

Statutory Instrument No. 130 of 1982

MAGISTRATES' COURTS ACT  
(Cap. 04:04)

**RULES OF THE MAGISTRATES' COURTS (AMENDMENT) RULES, 1982**  
(Published on 5th November, 1982)

ARRANGEMENT OF RULES

RULE

1. Citation and commencement
2. Amendment of Order II of S.I. 107 of 1970
3. Amendment of Order III of principal Rules
4. Amendment of Order V of principal Rules
5. Amendment of Order VI of principal Rules
6. Amendment of Order VII of principal Rules
7. Amendment of Order X of principal Rules
8. Amendment of Order XXXIII of principal Rules
9. Amendment of First Schedule to principal Rules
10. Amendment of Second Schedule to principal Rules

IN EXERCISE of the powers conferred on the Chief Justice by section 68 of the Magistrates' Courts Act, the following Rules are hereby made —

1. These Rules may be cited as the Rules of the Magistrates' Courts (Amendment) Rules, 1982, and shall come into operation on 1st December, 1982. Citation and commencement
2. Order II of the Rules of the Magistrates' Courts, 1970, (hereinafter referred to as "the principal Rules"), is amended — Amendment of Order II of S.I. 107 of 1970
  - (a) in the heading thereto by adding thereto, immediately after the word "COURT", which appears therein, the words "OR OTHER PERSON EFFECTING SERVICE"; and
  - (b) in rules 3, 4, and 5 thereof by inserting therein, immediately after the word "messenger", wherever it appears therein, the words "or other person effecting service".
3. Order II of the principal Rules is amended in rule 4 (1) thereof by inserting therein, immediately after the word "messenger", which appears therein, the words "or other person effecting service". Amendment of Order III of principal Rules
4. Order V of the principal Rules is amended in rule 3 thereof by — Amendment of Order V of principal Rules
  - (a) substituting for the words "messenger's charges", which appear therein, the words "the charges of the messenger or other person effecting service"; and
  - (b) inserting therein, immediately after the word "messenger", which appears in paragraph (a) thereof, the words "or other person effecting service".
5. Order VI of the principal Rules is amended — Amendment of Order VI of principal Rules
  - (a) by substituting for rule 1 thereof the following new rule —
    1. (a) Any party may, by himself or his authorised agent or by any person acting on behalf of his authorised agent, validly effect service of any process, notice or other document:

Provided that service of an interdict, warrant of arrest, warrant of committal or warrant of attachment of persons or property or of any process, notice or other document effecting the liberty of the respondent shall be effected only by a messenger.

(b) Any person requiring service of any process, notice or other document to be effected by a messenger or, if the process, notice or other document is not one to which the proviso to paragraph (a) applies, by a person other than a messenger shall deliver to the messenger or that other person, as the case may be, the original of the process, notice or other document together with as many copies thereof as there are persons to be served.”;

(b) in rule 3 thereof —

(i) in subrule (2) thereof by substituting for paragraph (f) thereof the following new paragraph —

“(f) if the plaintiff or his authorised agent has given written instruction to the messenger to serve by registered post or the plaintiff’s authorised agent has given to some other person acting on that agent’s behalf instruction to the like effect, the process shall be so served.”; and

(ii) in subrule (3) thereof by inserting therein, immediately after the word “messenger”, which appears therein, the words “or other person effecting service”;

(c) in rule 4 (1) and (2) thereof by inserting therein, immediately after the word “messenger”, wherever it appears therein, the words “or other person effecting service”;

(d) by deleting rule 7 (3); and

(e) in rule 10 thereof —

(i) in subrule (1) thereof by inserting immediately after the word “messenger”, wherever it appears therein, the words “or other person effecting service”; and

(ii) in subrule (2) thereof by inserting therein, immediately before the full stop, the following words —

“or to .....

*(other person effecting service) at .....  
(address of other person effecting service)”.*

Amendment  
of Order VII  
of principal  
Rules

**6.** Order VII of the principal Rules is amended in rules 3 (1) and 7 (3) thereof by inserting therein, immediately after the word “messenger”, wherever it appears therein, the words “or other person effecting service”.

Amendment  
of Order X  
of principal  
Rules

**7.** Order X of the principal Rules is amended in rule 1 (2) and 4 (3) thereof by inserting therein, immediately after the word “messenger”, wherever it appears therein, the words “or other person effecting service”.

8. Order XXXIII of the principal Rule is amended —
- (a) in the heading thereto by adding thereto, immediately after the word "MESSENGER", which appears therein, the words "OR OTHER PERSON EFFECTING SERVICE";
  - (b) in rules 3 and 4 thereof by inserting therein, immediately after the word "messenger", wherever it appears therein, the words "or other person, not being a party to the action, effecting service"; and
  - (c) In rule 5 thereof —
    - (i) in paragraphs (a) and (b) thereof by inserting therein, immediately after the word "messenger", wherever it appears therein, the words "or other person effecting service"; and
    - (ii) by substituting for paragraph (c) thereof the following new paragraph —
 

"(c) Where the fees and charges of the messenger or other person, not being a party to the action, effecting service are taxed and passed in full, the messenger or that other person, as the case may be, shall be allowed an additional fee of 50 thebe for attending taxation."
9. The First Schedule to the principal Rules is amended —
- (a) in No. 5, headed "ENDORSEMENT OF SUMMONS", in form (1) therein set out by substituting for the words "Messenger's Fees", which appear therein, the words "Fees of Messenger or other Person, not being a Party to the Action, effecting Service"; and
  - (b) in No. 8, headed "NOTICE OF SERVICE OF SUMMONS", and No. 9, headed "NOTICE OF NON-SERVICE OF SUMMONS", by inserting therein, immediately below the words "Messenger of the Court", wherever they appear therein, the words "Person effecting service."
10. The Second Schedule to the principal Rules is amended in Table B thereof —
- (a) by substituting for the heading thereto the following new heading— "TARIFF OF FEES OF MESSENGERS OR OTHER PERSONS, NOT BEING PARTIES, EFFECTING SERVICE"; and
  - (b) in the NOTE to Allowance A, headed "Travelling Allowance", by inserting therein —
    - (i) immediately after the word "messenger", where it first appears therein, the words "or the abode or office of the other person, not being a party to the action, effecting service"; and
    - (ii) immediately after the word "messenger", where it appears in the proviso thereto, the words "or the abode or office of such other person".

Amendment  
of Order  
XXXIII of  
principal  
Rules

Amendment  
of First  
Schedule  
to principal  
Rules

Amendment  
of Second  
Schedule  
to principal  
Rules

MADE this 22nd day of October, 1982.

J.A. O'BRIEN QUINN,  
Chief Justice.