

2003 No. 638 (L. 11)

**MAGISTRATES' COURTS, ENGLAND AND WALES
PROCEDURE**

**The Magistrates' Courts (Detention and Forfeiture of
Cash) (Amendment) Rules 2003**

<i>Made</i> - - - - -	<i>6th March 2003</i>
<i>Laid before Parliament</i>	<i>10th March 2003</i>
<i>Coming into force</i> - -	<i>31st March 2003</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(a), after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:

1. These Rules may be cited as the Magistrates' Courts (Detention and Forfeiture of Cash) (Amendment) Rules 2003 and shall come into force on 31st March 2003.

2.—(1) The Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002(b) are amended as follows.

(2) After rule 11, there is inserted—

“Jurisdiction of magistrates' courts

12. For the purposes of section 52 of the Magistrates' Courts Act 1980(c), any magistrates' court to which an application is made under these Rules has jurisdiction to hear that application, whether or not the application relates to a matter arising within the commission area for which the court is appointed.”

6th March 2003

Irvine of Lairg, C.

(a) 1980 c. 43.

(b) S.I. 2002/2998 (L. 17).

(c) Section 52 was amended by Part V of Schedule 15 to the Access to Justice Act 1999 (c. 22).

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts (Detention and Forfeiture of Cash) Rules 2002 ("the 2002 Rules"), by inserting a new rule which makes it clear that any magistrates' court, wherever situated, has jurisdiction to hear applications under the 2002 Rules. Section 52 of the Magistrates' Courts Act 1980 provides that, unless express provision is made to the contrary, a magistrates' court only has jurisdiction to consider a complaint if it relates to things done, or omissions, within the magistrates' court's commission area. Applications made under the 2002 Rules are treated as complaints, by virtue of rule 11(2) of the 2002 Rules.

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