STATUTORY INSTRUMENTS

1969 No. 1711 (L.29)

MAGISTRATES' COURTS
PROCEDURE

The Magistrates' Courts (Amendment) Rules 1969

Made - - -	28*th November* 1969
Laid before Parliament	9*th December* 1969
Coming into Operation	1*st February* 1970

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 122 of the Magistrates' Courts Act 1952(b), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules 1969 and shall come into operation on 1st February 1970.

(2) The Interpretation Act 1889(c) applies for the interpretation of these Rules as it applies for the interpretation of an Act of Parliament.

2. In Rule 16(1) of the Magistrates' Courts Rules 1968(d)—

(*a*) at the end of sub-paragraph (*d*) the word "and" shall be omitted;

(*b*) at the end of sub-paragraph (*e*) there shall be added the word "and" and the following sub-paragraph:—

"(*f*) if the court imposes under section 56(8) of the Criminal Justice Act 1967(e) an interim disqualification for holding or obtaining a licence under Part II of the Road Traffic Act 1960(f), a statement of the date of birth and sex of the offender.".

3. At the end of Rule 28 of the said Rules there shall be added the following paragraph:—

"(2) Where a magistrates' court orders that the licence of an offender be endorsed as mentioned in paragraph (1) of this Rule or imposes an interim disqualification as mentioned in Rule 16(1) (*f*) of these Rules and the clerk of the court knows or is informed of the date of birth and sex of the offender, the clerk shall send the information to the licensing authority which granted the licence.".

4. After Rule 88 of the said Rules there shall be inserted the following Rule:—

"*Notice of order under s.22 of Vehicle and Driving Licences Act* 1969

88A.—(1) Where a magistrates' court makes an order under section 22 of the Vehicle and Driving Licences Act 1969(g) that an offender shall inform the court of his date of birth or sex or both and the offender is not present in court, the clerk of the court shall serve notice in writing of the order on the offender.

(2) A notice under this Rule shall be served by delivering it to the offender or by sending it to him by post in a letter addressed to him at his last known or usual place of abode.".

Dated 28th November 1969. *Gardiner*, C.

(a) 1949 c. 101.
(b) 1952 c. 55.
(c) 1889 c. 63.
(d) S.I. 1968/1920 (1968 III, p. 5175).
(e) 1967 c. 80.
(f) 1960 c. 16.
(g) 1969 c. 27.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts Rules 1968.

Section 22 of the Vehicle and Driving Licences Act 1969 enables a court which orders that the driving licence of an offender be endorsed or that he be temporarily disqualified for holding a driving licence, to order also that his date of birth and sex be supplied to the court.

Rule 2 requires the clerk of a magistrates' court which commits an offender for sentence and orders that he be temporarily disqualified for holding a driving licence, to inform the court to which he is committed of his date of birth and sex.

Rule 3 requires the clerk of a magistrates' court which orders that the driving licence of an offender be endorsed or that he be temporarily disqualified for holding a driving licence, to inform the licensing authority of his date of birth and sex.

Rule 4 requires the clerk of a magistrates' court which orders an offender who is not present in court to give his date of birth or sex, to notify the offender of the order.