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STATUTORY INSTRUMENTS

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**1981 No. 552**

**The Magistrates' Courts Rules 1981**

**SUMMARY TRIAL OF INFORMATION AND HEARING OF COMPLAINT**

**Information to be for one offence only**

**12.**—(1) Subject to any Act passed after 2nd October 1848, a magistrates' court shall not proceed to the trial of an information that charges more than one offence.

(2) Nothing in this rule shall prohibit 2 or more informations being set out in one document.

**Order of evidence and speeches: information**

**13.**—(1) On the summary trial of an information, where the accused does not plead guilty, the prosecutor shall call the evidence for the prosecution, and before doing so may address the court.

(2) At the conclusion of the evidence for the prosecution, the accused may address the court, whether or not he afterwards makes an unsworn statement or calls evidence.

(3) At the conclusion of the evidence, if any, for the defence, the prosecutor may call evidence to rebut that evidence.

(4) At the conclusion of the evidence for the defence and any unsworn statement which the accused may make and the evidence, if any, in rebuttal, the accused may address the court if he has not already done so.

(5) Either party may, with the leave of the court, address the court a second time, but where the court grants leave to one party it shall not refuse leave to the other.

(6) Where both parties address the court twice the prosecutor shall address the court for the second time before the accused does so.

**Order of evidence and speeches: complaint**

**14.**—(1) On the hearing of a complaint, except where the court determines under section 53(3) of the Act of 1980 to make the order with the consent of the defendant without hearing evidence, the complainant shall call his evidence, and before doing so may address the court.

(2) At the conclusion of the evidence for the complainant the defendant may address the court, whether or not he afterwards calls evidence.

(3) At the conclusion of the evidence, if any, for the defence, the complainant may call evidence to rebut that evidence.

(4) At the conclusion of the evidence for the defence and the evidence, if any, in rebuttal, the defendant may address the court if he has not already done so.

(5) Either party may, with the leave of the court, address the court a second time, but where the court grants leave to one party it shall not refuse leave to the other.

(6) Where the defendant obtains leave to address the court for a second time his second address shall be made before the second address, if any, of the complainant.

**Adjournment of trial of information**

**15.—(1)** Where in the absence of the accused a magistrates' court adjourns the trial of an information, the clerk of the court shall give to the accused notice in writing of the time and place at which the trial is to be resumed.

(2) Service of the notice required to be given by paragraph (1) may be effected in any manner in which service of a summons may be effected under paragraph (1) or (3) of rule 99 and paragraph (2) of that rule shall apply to the proof of service of the notice as it applies to the proof of service of a summons in respect of the offence charged in the information.

**Form of conviction or order**

**16.—(1)** A form of summary conviction or order made on complaint shall be drawn up if required for an appeal or other legal purpose, and if drawn up shall be in such one of the prescribed forms as is appropriate to the case.

(2) Where the conviction is of an offence that could not have been tried summarily without the consent of the accused, the conviction shall contain a statement that the accused consented to the summary trial.

**Committals for sentence, etc.**

**17.—(1)** Where a magistrates' court commits an offender to the Crown Court under the Vagrancy Act 1824<sup>(1)</sup>, section 37 or 38 of the Act of 1980, section 56(1) or 62(6) of the Criminal Justice Act 1967<sup>(2)</sup>, section 24(2)(a) of the Powers of Criminal Courts Act 1973<sup>(3)</sup> or section 6 of the Bail Act 1976 after convicting him of an offence, the clerk of the magistrates' court shall send to the appropriate officer of the Crown Court—

- (a) a copy signed by the clerk of the magistrates' court of the minute or memorandum of the conviction entered in the register;
- (b) a copy of any note of the evidence given at the trial of the offender, any written statement tendered in evidence and any deposition;
- (c) such documents and articles produced in evidence before the court as have been retained by the court;
- (d) any report relating to the offender considered by the court;
- (e) if the offender is committed on bail, a copy of the record made in pursuance of section 5 of the said Act of 1976 relating to such bail and also any recognizance entered into by any person as his surety;
- (f) if the court imposes under section 56(8) of the Criminal Justice Act 1967 an interim disqualification for holding or obtaining a licence under Part III of the Road Traffic Act 1972<sup>(4)</sup>, a statement of the date of birth and sex of the offender; and
- (g) if the court makes an order under section 28 of the Theft Act 1968<sup>(5)</sup> (orders for restitution), a copy signed by the clerk of the convicting court of the minute or memorandum of the order entered in the register.

(2) Where a magistrates' court commits an offender to the Crown Court under the Vagrancy Act 1824, section 8(6) or 24(2) of the Powers of Criminal Courts Act 1973, section 37 or 38 of the Act of 1980 or section 56(1) or 62(6) of the Criminal Justice Act 1967 and the magistrates' court on that

(1) 1824 c. 83.

(2) 1967 c. 80; section 56(1) was substituted by the [Criminal Law Act 1977 \(c. 45\)](#), section 46.

(3) 1973 c. 62.

(4) 1972 c. 20.

(5) 1968 c. 60; section 28 was amended by the [Criminal Justice Act 1972 \(c. 71\)](#), section 64(1) and Schedule 5 and the [Criminal Law Act 1977 \(c. 45\)](#), section 65(4) and Schedule 12.

occasion imposes, under section 56(8) of the Criminal Justice Act 1967, an interim disqualification for holding or obtaining a licence under Part III of the Road Traffic Act 1972, the clerk of the magistrates' court shall give notice of the interim disqualification to the appropriate officer of the Crown Court.

(3) Where a magistrates' court commits a person on bail to the Crown Court under any of the enactments mentioned in paragraph (2) or under section 6(4) of the Powers of Criminal Courts Act 1973 or under section 6 of the Bail Act 1976 the clerk of the magistrates' court shall give notice thereof in writing to the governor of the prison to which persons of the sex of the person committed are committed by that court if committed in custody for trial and also, if the person committed is under the age of 21, to the governor of the remand centre to which he would have been committed if the court had refused him bail.

**Committal to Crown Court for order restricting discharge, etc.**

**18.** Where a magistrates' court commits an offender to the Crown Court either—

- (a) under section 67(1) of the Mental Health Act 1959 with a view to the making of a hospital order with an order restricting his discharge; or
- (b) under section 38 of the Act of 1980, as modified by subsection (4) of the said section 67, with a view to the passing of a more severe sentence than the magistrates' court has power to inflict if such an order is not made,

the clerk of the court shall send to the appropriate officer of the Crown Court—

- (i) the copies, documents and articles specified in rule 17;
- (ii) any written evidence about the offender given by a medical practitioner under section 60(1)(a) of the Mental Health Act 1959 or a copy of a note of any oral evidence so given;
- (iii) the name and address of the hospital the managers of which have agreed to admit the offender if a hospital order is made; and
- (iv) if the offender has been admitted to a hospital under section 68 of that Act, the name and address of that hospital.

**Remittals to another magistrates' court for sentence, etc.**

**19.—(1)** Where a magistrates' court remits an offender to some other magistrates' court under section 39 of the Act of 1980 after convicting him of an offence, the clerk of the convicting court shall send to the clerk of the other court—

- (a) a copy signed by the clerk of the convicting court of the minute or memorandum of the conviction and remittal entered in the register;
- (b) a copy of any note of the evidence given at the trial of the offender, any written statement tendered in evidence and any deposition;
- (c) such documents and articles produced in evidence before the convicting court as have been retained by that court;
- (d) any report relating to the offender considered by the convicting court;
- (e) if the offender is remitted on bail, a copy of the record made by the convicting court in pursuance of section 5 of the Bail Act 1976 relating to such bail and also any recognizance entered into by any person as his surety;
- (f) if the convicting court makes an order under section 28 of the Theft Act 1968 (orders for restitution), a copy signed by the clerk of the convicting court of the minute or memorandum of the order entered in the register;

- (g) a copy of any legal aid order previously made in the same case;
- (h) a copy of any legal aid application; and
- (i) any statement of means already submitted.

(2) Where a magistrates' court remits an offender to some other magistrates' court as aforesaid and the other court remits him back to the convicting court under subsection (5) of the said section 39, the clerk of the other court shall send to the clerk of the convicting court—

- (a) a copy signed by the clerk of the other court of the minute or memorandum of the remittal back entered in the register;
- (b) if the offender is remitted back on bail, a copy of the record made by the other court in pursuance of section 5 of the Bail Act 1976 relating to such bail and also any recognizance entered into by any person as his surety;
- (c) all documents and articles sent in pursuance of paragraph (1).

(3) In this rule “the offender”, “the convicting court” and “the other court” have the same meanings as in the said section 39.

#### **Duty of clerk receiving statutory declaration under s.14(1) of Act of 1980**

**20.** Where the clerk of a magistrates' court receives a statutory declaration which complies with section 14(1) of the Act of 1980, he shall—

- (a) note the receipt of the declaration in the register against the entry in respect of the trial of the information to which the declaration relates; and
- (b) inform the prosecutor and, if the prosecutor is not a constable, the chief officer of police of the receipt of the declaration.