
STATUTORY INSTRUMENTS

1995 No. 1909 (L.8)
MAGISTRATES' COURTS
PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1995

Made - - - - *18th July 1995*
Laid before Parliament *20th July 1995*
Coming into force - - *4th September 1995*

The Lord Chancellor, in exercise of the powers conferred upon him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:

1. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 1995 and shall come into force on 4th September 1995.
2. Schedule 2 to the Magistrates' Courts (Forms) Rules 1981(2) shall be amended as follows—
 - (a) in the form numbered 27—
 - (i) the reference in the heading of the form to “s.12(1)(a)” shall be replaced by “s.12(3)(a)”;
 - (ii) in the first paragraph, for the words “the unnecessary attendance of witnesses” there shall be substituted the words “unnecessary costs and possible attendance of witnesses” and, at the end, there shall be added the words “or order you to pay the costs of the prosecution”.
 - (iii) in the second paragraph, after the words “Statement[s] of Facts” the first time that they appear, there shall be added the words “and notice[s] describing information about you” and after the words “Statement[s] of Facts” the second time that they appear, there shall be added the words “and notice[s] describing information about you included with your summons.”;
 - (iv) in the penultimate paragraph the following shall be inserted at the end, “However, if the Court adjourns the hearing to enable it to dispose of the case in your absence on a later date, it is not obliged to notify you of that date unless the adjourned hearing is to be held more than 4 weeks after the adjournment.”;
 - (v) the final paragraph shall be deleted and replaced with the following:

(1) 1980 c. 43; section 144 is extended by section 145 of that Act.
(2) S.I.1981/553.

“You may appear before the Court at the time fixed for the hearing and plead guilty or not guilty. If you have pleaded guilty by post and changed your mind, you must tell the Clerk before the hearing that you wish to withdraw your plea; the case will then be dealt with as if you had not sent a written plea of guilty.

If it is your intention to plead not guilty it is vital that, in order to avoid delay and expense, you inform the Clerk immediately of that fact, so that prosecution witnesses can be notified that they must attend. If the prosecution witnesses have to be called, it is likely that there will have to be an adjournment to enable the witnesses to come to Court. However, if the prosecutor has served on you notice that written statements of witnesses have been put before the Court, the hearing may proceed on the basis of written evidence unless you have informed the prosecutor that you want one or more of the witnesses to give oral evidence. IF YOU ENTER A NOT GUILTY PLEA, EITHER YOU OR YOUR LEGAL REPRESENTATIVE MUST APPEAR IN COURT.

If you pleaded guilty by post and you appear at the Court hearing and maintain that plea, OR if you have not pleaded guilty by post and you appear in Court to plead guilty, the Court may deal with the case as if you were absent, provided you consent. In these circumstances, before the Court accepts your plea of guilty and before it convicts you, either you, or your legal representative (if you have one) will be entitled to make oral representations in mitigation at that hearing.”.

- (b) in the form numbered 28—
 - (i) the reference in the heading of the form to “s.12(1)(b)” shall be replaced by “s.12(3)(b)”;
 - (ii) the sentence beginning “If your plea of guilty is accepted” shall be deleted.

Dated 18th July 1995

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend forms 27 and 28 of the Magistrates' Courts (Forms) Rules 1981. The amendments are a consequence of the changes to the procedure for pleading guilty by post introduced by section 45 and Schedule 5 of the Criminal Justice and Public Order Act 1994 which replace section 12 of the Magistrates' Courts Act 1980.