

1982 No. 245 (L. 6)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules 1982

<i>Made - - - -</i>	25th February 1982
<i>Laid before Parliament</i>	8th March 1982
<i>Coming into Operation</i>	29th March 1982

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(a), as extended by section 145 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Amendment) Rules 1982 and shall come into operation on 29th March 1982.

2. In Rule 29 of the Magistrates' Courts Rules 1981(b)—

(a) after paragraph (1) there shall be inserted the following paragraph:—

“(1A) Where a magistrates' court, in dealing with a person under section 47(3) to (5) of the Criminal Law Act 1977 in respect of a partly suspended sentence, decides under subsection (4) to make no order under subsection (3), the court shall cause to be entered in the register its reasons for its decision.”;

(b) in paragraph (2)—

(i) after the words “section 23” there shall be inserted the words “or the said section 47(3) to (5)”;

(ii) after the word “suspended” wherever it occurs there shall be inserted the words “or partly suspended”;

(c) after paragraph (2) there shall be inserted the following paragraph:—

“(3) In this Rule “partly suspended sentence” means a sentence of which part has been ordered under section 47(1) of the Criminal Law Act 1977 to be held in suspense.”.

Hailsham of St. Marylebone, C.

Dated 25th February 1982.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts Rules 1981 to make provision for entries in the register in respect of partly suspended sentences in consequence of section 47 of the Criminal Law Act 1977 (c.45) which comes into force on 29th March 1982 by virtue of the Criminal Law Act 1977 (Commencement No. 11) Order 1982 (S.I. 1982/243).

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