

## SCHEDULES

### SCHEDULE 2

#### CONSEQUENTIAL AND CONNECTED PROVISIONS

##### PART I

###### AMENDMENTS RELATING TO SUMMARY JURISDICTION

###### *Servants' Characters Act 1792 (c. 56)*

- 1 In sections 1, 2, 3, 4 and 5 of the Servants' Characters Act 1792 (summary offences of fraud relating to employment), for the words from “shall forfeit” onwards substitute “shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale”.

###### *Ordnance Survey Act 1841 (c. 30)*

- 2 In sections 7 and 8 of the Ordnance Survey Act 1841 (penalties for removing boundary marks or obstructing survey), for the words from “every person so offending” onwards substitute “he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.”

###### *Public Notaries Act 1843 (c. 90)*

- 3 In section 10 of the Public Notaries Act 1843 (unauthorised practice as a notary)—
- (a) for the words from “every such person” onwards substitute “he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale”;
  - (b) renumber the existing section as subsection (1);
  - (c) insert the following subsection—

“(2) Notwithstanding anything in section 127(1) of the Magistrates' Courts Act 1980, proceedings for an offence under this section may be commenced within 12 months from the time when the offence was committed”.

###### *Inclosure Acts 1849 and 1852*

- 4 In section 10 of the Inclosure Act 1849 and section 33 of the Inclosure Act 1852 (summary offences relating to the exercise of ownership on common land after the rights of ownership have been extinguished)—
- (a) for the words from “on being convicted” to “pay for and” substitute “shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale”;

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*Status: This is the original version (as it was originally enacted).*

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- (b) omit the words from “such sum” to “penalty”.

*Town Gardens Protection Act 1863 (c. 13)*

- 5 In sections 4 and 5 of the Town Gardens Protection Act 1863 (penalties under byelaws or for trespass), after the word “liable” insert “on summary conviction”.

*Wimbledon and Putney Commons Act 1871 (c.cxiv)*

- 6 In section 87 of the Wimbledon and Putney Commons Act 1871 (penalties under byelaws), after the word “penalties” insert “on summary conviction”.

*Births and Deaths Registration Act 1874 (c. 88)*

- 7 In sections 18 and 19 of the Births and Deaths Registration Act 1874 (summary offences relating to burials), for the words from “to a penalty” onwards substitute “on summary conviction to a fine not exceeding level 1 on the standard scale”.

*Seal Fishery Act 1875 (c. 18)*

- 8 In section 2 of the Seal Fishery Act 1875 (close time for Greenland seal fishery), for the words from “to a penalty” onwards substitute “on summary conviction to a fine not exceeding level 3 on the standard scale”.

*Supreme Court Act 1981 (c. 54)*

- 9 In Part II of the Supreme Court Act 1981 (jurisdiction), after section 28 insert—

**“28A Proceedings on case stated by magistrates' court.**

- (1) The following provisions apply where a case is stated for the opinion of the High Court under section 111 of the Magistrates' Courts Act 1980 (case stated on question of law or jurisdiction).
- (2) The High Court may, if it thinks fit, cause the case to be sent back for amendment, whereupon it shall be amended accordingly.
- (3) The High Court shall hear and determine the question arising on the case (or the case as amended) and shall—
  - (a) reverse, affirm or amend the determination in respect of which the case has been stated, or
  - (b) remit the matter to the justice or justices with the opinion of the court,
 and may make such other order in relation to the matter (including as to costs) as it thinks fit.
- (4) Except as provided by the Administration of Justice Act 1960 (right of appeal to House of Lords in criminal cases), a decision of the High Court under this section is final and conclusive on all parties.”