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STATUTORY INSTRUMENTS

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**1992 No.729 (L.4)**

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Magistrates' Courts (Miscellaneous  
Amendments) Rules 1992**

<i>Made</i>	- - - -	<i>12th March 1992</i>
<i>Laid before Parliament</i>		<i>12th March 1992</i>
<i>Coming into force</i>	- -	<i>6th April 1992</i>

The Lord Chancellor, in exercise of the power conferred upon him by section 144 of the Magistrates' Courts Act 1980<sup>(1)</sup>, after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:

**1.**—(1) These Rules may be cited as the Magistrates' Courts (Miscellaneous Amendments) Rules 1992 and shall come into force on 6th April 1992.

(2) In these Rules, “the principal Rules” means the Magistrates' Courts Rules 1981<sup>(2)</sup>.

**2.** In rule 11(2) of the principal Rules, after the words “not counting” there shall be inserted the word “Saturdays,”.

**3.** In rule 54(4) of the principal Rules, the words from “; so however” to the end shall be omitted.

**4.** In rule 72 of the principal Rules, after the words “recorded delivery service” there shall be inserted the words “, or by first class post”.

**5.** In rule 99(2)(b) of the principal Rules, the words “in a registered letter or by recorded delivery service” shall be omitted.

**6.** Schedule 2 to the Magistrates' Courts (Forms) Rules 1981<sup>(3)</sup> shall be amended by omitting from the form numbered 145 the words “[or by the recorded delivery service]” and “[registered]” and inserting after the words “by sending the said summons by” the words “[first class]”.

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<sup>(1)</sup> 1980 c. 43; section 144 is extended by section 145 of that Act.

<sup>(2)</sup> S.I.1981/552, Rules 54(4) and 99(2) were amended by S.I. 1983/523.

<sup>(3)</sup> S.I. 1981/553, to which there are amendments not relevant to these Rules.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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12th March 1992

*Mackay of Clashfern, C.*

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## EXPLANATORY NOTE

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

These Rules amend the Magistrates' Courts Rules 1981 in four respects.

Rule 2 provides that Saturdays shall not count towards the period of 4 days from the date of committal of a person for trial, within which period rule 11(2) of the 1981 Rules requires the clerk of the magistrates' court that committed him to send relevant documents and exhibits to the Crown Court.

Rule 3 removes from rule 54 of the 1981 Rules the provision that if the tools and implements of the trade of a person against whom distress is levied exceed £150 in value, then such of those tools and implements may be taken under a warrant of distress as will leave in that person's possession tools and implements of his trade to the value of £150.

Rule 4 amends rule 72 of the 1981 Rules by providing that service on any person of a notice of intention to cite previous convictions under section 104 of the Magistrates' Courts Act 1980 or section 13 of the Road Traffic Offenders Act 1988 may be effected by sending it by first class post addressed to him at his last known or usual place of abode.

Rule 5 amends rule 99(2) of the 1981 Rules by providing that where a summons in respect of a summary offence is sent to a person by post, it shall not be necessary, in order to prove service of the summons, to prove that the summons came to his knowledge.

Rule 6 amends form 145 in the Magistrates' Courts (Forms) Rules 1981 in consequence of rules 4 and 5 of these Rules.