



# 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 [<sup>F1</sup> except in relation to—
  - (a) any criminal cause or matter, or
  - (b) family proceedings,]the procedure and practice to be followed in magistrates' courts and by justices' clerks [<sup>F2</sup>and designated officers for magistrates' courts] .
- (2) The rule committee shall consist of the Lord Chief Justice, the President of the Family Division of the High Court, the [<sup>F3</sup>Senior District Judge (Chief 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
  - [<sup>F4</sup>(a) one justices' clerk;
  - (b) one person who has a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990); and
  - (c) one person who has been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in 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.

*Status: Point in time view as at 01/09/2004. This version of this provision has been superseded.*

*Changes to legislation: Magistrates' Courts Act 1980, Section 144 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) In this section the expression “justices’ clerk” means a clerk to the justices for a petty sessions area.

#### Textual Amendments

- F1** S. 144(1)(a)(b) and preceding words inserted (1.9.2004 for certain purposes, otherwise prosp.) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 245(2)**; S.I. 2004/2066, **art. 2(c)(xi)** (subject to art. 3)
- F2** Words in s. 144(1) substituted (1.9.2004 for specified purposes, 1.4.2005 for specified purposes, 7.10.2005 for specified purposes, 6.4.2011 in so far as not already in force) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 8 para. 245(2)**; S.I. 2004/2066, art. 2(c)(xi) (with art. 3); S.I. 2005/910, art. 3(y); S.I. 2005/2744, art. 2(3) (with art. 3); S.I. 2010/2921, art. 3(b)
- F3** Words in s. 144(2) substituted (31.8.2000) by 1999 c. 22, s. 78, Sch. 11 paras. 26, **29** (with s. 107, Sch. 14 para. 7(2)); S.I. 2000/1920, **art. 3(a)**
- F4** S. 144(3)(a)(b)(c) substituted for words from “one justice's clerk” to the end by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(3), **Sch. 18 para. 25(7)(a)**

#### Modifications etc. (not altering text)

- C1** S. 144 extended by Criminal Law Act 1977 (c. 45, SIF 39:1), **s. 48** (as amended by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(1), **Sch. 7 para. 151**)
- C2** S. 144 extended by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 28, 123(6), Sch. 2 para. 4(c), **Sch. 8 para. 16**
- C3** S. 144 extended (1.7.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 82), **ss. 10(2)**; S.I. 1991/1364, art. 2, **Sch.**
- C4** S. 144 extended by Extradition Act 1989 (c. 33, SIF 48), ss. 1(3), 7(3), 14(2), **Sch. 1 para. 9(2)**
- C5** S. 144 extended (14.10.1991) by Children Act 1989 (c. 41, SIF 20), **ss. 97(1)**, 108(6) (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- C6** S. 144 amended (17.6.1992) by Child Support Act 1991 (c. 48, SIF 20), **s. 10(5)**, (with s. 9(2)); S.I. 1992/1431, **art. 2 Sch. 2**
- C7** S. 144 extended (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), ss. 20(5)(b), 101(1), **Sch. 12 para. 6** (with s. 28); S.I. 1992/333, art. 2(2), **Sch. 2**
- C8** S. 144 extended (5.11.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), **s. 18(1A)** (as inserted (5.11.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. II para. 11**); S.I. 1993/618, **art. 2**
- S. 144 modified (2.4.2001) by 1999 c. 22, s. 14, **Sch. 3 para. 2(7)** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 3(a)(i)** (with Sch. 2 para. 2)
- C9** S. 144 extended (5.11.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18), **s. 38A** (as inserted (5.11.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 1, **Sch. 1 Pt. II Para. 18**); S.I. 1993/618, **art. 2**
- S. 144 extended (4.7.1996, with effect as mentioned in **s. 1** of the amending Act and S.I. 1997/682, art. 2(1)(a)) by 1996 c. 25, **s. 19(1)(a)(2)** (with s. 78(1)); S.I. 1997/682, **art. 2(1)(a)**
- S. 144 extended (4.7.1996, with effect as mentioned in **s. 1** of the amending Act and S.I. 1997/682, art. 2(1)(a)) by 1996 c. 25, **s. 19(3)** (with s. 78(1)); S.I. 1997/682, **art. 2(1)(a)**
- S. 144(1) extended (4.7.1996, with effect as mentioned in **s. 1** of the amending Act and S.I. 1997/682, art. 2(1)(a)) by 1996 c. 25, **s. 20(3)** (with s. 78(1)); S.I. 1997/682, **art. 2(1)(a)**
- S. 144(1) extended (19.6.1997) by 1997 c. 25, **ss. 44(3)**, 74(1) (with Sch. 4 para. 27)
- S. 144 extended (19.6.1997) by 1997 c. 25, **ss. 45(1)(2)**, 74(1) (with Sch. 4 para. 27)
- S. 144 extended (1.8.1998 with effect for specified purposes as mentioned in S.I. 1998/1883 and 30.9.1998 to the extent that it is not already in force as mentioned in S.I. 1998/2337) by 1998 c. 37, **s. 49(2)**; S.I. 1998/1883, **art. 2(b)** and S.I. 1998/2327, art. 3(2), **Sch. 2**

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- S. 144 extended (30.9.1998 for purposes specified in S.I. 1998/2327, **art. 2(1)(m)** and 4.1.1999 for purposes specified in S.I. 1998/2327, art. 4(2)(b), **Sch. 2**) by 1998 c. 37, s. 52(6), **Sch. 3 para. 4(5) (12)**; S.I. 1998/2327, arts. 2(1)(m), 4(2)(b), **Sch. 2**
- S. 144 extended (25.8.2000) by 2000 c. 6, **ss. 132(2)**, 168(1)
- S. 144 power to make rules extended (7.11.2002) by 2002 c. 38, **s. 141(2)** (with Sch. 4 paras. 6-8)
- C10** S. 144(1) power to make rules extended (with modifications) (with effect as indicated in reg. 1(1) of S.I. 2002/419) by 1989 c. 33, s. 34A, **Sch. 1A** (as inserted by S.I. 2002/419, reg. 2, Sch. 9 paras. 3, 5 (with reg. 2(2))

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