
EXPLANATORY NOTE

(This note is not part of the Rules)

These rules amend the following Rules—

- (a) the Magistrates' Courts (Attachment of Earnings) Rules 1971;
- (b) the Magistrates' Courts Rules 1981;
- (c) the Magistrates' Courts (Forms) Rules 1981;
- (d) the Magistrates' Courts (Notices of Transfer) Rules 1988;
- (e) the Magistrates' Courts (Attendance Centre) Rules 1992;
- (f) the Magistrates' Courts (Notice of Transfer) (Children's Evidence) Rules 1992;
- (g) the Magistrates' Courts (Children and Young Persons) Rules 1992;
- (h) the Magistrates' Courts (Criminal Procedure and Investigations Act 1996) (Tainted Acquittals) Rules 1997;
- (i) the Magistrates' Courts (Detention and Forfeiture of Terrorist Cash) (No.2) Rules 2001;
- (j) the Magistrates' Courts (Sex Offender Orders) Rules 2002;
- (k) the Magistrates' Courts (Anti-Social Behaviour Orders) Rules 2002; and
- (l) the Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002.

The amending rules de-prescribe and omit all criminal forms used in magistrates' courts and provide that the forms intended for use by applicants are voluntary.

The amendments also allow for documents other than summonses and adjournment notices, to be sent electronically (with the recipient's consent), allow for electronic signatures to be incorporated into summonses, routine orders and notices, allow for the court register to be stored electronically rather than in paper format and for a court extract to be an extract from the electronic register.

There are also a number of other consequential changes, for example:

- (a) arising out of the Powers of Criminal Courts (Sentencing) Act 2000; and
- (b) the introduction of the new regime for representation under the Criminal Defence Service, under the Access to Justice Act 1999.