
STATUTORY INSTRUMENTS

1997 No. 706

The Magistrates' Courts (Amendment) Rules 1997

Amendment of Magistrates' Courts Rules 1981

7.—(1) In rule 7 for paragraphs (2) to (13) there shall be substituted—

“(2) A magistrates' court inquiring into an offence as examining justices, having ascertained—

- (a) that the accused has no legal representative acting for him in the case; or
- (b) that the accused's legal representative has requested the court to consider a submission that there is insufficient evidence to put the accused on trial by jury for the offence with which he is charged, as the case may be,

shall permit the prosecutor to make an opening address to the court, if he so wishes, before any evidence is tendered.

(3) After such opening address, if any, the court shall cause evidence to be tendered in accordance with sections 5B(4), 5C(4), 5D(5) and 5E(3) of the Act of 1980, that is to say by being read out aloud, except where the court otherwise directs or to the extent that it directs that an oral account be given of any of the evidence.

(4) The court may view any exhibits produced before the court and may take possession of them.

(5) After the evidence has been tendered the court shall hear any submission which the accused may wish to make as to whether there is sufficient evidence to put him on trial by jury for any indictable offence.

(6) The court shall permit the prosecutor to make a submission—

- (a) in reply to any submission made by the accused in pursuance of paragraph (5); or
- (b) where the accused has not made any such submission but the court is nevertheless minded not to commit him for trial.

(7) After hearing any submission made in pursuance of paragraph (5) or (6) the court shall, unless it decides not to commit the accused for trial, cause the charge to be written down, if this has not already been done, and, if the accused is not represented by counsel or a solicitor, shall read the charge to him and explain it in ordinary language.”.