

1989 No. 300 (L.4)

**MAGISTRATES' COURTS
PROCEDURE**

The Magistrates' Courts (Amendment) Rules 1989

<i>Made</i> - - - -	<i>1st March 1989</i>
<i>Laid before Parliament</i>	<i>7th March 1989</i>
<i>Coming into force</i>	<i>3rd April 1989</i>

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

1. These Rules may be cited as the Magistrates' Courts (Amendment) Rules 1989 and shall come into force on 3rd April 1989.

2. The Magistrates' Courts Rules 1981(b) shall be amended by the insertion after rule 104 of the following rule:

“Statements, etc. relevant to making confiscation orders under the Criminal Justice Act 1988(c)

104A.—(1) Where a defendant has been convicted of an offence listed in Schedule 4 to the Criminal Justice Act 1988 and the prosecutor or the defendant proposes to tender to a magistrates' court any statement or other document under section 73 of the Criminal Justice Act 1988 (statements, etc. relevant to making confiscation orders) he shall serve it within such time as the court may require on the clerk of the magistrates' court, and at the same time serve a copy thereof on the defendant or the prosecutor, as the case may be.

(2) Any statement tendered to the magistrates' court by the prosecutor or the defendant under section 73 of the said Act of 1988 shall include the following particulars, namely—

- (a) the name of the defendant and the case number;
- (b) the name of the person by whom the statement is tendered and, if different, the name of the person by whom it is made;
- (c) the date on which and the place where the conviction for the offence occurred;
- (d) the facts relied on in support of any allegation or matter indicated.”.

1st March 1989

Mackay of Clashfern, C.

(a) 1980 c. 43; section 144 is extended by section 145 of that Act.
(b) S.I. 1981/552, to which there are amendments not relevant to these Rules.
(c) 1988 c. 33.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts Rules 1981 so as to insert a new rule 104A in connection with section 73 of the Criminal Justice Act 1988. Rule 104A contains procedural provisions relating to the statements and other documents tendered to the court under section 73, which facilitates the determination by the court whether a person has benefited from an offence to which Part VI of the Act of 1988 applies and the assessment by that court of the value of the defendant's benefit.

The Rules, by virtue of rule 1, come into force on 3rd April 1989, the date on which Part VI of the Criminal Justice Act 1988 comes into force (S.I. 1989/264).

45p net

ISBN 0 11 096300 8

Printed in the United Kingdom by Her Majesty's Stationery Office at Edinburgh Press

790 WO 431 C40 3/89 452/4 19593 PS 9901487 (266215)