STATUTORY INSTRUMENTS

1978 No. 754 (L.17)

MAGISTRATES' COURTS

The Justices' Clerks (Amendment) Rules 1978

Made - - - -	*22nd May* 1978
Laid before Parliament	*1st June* 1978
Coming into Operation	*17th July* 1978

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949**(a)**, as extended by section 5 of the Justices of the Peace Act 1968**(b)**, after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Justices' Clerks (Amendment) Rules 1978 and shall come into operation on 17th July 1978.

2. In the Schedule to the Justices' Clerks Rules 1970**(c)**, as amended**(d)**, after paragraph 15 there shall be inserted the following paragraphs:—

"16. The acceptance under subsection (4A) of section 24 of the Criminal Justice Act 1967**(e)** (which relates to process for minor offences) of service of such a statutory declaration as is mentioned in subsection (3) of that section.

17. The fixing under section 44A(3) of the Criminal Justice Act 1967**(e)** of a later day in substitution for a day previously fixed for the appearance of an offender to enable an inquiry into his means to be made under section 44 of that Act or to enable a hearing required by subsection (6) of the said section 44 to be held.".

Dated 22nd May 1978.

Elwyn-Jones, C.

(a) 1949 c. 101. **(b)** 1968 c. 69.
(c) S.I. 1970/231. **(d)** The relevant amending instrument is S.I. 1976/1767.
(e) 1967 c. 80. (Sections 24(4A) and 44A(3) were inserted by 1977 c. 45, Schedule 12.)

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Schedule to the Justices' Clerks Rules 1970 so as to provide that a justices' clerk may do the things which a single justice of the peace may do under section 24(4A) of the Criminal Justice Act 1967 (accepting service of statutory declarations out of time in connection with process for minor offences) and under section 44A(3) of that Act (fixing a later day in substitution for a day previously fixed for the appearance of an offender in connection with a means inquiry).

These subsections were inserted in the Act of 1967 by the Criminal Law Act 1977, Schedule 12, with effect from 17th July 1978 (S.I. 1978/712). These Rules come into force on the same date.

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