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STATUTORY INSTRUMENTS

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**2001 No. 167**

**The Magistrates' Courts (Amendment) Rules 2001**

**Amendments to the Magistrates' Courts Rules 1981**

**6.—(1)** In rule 96(1), for “authorised persons” there shall be substituted “civilian enforcement officers”.

(2) After rule 96(2) there shall be inserted—

“(3) 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.

(4) A person executing a warrant of arrest shall, upon arresting the person against whom the warrant is issued—

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

(5) A warrant of arrest issued under any of the provisions in paragraph (6) shall cease to have effect when—

- (a) the sum in respect of which the warrant is issued is paid to the person charged with the execution of the warrant;
- (b) that sum is tendered to and refused by the person charged with the execution of the warrant; or
- (c) a receipt for that sum given by—

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- (i) the justices' chief executive for the court which issued the warrant; or  
(ii) the charging or billing authority,
- is produced to the person charged with the execution of the warrant.
- (6) Those provisions are—
- (a) sections 83(1), 83(2), 86(4) and 93(5) of the Act of 1980;
  - (b) regulation 42(5)(b) of the Community Charges (Administration and Enforcement) Regulations 1989<sup>(1)</sup>;
  - (c) regulation 17(5)(b) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989<sup>(2)</sup>; and
  - (d) regulation 48(5)(b) of the Council Tax (Administration and Enforcement) Regulations 1992<sup>(3)</sup>.”.

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(1) S.I.1989/438.  
(2) S.I. 1989/1058.  
(3) S.I. 1992/613.