

1983 No. 676 (L.13)**MAGISTRATES' COURTS****The Domestic Courts (Constitution) (Amendment) Rules 1983**

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| <i>Made - - - -</i> | <i>26th April 1983</i> |
| <i>Laid before Parliament</i> | <i>12th May 1983</i> |
| <i>Coming into Operation</i> | <i>13th June 1983</i> |

The Lord Chancellor, in exercise of the powers conferred upon him by section 144 of the Magistrates' Courts Act 1980 (a), as extended by section 67 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Domestic Courts (Constitution) (Amendment) Rules 1983 and shall come into operation on 13th June 1983.

(2) In these Rules “the principal Rules” means the Domestic Courts (Constitution) Rules 1979 (b).

2. In rule 4 of the principal Rules—

(a) paragraphs (1) and (6) shall be omitted; and

(b) the following paragraphs shall be substituted for paragraph (2)—

“(2) The justices appointed to form a panel for a petty sessions area at the meeting of the justices for that area held in October 1982 in accordance with rules made under section 18 of the Justices of the Peace Act 1979 for the purpose of electing a chairman of the justices, shall, subject to rule 8 below, serve thereon for a term ending at the expiration of the month of December 1986.

(2A) The justices for each petty sessions area shall, at the said meeting held in October 1986 and thereafter at the said meeting in every third year, appoint, in accordance with the provisions of this rule, suitable justices to form a panel for that area for a term of three years commencing on 1st January in the following year.”.

3. In rule 12 of the principal Rules—

(a) for the words “paragraph (2) below” in paragraph (1) there shall be substituted the words “paragraphs (1A) and (2)”; and

(b) after paragraph (2) there shall be inserted the following paragraph—

“(3) If at any sitting of a domestic court the chairman or a deputy chairman is available but considers that it would be appropriate for another member of the court to act as chairman at that sitting, he may nominate that member to act as chairman at the sitting provided that the chairman or a deputy chairman sits as a member of the court throughout the sitting.”.

4. In rule 13 of the principal Rules—
- (a) the following sub-paragraph shall be substituted for sub-paragraph (b) of paragraph (1)—
- “(b) take effect—
- (i) on 1st January in the year following the next meeting of the justices to be held under rule 4(2) above; or
- (ii) where the direction is consequential upon the making of an order under section 23 of the Justices of the Peace Act 1979, on the date on which that order comes into operation.”;
- (b) the following paragraph shall be inserted after paragraph (1)—
- “(1A) For the purposes of paragraph (1) above a direction is consequential upon the making of an order under the said section 23 if it is made after that order is made (but before it comes into force) and specifies a petty sessions area which is the subject of such an order.”;
- (c) in sub-paragraph (b) of paragraph (3) for the words “the date referred to” there shall be substituted the words “the relevant date specified”; and
- (d) in sub-paragraph (a) of paragraph (4) after the words “to a panel” there shall be inserted the words “in paragraphs (2) and (2A) of that rule”.

Hailsham of St. Marylebone, C.

Dated 26th April 1983.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Domestic Courts (Constitution) Rules 1979. Rule 2 removes the requirement that a justices' clerk for a petty sessions area must notify the Secretary of State whenever a domestic court panel has been appointed. It also extends to four years the period for which such panels are currently appointed and makes provision thereafter for panels to be appointed every three years. Rule 3 makes provision for the chairman or a deputy chairman of a domestic court panel to nominate another member of the panel to act as chairman at any sitting of the court provided that the chairman or a deputy chairman sits as a member of the court throughout the sitting. Rule 4 provides that a direction for the formation or dissolution of a combined panel under rule 13 of the 1979 Rules, where the direction is consequential upon the making of an order under section 23 of the Justices of the Peace Act 1979 (c.55), shall take effect on the date on which that order comes into operation.

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