
STATUTORY INSTRUMENTS

2001 No. 167

The Magistrates' Courts (Amendment) Rules 2001

Amendments to the Magistrates' Courts Rules 1981

3.—(1) In rule 54(1), for “authorised persons” there shall be substituted “civilian enforcement officers”.

(2) After rule 54(3) there shall be inserted—

“(3A) A warrant to which this rule applies may be executed by the persons to whom it was directed or by any of the following persons, whether or not the warrant was directed to them—

- (a) a constable for any police area in England and Wales, acting in his own police area;
- (b) where the warrant is one to which section 125A of the Act of 1980 applies, a civilian enforcement officer within the meaning of section 125A of the Act of 1980;
- (c) where the warrant is one to which section 125A of the Act of 1980 applies, any of the individuals described in section 125B(1) of the Act of 1980;

and in this rule any reference to the person charged with the execution of a warrant includes any of the above persons who is for the time being authorised to execute the warrant, whether or not they have the warrant in their possession at the time.

(3B) A person executing a warrant of distress shall—

- (a) either—
 - (i) if he has the warrant with him, show it to the person against whom the distress is levied, or
 - (ii) otherwise, state where the warrant is and what arrangements may be made to allow the person against whom distress is levied to inspect it;
- (b) explain, in ordinary language, the sum for which distress is levied and the reason for the distress;
- (c) where the person executing the warrant is one of the persons referred to in paragraph (3A)(b) or (c) above, show the person against whom distress is levied a written statement under section 125A(4) of 125B(4) as appropriate; and
- (d) in any case, show documentary proof of his identity.”.

(3) After rule 54(5) there shall be inserted—

“(5A) The clerk of the court which issued the warrant may, on the application of the person charged with the execution of it, extend the period within which the distress must be sold by any number of days not exceeding 60; but following the grant of such an application there shall be no further variation or extension of that period.”.

(4) In rule 54(9), (10) and (11) the words “constable or other” shall be omitted wherever they occur.