
 STATUTORY INSTRUMENTS

1984 No. 1552 (L. 17)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Amendment) Rules 1984

<i>Made - - - -</i>	<i>27th September 1984</i>
<i>Laid before Parliament</i>	<i>4th October 1984</i>
<i>Coming into Operation</i>	<i>29th October 1984</i>

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980 (a), as extended by section 145 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules 1984 and shall come into operation on 29th October 1984.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts Rules 1981 (b).

2. In Rule 86, for paragraph (2) there shall be substituted the following paragraph,

"(2) The clerk of a magistrates' court which has fixed the amount in which a person (including any surety) is to be bound by a recognizance or, under section 3(5), (6) or (6A) of the Bail Act 1976, imposed any requirement to be complied with before a person's release on bail or any condition of bail shall issue a certificate in the prescribed form showing the amount and conditions, if any, of the recognizance, or as the case may be, containing a statement of the requirement or condition of bail; and a person authorised to take the recognizance or do anything in relation to the compliance with such requirement or condition of bail shall not be required to take or do it without production of the certificate as aforesaid."

3. In Rule 87, for the words, "or (6)", there shall be substituted the words, "(6) or (6A)" and after the words, "his release", there shall be inserted the words, "or any condition of bail".

4. After Rule 109, there shall be inserted the following rule numbered 110.

"Cessation of Transfer Direction

110. Where a magistrates' court directs, under section 52(5) of the Mental Health Act 1983 (c), that a transfer direction given by the Secretary of State under section 48 of that Act in respect of a person remanded in custody by a magistrates' court shall cease to have effect, the clerk of the court shall give notice in writing of the court's direction to the managers of the hospital specified in the Secretary of State's direction and, where the

(a) 1980 c.43.

(b) S.I. 1981/552, amended by S.I. 1982/245, 1983/523.

(c) 1983 c.20.

period of remand has not expired or the person has been committed to the Crown Court for trial or to be otherwise dealt with, to the Governor of the prison to which persons of the sex of that person are committed by the court if remanded in custody or committed in custody for trial."

Hailsham of St. Marylebone, C.

Dated 27th September 1984.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts Rules 1981 in consequence of section 34 of the Mental Health (Amendment) Act 1982 (c.51), which, in accordance with section 69(1) of the 1982 Act, came into force on 30th September 1983, and section 52(5) of the Mental Health Act 1983 which, in accordance with section 149 of the 1983 Act, also came into force on that date. Section 34 of the 1982 Act amended section 3 of the Bail Act 1976 (c.63) by adding, as a condition of bail, requirements as to the obtaining of medical reports in the case of persons accused of murder. Section 52(5) of the 1983 Act empowers a magistrates' court to direct that a transfer direction given by the Secretary of State under section 48 of the 1983 Act shall cease to have effect.

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