
STATUTORY INSTRUMENTS

1996 No. 3068

MAGISTRATES' COURTS

The Youth Courts (Constitution) (Amendment No. 2) Rules 1996

Made - - - - *6th December 1996*
Laid before Parliament *9th December 1996*
Coming into force - - *1st January 1997*

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980⁽¹⁾ and 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 Youth Courts (Constitution) (Amendment No. 2) Rules 1996, and shall come into force on 1st January 1997.

2. In these Rules, any reference to a rule by number means the rule so numbered in the Youth Courts (Constitution) Rules 1954⁽²⁾.

3. After rule 1(4) there shall be inserted the following:—

- (a) “(5) Subject to sub-paragraph (d) below, the justices' clerk for one petty sessions area (“the first area”) may make a request to the justices' clerk for another petty sessions area (“the second area”) for the temporary transfer of one or more justices from the panel for the second area to the panel for the first area for the purpose of hearing youth court proceedings specified in the request;
- (b) the justices' clerk for the second area shall grant a request under sub-paragraph (a) above where he considers that the better administration of justice will be served by such a transfer, and the justice or justices who are to be nominated by him for the transfer agree to be transferred;
- (c) a justices' clerk who grants a request under sub-paragraph (a) above shall do so in writing;
- (d) where the first area falls within a different commission area to the second area, a justice or justices shall only be transferred under this paragraph where the Lord Chancellor appoints the justice or justices who are nominated for the transfer to the commission area within which the first area falls for the purpose of the proceedings specified in the request;

⁽¹⁾ 1980 c. 43, as extended by section 146 of that Act.

⁽²⁾ S.I.1954/1711; the relevant amendments are made by S.I. 1991/2099, section 70 of the Criminal Justice Act 1991 (c. 53) and S.I. 1996/577.

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(e) the transfer of a justice or justices under this paragraph shall not prevent the justice or justices transferred from sitting in a youth court in the second area.”.

4. After rule 13(2) there shall be inserted the following:—

“(3) When hearing youth court proceedings specified in the request made in accordance with paragraph (5) of Rule 1 of these Rules, a youth court may sit under the chairmanship of any justice elected as chairman or deputy chairman under Rule 9 of these Rules, notwithstanding that the justice was not so elected from amongst the panel to which he has been temporarily transferred pursuant to that paragraph.”.

Dated 6th December 1996

Mackay of Clashfern, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Youth Courts (Constitution) Rules 1954. Rule 3 inserts a new paragraph into rule 1 of the 1954 Rules. It provides for the temporary transfer of justices between youth court panels within the same commission area, or to a panel in another commission area where the Lord Chancellor has first appointed the justice to that commission area. Rule 4 inserts a new paragraph into rule 13 of the 1954 Rules. It enables a justice transferred under new rule 1(5) who is already able to act as chairman of a youth court in his own petty sessions area to act as chairman of a youth court in the petty sessions area to whose panel he is temporarily transferred.

These provisions supplement that contained in rule 1(4) of the 1954 Rules which enables a permanent appointment to the youth court panel for one petty sessions area of an appropriately qualified justice from another petty sessions area, where the justice is from within the same commission area.