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STATUTORY INSTRUMENTS

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**2003 No. 1236 (L. 24)**

**MAGISTRATES' COURTS,  
ENGLAND AND WALES**

**PROCEDURE**

**The Magistrates' Courts (Miscellaneous  
Amendments) Rules 2003**

<i>Made</i>	- - - -	<i>6th May 2003</i>
<i>Laid before Parliament</i>		<i>13th May 2003</i>
<i>Coming into force</i>	- -	<i>20th June 2003</i>

The Lord Chancellor, in exercise of the powers conferred on him by sections 6(3) and 12(1) of the Attachment of Earnings Act 1971<sup>(1)</sup> and section 144 of the Magistrates' Courts Act 1980<sup>(2)</sup>, as extended by section 145 of that Act and after consultation with the rule committee appointed under section 144, makes the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Miscellaneous Amendments) Rules 2003 and shall come into force on 20th June 2003.

**Amendments to the Magistrates' Courts (Attachment of Earnings) Rules 1971**

2. The Magistrates' Courts (Attachment of Earnings) Rules 1971<sup>(3)</sup> are amended in accordance with rules 3 to 8 below.

3. Omit rule 2(5).

4. Omit rule 5.

5. Omit rule 14(2).

6.—(1) In rule 23(2) omit “5,”.

(2) Omit rule 23(3).

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(1) 1971 c. 32.

(2) 1980 c. 43. Section 144 is amended by paragraphs 95 to 117 of Schedule 13 to the Access to Justice Act 1999 (c. 22).

(3) S.I.1971/809, amended by S.I. 2001/615.

- 7. Omit rule 24.
- 8. Omit the Schedule.

### **Amendments to the Magistrates' Courts Rules 1981**

- 9. The Magistrates' Courts Rules 1981(4) are amended in accordance with rules 10 to 46 below.
- 10. In the Arrangement of Rules—
  - (a) for the entry for rule 16 “Form of conviction or order” substitute “Record of Adjudication”;
  - (b) after the entry for rule 27 in the heading “Conditional Discharge and Probation” omit “and Probation”;
  - (c) for the entry for rule 28 “Notification of discharge, etc, of community order or order for conditional discharge” substitute “Notification in relation to an order for conditional discharge”; and
  - (d) omit the entries relating to rules 40, 102 and 113.
- 11. In rule 2—
  - (a) after the definition of “the Act of 1989” insert—
    - ““the Act of 2000” means the Powers of Criminal Courts (Sentencing) Act 2000(5);”
  - (b) omit the definition of “contribution order”;
  - (c) after the definition of “child” insert—
    - ““court computer system” means a computer or computer system which is used to assist to discharge and record the business of the court.
    - “electronic signature” is as much of anything in electronic form as
      - (a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and
      - (b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both.”;
  - (d) for paragraph (2) substitute—
    - “(2) In these Rules “representation order” has the meaning assigned to it by section 14 of the Access to Justice Act 1999(6).”; and
  - (e) after paragraph (6) insert—
    - “(7) Subject to rules 15 and 99, where these Rules require a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.
    - (8) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
      - (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
      - (b) by other means but while in an electronic form.”.

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- (4) S.I. 1981/552, relevant amending instruments are S.I. 1983/523, 1984/1552, 1988/2132, 1989/1597, 1991/1991, 1992/709, 1992/2072, 1993/1183, 1994/1481, 1995/585, 1997/706, 1998/2167, 2000/3361, 2001/167 and 2001/610.
  - (5) 2000 c. 6. Section 133 is amended by paragraphs 1 and 37 of Schedule 11 to the Proceeds of Crime Act 2002 (c. 29) from a date to be appointed. Section 140 is amended by paragraphs 160 and 194 of Part II of Schedule 7 and Schedule 8 to the Criminal Justice and Court Services Act 2000 (c. 43) from a date to be appointed.
  - (6) 1999 c. 22.

12. In rule 10 omit “in the prescribed form”.
13. In rule 11(2)—
  - (a) in sub-paragraph (n) for “legal aid order” substitute “representation order”;
  - (b) omit sub-paragraph (o);
  - (c) in sub-paragraph (p) for “legal aid application” substitute “application for a representation order”; and
  - (d) omit sub-paragraph (q).
14. In rule 11A(1)—
  - (a) in sub-paragraph (g) for “legal aid order” substitute “representation order”;
  - (b) omit sub-paragraph (h);
  - (c) in sub-paragraph (i) for “legal aid application” substitute “application for a representation order”; and
  - (d) omit sub-paragraph (j).
15. In rule 15(2) omit from “and paragraph (2)” to the end of the sentence.
- 16.—(1) For the heading to rule 16 substitute “Record of Adjudication”.  
(2) For rule 16(1) substitute—

“(1) A record of summary conviction or order made on complaint required for an appeal or other legal purpose may be in the form of certified extract from the court register.”.

  - (3) Omit rule 16(2).
- 17.—(1) In rule 17(1)—
  - (a) for “section 37 or 38 of the Act of 1980, section 56(1) of the Criminal Justice Act 1967, section 24(2)(a) of the Powers of Criminal Courts Act 1973, section 6 of the Bail Act 1976 or section 40(3)(b) of the Criminal Justice Act 1991” substitute “sections 3, 6, 116(3)(b) or 120(2)(a) of the Act of 2000 or section 6 of the Bail Act 1976”;
  - (b) in sub-paragraph (g) for “section 28 of the Theft Act 1968 (orders for restitution)” substitute “section 148 of the Act of 2000 (restitution orders)”; and
  - (c) omit sub-paragraph (h).
  - (2) For rule 17(2) substitute—

“(2) Where a magistrates' court commits an offender to the Crown Court under the Vagrancy Act 1824 or sections 3, 6 or 120(2) of the Act of 2000 and the magistrates' court on that occasion imposes, under section 26 of the Road Traffic Offenders Act 1988(7), an interim disqualification for holding or obtaining a licence under Part III of the Road Traffic Act 1988, the justices' chief executive for the magistrates' court shall give notice of the interim disqualification to the appropriate officer of the Crown Court.”.
18. In rule 18(b) for “section 38 of the Act of 1980” substitute “section 3 of the Act 2000”.
- 19.—(1) In rule 19(1)—
  - (a) for “section 39 of the Act of 1980” substitute “section 10 of the Act of 2000”;

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(7) 1988 c. 53. Section 26 was inserted by section 25 of the Road Traffic Act 1991 (c. 40) and has been amended by paragraphs 119(1) and (2)(a) of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6); the other amendment is not relevant.

- (b) in sub-paragraph (f) for “section 28 of the Theft Act 1968 (orders for restitution)” substitute “section 148 of the Act of 2000 (restitution orders)”;
  - (c) in sub-paragraph (g)—
    - (i) for “legal aid order” substitute “representation order”; and
    - (ii) after the semi-colon at the end of the sub-paragraph insert “and”;
  - (d) in sub-paragraph (h)—
    - (i) for “legal aid application” substitute “application for a representation order”; and
    - (ii) omit “and”; and
  - (c) omit sub-paragraph (i).
  - (2) In rule 19(2) and (3) for “section 39” substitute “section 10”.
- 20.** In rule 20(a) omit “against the entry in respect of the trial of the information to which the declaration relates”.
- 21.** In rule 24 for “section 30 of the Act of 1980” substitute “section 11 of the Act of 2000”.
- 22.**—(1) In rule 25(1)—
  - (a) in sub-paragraph (c) “legal aid order” substitute “representation order”;
  - (b) in sub-paragraph (d) “legal aid application” substitute “application for a representation order”; and
  - (c) omit sub-paragraphs (e) and (ee).(2) In rule 25(2)—
  - (a) omit sub-paragraph (a);
  - (b) in sub-paragraph (c) for “legal aid order” substitute “representation order”;
  - (c) in sub-paragraph (d) for “legal aid application” substitute “application for a representation order”; and
  - (d) omit sub-paragraphs (e) and (ee).
- 23.** In rule 27 for “section 1 of the Powers of Criminal Courts 1973” substitute “section 1 of the Act of 2000”.
- 24.** Before rule 28 in the heading “Conditional Discharge and Probation” omit “and Probation”.
- 25.** For rule 28 substitute—

**“Notification in relation to an order for conditional discharge**

**28.**—(1) Where a magistrates' court deals with a person under section 13 of the Powers of Criminal Courts (Sentencing) Act 2000 in relation to an order for conditional discharge which was not made by that court the justices' chief executive for the court shall give notice of the result of the proceedings to the justices' chief executive for the court by which the order was made.

(2) The justices' chief executive for a magistrates' court receiving a notice under this rule shall note the decision of the other court in the register.”.

- 26.**—(1) In rule 29(1) for “section 23 of the Powers of Criminal Courts Act 1973” substitute “section 119 of the Act of 2000”.
- (2) In rule 29(2)—
  - (a) for “section 23” substitute “section 119”; and

- (b) omit “against the original entry in respect of the suspended sentence” in both places where it appears.

**27.**—(1) In rule 30(1)—

- (a) for “section 23(1)(a) or (b) of the Powers of Criminal Courts Act 1973” substitute “section 119(1)(a) or (b) of the Act of 2000”; and
- (b) omit “against the original entry in respect of the suspended sentence supervision order”.

(2) In rule 30(2)—

- (a) for “section 26(9) of the said Act of 1973” substitute “section 124(1) of the Act of 2000”; and
- (b) omit “against the original entry in respect of that order”.

(3) In rule 30(3) for “section 27 of the said Act of 1973” substitute “section 123 of the Act of 2000”.

**28.** Omit rule 40.

**29.** In rule 46(1) for “section 32(1) of the Powers of Criminal Courts Act 1973” substitute “section 140(1) of the Act of 2000”.

**30.** In rule 57(3) omit “in the prescribed form”.

**31.** In rule 65(2)(m) for “section 32(1) of the Powers of Criminal Courts Act 1973” substitute “section 140(1) of the Act of 2000”.

**32.**—(1) For rule 66(2) substitute—

“(2) The register may be stored in electronic form on the court computer system and entries in the register shall include, where relevant, the following particulars—

- (a) the name of the informant, complainant or applicant;
- (b) the name and date of birth (if known) of the defendant or respondent;
- (c) the nature of offence, matter of complaint or details of the application;
- (d) the date of offence or matter of complaint;
- (e) the plea or consent to order; and
- (f) the minute of adjudication.”.

(2) for rule 66(9) substitute—

“(9) In the case of conviction or dismissal, the register shall clearly show the nature of the offence of which the accused is convicted or, as the case may be, the nature of the offence charged in the information that is dismissed.”.

(3) In rule 66(10A) for “section 35(1) of the Powers of Criminal Courts Act 1973” substitute “section 130(3) of the Act of 2000”.

(4) Omit rules 66(11) and (11A).

**33.**—(1) For rule 67(2) substitute—

“(2) The service of any process or other document required or authorised to be served may be proved in any proceedings before a magistrates' court by a document purporting to be a certificate signed by the person by whom the service was effected.”.

(2) After rule 67(3) insert—

“(4) Any process or other document produced by the court computer system on a given day shall be sufficient evidence that the process or other document was sent to the person to whom it is addressed within 2 days of it being produced, unless the contrary is proved.”.

- 34.** In rule 68—
- (a) omit “any document purporting to be”; and
  - (b) omit “and to be”.
- 35.** In rule 86(2) and (3) omit “in the prescribed form”.
- 36.** In rule 87(b) omit “in the prescribed form”.
- 37.** In rule 90 omit “and shall contain the particulars set out in the appropriate form prescribed for the purpose”.
- 38.** In rule 93A(4), (5) and (9) omit “in the appropriate form prescribed for the purpose”.
- 39.**—(1) In rules 93B(3) and (7)(a) omit “in the prescribed form”.
- (2) In rule 93B(7)(b) omit “and shall be in the prescribed form”.
- 40.** Omit rule 96(6)(b).
- 41.** Omit rule 97(7)(c).
- 42.** After rule 98(3) insert—
- “(4) In this rule where a signature is required, an electronic signature incorporated into the document shall satisfy this requirement.”.
- 43.** Omit rule 102.
- 44.** In rule 104(1) for “section 37 of the Powers of Criminal Courts Act 1973” substitute “section 133 of the Act of 2000”.
- 45.** After rule 109(2) insert—
- “(3) In this rule where a signature is required on a form or warrant other than an arrest, remand or commitment warrant, an electronic signature incorporated into the document will satisfy this requirement.”.
- 46.** Omit rule 113.

#### **Amendments to the Magistrates' Courts (Forms) Rules 1981**

- 47.** The Magistrates' Courts (Forms) Rules 1981(8) are amended in accordance with rule 48 below.
- 48.** In Schedule 2—
- (a) in the Table of Contents omit all entries except those relating to forms 1, 13, 14, 25, 29, 30, 77, 84, 92I, 98, 104, 107, 111, 121, 155, 156, 160 and 161; and
  - (b) omit all forms except forms 1, 13, 14, 25, 29, 30, 77, 84, 92I, 98, 104, 107, 111, 121, 155, 156, 160 and 161.

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(8) S.I. 1981/553, amended by S.I. 1983/524, 1984/1542, 1985/1945, 1986/1333, 1988/2132, 1989/384, 1990/336, 1992/729, 1992/2072, 1993/1183, 1994/1481, 1995/585, 1995/1909, 1997/707, 1997/2421, 1999/1149, 1999/3039, 1999/2765, 2001/166, 2001/615 and 2001/1149.

### **Amendments to the Magistrates' Courts (Notices of Transfer) Rules 1988**

**49.** The Magistrates' Courts (Notices of Transfer) Rules 1988(9) are amended in accordance with rules 50 to 53 below.

**50.** In the Arrangement of Rules omit the entries relating to rule 8 and the Schedule.

**51.** Rule 2 shall stand as rule 2(1), and after it insert—

“(2) Where these Rules require a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.

(3) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

(a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or

(b) by other means but while in an electronic form.”.

**52.** In rule 7—

(a) in paragraph (d) for “legal aid order” substitute “representation order”;

(b) omit paragraph (e);

(c) in paragraph (f) for “legal aid application” substitute “application for a representation order”; and

(d) omit paragraph (g).

**53.** Omit rule 8 and the Schedule.

### **Amendments to the Magistrates' Courts (Attendance Centre) Rules 1992**

**54.** The Magistrates' Courts (Attendance Centre) Rules 1992(10) are amended in accordance with rules 55 to 57 below.

**55.** In rule 1(2) for “section 17 of the Criminal Justice Act 1982” substitute “section 60 of the Powers of Criminal Courts (Sentencing) Act 2000(11)”.

**56.** Omit rule 2.

**57.** Omit Schedule 1.

### **Amendments to the Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992**

**58.** The Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992(12) are amended in accordance with rules 59 to 63 below.

**59.** In the Arrangement of Rules omit the entries relating to rule 7 and the Schedule.

**60.** Rule 2 shall stand as rule 2(1), and after it insert—

“(2) Where these Rules require a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.

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(9) S.I. 1988/1701, amended by S.I. 1997/708 and 2001/615.

(10) S.I. 1992/2069, the amending instrument is not relevant.

(11) 2000 c. 6. Section 60 was amended by paragraphs 160 and 173 of Part II of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43) from a date to be appointed.

(12) S.I. 1992/2070, amended by S.I. 1997/709 and 2001/615.

(3) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—

- (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
- (b) by other means but while in an electronic form.”.

**61.** In rule 6—

- (a) in paragraph (d) for “legal aid order” substitute “representation order”;
- (b) omit paragraph (e);
- (c) in paragraph (f) for “legal aid application” substitute “application for a representation order”; and
- (d) omit paragraph (g).

**62.** Omit rule 7.

**63.** Omit the Schedule.

### **Amendments to the Magistrates' Courts (Children and Young Persons) Rules 1992**

**64.** The Magistrates' Courts (Children and Young Persons) Rules 1992(**13**) are amended in accordance with rules 65 to 71 below.

**65.** In rule 2(1)—

- (a) after the definition of “the Act of 1989” insert—
  - ““the Act of 2000” means the Powers of Criminal Courts (Sentencing) Act 2000(**14**);”;
  - and
- (b) after the definition of “court” insert—
  - ““court computer system” means a computer or computer system which is used to assist to discharge and record the business of the court.”.

**66.** For rule 4(2) substitute—

“(2) This paragraph applies to proceedings in which the relevant minor is charged with an offence, and, where he appears or is brought before the court, to proceedings under—

- (a) Paragraphs 1, 2, 5 and 6 of Schedule 7 to the Act of 2000 (breach, revocation and amendment of supervision orders);
- (b) Part II, III or IV of Schedule 3 to the Act of 2000 (breach, revocation and amendment of certain community orders);
- (c) Paragraphs 4, 5, 6 and 7 of Schedule 5 to the Act of 2000 (breach, revocation and amendment of attendance centre orders); and
- (d) Schedule 8 to the Act of 2000 (breach, revocation and amendment of action plan orders and reparation orders).”.

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**(13)** S.I. 1992/2071, relevant amending instruments are S.I. 1998/2167, 1999/1343, 2001/165, 2001/615 and 2002/2469.

**(14)** 2000 c. 6. Section 60 was amended by paragraphs 160 and 173 of Part II of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43) from a date to be appointed. Schedule 3 is amended by section 54 and paragraphs 1(1)(a), (2), 2(1)(a), (b), (2), 3(1)(a) and (2) of Part I and paragraphs 160, 199(1), (3), (4), 10(c), (14) to (18), (20)(a), (b), (21)(a)(iii), (e), (22) and (23) of Part II of Schedule 7 to the Criminal Justice and Court Services Act 2000 from 1st April 2001 and by paragraphs 160, 199(1), (6)(a), (b), 11(b)(i), (13), (21)(b), (c), (24) and (25)(a) to (c) of Part II of Schedule 7 and Schedule 8 to that Act from 2nd July 2001 and by sections 53(1), (3) to (6) and 70(5) and paragraphs 160, 199(1), (7)(a) to (d), 8(a), (b), (9), (10)(a) to (c), (11)(a)(i), (ii), 11(b)(ii), 11(c), 12(a) to (c), (19), 21(1)(i), (ii) and (26) of Schedule 7 and Schedule 8 to that Act from a date to be appointed. Schedule 8 is amended by paragraphs 160 and 202(1) and (2)(a) of Part II of Schedule 7 to the Criminal Justice and Court Services Act 2000 from 2nd July 2001 and by paragraphs 202(2)(b), (3)(a) and (b) of that Schedule and by Schedule 8 from a date to be appointed.

67. In rule 11(1) for “section 56 of the Act of 1933” substitute “section 8 of the Act of 2000”.

68. In rule 25 for “shall be kept in a separate book” substitute “may be recorded separately and stored in electronic form on the court computer system”.

69. In rule 27(1) for “section 17 of the Criminal Justice Act 1982” substitute “section 60 of the Act of 2000”.

70. Omit rule 29(2) and (3).

71. In Schedule 2 omit all forms except forms 7 and 10.

### **Amendments to the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997**

72. The Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997(15) are amended in accordance with rules 73 to 78 below.

73. In rule 1—

(a) in paragraph (2) after the definition of “acquittal” insert—

““electronic signature” is as much of anything in electronic form as

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both”; and

(b) after paragraph (2) insert—

“(3) Where these Rules require a signature to be inserted into the register, an electronic signature will satisfy this requirement.”.

74. Omit rule 3.

75.—(1) In the heading to rule 4 for “Form TAM 1” substitute “the certification”.

(2) In rule 4(1)—

(a) omit “, as soon as practicable after the drawing up of Form TAM 1,”; and

(b) for “that form” substitute “it”.

(3) In rule 4(2), (3) and (4) for “Form TAM 1” wherever it appears substitute “the certification”.

76. In rule 6(1)—

(a) omit “a form recording”; and

(b) omit “(being a copy of Form TAM 1 where the certification has been made by a magistrates' court),”.

77.—(1) In rule 7(1)—

(a) omit “, as soon as practicable after the drawing up of Form TAM 1,”; and

(b) for “that form” substitute “it”.

(2) In rule 7(2)—

(a) for “from the court which has made the certification of a copy of a form recording the certification (being a copy of Form TAM 1 where the certification has been made by a

magistrates' court),” substitute “of a copy of the certification from the court that made it.”; and

(b) for “that form” substitute “it”.

(3) In rule 7(3)—

(a) for “Form TAM 1” substitute “the certification”; and

(b) omit “form” wherever it appears.

**78.** Omit the Schedule.

### **Amendments to the Magistrates' Courts (Detention and Forfeiture of Terrorist Cash) (No.2) Rules 2001**

**79.** The Magistrates' Courts (Detention and Forfeiture of Terrorist Cash) (No.2) Rules 2001<sup>(16)</sup> are amended in accordance with rules 80 and 84 below.

**80.**—(1) In rule 4(1) for “shall” substitute “may”.

(2) Omit rule 4(5).

(3) In rule 4(6) omit “in Form C”.

**81.**—(1) In rule 5(1) for “shall” substitute “may”.

(2) Omit rule 5(4).

(3) In rule 5(6) omit “in Form C”.

**82.**—(1) In rule 6(5) omit “be in Form D, and shall”.

(2) In rule 6(6) omit “be in Form E, and shall”.

**83.**—(1) In rule 7(1) for “shall” substitute “may”.

(2) In rule 7(4) omit “shall be in Form G”.

**84.** In the Schedule omit Forms B, C, D, E and G.

### **Amendments to the Magistrates' Courts (Sex Offender Orders) Rules 2002**

**85.** The Magistrates' Courts (Sex Offender Orders) Rules 2002<sup>(17)</sup> are amended in accordance with rules 86 and 87 below.

**86.**—(1) In rule 5(1) for “shall” substitute “may”.

(2) Omit rules 5(2) to 5(4).

**87.** Omit Schedules 2 to 4.

### **Amendments to the Magistrates' Courts (Anti-Social Behaviour Orders) Rules 2002**

**88.** The Magistrates' Courts (Anti-Social Behaviour Orders) Rules 2002<sup>(18)</sup> are amended in accordance with rules 89 and 90 below.

**89.**—(1) In rules 4(1) and 4(5) for “shall” substitute “may”.

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<sup>(16)</sup> S.I. [2001/4013](#).

<sup>(17)</sup> S.I. [2002/2782](#).

<sup>(18)</sup> S.I. [2002/2784](#).

(2) Omit rules 4(2), 4(3), 4(4) and rule 4(6).

**90.** Omit Schedules 2, 3, 4, and 6.

### **Amendments to the Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002**

**91.** The Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002(**19**) are amended in accordance with rules 92 to 96 below.

**92.**—(1) In rule 4(1) for “shall” substitute “may”.

(2) Omit rule 4(8).

(3) In rule 4(9)(a) omit “in Form C”.

**93.**—(1) In rule 5(1) for “shall” substitute “may”.

(2) Omit rule 5(4).

(3) In rule 5(6)(a) omit “in Form C”.

**94.** Omit rule 6(6).

**95.**—(1) In rule 7(1) for “shall” substitute “may”.

(2) In rule 7(7) omit “shall be in form H”.

**96.** In the Schedule omit Forms B, C, D, E, F and H.

6th May 2003

*Irvine of Lairg, C.*

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

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These rules amend the following Rules—

- (a) the Magistrates' Courts (Attachment of Earnings) Rules 1971;
- (b) the Magistrates' Courts Rules 1981;
- (c) the Magistrates' Courts (Forms) Rules 1981;
- (d) the Magistrates' Courts (Notices of Transfer) Rules 1988;
- (e) the Magistrates' Courts (Attendance Centre) Rules 1992;
- (f) the Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992;
- (g) the Magistrates' Courts (Children and Young Persons) Rules 1992;
- (h) the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997;
- (i) the Magistrates' Courts (Detention and Forfeiture of Terrorist Cash) (No.2) Rules 2001;
- (j) the Magistrates' Courts (Sex Offender Orders) Rules 2002;
- (k) the Magistrates' Courts (Anti-Social Behaviour Orders) Rules 2002; and
- (l) the Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002.

The amending rules de-prescribe and omit all criminal forms used in magistrates' courts and provide that the forms intended for use by applicants are voluntary.

The amendments also allow for documents other than summonses and adjournment notices, to be sent electronically (with the recipient's consent), allow for electronic signatures to be incorporated into summonses, routine orders and notices, allow for the court register to be stored electronically rather than in paper format and for a court extract to be an extract from the electronic register.

There are also a number of other consequential changes, for example:

- (a) arising out of the Powers of Criminal Courts (Sentencing) Act 2000; and
- (b) the introduction of the new regime for representation under the Criminal Defence Service, under the Access to Justice Act 1999.