

2000 No. 3280 (C. 104)

MAGISTRATES' COURTS

**The Access to Justice Act 1999 (Commencement No. 5 and
Transitional Provisions) Order 2000**

Made - - - - - 13th December 2000

Coming into force in accordance with article 1

The Lord Chancellor, in exercise of the powers conferred upon him by section 108(1) of, and paragraph 1(1) of Schedule 14 to, the Access to Justice Act 1999(a), makes the following Order:

Citation and commencement

1. This Order may be cited as the Access to Justice Act 1999 (Commencement No. 5 and Transitional Provisions) Order 2000 and shall come into force on the day following that on which it is made.

Commencement of Access to Justice Act 1999

2. The following provisions of the Access to Justice Act 1999 shall come into force on 8th January 2001:

- (a) to the extent that it is not already in force, section 67(2);
 - (b) sections 92 to 95 inclusive;
 - (c) in Part V of Schedule 15 (repeals), the entries in the table headed “(8) Warrants” relating to—
 - (i) section 125(2) of the Magistrates' Courts Act 1980(b);
 - (ii) section 65 of the Criminal Justice Act 1988(c);
 - (iii) paragraph 11 of Schedule 17 to the Courts and Legal Services Act 1990(d);
- and, so far as it relates to those entries, section 106.

Transitional provisions

3.—(1) This paragraph applies where—

- (a) a warrant of arrest, commitment, detention or distress is issued by a justice of the peace at any time before 8th January 2001,
- (b) the warrant has not been executed before 8th January 2001, and
- (c) if the warrant had been issued on 8th January 2001, section 125A(1) of the Magistrates' Courts Act 1980 would have applied to it.

(2) Where paragraph (1) applies, the warrant may be executed on or after 8th January 2001 in the same manner as if it had been issued on 8th January 2001, and sections 125A and 125B of the Magistrates' Courts Act 1980 shall apply accordingly.

(a) 1999 c. 22.

(b) 1980 c. 43; sections 125A and 125B are inserted by sections 92 and 93 of the Access to Justice Act 1999.

(c) 1988 c. 33.

(d) 1990 c. 41.

(3) Where paragraph (1) applies, the warrant need not be executed by a police officer, and may be executed by any person within the descriptions contained in section 125A(2) or 125B(1) of the Magistrates' Courts Act 1980, subject to and in accordance with any rules made under section 144 of that Act and for the time being in force.

(4) Where paragraph (1) applies, basic personal information may be supplied as provided in section 125C of the Magistrates' Courts Act 1980 for the purpose of facilitating the enforcement of the warrant as if it had been issued on 8th January 2001.

Signed by authority of the Lord Chancellor

13th December 2000

Jane Kennedy
Parliamentary Secretary,
Lord Chancellor's Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings sections 92 to 95 of the Access to Justice Act 1999 into force on 8th January 2001, together with associated repeals. These provisions relate to the execution of warrants issued by justices of the peace.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 36, 40, 42, 46 and 49 Section 43 and Schedule 6 (partially) Section 48 and Schedule 7 Section 66 and Schedule 9 Section 67(2) (in certain areas only) Section 83(1) (partially) Section 83(3) and Schedule 12 (partially) Sections 88 and 89 Section 105 Section 106 and Schedule 15 (partially)	27.9.1999	1999/2657
Section 53 Section 106 and Schedule 15 (partially)	1.11.1999	
Section 79 Section 106 and Schedule 15 (partially)	12.11.1999	
Section 35 Section 41 and Schedule 5 Section 43 and Schedule 6 (partially) Section 71 Section 85 Section 106 and Schedule 15 (partially)	1.1.2000	1999/3344
Section 83(1) (partially) Section 83(3) and Schedule 12 (partially)	1.3.2000	
Section 1 and Schedule 1 Sections 2 to 5 Section 6 and Schedule 2 Sections 7 to 11 and 19 to 23 Section 24 and Schedule 4 (partially) Sections 25 and 26 Sections 27, 29 and 30 Section 106 and Schedule 15 (partially)	1.4.2000	2000/774
Sections 37, 38 and 39 Section 44 Section 106 and Schedule 15 (partially)	31.7.2000	2000/1920
Section 78 and Schedule 11 Section 83(2) (partially) Section 106 and Schedule 15 (partially)	31.8.2000	

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**The Access to Justice Act 1999 (Commencement No. 5 and
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£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E2334 1/2001 574914 19585

ISBN 0-11-019002-5



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