
STATUTORY INSTRUMENTS

1990 No. 1190 (L.12)

MAGISTRATES' COURTS

The Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990

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| <i>Made</i> | - - - - | <i>5th June 1990</i> |
| <i>Laid before Parliament</i> | | <i>8th June 1990</i> |
| <i>Coming into force</i> | - - | <i>2nd July 1990</i> |

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(1), 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.—(1) These Rules may be cited as the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990 and shall come into force on 2nd July 1990.

(2) In these Rules references to “the principal Rules” are references to the Magistrates' Courts Rules 1981(2).

2.—(1) For the purposes of sections 125(2) and 136(2)(a) of the Magistrates' Courts Act 1980(3)–

(a) local authorities (including police authorities), chief officers of police and magistrates' courts committees are authorities of a prescribed class;

(b) a person employed by any such authority is authorised in the prescribed manner to execute warrants to which those sections apply within the area for which the authority in question performs its functions (hereinafter called “the authority area”) if, subject to paragraph (2) below,–

(i) where the authority in question is the chief officer of police, he is authorised by the chief officer so to execute such warrants,

(ii) in any other case, he is authorised by the authority in question, the approval thereto of the chief officer of police for the police area within which the authority area falls having been obtained by the authority.

(2) Where the authority area falls partly within one police area and partly within one or more other police areas, the reference in paragraph (1)(b)(ii) above to the approval of the chief officer

(1) 1980 c. 43.

(2) S.I. 1981/552; there are no relevant amending instruments.

(3) Sections 125(2) and 136(2)(a) of the Magistrates' Courts Act 1980 are amended by section 65 of the Criminal Justice Act 1988 (c. 33).

of police is a reference to the approval of the chief officer of police for each of the police areas in question or a chief officer nominated by them in that behalf.

3.—(1) There shall be substituted for paragraph (4) of rule 2 of the principal Rules the following paragraph:

“(4) In these Rules a reference to “the authorised persons for the area in which they are employed” is a reference to the persons employed by an authority which performs its functions within that area who are authorised to execute warrants within that area in pursuance of rule 2 of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990.”.

(2) In rules 54(1)(b), 96(1) and 97(1)(c) of the principal Rules, for references to “the authorised persons for the police area specified in the warrant” there shall at each place be substituted references to “the authorised persons for the area in which they are employed”.

Dated 5th June 1990

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules prescribe classes of authorities the civilian employees of which, by virtue of sections 125(2) and 136(2)(a) of the Magistrates' Courts Act 1980 (c. 43), as amended by section 65 of the Criminal Justice Act 1988 (c. 33), are empowered, when authorised in the prescribed manner, to execute, in the area in which their employing authority exercises its functions, certain categories of warrants in connection with the enforcement of fines and other sums adjudged to be paid by a summary conviction.

Rule 2 provides that local authorities (including police authorities), chief officers of police and magistrates' courts committees are authorities of a prescribed class, and provides for the authorisation of employees of such authorities. Rule 3 substitutes in the Magistrates' Courts Rules 1981 (S.I. 1981/552), for existing references to authorisation to execute warrants, references to authorisation under these Rules.

By virtue of rule 1(1) the Rules come into force on 2nd July 1990.