
 STATUTORY INSTRUMENTS

1977 No. 1174 (L. 21)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules 1977

Made - - - - - 13th July 1977

Laid before Parliament 22nd July 1977

Coming into Operation 5th September 1977

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 122 of the Magistrates' Courts Act 1952(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 Magistrates' Courts (Amendment) Rules 1977 and shall come into operation on 5th September 1977.

2. After rule 38 of the Magistrates' Courts Rules 1968(c), as amended(d), there shall be inserted the following rule:—

“Registration and notification of financial penalty enforcement order

38A.—(1) The clerk of a magistrates' court receiving a financial penalty enforcement order made by the Defence Council or an officer authorised by them shall cause the said order to be registered in his courts by means of a memorandum entered in the register kept pursuant to rule 54 of these Rules and signed by him and shall send notice in writing to the Defence Council or the authorised officer, as appropriate, stating that the order has been so registered.

(2) Where a financial penalty enforcement order has been registered in accordance with the provisions of paragraph (1) above, the clerk shall forthwith serve on the person against whom the order was made a notice of registration in the prescribed form.

(3) A notice required by paragraph (2) of this rule shall be served on the person by delivering it to him or by sending it by post addressed to him at the address shown on the financial penalty enforcement order.

(4) In this rule “financial penalty enforcement order” means an order made under section 133A(1) of the Army Act 1955(e), section 133A(1) of the Air Force Act 1955(f) or section 128F(1) of the Naval Discipline Act 1957(g).”

Dated 13th July 1977.

Elwyn-Jones, C.

(a) 1949 c. 101.

(c) S.I. 1968/1920 (1968 III, p. 5175).

(e) 1955 c.18.

(g) 1957 c. 53.

(b) 1952 c. 55.

(d) There are no relevant amendments.

(f) 1955 c.19.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules provide for the registration in magistrates' courts of financial penalty enforcement orders made under the Army Act 1955, the Air Force Act 1955 and the Naval Discipline Act 1957 (as amended by section 16 of, and Schedule 8 to, the Armed Forces Act 1976 (c. 52)) and for the service of notification of the registration on the person against whom the order was made.

SI 1977/1174
ISBN 0-11-071174-2



780110 711744