' Courts (Northern Ireland) Order 1981, Rule 105A
Justice Act (Northern Ireland) 2016, section 3

COLLECTION ORDER

Name and address of defendant:

Case Ref:



Online Account Ref:

At [Court Venue] on [Date Imposed] a Collection Order was made in accordance with section 3 of the Justice Act (Northern Ireland) 2016 in respect of [Name] for the following amount(s):

	Fine amount	Offender Levy	Extra Costs	Other Party	Total
Total					
Payment received*					

* Any payments made by you at Court may not be reflected on this notice

Payment Details	<p>If payment terms are for one off payment display: 'The Court ORDERS the full amount of £[total imposed] to be paid by [payment due by]'.</p> <p>If payment terms are instalments display: 'The Court ORDERS the full amount of £[total imposed] to be paid by instalments of [instalment amount] per [instalment frequency] commencing on [commencement date] until the outstanding balance is paid in full'.</p> <p>If Collection Order is for Deduction from Benefit display: 'The Court ORDERS, the full amount of £[total imposed] to be paid by deductions from benefits. An application for deduction from benefits will be submitted by the Collection Officer to the Social Security Agency. You will be informed in due course of the amount of the deduction'.</p> <p>If Collection Order is for Attachment of Earnings display: 'The Court ORDERS, the full amount of £[total imposed] to be paid by an Attachment of Earnings Order. An Order for deduction from your wages will be progressed by the Collection Officer'.</p>
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Making Payments	
	Online using a debit or credit card at www.courtsni.gov.uk You will need your case reference number [ID] and your online account number [Online Ref]
	Call [Payment Centre Tel No] and pay by debit or credit card. You will need your case reference number [ID]
Alternatively send a crossed cheque including your case reference [ID] and name made payable to 'NI Courts and Tribunals Service' to: [Payment Centre][Payment Centre Address]. Enclose the payment slip attached to this Collection Order. For receipts, enclose a stamped addressed envelope.	

Difficulty making payment

If you have difficulty in paying the amount due you may apply to the Collection Officer to vary the arrangements specified in this order. A Collection Officer responsible for securing compliance with this Order can be contacted on [FCS Office Telephone No].

FAILURE TO PAY

Failure to pay as ordered by the Court will make you liable for further enforcement action. This could include:

- deducting money from your benefits or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
- a Supervised Activity Order requiring you to complete unpaid work for a specified period to clear the outstanding amount;
- a warrant committing you to prison for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

Dated:

Clerk of Petty Sessions

Form 60C

Magistrates' Courts (Northern Ireland) Order 1981, Rule 105B Justice Act (Northern Ireland) 2016, section 5(4)

SUMMONS TO DEBTOR TO ATTEND ON A COLLECTION OFFICER

Complainant – Collection Officer
Fine Collection and Enforcement Service
[Address]

Responding Party – [Debtor Name]
[Address]
[DOB]

Case Reference:
Online Account Reference:

WHEREAS you were ordered to pay a financial penalty in the sum of £[amount imposed] on [date] and [this amount] [a balance of £...] remains outstanding.

THIS IS TO COMMAND YOU to attend at [Time] on [Date] at [Venue Name and Address] where the Collection Officer will conduct an interview with you in relation to the collection and enforcement of this outstanding financial penalty.

At interview the Collection Officer will require you, under section 5(2) of the Justice Act (Northern Ireland) 2016, to provide or verify the following information:

- your full name, address, date of birth and National Insurance number;
- particulars of any earnings or other income you receive or expect to receive and the name and address of any employer;
- particulars of any welfare benefits you receive;
- particulars of any bank account or similar account held in your sole name; and
- particulars of any vehicles registered in your name.

You will be committing an offence under section 5(5) of the Justice Act (Northern Ireland) 2016 if you fail, without excuse, to provide the information outlined above and you will also commit an offence under section 5(6) if you:

- provide information which you know to be false in a material particular;
- recklessly provide information which is false in a material particular; or
- knowingly fail to disclose a material fact.

A person guilty of an offence under either section 5(5) and/or section 5(6) shall be liable on summary conviction to a fine not exceeding £500.00.

If you pay the whole outstanding balance before the interview date of [Date], it will not be necessary for you to attend this interview. If you have any queries you should contact the Fine Collection and Enforcement Service immediately on [FCS Telephone Number].

Dated

**District Judge (Magistrates' Courts)/
Lay Magistrate**

To the said [Debtor Name]

Certificate of Service

I of hereby declare that on day of 20 I served a copy
of this summons as follows:

- (a) by delivering it to the above named debtor at [Address]
- (b) by delivering it to a person over the age of sixteen years at [Address]
- (c) by sending it by ordinary post in an envelope addressed to the debtor at [Address],
being his usual or last known place of abode
- (d) by sending it by registered post/recorded delivery in an envelope addressed to the debtor
at [Address], being his usual or last known place of abode.

Dated:

Name:

THIS IS TO COMMAND YOU to attend at [Sitting Time] on [Sitting Date] at [Venue] Court [Venue Address] where the court will hold a Default Hearing to consider the exercise of its powers under section 9 of the Justice Act (Northern Ireland) 2016, which may include:

- deducting money from your benefits or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
- a Supervised Activity Order requiring you to complete unpaid work for a specified period to clear the outstanding amount;
- a warrant committing you to prison for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

The issue of a warrant may result in you being liable for additional costs which would increase the amount you owe.

You are entitled to appear and to be legally represented at a Default Hearing and, depending on your means, you may be entitled to legal aid.

If you pay the whole outstanding balance before the Default Hearing date of [Sitting Date], it will not be necessary for you to appear.

WARNING: NON-ATTENDANCE AT THE DEFAULT HEARING MAY RESULT IN YOU BEING DEALT WITH IN YOUR ABSENCE

Please Note: Costs incurred for the default hearing may be added to your outstanding balance.

Dated

District Judge (Magistrates' Courts)/
Lay Magistrate

To the said [Debtor Name]

Certificate of Service

I of hereby declare that on day of 20 I served a copy of this summons as follows:

- (a) by delivering it to the above named debtor at [Address]
- (b) by delivering it to a person over the age of sixteen years at [Address]
- (c) by sending it by ordinary post in an envelope addressed to the debtor at [Address], being his usual or last known place of abode
- (d) by sending it by registered post/recorded delivery in an envelope addressed to the debtor at [Address], being his usual or last known place of abode.

Dated:

Name:

Acknowledgement by debtor of receiving summons to attend a default hearing

[Debtor's name and address]

Case Reference:

Online Account Reference:

To appear at [time] at [name of court] Magistrates' Court [address]

IMPORTANT

- This acknowledgement of receipt of summons to attend a default hearing should be completed by you or your solicitor and returned to the court office (address shown above) within 14 days or before the date of hearing (whichever is sooner).
- The notice should be retained by you or your solicitor. Only this acknowledgement should be returned.
- By signing the acknowledgement you are not accepting or disputing the failure to pay the fine (or other monetary penalty). You should make arrangements to attend and/or be represented at court on the date and time stated on the notice.
- If you have any queries about the form or its effect you should consult your solicitor.

ACKNOWLEDGEMENT

I (print name) of (print address)
received a copy of the notice of the Fine Default Hearing summarised at the top of this form.

Signed:
[Defendant/Solicitor on behalf of Defendant]

Date:

Form 60E

**Magistrates' Courts (Northern Ireland) Order 1981, Rule 105D
Justice Act (Northern Ireland) 2016, section 10**

**WARRANT OF ARREST FOR FAILURE TO ATTEND A DEFAULT
HEARING**

Complainant – [Collection Officer or Clerk of Petty Sessions]
[Address]

Responding Party – [Debtor Name]
[Address]
[DOB]

Case Reference:
Online Account Reference:

WHEREAS [Debtor] failed to appear at [court] on [court date] in answer to a summons issued under section 6(10) and 8(3) of the Justice Act (Northern Ireland) 2016 in relation to an outstanding financial penalty.

THIS IS TO COMMAND YOU, to whom this warrant is addressed, to arrest and bring the said [Responding Party Name] before either a magistrates' court or the Crown Court, whichever is next sitting, in accordance with section 11 of the Justice Act (NI) 2016 unless the total amount outstanding of [outstanding amount] be sooner paid.

I HEREBY DIRECT that the said [Debtor] be released on his own bail of £ [with suret[y][ies] of £ each] upon entering into a recognizance to appear at the court on the terms specified therein.

And this warrant shall be sufficient authority to all whom it may concern.

Dated

District Judge (Magistrates' Courts)
[Lay Magistrate]

To the Chief Constable of the Police Service of Northern Ireland.

ENDORSED FOR BAIL

The Court has endorsed this warrant for bail in the amount of £
[with suret[y][ies] of £ each].

The Court directs that [debtor] be released on bail, upon entering into a recognizance to appear
before the court on the terms specified.

Dated

District Judge (Magistrates' Courts)
[Lay Magistrate]

Form 60F

**Magistrates' Courts (Northern Ireland) Order 1981, Rule 105D
Justice Act (Northern Ireland) 2016, section 10**

RECOGNIZANCE TO APPEAR AT A DEFAULT HEARING

Complainant – [Collection Officer or Clerk of Petty Sessions]
[Address]

Responding Party – [Debtor Name]
[Address]
[DOB]

Case Reference:

WHEREAS [Debtor], failed to appear at [Court Venue] on [Court Date] in answer to a summons issued under section 6(10) or 8(3) of the Justice Act (Northern Ireland) 2016 in relation to an outstanding financial penalty.

The undersigned [Debtor] of [Debtor Address] hereby binds himself/herself to perform the following obligations, viz:-

To appear personally before and surrender to the custody of the [Court Tier]

sitting at _____ (venue)

on _____ (court date)

at _____ (court time).

and to appear personally and surrender at every time and place to which, during the course of proceedings, the hearing may from time to time be adjourned and not to depart the court without leave.

The said [Debtor] [together with _____ (name) of _____ (address) and _____ (name) of _____ (address) acknowledges himself/herself bound to forfeit to the Crown the sum of £ _____ (and the said surety in the sum of £ _____ (each)) in case the said [debtor] fails to perform the above obligation.

Signed _____
(Debtor)

Signed _____
Police Officer – PSNI

Signed _____
(Surety)

Declared before me
on: _____”

Magistrates’ Courts (Northern Ireland) Order 1981, Rules 14 and 106A
Criminal Justice (Northern Ireland) Order 2008, Article 45

SUPERVISED ACTIVITY ORDER

....., of
Complainant

....., of
Defendant

WHEREAS it appears that the defendant being aged 18 or over, was on the (date) convicted by a magistrates’ court sitting at (place) of the following offence(s):
(state shortly particulars of offence(s))

AND that on the (date) the court ordered the debtor to pay the following sum:—
£

AND the court ordered the defendant to pay the said sum [forthwith] [within
weeks] [by instalments of £ per commencing on (date)].

[AND WHEREAS the defendant has not paid the sum as ordered and the sum of £ is
outstanding AND following a default hearing at (venue) on (date)].

IT IS ORDERED that the defendant shall, during the period of 12 months beginning with the date of this order, be required to complete a Supervised Activity Order for the period of ... hours, and shall comply with the following requirements:

1. That the defendant shall report to the supervising officer and notify the officer without delay of any change of address or in the times (if any) at which the defendant usually works or attends a school or other educational establishment;
2. That the defendant shall attend at a place of supervision specified in this order and engage in activities in accordance with such instructions as may be given by the supervising officer for the period specified in this order.

[The court directs that the requirements of this order shall be [concurrent with] [additional to] the requirements specified in the supervised activity order(s) made on (date) for hours activity [respectively]].

The Supervised Activity Order can only be discharged by:

- the carrying out of the number of hours’ activity specified in this order; or
- payment of the outstanding amount*; or
- service of a period of imprisonment imposed under paragraph 5 or 6 of Schedule 3 to the Criminal Justice (NI) Order 2008.

Dated

District Judge (Magistrates’ Courts)
[Lay Magistrate] [Clerk of Petty Sessions]

* the outstanding amount takes into account any hours already completed”

“Form 72

Rule 3(11)(q)

Magistrates’ Courts (Northern Ireland) Order 1981, Article 96 and Rule 109

Notice of Transfer of Fine Order

Complaint
....., of



Defendant
....., of

On the day of 20 , you were adjudged by the magistrates’ court [Crown Court]
sitting at to pay the sums shown below [in instalments of £] and the said sum(s)
[or the balance of £] remain(s) unpaid.

	£
Fine Compensation Costs	
Total	
Part Payment	
Balance	

You are hereby given notice that in consequence of a transfer of fine order made on the
day of 20 , the enforcement of payment of the said sum
[or balance] is enforceable by a magistrates’ court in Northern Ireland.

Payment of the said sum [or balance] should be made before the day of
20 .

Making Payments	
	Online using a debit or credit card at www.courtsni.gov.uk You will need your case reference number [ID] and your online account number [online ref]
	Call [payment centre tel num] and pay by debit or credit card. You will need your case reference number [ID]
Alternatively send a crossed cheque including your case reference [ID] and name made payable to ‘NI Courts and Tribunals Service’ to: [payment centre][payment centre address]. Enclose the payment slip attached to this notice. For receipts, enclose a stamped addressed envelope.	

Please note that payment can be made in full or in part by any of the above payment methods up until the payment due date.

Where no collection order has been made, insert the following—

[FURTHER TIME TO PAY

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application. **NOTE: A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.]**

Where a collection order has been made, insert the following—

[See attached collection order for details of payment methods and compliance with order.]

FAILURE TO PAY

Failure to pay as ordered by the Court will make you liable for further enforcement action. This could include:

- deducting money from your benefits or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
- a Supervised Activity Order requiring you to complete unpaid work for a specified period to clear the outstanding amount;
- a warrant committing you to prison for a specified period.

Maximum periods of imprisonment for non-payment	
An amount not exceeding £200	7 days
An amount exceeding £200 but not exceeding £500	14 days
An amount exceeding £500 but not exceeding £1,000	28 days
An amount exceeding £1,000 but not exceeding £2,500	45 days
An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

Dated:

Clerk of Petty Sessions”

“Form 72B

Rule 3(11)(c)

**Magistrates’ Courts (Northern Ireland) Order 1981, Rule 109A
Criminal Justice and Immigration Act 2008, section 88**

Notice of enforcement



Complaint
....., of

Defendant
....., of

On the day of 20 , you were adjudged by to pay the sums
of [enter sum in currency of issuing state], representing and the said sum [or
the balance of £] remain(s) unpaid.

You are hereby given notice that in consequence of the registration of this notice of enforcement
on the day of 20 the enforcement of payment of the said sum [or
balance] is enforceable by a magistrates’ court in Northern Ireland.

Payment of the said sum [or balance] should be made before the day of
20 .

Making Payments	
	Online using a debit or credit card at www.courtsni.gov.uk You will need your case reference number [ID] and your online account number [online ref]
	Call [payment centre tel num] and pay by debit or credit card. You will need your case reference number [ID]
Alternatively send a crossed cheque including your case reference [ID] and name made payable to ‘NI Courts and Tribunals Service’ to: [payment centre][payment centre address]. Enclose the payment slip attached to this notice. For receipts, enclose a stamped addressed envelope.	

Please note that payment can be made in full or in part by any of the above payment methods up until the payment due date.

Where no collection order has been made, insert the following—

[FURTHER TIME TO PAY

You may apply to the Court for payment by instalments, for further time to pay or to vary an instalment order. All applications should detail the reasons for your application and include details of your financial circumstances or any change in your circumstances since the date of your conviction. The Court may require you to appear at the hearing of an application. NOTE: A COPY OF THIS NOTICE SHOULD BE SENT WITH YOUR APPLICATION.]

Where a collection order has been made, insert the following—

[See attached collection order for details of payment methods and compliance with order.]

FAILURE TO PAY

Failure to pay as ordered by the Court will make you liable for further enforcement action. This could include:

- deducting money from your benefits or wages;
- freezing your bank account to the value of the outstanding amount;
- vehicle seizure and ultimately selling your vehicle to cover the outstanding amount;
- a warrant of distress (i.e. the seizure and sale of your goods to satisfy the outstanding amount);
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An amount not exceeding £200	7 days
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An amount exceeding £2,500 but not exceeding £5,000	3 months
An amount exceeding £5,000 but not exceeding £10,000	6 months
An amount exceeding £10,000	12 months

Dated:

Clerk of Petty Sessions”

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts Rules (Northern Ireland) 1984 (S.R. 1984 No. 225) to take account of the provisions in Part 1 of the Justice Act (Northern Ireland) 2016 relating to the enforcement of fines and other penalties.

Rule 3 —

- prescribes the procedures which apply when a court imposes or registers a financial penalty or makes a collection order,
- prescribes the procedures relating to the exercise of powers by the collection officer and the procedure for default hearings and related appeals; and
- makes a number of minor, consequential amendments also which take account of the new enforcement arrangements.

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£6.00

NI201804271003 05/2018 19585

<http://www.legislation.gov.uk/id/nisr/2018/103>

ISBN 978-0-33-800951-7



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