STATUTORY INSTRUMENTS

1964 No. 889 (L. 6)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (No. 2) Rules 1964

Made - - - -	18*th June* 1964
Laid before Parliament	24*th June* 1964
Coming into Operation	10*th July* 1964

I, Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules :—

1. For the proviso to Rule 5(7) of the Magistrates' Courts Rules 1952(c), as amended(d), there shall be substituted the following proviso :—

" Provided that, where the court gives leave to counsel or the solicitor for the accused to be heard after, as well as before, the evidence is taken, counsel or the solicitor for the prosecution shall be entitled to be heard immediately before counsel or the solicitor for the accused is heard for the second time."

2. For Rule 17(5) of the Magistrates' Courts Rules 1952 there shall be substituted the following paragraph :—

" (5) If the accused is allowed to address the court twice as aforesaid, the prosecutor may also address the court immediately before the accused does so for the second time."

3.—(1) These Rules may be cited as the Magistrates' Courts (No. 2) Rules 1964.

(2) These Rules shall come into operation on 10th July 1964, but shall not apply to any inquiry into an offence, or any summary trial of an information, where the inquiry or summary trial began before that date.

Dated 18th June 1964.

Dilhorne, C.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) S.I. 1952/2190 (1952 II, p. 1593).
(d) There is no amendment which relates to the subject matter of these Rules.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules amend the Magistrates' Courts Rules 1952 with regard to the procedure to be followed by a magistrates' court inquiring into an offence as examining justices or trying an offence summarily. They provide that, where the prosecution have the right to address the court after the hearing of the evidence for the defence, the right shall be exercisable before the final address to the court on behalf of the defence and not, as at present, after it. The changes correspond to that made by the Criminal Procedure (Right of Reply) Act 1964 (c. 34) as regards the order of closing speeches in trials on indictment.