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STATUTORY INSTRUMENTS

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**1993 No. 1183**

**The Magistrates' Courts (Miscellaneous  
Amendments) Rules 1993**

**The Justices' Clerks Rules 1970**

2. The Justices' Clerks Rules 1970((1)) shall be amended as follows—

(a) after rule 3, there shall be added the following rule((2))—

“4.—(1) The things specified in the Schedule to these Rules (except in paragraphs 13 to 15D), being things authorised to be done by, to or before a justices' clerk, may be done instead by, to or before—

- (a) a person appointed by a magistrates' courts committee to assist him;
- (b) where he is a part-time justices' clerk, any member of his staff who has been appointed by the magistrates' courts committee to assist him as such; or
- (c) any officer appointed by the committee of magistrates to be his deputy or to assist him,

provided that that person, member or officer has been specifically authorised by the justices' clerk for that purpose; and any reference in the Schedule to a justices' clerk shall be taken to include such a person, member or officer.

(2) Any authorisation by the justices' clerk under paragraph (1) above shall be recorded in writing at the time the authority is given or as soon as is practicable thereafter.”;

(b) after paragraph 2 of the Schedule, there shall be inserted the following paragraph—

“2A.—(1) The issue of a warrant of arrest, whether or not endorsed for bail, for failure to surrender to the court, where there is no objection on behalf of the accused.

(2) The issue of a warrant of distress.”;

(c) in paragraph 4 of the Schedule, after sub-paragraph (2) there shall be inserted the following sub-paragraphs—

“(3) The further adjournment of criminal proceedings, where there is no objection by the prosecutor, where the accused, having been remanded on bail on the previous adjournment, is remanded on bail on the like terms and conditions in his absence.

(4) The remand of the accused on bail in his absence at the time of further adjourning the proceedings in pursuance of sub-paragraph (3) above.

(5) The appointment of a later time as the time at which a person, who has been granted bail under the Police and Criminal Evidence Act 1984 subject to a duty to appear before a magistrates' court, is to appear, and the enlargement of any sureties for that person at

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(1) S.I.1970/231, amended by S.I. 1975/300, 1976/1767, 1978/754, 1983/527, 1991/1395, 1991/1991.

(2) For delegation by a justices' clerk under paragraphs 13 to 15D of the Schedule, see rule 32 of, and Schedule 3 to, the Family Proceedings Courts (Children Act 1989) Rules 1991 (S.I. 1991/1395) and rule 15 of, and Schedule 2 to, the Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991 (S.I. 1991/1991).

that time, in accordance with section 43(1) of the Magistrates' Courts Act 1980, provided there is no objection by the prosecutor.”;

(d) after paragraph 4 of the Schedule, there shall be inserted the following paragraphs—

“**4A.**—(1) The committal of a person for trial on bail in accordance with section 6(2) and (3)(b) of the Magistrates' Courts Act 1980 where, having been remanded on bail on the previous adjournment, he is released on bail on the like terms and conditions.

(2) The making of witness orders in accordance with section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 where the clerk has exercised the powers in sub-paragraph (1) above, and the informing of a person committed for trial by virtue of that sub-paragraph of the matters referred to in subsection (3) of that section.

**4B.**—(1) The asking of an accused whether he pleads guilty or not guilty to a charge, after having stated to him the substance of the information laid against him.

(2) The fixing or setting aside of a date, time and place for the trial of an information.”;

(e) after paragraph 8 of the Schedule, there shall be inserted the following paragraph—

“**8A.**—(1) The making or withdrawal of an application to the Secretary of State, pursuant to the Fines (Deductions from Income Support) Regulations 1992, for deductions to be made from an offender’s income support.

(2) The doing of such other things as are required or permitted to be done by a magistrates' court under those Regulations.”;

(f) for paragraph 11 of the Schedule, there shall be substituted the following paragraph—

“**11.** The amending, in accordance with paragraph 12 of Schedule 2 to the Criminal Justice Act 1991, of a probation order or a community service order by substituting for the petty sessions area specified in the order the other area in which the offender proposes to reside or is residing.”; and

(g) after paragraph 11 of the Schedule, there shall be inserted the following paragraph—

“**11A.** The varying, in accordance with section 18(6) of the Criminal Justice Act 1982, of an attendance centre order by—

(a) varying the day or hour specified in the order for the offender’s first attendance at the relevant attendance centre; or

(b) substituting for the relevant attendance centre an attendance centre which the justices' clerk is satisfied is reasonably accessible to the offender, having regard to his age, the means of access available to him and any other circumstances.”.