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STATUTORY INSTRUMENTS

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**2000 No. 1873**

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Youth Courts and Family Proceedings  
Courts (Constitution) (Amendment) Rules 2000**

*Made - - - - 14th July 2000*

*Laid before Parliament 18th July 2000*

*Coming into force in accordance with rule 1*

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:—

1. These Rules may be cited as the Youth Courts and Family Proceedings Courts (Constitution) (Amendment) Rules 2000 and shall come into force on the day on which section 78 of the Access to Justice Act 1999(2) comes into force.

2. In rule 2(1) (Interpretation) of the Family Proceedings Courts (Constitution) Rules 1991(3) and rule 2 (Interpretation) of the Family Proceedings Courts (Constitution) (Metropolitan Areas) Rules 1991(4), for the definition of “stipendiary magistrate” there shall be substituted the following definition:—

““District Judge (Magistrates' Courts)” means a District Judge (Magistrates' Courts) appointed under section 10A(1) of the Justices of the Peace Act 1997(5) or a Deputy District Judge (Magistrates' Courts) appointed under section 10B(1) of that Act.”

3. The Youth Courts (Constitution) Rules 1954(6) shall be amended by—

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- (1) 1980 c. 43; section 144 is extended by sections 67 and 146 and section 67 was amended by paragraph 8 of Schedule 11 to the Children Act 1989 (c. 41).
- (2) 1999 c. 22. Section 78 comes into force on such day as the Lord Chancellor appoints under section 108(1) and substitutes for sections 11 to 20 of the Justices of the Peace Act 1997 (c. 25) which provide for stipendiary magistrates and metropolitan stipendiary magistrates new sections 10A to 10E which provide for District Judges (Magistrates' Courts) in their place; paragraph 22 of Schedule 14 provides for any person who is a stipendiary magistrate or metropolitan stipendiary magistrate immediately before the time section 78 comes into force to be treated (unless he would have been required by reason of his age to vacate his office) as having been appointed to be a District Judge (Magistrates' Courts) at that time.
- (3) S.I. 1991/1405.
- (4) S.I. 1991/1426.
- (5) 1997 c. 25. Sections 10A(1) and 10B(1) were inserted by section 78 of the Access to Justice Act 1999 (c. 22).
- (6) S.I. 1954/1711, amended by S.I. 1979/952, 1983/675, 1991/2099, 1996/577, 1996/3068 and 1998/2167. Section 70(1) of the Criminal Justice Act 1991 (c. 53) provides that juvenile courts shall be renamed youth courts in any enactment or instrument.

- (a) the deletion of rule 2;
- (b) the substitution in paragraph (1) of rule 9 for the word “person” of the words “District Judge (Magistrates' Courts) or a justice”;
- (c) the deletion in rule 11 of the words “from the panel”;
- (d) the substitution, in paragraph (1)(a) of rule 12 for the words “stipendiary magistrate” of the words “District Judge (Magistrates' Courts)”;
- (e) the substitution for paragraph (1) of rule 13 of the following paragraph:

“(1) Except as provided in paragraphs (1A) and (2) of this Rule, each youth court, other than one consisting of a District Judge (Magistrates' Courts) sitting alone, shall sit under the chairmanship of a District Judge (Magistrates' Courts), if a District Judge (Magistrates' Courts) is sitting as a member of the court or, otherwise, the chairman or a deputy chairman elected under Rule 9 of these Rules.”;
- (f) the substitution in paragraph (1A) of rule 13 for the words “the chairman or a deputy chairman” of the words “a District Judge (Magistrates' Courts) or the chairman or a deputy chairman” and the insertion, in that paragraph, after the words “provided that”, of the words “a District Judge (Magistrates' Courts),”; and
- (g) the substitution in paragraph (2) of rule 13 for the words “the chairman or a deputy chairman” of the words “a District Judge (Magistrates' Courts) or the chairman or a deputy chairman”.

**4.** In each of the following provisions for any reference to “stipendiary magistrate” or “stipendiary magistrates” there shall be substituted a reference to “District Judge (Magistrates' Courts)” or “District Judges (Magistrates' Courts)”, as the case may be:—

- (a) rules 5(3) and 10(3) and (4) of the Family Proceedings Courts (Constitution) Rules 1991;
- (b) rules 4(4) and 7(3), (4) and (5) of the Family Proceedings Courts (Constitution) (Metropolitan Areas) Rules 1991.

14th July 2000

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

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

These Rules amend the following Rules to take account of the coming into force of section 78 of, and Schedule 11 to, the Access to Justice Act 1999 (c. 22) which unify and rename the stipendiary bench:—

The Youth Courts (Constitution) Rules 1954 (No. 1711) (“the 1954 Rules”);

The Family Proceedings Courts (Constitution) Rules 1991 (No. 1405);

The Family Proceedings Courts (Constitution) (Metropolitan Areas) Rules 1991 (No. 1426).

Rule 2 of the 1954 Rules is deleted because the amendments made by section 78 of, and paragraph 12 of Schedule 11 to, the Access to Justice Act 1999 provide that a District Judge (Magistrates' Courts) is qualified to sit as a member of a youth court without being a member of a youth court panel and that a youth court may consist of a District Judge (Magistrates' Courts) sitting alone. The other amendments of the 1954 Rules, in rule 3 of these Rules, are to ensure that where the justices constituting a youth court in accordance with rule 12(1) of the 1954 Rules include a District Judge (Magistrates' Courts) he acts as chairman (subject to paragraphs (1A) and (2) of rule 13), and to amend a reference to a stipendiary magistrate to refer to a District Judge (Magistrates' Courts).