
STATUTORY INSTRUMENTS

2018 No. 961

**MAGISTRATES' COURTS,
ENGLAND AND WALES**

**The Magistrates' Courts Warrants (Specification
of Provisions) (Amendment) Order 2018**

Made - - - - 30th August 2018
Laid before Parliament 4th September 2018
Coming into force - - 22nd October 2018

The Lord Chancellor, in exercise of the powers conferred upon him by section 125A(3) of the Magistrates' Courts Act 1980(1), makes the following Order:

Citation and commencement

1. This Order may be cited as the Magistrates' Courts Warrants (Specification of Provisions) (Amendment) Order 2018 and shall come into force on 22nd October 2018.

Amendment to the Magistrates' Courts Warrants (Specification of Provisions) Order 2000

2. For Article 2 (specified provisions) of the Magistrates' Courts Warrants (Specifications of Provisions) Order 2000(2), substitute—

“Specified Provisions

2. The following provisions are specified for the purposes of section 125A(3) of the Magistrates' Courts Act 1980—

- (a) sections 7(1) and (2) of the Bail Act 1976(3);
- (b) sections 1(1)(b)(4), 13(1), 76(1)(5), 83(1)(b) and (2)(6), 86(4)(7), 97(2) and (3), 97A(3)(8) and 136(1) of the Magistrates' Courts Act 1980;

(1) 1980 c. 43; section 125A(3) was inserted by the Access to Justice Act 1999 (c. 22), section 92, and amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 13, paragraphs 45 and 58(1), (2).
(2) S.I. 2000/3278; amended by S.I. 2004/1835, S.I. 2007/3011 and S.I. 2014/879.
(3) 1976 c. 63.
(4) Section 1(1) was substituted by the Courts Act 2003 (c. 39), s.43(1).
(5) Amended by the Tribunals, Courts and Enforcement Act 2007 (c. 15), Schedule 13, paragraphs 45 and 46(1) and (2).
(6) Amended by S.I. 2006/1737.

- (c) section 40(2A)(9) and (3) of the Child Support Act 1991;
- (d) paragraphs 4(3) and (5) of Schedule 3 to the Crime and Disorder Act 1998(10);
- (e) in the Powers of Criminal Courts (Sentencing) Act 2000(11)—
 - (i) sections 1(7)(12), 104(1)(b) and 123(1)(b)(13);
 - (ii) paragraph 3(2)(b)(14) and paragraph 9C(2)(b)(15) of Schedule 1;
 - (iii) paragraph 3(1)(b) of Schedule 3(16);
 - (iv) paragraph 1(1) of Schedule 5(17);
 - (v) paragraph 7(2) of Schedule 7(18);
 - (vi) paragraph 6(2) of Schedule 8 (but only where an application is made under paragraph 2(1)(19) of that Schedule);
- (f) in the Criminal Justice Act 2003(20)—
 - (i) sections 256AC(1)(b)(21) and 256C(1)(b)(22);
 - (ii) paragraphs 7(2)(b) and (4), 8(2)(b) and (4), 13(6) and 25(1)(b) of Schedule 8;
 - (iii) paragraphs 6(2)(b) and 20(1)(b) of Schedule 12;
 - (iv) paragraph 8(1)(b) of Schedule 19A(23);
- (g) paragraphs 5(1)(b) and 20(1)(b) of Schedule 2 to the Criminal Justice and Immigration Act 2008(24);
- (h) regulations 41(1) and 42(5)(b) of the Community Charges (Administration and Enforcement) Regulations 1989(25);
- (i) regulations 16(3)(a) and 17(5)(b) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989(26); and
- (j) regulations 47(3)(a) and 48(5)(b) of the Council Tax (Administration and Enforcement) Regulations 1992(27).”

-
- (7) Amended by the Criminal Justice Act 1982 (c. 48), section 51(2), and the Access to Justice Act 1999 (c. 22), section 97(3).
 - (8) Inserted by Criminal Procedure and Investigations Act 1996 (c. 25), Schedule 1, paragraph 8, and repealed by the Criminal Justice Act 2003 (c. 44), Schedule 3, paragraph 51(6)(a).
 - (9) 1991 c. 48; section 40(2A) was inserted by the Child Maintenance and Other Payments Act 2008 (c. 6), section 29(1), and amended by S.I. 2012/2007.
 - (10) 1998 c. 37.
 - (11) 2000 c. 6.
 - (12) Section 1(7) was substituted by the Criminal Justice Act 2003 (c. 44), Schedule 23, paragraph 1.
 - (13) Repealed by the Criminal Justice Act 2003 (c. 44), Schedule 37.
 - (14) Amended by S.I. 2005/886.
 - (15) Part 1A of Schedule 1 was inserted by the Criminal Justice Act 2003 (c. 44), Schedule, paragraph 8(1)(b). Paragraph 9C(2) was amended by S.I. 2005/886.
 - (16) Repealed the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 28.
 - (17) Amended by the Criminal Justice Act 2003 (c. 44), Schedule 32, paragraphs 90 and 126(a).
 - (18) Repealed by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 28.
 - (19) Amended by the Criminal Justice and Immigration Act 2008 (c. 4), Schedule 4, paragraphs 51, 62(1) and (4)(a), 106 and 108(1) and (3).
 - (20) 2003 c. 44.
 - (21) Inserted by the Offender Rehabilitation Act 2014 (c. 11), section 3(1).
 - (22) Inserted by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), section 115.
 - (23) Inserted by the Offender Rehabilitation Act 2014 (c. 11), Schedule 2.
 - (24) 2008 c. 4.
 - (25) S.I. 1989/438: these regulations lapsed on the repeal of the enabling authority, except in relation to community charges for days falling, or financial years beginning, before 1 April 1993, by section 118(1) of, and Schedule 14 to, the Local Government Finance Act 1992 (c. 14).
 - (26) S.I. 1989/1058, to which there are amendments not relevant to this Order.
 - (27) S.I. 1992/613, to which there are amendments not relevant to this Order.

Signed by the authority of the Lord Chancellor

30th August 2018

Lucy Frazer
Parliamentary Under Secretary of State
Ministry of Justice

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 Order)

Sections 125A to 125D of the Magistrates' Courts Act 1980 (c. 42), as inserted by sections 92, 93, 94 and 96 of the Access to Justice Act 1999 (c. 22), make provision for the enforcement of warrants issued under statutory provisions specified by order. This Order amends the Magistrates' Courts Warrants (Specification of Provisions) Order 2000 which specifies such provisions.

A full impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sectors is foreseen.