

SCHEDULE

Rule 2

FUNCTIONS OF A MAGISTRATES' COURT WHICH MAY BE EXERCISED BY AN AUTHORISED COURT OFFICER

Functions exercisable by any authorised court officer

1. An authorised court officer may—
 - (a) fix, cancel or vary the date, time or place for a hearing, including a trial, or adjourn a hearing;
 - (b) adjourn, remit or transfer proceedings from one local justice area to another;
 - (c) determine an application to extend a time limit set by a rule or by the court, unless the effect would be—
 - (i) to affect the date of any hearing that has been fixed, including a trial; or
 - (ii) significantly to affect the progress of the case in any other way;
 - (d) issue a summons at the request of a public authority;
 - (e) give a complainant permission to withdraw a case;
 - (f) fix the date, time and place of a hearing;
 - (g) amend the local justice area or responsible officer named in an order of the court;
 - (h) grant bail and remand the defendant where the defendant has previously been remanded on bail in the proceedings;
 - (i) state a case for the opinion of the High Court where the decision under appeal was made by an authorised court officer;
 - (j) authorise the inspection of court records pursuant to rule 66(12) of the Magistrates' Courts Rules 1981(1);
 - (k) endorse process for service in Scotland or Northern Ireland.

Functions exercisable only by an authorised court officer who is legally qualified

2. An authorised court officer who is legally qualified may (but an authorised court officer who is not legally qualified may not)—
 - (a) determine an application to extend a time limit set by a rule or by the court;
 - (b) give, vary or revoke directions for the conduct of proceedings, including—
 - (i) the timetable for the case;
 - (ii) the attendance of the parties;
 - (iii) the service of documents (including summaries of any legal arguments relied on by the parties);
 - (iv) the manner in which evidence is to be given, insofar as these Rules make no other provision;
 - (c) actively manage the case in accordance with rule 3A of the Magistrates' Courts Rules 1981(2);
 - (d) impose a reporting restriction under section 39 of the Children and Young Persons Act 1933(3) (identity of a person under 18) where there is no objection to the order;

(1) S.I. 1981/552. Rule 66(12) was amended by S.I. 1992/709, article 2(1) and (3) and Schedule 1.

(2) S.I. 1981/552. Rule 3A was inserted by S.I. 2009/3362, rules 2 and 3.

(3) 1933 c. 12.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) give permission for proceedings to be recorded;
- (f) ask a court security officer to remove a person from a courtroom;
- (g) issue a summons and give directions for its service;
- (h) dismiss a complaint where the complainant offers no evidence, provided that evidence has not been received on a previous occasion;
- (i) amend a complaint;
- (j) remand the defendant and grant bail where—
 - (i) the defendant is present; and
 - (ii) the complainant agrees to the grant of bail;
- (k) require a person who has made a written statement to attend before the court to give evidence;
- (l) issue a witness summons and give directions for its service;
- (m) issue a warrant of control;
- (n) extend the time for payment of a financial order (other than payment under a postponed warrant of commitment);
- (o) vary an order for the payment by instalments of a financial order (other than payment under a postponed warrant of commitment);
- (p) make an attachment of earnings order;
- (q) require the appellant to enter into a recognizance under section 114 of the Magistrates' Courts Act 1980(4) on an application to state a case for the opinion of the High Court;
- (r) order a report to assist in the determination of a case;
- (s) make or vary an order for a party to pay costs, if both parties agree;
- (t) make or vary an order for another person to pay costs, if that person agrees;
- (u) revoke a suspended disqualification imposed under the Child Support Act 1991(5) where the sum has been paid in full;
- (v) vary, discharge, remit, remove, revoke, review or suspend an order which an authorised court officer may make;
- (w) take a recognizance in any proceedings.

(4) 1980 c. 43.

(5) 1991 c. 48.