STATUTORY INSTRUMENTS

1969 No. 1710 (L.28)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1969

Made - - -	*28th November* 1969
Laid before Parliament	*9th December* 1969
Coming into Operation	*1st 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. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 1969 and shall come into operation on 1st February 1970.

2. Form 29 in the Schedule to the Magistrates' Courts (Forms) Rules 1968(c) shall be amended as follows:—

(*a*) by the insertion before the final sentence of the first paragraph of the words "[If you write as mentioned, you are required to include a statement of your date of birth and sex.]*";

(*b*) by the insertion of the following paragraph after the fourth paragraph:—

"*[A notice from the vehicle licensing authority is also served herewith. This notice states that in the event of your being convicted it will be alleged that an order falls to be made requiring you to pay the amount specified in the notice (being the amount calculated to be the duty payable in respect of the period during which the vehicle was unlicensed). If you send in a written plea of guilty, you may nevertheless include in it a statement that the amount so specified is inappropriate (e.g. because you were not the keeper of the vehicle for the whole of the period during which the vehicle was unlicensed or because the vehicle was not kept or used on a public road during the whole of that period). If you do not include a statement that the amount is inappropriate, the Court will proceed on the assumption that the amount is correctly calculated. If you do include such a statement and you decide to appear in person and dispute the amount, you should arrange to have at Court any witnesses or documents which may help you to prove that the amount is inappropriate.]".

(a) 1949 c. 101. (b) 1952 c. 55. (c) S.I. 1968/1919 (1968 III, p. 5075).

3. In the said Schedule, after Form 98, there shall be inserted the form contained in the Schedule to these Rules.

Dated 28th November 1969.

Gardiner, C.

Rule 3

SCHEDULE

98A

Notice of order to give information of date of birth and sex
(*Vehicle and Driving Licences Act* 1969, *s.* 22; *M.C. Rules* 1968, *r.* 88*A*.)

In the [county of . Petty Sessional Division of].

To A.B. of

Take notice that this Court, having [this day] convicted you of (*state shortly particulars of offence*) and [ordered that your driving licence be endorsed] [imposed an interim disqualification for holding or obtaining a driving licence], ordered that you inform the Court in writing of your [date of birth] [and] [sex]. Failure to provide this information will render you liable to a fine not exceeding £50.

Dated the day of , 19 .

J.C.,
Clerk of the Court.

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

Rule 2 amends Form 29 of the Magistrates' Courts (Forms) Rules 1968 (Notice to defendant: plea of guilty in absence)—

(*a*) to enable a defendant who decides to plead guilty in writing of an offence involving endorsement of a driving licence or disqualification to be informed that he is required (by section 22(2) of the Vehicle and Driving Licences Act 1969 (c. 27)) to include a statement of his date of birth and sex, and

(*b*) to enable a defendant who is alleged to have used or kept an unlicensed vehicle on the road to be informed, in accordance with section 30 of the Act, that if he is convicted, the court may order him to pay any unpaid duty.

Rule 3 and the Schedule to the Rules prescribe the form of notice to be given to a person in whose case the court has ordered endorsement of a driving licence or disqualification, informing him that the court has ordered him under section 22 of the Act to state his date of birth or sex or both.