STATUTORY INSTRUMENTS

1970 No. 231 (L.12)

MAGISTRATES' COURTS

The Justices' Clerks Rules 1970

Made - - -	11*th February* 1970
Laid before Parliament	23*rd February* 1970
Coming into Operation	1*st April* 1970

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(**a**), as extended by section 5 of the Justices of the Peace Act 1968(**b**), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Justices' Clerks Rules 1970 and shall come into operation on 1st April 1970.

2. The Interpretation Act 1889(**c**) shall apply for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

3. The things specified in the Schedule to these Rules, being things authorised to be done by, to or before a single justice of the peace for a petty sessions area, may be done by, to or before the justices' clerk for that area.

Dated 11th February 1970.

Gardiner, C.

SCHEDULE

1. The laying of an information or the making of a complaint, other than an information or complaint substantiated on oath.

2. The issue of any summons, including a witness summons.

3. The adjournment of the hearing of a complaint if the parties to the complaint consent to the complaint being adjourned.

4.—(1) The further adjournmentof criminal proceedings with the consent of the prosecutor and the accused if, but only if,

(*a*) the accused, not having been remanded on the previous adjournment, is not remanded on the further adjournment; or

(*b*) the accused, having been remanded on bail on the previous adjournment, is remanded on bail on the like terms and conditions.

(2) The remand of the accused on bail at the time of further adjourning the proceedings in pursuance of sub-paragraph (1) (*b*) above.

5. The determination that a complaint for the revocation, discharge, revival, alteration, variation or enforcement of an affiliation order or an order enforceable as an affiliation order be dealt with by a magistrates' court acting for another petty sessions area in accordance with the provisions of Rule 34 or 49 of the Magistrates' Courts Rules 1968(**d**).

(**a**) 1949 c. 101. (**b**) 1968 c. 69. (**c**) 1889 c. 63.
(**d**) S.I. 1968/1920 (1968 III, p. 5175).

6. The allowing of further time for payment of a sum enforceable by a magistrates' court.

7. The making of a transfer of fine order, that is to say, an order making payment by a person of a sum adjudged to be paid by a conviction enforceable in the petty sessions area in which he is residing.

8. The making of an order before an inquiry into the means of a person under section 44 of the Criminal Justice Act 1967(a) that that person shall furnish to the court a statement of his means in accordance with section 44(8).

9. The making of an order, where proceedings relating to an attachment of earnings order are brought in a magistrates' court, before the hearing of those proceedings that the defendant and any person appearing to the justices' clerk to be an employer of the defendant shall give to the magistrates' court within such period as may be specified by the order such particulars as may be so specified.

10. The giving of consent for another magistrates' court to deal with an offender for an earlier offence in respect of which, after the offender had attained the age of seventeen years, a court had made a probation order or an order for conditional discharge, where the justices' clerk is the clerk of the court which made the order or, in the case of a probation order, of that court or of the supervising court.

11. The amending, in accordance with paragraph 2(1) of Schedule 1 to the Criminal Justice Act 1948(b), of a probation order made after the probationer had attained the age of seventeen years by substituting for the petty sessions area named in the order the area in which the probationer proposes to reside or is residing.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide that the things specified in the Schedule which are authorised to be done by, to or before a single justice of the peace, may be done by, to or before a justices' clerk.

(a) 1967 c. 80. (b) 1948 c. 58.

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