

STATUTORY INSTRUMENTS

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1990 No. 2260 (L.21)

MAGISTRATES' COURTS

The Magistrates' Courts (Civilian Fine Enforcement Officers) (No. 2) Rules 1990

<i>Made</i> - - - -	<i>14th November 1990</i>
<i>Laid before Parliament</i>	<i>19th November 1990</i>
<i>Coming into force</i>	<i>10th December 1990</i>

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.—(1) These Rules may be cited as the Magistrates' Courts (Civilian Fine Enforcement Officers) (No.2) Rules 1990 and shall come into force on 10th December 1990.

(2) In rule 4 below, the reference to "the principal Rules" is a reference to the Magistrates' Courts Rules 1981(b).

2. Rule 2 of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990(c) is hereby revoked.

3.—(1) For the purposes of subsection (2) of section 125 of the Magistrates' Courts Act 1980(d) (warrants) and subsection (2) (a) of section 136 of that Act (committal to custody overnight at police station for non-payment of sum adjudged by conviction)—

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

(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 if he has been issued by or on behalf of the authority by which he is employed with an authorisation in writing in that behalf in a form suitable for identifying him to persons with whom he deals as a person so authorised.

(2) In paragraph (1) above, "local authorities" means—

(a) a district council,

(b) a London borough council, and

(c) a county council.

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(a) 1980 c.43.

(b) S.I. 1981/552, amended by S.I. 1990/1190 and there are other amendments which are not relevant to these Rules.

(c) S.I. 1990/1190.

(d) 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).

4. In paragraph (4) of rule 2 of the principal Rules, as substituted by rule 3(1) of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990, for the words "rule 2 of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990" there shall be substituted "rule 3 of the Magistrates' Courts (Civilian Fine Enforcement Officers) (No. 2) Rules 1990".

Dated 14th November 1990

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules prescribe classes of authorities the authorised employees of which, by virtue of sections 125(2) and 136(2) (a) of the Magistrates' Courts Act 1980, as amended by section 65 of the Criminal Justice Act 1988, are empowered 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 and the manner of authorisation of civilian employees of such authorities.

Rule 4 substitutes in paragraph (4) of rule 2 of the Magistrates' Courts Rules 1981 (S.I. 1981/552), for the reference to rule 2 of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990, a reference to rule 3 of these Rules.

Rule 2 of the Magistrates' Courts (Civilian Fine Enforcement Officers) Rules 1990 (S.I. 1990/1190), the drafting of which was defective, is revoked.

By virtue of rule 1(1) the Rules come into force on 10th December 1990.

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