
STATUTORY INSTRUMENTS

1981 No. 552

The Magistrates' Courts Rules 1981

GENERAL

Citation, operation and revocations

1.—(1) These Rules may be cited as the Magistrates' Courts Rules 1981 and shall come into operation on 6th July 1981.

(2) The Rules mentioned in the Schedule to these Rules are hereby revoked; but where proceedings were commenced before 6th July 1981 and the old enactments within the meaning of paragraphs 1 and 2(2) of Schedule 8 to the Magistrates' Courts Act 1980 continue to apply by virtue of paragraph 2(1) of the said Schedule 8, the provisions of the Rules so mentioned continue to apply and nothing in these Rules affects those provisions.

Interpretation

2.—(1) In these Rules—

“the Act of 1978” means the Domestic Proceedings and Magistrates' Courts Act 1978(1);

“the Act of 1980” means the Magistrates' Courts Act 1980;

“child” means a person who has not attained the age of 18;

“contribution order” has the meaning assigned to it by section 87 of the Children and Young Persons Act 1933(2);

“judgment summons” has the meaning assigned to it by rule 58.

(2) In these Rules “legal aid order” and “statement of means” have the meanings assigned to them by regulation 31(1) of the Legal Aid in Criminal Proceedings (General) Regulations 1968(3).

(3) In these Rules a reference to the person with whom a child has his home shall be construed in accordance with Part IV of the Children Act 1975(4), except that, in the case of any child in the care of a local authority, the local authority shall be treated for the purposes of these Rules as the person with whom the child has his home.

(4) In these Rules a reference to “the authorised persons for the police area” is a reference to the persons employed by a local authority in that area or by the chief officer of police or the police authority for that area who are authorised by the chief officer of police to execute warrants.

(5) Any requirement in these Rules that a document shall be in the prescribed form shall be construed as a requirement that the document shall be in the form prescribed in that behalf by rules made under section 144 of the Act of 1980, or a form to like effect.

(1) 1978 c. 22.

(2) 1933 c. 12; section 87 was amended by the Children and Young Persons Act 1969 (c. 54), section 72(3) and Schedule 5, paragraph 9 and the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), section 89(2)(a) and Schedule 2, paragraph 3.

(3) S.I. 1968/1231, to which there are amendments not relevant to these Rules.

(4) 1975 c. 72.

(6) In these Rules any reference to a rule shall be construed as a reference to a rule contained in these Rules; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

Saving for the Magistrates' Courts (Children and Young Persons) Rules 1970

3. The provisions of these Rules shall have effect subject to the provisions of the Magistrates' Courts (Children and Young Persons) Rules 1970(5).