



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART VII

MISCELLANEOUS AND SUPPLEMENTARY

Rules

144 Rule committee and rules of procedure

- (1) The Lord Chancellor may appoint a rule committee for magistrates' courts, and may on the advice of or after consultation with the rule committee make rules for regulating and prescribing the procedure and practice to be followed in magistrates' courts and by justices' clerks.
- (2) The rule committee shall consist of the Lord Chief Justice, the President of the Family Division of the High Court, the chief metropolitan stipendiary magistrate and such number of other persons appointed by the Lord Chancellor as he may determine.
- (3) Among the members of the committee appointed by the Lord Chancellor there shall be at least one justices' clerk, one practising barrister and one practising solicitor of the Supreme Court.
- (4) The power to make rules conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment by resolution of either House of Parliament.
- (5) In this section the expression "justices' clerk" means a clerk to the justices for a petty sessions area.

145 Rules: supplementary provisions

- (1) The power to make rules conferred by section 144 above shall, without prejudice to the generality of subsection (1) of that section, include power to make provision—
 - (a) as to the practice and procedure of justices in exercising functions preliminary or incidental to proceedings before a magistrates' court;

Status: This is the original version (as it was originally enacted).

- (b) as to the service and execution of process issued by or for the purposes of a magistrates' court, including the service and execution in England and Wales of process issued in other parts of the United Kingdom;
 - (c) as to the keeping of records of proceedings before magistrates' courts and the manner in which things done in the course of, or as preliminary or incidental to, any such proceedings, or any proceedings on appeal from a magistrates' court to the Crown Court, may be proved in any legal proceedings ;
 - (d) as to the extent to which a justices' clerk may engage in practice as a solicitor or barrister ;
 - (e) as to the functions of officers of the Crown Court for the purposes of securing the attendance at a trial on indictment of persons in respect of whom conditional witness orders, or orders treated as conditional witness orders, have been made under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 ;
 - (f) as to the furnishing by any person having custody of the depositions of copies thereof, and of copies of the information if it is in writing, to a person committed for trial;
 - (g) as to what magistrates' court shall have jurisdiction to hear any complaint;
 - (h) as to the matters additional to those specified in section 53 above on complaint for which a magistrates' court shall have power to make an order with the consent of the defendant without hearing evidence ;
 - (i) as to any other matters as to which immediately before the coming into force of section 15 of the Justices of the Peace Act 1949 provision was or could have been made by virtue of the enactments and parts of enactments repealed by Part II of Schedule 7 to the said Act of 1949.
- (2) Where any Act expressly confers jurisdiction on any magistrates' court to hear a complaint, rules made under subsection (1)(g) above shall not take away that jurisdiction, but may extend it to any other magistrates' court.
- (3) Any Act passed before 16th December 1949, in so far as that Act relates to matters about which rules may be made under section 144 above, shall have effect subject to any rules so made and may be amended or repealed by the rules accordingly ; but nothing in the said section shall authorise the rules to reduce the number of justices required for any purpose by any Act.
- (4) No provision included in rules under section 144 above which dispenses with the need to prove that a summons issued under section 1 above and served in accordance with the rules has come to the knowledge of the accused shall apply to a summons for an indictable offence.
- (5) Any rules, directions, forms or other instrument having effect immediately before this subsection comes into force as if contained in rules made under section 15 of the Justices of the Peace Act 1949 by virtue of section 15(8) of that Act (rules etc. which previously had effect under the enactments repealed by Part II of Schedule 7 to that Act) shall have effect as if contained in rules made under section 144 above.