
STATUTORY INSTRUMENTS

1992 No. 2072

The Magistrates' Courts (Criminal Justice Act 1991) (Miscellaneous Amendments) Rules 1992

The Magistrates' Courts Rules 1981

2. The Magistrates' Courts Rules 1981(1) shall be amended as follows—
- (a) in paragraph (2)(m) of rule 11, for the figure “17”, there shall be substituted the figure “18”;
 - (b) in paragraph (1) of rule 17—
 - (i) the words “or 62(6)” shall be omitted; and
 - (ii) for the words “or section 6 of the Bail Act 1976”, there shall be substituted the words “section 6 of the Bail Act 1976 or section 40(3)(b) of the Criminal Justice Act 1991”;
 - (c) in paragraph (2) of rule 17—
 - (i) the words “8(6) or” shall be omitted; and
 - (ii) the words “or 62(6)” shall be omitted;
 - (d) in paragraph (3) of rule 17, the words “or under section 6(4) of the Powers of Criminal Courts Act 1973” shall be omitted;
 - (e) at the end of paragraph (1) of rule 25, there shall be inserted the following sub-paragraph—
 - “(i) if the first-mentioned court remands the accused under section 128A of the Act of 1980 on the occasion upon which it makes the order under section 130(1) of that Act, a statement indicating the date set under section 128A(2) of that Act.”;
 - (f) for paragraph (1) of rule 28 there shall be substituted the following paragraphs—
 - “(1) Where a magistrates' court discharges or revokes a community order and, in either case, the community order was not made by that court, the clerk of the court shall—
 - (a) if the community order was made by another magistrates' court, notify the clerk of that court; or
 - (b) if the community order was made by the Crown Court, notify the appropriate officer of the Crown Court.
 - (1A) Where a magistrates' court makes an order under section 11 of the Powers of Criminal Courts Act 1973 substituting an order for conditional discharge for a probation order and the probation order was not made by that court, the clerk of the court shall—
 - (a) if the probation order was made by another magistrates' court, notify the clerk of that court; or
 - (b) if the probation order was made by the Crown Court, notify the appropriate officer of the Crown Court.”;
 - (g) in paragraph (2) of rule 28—
 - (i) for the words “section 6 or 8 of the said Act of 1973” there shall be substituted the words “section 15 of the Children and Young Persons Act 1969, section 1B of the

said Act of 1973, section 18 or 19 of the Criminal Justice Act 1982 or Schedule 2 to the Criminal Justice Act 1991”; and

(ii) for the words “probation order” there shall be substituted the words “community order”;

(h) at the end of rule 28 there shall be added the following paragraph—

“(4) In this rule, “community order” means probation order, community service order, combination order, curfew order, supervision order or attendance centre order.”;

(i) paragraphs (1A) and (3) of rule 29 shall be omitted;

(j) in paragraph (2) of rule 29—

(i) the words “or the said section 47(3) to (5)” shall be omitted;

(ii) the words “or partly suspended”, in each place where they occur, shall be omitted;

(k) in paragraph (2) of rule 65, after sub-paragraph (f), there shall be inserted the following sub-paragraph—

“(ff) decision of the Secretary of State to make deductions from income support under section 24 of the Criminal Justice Act 1991;”;

(l) after paragraph (10A) of rule 66 there shall be inserted the following paragraph—

“(10B) Where a court passes a custodial sentence, the court shall cause a statement of whether it obtained and considered a pre-sentence report before passing sentence to be entered in the register.”; and

(m) at the end of rule 74, there shall be added the following paragraph—

“(7) Where a notice of appeal is given in respect of an appeal against sentence by a magistrates' court, and where that sentence was a custodial sentence, the clerk of the court shall send with the notice to the appropriate officer of the Crown Court a statement of whether the magistrates' court obtained and considered a pre-sentence report before passing such sentence.”.