
STATUTORY INSTRUMENTS

1997 No. 710 (L. 15)

**MAGISTRATES' COURTS
PROCEDURE**

The Justices' Clerks (Amendment) Rules 1997

<i>Made</i>	- - - -	<i>10th March 1997</i>
<i>Laid before Parliament</i>		<i>11th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:

1.—(1) These Rules may be cited as the Justices' Clerks (Amendment) Rules 1997 and, subject to paragraph (2) below, shall come into force on 1st April 1997.

(2) Rule 4 of these Rules shall have effect in the same way as section 65 of the Criminal Procedure and Investigations Act 1996(2) has effect.

2. The Justices' Clerks Rules 1970(3) shall be amended in accordance with the following provisions of these Rules.

3. In rule 4(1)—

(a) sub-paragraphs (b) and (c), and

(b) the words “, member or officer”, wherever they appear, shall be omitted.

4. Paragraph 4A(2) of the Schedule shall be omitted.

Dated 10th March 1997

Mackay of Clashfern, C.

(1) 1980 c. 43; section 144 is extended by section 145 of that Act and by section 28(1) and (1A) of the Justices of the Peace Act 1979 (c. 55). Section 145 was amended by section 65(3) of and Schedule 5 to the Criminal Procedure and Investigations Act 1996 (c. 25). Section 28(1) of the 1979 Act was amended by the Magistrates' Courts Act 1980, Schedule 7, paragraph 194. Subsection (1A) of that section was inserted by section 117 of the Courts and Legal Services Act 1990 (c. 41) and amended by the Police and Magistrates' Courts Act 1994 (c. 29), Schedule 8, paragraph 12.

(2) 1996 c. 25.

(3) S.I.1970/231; the relevant amending instrument is S.I. 1993/1183.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Justices' Clerks Rules 1970 by revoking sub-paragraphs (b) and (c) of rule 4(1). These sub-paragraphs, now redundant, which extend the categories of persons who, subject to that rule, could do the things specified in the Schedule to the Rules, correspond to section 28(1A) (b) and (c) of the Justices of the Peace Act 1979 which were repealed by the Police and Magistrates' Courts Act 1994 (c. 29).

These Rules also revoke paragraph 4A(2) of the Schedule to the 1970 Rules which deals with the making of witness orders in accordance with section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (c. 69). That section was repealed by the Criminal Procedure and Investigations Act 1996 (c. 25).