

2022 No. 523 (L. 6)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts (Amendment) Rules 2022

Made - - - - *9th May 2022*

Laid before Parliament *10th May 2022*

Coming into force - - *7th June 2022*

The Lord Chief Justice, with the concurrence of the Lord Chancellor, makes the following Rules in exercise of the powers conferred by section 144 of the Magistrates' Courts Act 1980(a).

Citation and commencement

- 1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules 2022.
(2) These Rules come into force on 7th June 2022.

Amendments to the Magistrates' Courts Rules 1981

- 2.—(1) The Magistrates' Courts Rules 1981(b) are amended as follows.
(2) After rule 3B (live links), insert—

“Special measures for witnesses

3C.—(1) The court may exercise its power to facilitate the giving of evidence by a witness—

- (a) on application or on the court's own initiative; and
(b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.

(2) An applicant for the exercise of that power must explain which one or more of the following arrangements the applicant suggests—

- (a) by means of a screen or other arrangement preventing the witness from seeing, or being seen by, another person except—
(i) any member of the court,
(ii) any legal representative acting in the proceedings, and

(a) 1980 c. 43; section 144 was amended by section 109(1) and (3) and paragraphs 245(1), (2), (5) of Schedule 8 and Schedule 10 to the Courts Act 2003 (c. 39), section 15(1) and paragraphs 99, 102(1), (2), (3)(a), (3)(b), (4) and (6) of Schedule 4 to the Constitutional Reform Act 2005 (c. 4), section 208(1) and paragraphs 42, 43(b) of Schedule 21 to the Legal Services Act 2007 (c. 29), article 3(2) and paragraphs 1(1), (2) to (6) of Schedule 2 to S.I. 2012/2398, section 17(6) and paragraphs 39, 52 and 99 of Schedule 10 to the Crime and Courts Act 2013 (c. 22) and section 3 and paragraphs 5 and 10 of the Schedule to the Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33).
(b) S.I. 1981/552; relevant amendments were made by S.I. 1986/1332, 1992/457, 1992/709, 1997/706, 2001/610, 2003/3361, 2005/617, 2009/3362 and 2021/626.

- (iii) any interpreter or other person appointed to assist the witness;
- (b) by means of a device allowing questions and answers to be communicated to or by the witness despite any disability, disorder or other impairment;
- (c) allowing the witness to be accompanied, with directions about seating arrangements for the companion; and
- (d) any other arrangement that the applicant thinks would be desirable to facilitate the giving of evidence by the witness and which the court has power to direct.”

Burnett of Maldon, C.J.
Lord Chief Justice

I agree
Signed by authority of the Lord Chancellor

James Cartlidge
Parliamentary Under Secretary of State
Ministry of Justice

9th May 2022

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates’ Courts Rules 1981 to include a new rule 3C governing the exercise of the court’s power to facilitate the giving of evidence by a witness by any of the means listed in the new rule.

Magistrates’ courts dealing with civil proceedings possess an implied power to facilitate the giving of evidence by a witness that corresponds with the power conferred on other courts under section 64 of the Domestic Abuse Act 2021 (Special measures in civil proceedings: victims of domestic abuse, etc.). The new rule acknowledges the existence of that implied power and provides for its exercise, on application or on the court’s own initiative.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

These Rules come into force on 7th June 2022.

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