

1985 No. 1944 (L. 18)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules 1985

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|------------------------|--------------------|
| Made - - - - | 28th November 1985 |
| Laid before Parliament | 13th December 1985 |
| Coming into Operation | 1st January 1986 |

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980 (a), as extended by section 145 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 Magistrates' Courts (Amendment) Rules 1985 and shall come into operation on 1st January 1986.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts Rules 1981 (b).

2. For Rule 91 of the principal Rules, there shall be substituted the following Rule:—

"Notice of change of time for appearance

91. Where—

- (a) a person has been granted bail under the Police and Criminal Evidence Act 1984 (c) subject to a duty to appear before a magistrates' court and the court before which he is to appear appoints a later time at which he is to appear; or
- (b) a magistrates' court further remands a person on bail under section 129 of the Act of 1980 in his absence,

it shall give him and his sureties, if any, notice thereof."

3. In Rule 94 of the principal Rules for the words "the custody of a constable" there shall be substituted the words "detention at a police station".

Hailsham of St. Marylebone, C.

28th November 1985.

(a) 1980 c.43.

(b) S.I. 1981/552, to which there are amendments not relevant to these Rules.

(c) 1984 c.60.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for a new Rule 91 in the Magistrates' Courts Rules 1981 in consequence of section 47 of the Police and Criminal Evidence Act 1984, which comes into operation on 1st January 1986 (S.I. 1985/1934) and for an amendment to Rule 94 in consequence of section 48 of that Act, which also comes into force on that date. The amendments to Rule 91 are of a technical nature only and do not affect the substance of the Rule (which provides for notice of a magistrates' court's decision further to remand a person on bail in his absence or to appoint a later time for his appearance before the court to be given to the person and, if there are any, his sureties). The amendment to Rule 94 provides for the substitution of a reference to detention at a police station in place of the reference to the custody of a police constable in relation to remands by magistrates' courts under section 128 of the Magistrates' Courts Act 1980. Section 48 of the 1984 Act amends section 128 of the 1980 Act to provide for committal to detention at a police station instead of to the custody of a constable.

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