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STATUTORY INSTRUMENTS

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**1998 No. 2167**

**The Magistrates' Courts (Miscellaneous  
Amendments) Rules 1998**

**The Justices' Clerks Rules 1970**

**3.**—(1) The Justices' Clerks Rules 1970(1) shall be amended in accordance with paragraph (2) below; and shall have effect in the areas specified in paragraph (4) below as if they were amended in accordance with paragraph (3) below.

(2) After rule 4 there shall be added the following rule:

“**5.** The powers authorised to be exercised by a justices' clerk at an early administrative hearing under section 50 of the Crime and Disorder Act 1998 shall be treated for the purposes of rule 4 above as if they were things specified in the Schedule to these Rules.”.

(3) In the Schedule:

(a) paragraph 4(2) shall be revoked; and

(b) after paragraph 18 there shall be added the following paragraphs:

“**19.** The extending of bail on the same conditions as those (if any) previously imposed, or, with the consent of the prosecutor and the accused, the imposing or varying of conditions of bail.

**20.** The marking of an information as withdrawn.

**21.** The dismissing of an information, or the discharging of an accused in respect of an information, where no evidence is offered by the prosecution.

**22.** The making of an order for the payment of defence costs out of central funds.

**23.** The requesting of a pre-sentence report following a plea of guilty.

**24.** The requesting of a medical report and, for that purpose, the remand of the accused on bail on the same conditions as those (if any) previously imposed, or, with the consent of the prosecutor and the accused, on other conditions.

**25.** The remitting of an offender to another court for sentence.

**26.** Where a person has been granted police bail to appear at a magistrates' court, the appointing of an earlier time for his appearance.

**27.** Where a case is to be tried on indictment, the granting of representation under Part V of the Legal Aid Act 1988 for purposes of the proceedings in the Crown Court.

**28.** Where an accused has been convicted of an offence, the making of an order for him to produce his driving licence.

**29.** The giving, variation or revocation of directions for the conduct of a criminal trial, including directions as to the following matters, namely—

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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, 1993/1183, 1994/1481 and 1997/710.

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- (a) the timetable for the proceedings;
- (b) the attendance of the parties;
- (c) the service of documents (including summaries of any legal arguments relied on by the parties);
- (d) the manner in which evidence is to be given.

**30.** With the consent of the parties, the giving, variation or revocation of orders for separate or joint trials in the case of two or more accused or two or more informations.”.

- (4) The areas referred to in paragraph (1) above are:
- (a) the petty sessions areas of Bromley, Croydon and Sutton; and
  - (b) the petty sessional divisions of Aberconwy; Arfon; Blackburn, Darwen and Ribble Valley; Burnley and Pendle; Colwyn; Corby; Daventry; Dyffryn Clwyd; Eifionydd and Pwllheli; Gateshead; Kettering; Meirionnydd; Newcastle-under-Lyme and Pirehill North; Newcastle-upon-Tyne; Northampton; Rhuddlan; Staffordshire Moorlands; Stoke-on-Trent; Towcester; Welling borough; and Ynys Mon/Anglesey.