STATUTORY INSTRUMENTS

2001 No. 166 (L.3)

MAGISTRATES' COURTS, ENGLAND AND WALES

The Magistrates' Courts (Forms) (Amendment) Rules 2001

Made - - - - -	*24th January 2001*
Laid before Parliament	*26th January 2001*
Coming into force - -	*19th February 2001*

The Lord Chancellor, in exercise of the powers conferred upon him by section 144 of the Magistrates' Courts Act 1980(**a**), as extended by section 145 of that Act, and after consultation with the rule committee constituted by section 144 of that Act, makes the following Rules:

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 2001 and shall come into force on 19th February 2001.

Interpretation

2. In these Rules, any reference to a form by number alone means the form so numbered in Schedule 2 to the Magistrates' Courts (Forms) Rules 1981(**b**).

Amendments to the Magistrates' Courts (Forms) Rules 1981

3.—(1) Form 48 (Distress warrant) shall be amended as follows.

(2) For "(the Constables of Police Force) [XY]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] *[delete as appropriate*]".

4.—(1) Form 51 (Warrant of commitment on occasion of conviction) shall be amended as follows.

(2) For "[the constables of Police Force] [the authorised persons for] [AB]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

5.—(1) Form 52 (Warrant of commitment on occasion subsequent to conviction) shall be amended as follows.

(**a**) 1980 c. 43.
(**b**) S.I. 1981/553, as amended by S.I. 1986/1333, 1992/2072 and 1999/2765.

(2) For "[the constables of Police Force] [the authorised persons for] [AB]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

6.—(1) Form 54 (Warrant for arrest of fine defaulter) shall be amended as follows.

(2) For "[the constables of Police Force] [the authorised persons for] [AB]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

7.—(1) Form 57 (Warrant for detention in police cells etc.) shall be amended as follows.

(2) For "[the constables of Police Force] [the authorised persons for] [AB]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

8.—(1) Form 58 (Warrant for detention in police station) shall be amended as follows.

(2) After "Police Force" there shall be inserted "/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

(3) After "the day following that on which the accused is arrested", there shall be inserted ", or if the accused is arrested."

9.—(1) Form 92K (Warrant of arrest for breach of requirement of probation, community service or combination order) shall be amended as follows.

(2) After "Police Force" there shall be inserted "/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

10.—(1) Form 110 (Commitment: civil debt enforceable by imprisonment) shall be amended as follows.

(2) For "[the constables of Police Force] [AB]" there shall be substituted "the constables of Police Force/the civilian enforcement officers for the area of the magistrates' courts committee/ [, being an agency approved by the magistrates' courts committee for the purpose of executing warrants] [*delete as appropriate*]".

11. After form 157 (Warrant of further detention) there shall be inserted the form set out in the Schedule to these Rules.

Signed by authority of the Lord Chancellor

Jane Kennedy
Parliamentary Secretary,
Lord Chancellor's Department

Dated 24th January 2001

SCHEDULE

Rule 11

FORM 157A

WARRANT OF FURTHER DETENTION (*Terrorism Act 2000, paragraph 29 of Schedule 8*)

..... Magistrates' Court (*Code*)

Date and time warrant issued:
Person to whom warrant applies: Age: Years
Address:

Reason for arrest:

Starting date and time of detention (under section 41 of the Terrorism Act 2000) or examination (under Schedule 7 to that Act):

Decision: On application by a police officer of at least the rank of superintendent of the [Police Force], and having taken account of representations made by or on behalf of the person named above concerning the grounds upon which further detention is sought, I am satisfied, in accordance with paragraphs 30 and 32 of Schedule 8 to the Terrorism Act 2000, that:

(i) the application was made [during the period mentioned in section 41(3) of the Terrorism Act 2000] [within six hours from the end of the period mentioned in section 41(3) of the Terrorism Act 2000, it not being reasonably practicable to make the application during the period mentioned in that section] [*delete as appropriate*],

(ii) there are reasonable grounds for believing that the further detention of the person named above is necessary to obtain relevant evidence whether by questioning him or otherwise or to preserve relevant evidence, and

(iii) the investigation in connection with which the person is detained is being conducted diligently and expeditiously.

You, the constables of the above named Police Force, are hereby authorised to keep the person named above in police detention for [ ] hours from the time of issue of this warrant.

Senior District Judge/Deputy Senior District Judge/
District Judge designated for the purposes of
Part III of Schedule 8 to the Terrorism Act 2000

Endorsement of extension or further extension (paragraph 36 of Schedule 8 to the Terrorism Act 2000)

On application by a police officer of at least the rank of superintendent of the [_____ Police Force], and having taken account of representations made by or on behalf of the person named above concerning the grounds upon which further detention is sought, I am satisfied that:

(i) there are reasonable grounds for believing that the further detention is necessary to obtain relevant evidence whether by questioning him or otherwise or to preserve relevant evidence, and

(ii) the investigation in connection with which the person is detained is being conducted diligently and expeditiously.

I extend[/further extend] this warrant for [ ] hours from the expiry of the period authorised above.

Senior District Judge/Deputy Senior District Judge/
District Judge designated for the purposes of
Part III of Schedule 8 to the Terrorism Act

Date and time of endorsement

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend Schedule 2 to the Magistrates' Courts (Forms) Rules 1981 in the following respects.

(a) They amend forms 48, 52, 54, 57, 58, 92K and 110 to accommodate the changes effected by sections 92 to 97 of the Access to Justice Act 1999, relating to the execution of warrants issued by magistrates' courts. The effect of the amendments is to permit warrants of distress, arrest, commitment or detention to be directed to civilian enforcement officers and approved enforcement agencies as well as to police officers.

(b) They insert words into form 58 so as to clarify the meaning of the direction in that form.

(c) They insert a new form 157A for warrants of further detention issued under paragraphs 29 and 36 of Schedule 8 to the Terrorism Act 2000.

£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E245 586940 2/2001 19585

ISBN 0-11-019186-2

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