

1986 No. 1333 (L. 12)

## MAGISTRATES' COURTS

## PROCEDURE

**The Magistrates' Courts (Forms) (Amendment) Rules 1986**

<i>Made - - - -</i>	<i>28th July 1986</i>
<i>Laid before Parliament</i>	<i>6th August 1986</i>
<i>Coming into Operation</i>	<i>1st October 1986</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 (Forms) (Amendment) Rules 1986 and shall come into operation on 1st October 1986.

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

2. Schedule 2 to the principal Rules shall be amended as follows—

- (a) in the form numbered 48 for the words "notice of fine" there shall be substituted the words "[notice of fine] [notice of registration of unpaid fixed penalty as a fine]";
- (b) in the forms numbered 52, 53, 58, 59, 60 and 63 for the words "convicted on:" there shall be substituted the words "[Convicted on] [Unpaid fixed penalty registered for enforcement as a fine on:]";
- (c) after the form numbered 157 there shall be inserted the forms numbered 158, 159, 160 and 161 in the Schedule to these Rules.

28th July 1986.

*Hailsham of St. Marylebone, C.*

(a) 1980 c.43.

(b) S.I. 1981/553, amended by S.I. 1982/246, 1983/524, 1984/1542, 1985/1945.

## SCHEDULE

Rule 2

FORMS TO BE INSERTED IN THE MAGISTRATES' COURTS (FORMS) RULES 1981  
FORM 158

*Notification to fixed penalty clerk of registration of unpaid fixed penalty as a fine  
(Endorsable offences only) (Transport Act 1982 s.34(5))*

To: The Fixed Penalty Clerk

.....  
.....  
.....

## NOTIFICATION OF REGISTRATION

Fixed Penalty Notice No:

Date Issued:

Time/Place Issued (as appropriate)

Vehicle Registration No:

Driver's Licence No:

Offence:

Fixed Penalty £

Sum payable in default £

Defaulter's name:

Defaulter's address:

I hereby give notice that the above-mentioned sum payable in default of payment of a fixed penalty has been registered for enforcement as a fine against the defaulter named.

Justices' Clerk

FORM 159

Notice to defaulter of registration of unpaid fixed penalty as a fine

(Transport Act 1982 s.36; M.C. Rules 1981 r.111)

Date: Magistrates' Court (Code)

To AB of

Notice to Owner/Hirer No: } Date issued:
Fixed Penalty Notice No: }

Time/Place Issued (as appropriate)

Vehicle Registration No: \*Driver's Licence No:

Offence:

You are hereby given notice that the sum of £....., equal to the fixed penalty payable under the notice noted above plus one half of that fixed penalty, has been registered in this Court under the authority given by sections 30(3)/32(2)\* and 36(6) of the Transport Act 1982. Payment of this outstanding amount is now due and should be made either in person at the address shown below on ..... between ..... or sent by post to the address shown below. Cheques and postal orders should be crossed and made payable to the Justices' Clerk. Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped. The address of the court is:

The Magistrates' Court
.....
.....

Correspondence should be addressed to the Justices' Clerk.

If you do not now pay the sum due, a distress warrant (which will permit the seizure and sale of goods to the value of the outstanding sum) may be issued against you or you may be required to appear or be arrested and brought before the court for an inquiry into your means. Application for further time for payment may be made in writing or in person to the Justices' Clerk at the above address stating the grounds of the application.

Justices' Clerk

[NOTE — This Notice should be sent/brought with any payment, enquiry or application]

\*delete as applicable

## FORM 160

*Statutory Declaration under section 37(2) of the Transport Act 1982*

(Transport Act 1982 s.37(2), (4), (5) and (6); M.C. Rules 1981 r.112)

I \_\_\_\_\_ (name) of \_\_\_\_\_ (address) do solemnly and sincerely declare that:—

\*A I was not the person to whom the fixed penalty notice, number \_\_\_\_\_, was issued on \_\_\_\_\_, in respect of vehicle, registration mark \_\_\_\_\_, and for which the sum payable in default was registered as a fine on \_\_\_\_\_ by \_\_\_\_\_ Magistrates' Court.

\*B With reference to the fixed penalty notice number \_\_\_\_\_, issued on \_\_\_\_\_, in respect of vehicle, registration mark \_\_\_\_\_, and for which the sum payable in default was registered as a fine on \_\_\_\_\_, by \_\_\_\_\_ Magistrates' Court, on \_\_\_\_\_ I requested a hearing in the manner specified in the fixed penalty notice.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

Dated the \_\_\_\_\_ (date) \_\_\_\_\_ (signature of person making the declaration)

Declared before me \_\_\_\_\_ (signature of Justice of the Peace)

Name of Justice (in block letters)

\*delete as applicable

NOTE: Any person who knowingly and wilfully makes a statutory declaration which is false in a material particular is guilty of an offence and liable on conviction to a term of imprisonment for a period of up to 2 years or to a fine or to both (section 5 of the Perjury Act 1911).

## FORM 161

*Statutory Declaration under section 37(3) of the Transport Act 1982*

(Transport Act 1982 s.37(3), (7), (8), (9) and (10); M.C. Rules 1981 r.112)

I \_\_\_\_\_ (name) of \_\_\_\_\_ (address) do solemnly and sincerely declare that:—

- \*A With reference to the fixed penalty notice/notice to owner/notice to hirer number \_\_\_\_\_, issued on \_\_\_\_\_, in respect of vehicle, registration mark \_\_\_\_\_, and for which the sum payable in default was registered as a fine on \_\_\_\_\_, by \_\_\_\_\_ Magistrates' Court, I did not know of the fixed penalty concerned or of any fixed penalty notice/notice to owner/notice to hirer relating to that penalty until I received notice of registration.
- \*B I was not the owner/hirer of the vehicle, registration mark \_\_\_\_\_ at the time of the alleged offence on \_\_\_\_\_, of which particulars are given in notice to owner/notice to hirer number \_\_\_\_\_, and for which the sum payable in default was registered as a fine on \_\_\_\_\_, by \_\_\_\_\_ Magistrates' Court and have reasonable excuse for failing to comply with the requirements of that notice to owner/notice to hirer, namely, that \_\_\_\_\_
- \*C With reference to the notice to owner/notice to hirer number \_\_\_\_\_, issued on \_\_\_\_\_, in respect of vehicle, registration mark \_\_\_\_\_, and for which the sum payable in default was registered as a fine on \_\_\_\_\_, by \_\_\_\_\_ Magistrates' Court on \_\_\_\_\_ I requested a hearing in the manner specified by the notice to owner/notice to hirer.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Statutory Declarations Act 1835.

Dated the \_\_\_\_\_ (date) \_\_\_\_\_ (signature  
of person making the declaration)

Declared before me \_\_\_\_\_ (signature  
of Justice of the Peace)

Name of Justice (in block letters)

\*delete as applicable

NOTE: Any person who knowingly and wilfully makes a statutory declaration which is false in a material particular is guilty of an offence and liable on conviction to a term of imprisonment for a period of up to 2 years or to a fine or to both (section 5 of the Perjury Act 1911).

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

Part III of the Transport Act 1982 (c.49) makes provision for a new system of fixed penalties which comes into force on 1st October 1986 (S.I. 1986/1326). These Rules make consequential amendments to the Magistrates' Courts (Forms) Rules 1981.

The most important amendment is the insertion of the following four new forms into Schedule 2 to the 1981 Rules:—

- Form 158 — Notification to a fixed penalty clerk of registration of unpaid fixed penalty as a fine.
- Form 159 — Notice to a defaulter of registration of unpaid fixed penalty as a fine.
- Form 160 — Statutory declaration under section 37(2).
- Form 161 — Statutory declaration under section 37(3).

The remaining amendments to Forms 48, 52, 53, 58, 59, 60 and 63 are consequential upon the fact that, under Part III, an unpaid fixed penalty may be registered for enforcement as a fine.

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