PROCEDURE

1957 No. 1429 (L. 18)

The Magistrates' Courts Rules, 1957

Made - - - -	*2nd August*, 1957
Laid before Parliament	*8th August*, 1957
Coming into Operation	*6th September*, 1957

I, the Right Honourable David, Viscount Kilmuir, Lord High Chancellor of Great Britain, in exercise of the power conferred upon me by section fifteen of the Justices of the Peace Act, 1949(a), as extended by section one hundred and twenty-two of the Magistrates' Courts Act, 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section fifteen, make the following rules:—

Plea of guilty in absence of accused

1.—(1) The notice to be served on an accused person in pursuance of paragraph (i) of subsection (1) of section one of the Magistrates' Courts Act, 1957(c), that is to say, notice of the effect of the said section one (which relates to a plea of guilty in the absence of the accused) shall be in form 1 in the Schedule to these rules or in a form to the like effect.

(2) The statement to be served on an accused person in pursuance of paragraph (ii) of the said subsection (1), that is to say, a concise statement of such facts relating to the charge as will be placed before the court if the accused pleads guilty without appearing before the court, shall be in form 2 in the Schedule to these rules or in a form to the like effect.

Proof of previous convictions

2.—(1) The notice to be served on an accused person in pursuance of section three of the said Act, that is to say, notice of intention to cite previous convictions, shall be in form 3 in the Schedule to these rules or in a form to the like effect.

(2) Service of the said form may be effected by delivering it to the person to whom it is directed or sending it by post in a registered letter addressed to him at his last known or usual place of abode.

Proof of service of summons

3. Paragraph (2) of rule 76 of the Magistrates' Courts Rules, 1952(d) (which provides that, if the accused fails to appear, service of a summons sent by registered post shall not be treated as proved unless it is proved that the summons came to his knowledge) shall have effect in relation to a summons served on or after the sixth day of September, 1957, by leaving it for the accused with some person at the accused's last known or usual place of abode as that paragraph has effect in relation to a summons served by registered post; and accordingly in the said paragraph (2) for the words "sub-paragraph (*c*)" there shall be substituted the words "sub-paragraph (*b*) or (*c*)".

(a) 12, 13 & 14 Geo. 6. c. 101.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) 5 & 6 Eliz. 2. c. 29.
(d) S.I. 1952/2190 (1952 II, p. 1593).

Citation and commencement

4. These rules may be cited as the Magistrates' Courts Rules, 1957, and shall come into operation on the sixth day of September, 1957.

Dated the second day of August, 1957.

Kilmuir, C.

SCHEDULE

FORMS

1

Notice to defendant : plea of guilty in absence
(*M.C. Act*, 1957, *s.* 1 (1) (i))

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

To A.B., of

PLEASE READ THIS NOTICE CAREFULLY

If you admit the offence[s] referred to in the summons[es] served herewith and do not wish to appear before the Court, it is open to you under section 1 of the Magistrates' Courts Act, 1957, to inform the Clerk of the Court in writing that you wish to plead guilty to the charge[s] without appearing. If you decide to do this, you should write to the Clerk at least three days before the date fixed for the hearing in order to avoid the unnecessary attendance of witnesses. In writing to the Clerk you should mention any mitigating circumstances which you wish to have put before the Court. A form which you can use for writing to the Clerk is enclosed.

If you send in a written plea of guilty, the enclosed Statement[s] of Facts and your statement in mitigation will be read out in open Court before the Court decides whether to accept your plea and hear and dispose of the case in your absence. Unless the Court adjourns the case after accepting your plea and before sentencing you (in which case you will be informed of the time and place of the adjourned hearing so that you may appear) the prosecution will not be permitted to make any statement with respect to any facts relating to the offence[s] other than the Statement[s] of Facts.

If you send in a written plea of guilty but the Court decides not to accept the plea, the hearing will be adjourned and you will be informed of the time and place of the adjourned hearing. The case will then be heard as if you had not sent in a written plea of guilty.

* [A notice from the Ministry of Pensions and National Insurance claiming certain contributions is also served herewith. If, in addition to pleading guilty to the charge[s] referred to in the summons[es], you wish to admit failing to pay the contributions specified in the notice or any of them, it is open to you so to inform the Clerk in writing. If you use the enclosed form to plead guilty, you may use it also to admit failing to pay the contributions specified in the notice.]

If you send in a written plea of guilty you may, if you wish, withdraw it by informing the Clerk of the withdrawal at any time before the hearing.

Neither this notice nor any reply you may send limits your right to appear before the Court at the time fixed for the hearing, either in person or by counsel or a solicitor, and then to plead guilty or not guilty as you may desire; if after sending in a written plea of guilty you do so appear, or if you inform the Clerk before the hearing of the withdrawal of your written plea, the case will be heard as if you had not sent it in.

* To be inserted only in cases to which it applies.

NOTES

1. If you want any more information you may get in touch with the Clerk of the Court.

2. If you intend to consult a solicitor you would be well advised to do so before taking any action in response to this notice.

3. Address any letter to

The Clerk of the Magistrates' Court

(*set out address*)

2

Statement of Facts
(*M.C. Act*, 1957, *s.* 1 (1) (ii))

To A.B., of .

If you inform the Clerk of the Court that you wish to plead guilty to the charge of , set out in the summons served herewith, without appearing before the Court and the Court proceeds to hear and dispose of the case in your absence under section 1 of the Magistrates' Courts Act, 1957, the following Statement of Facts will be read out in open Court before the Court decides whether to accept your plea. If your plea of guilty is accepted the Court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the prosecutor with respect to any facts relating to the charge.

Statement of Facts

Signed .....
[On behalf of the Prosecutor.]

3

Notice of intention to cite previous convictions
(*M.C. Act*, 1957, *s.* 3)

To A.B., of .

You are hereby given notice that if, but only if, you are convicted of [any of] the offence[s] of in respect of which you are summoned to appear before the Magistrates' Court on the , 19 , the under-mentioned convictions which are recorded against you will be brought to the notice of the Court; and if you are not present in person before the Court, the Court may take account of any such previous conviction as if you had appeared and admitted it.

Date of conviction	Court	Offence	Sentence

Signed .....
[For Chief Constable.]

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify [the Chief Constable of] at (*state address*) so that further inquiries can be made.

Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

EXPLANATORY NOTE

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

Rule 1 prescribes the forms to be used in connection with the new procedure under section 1 of the Magistrates' Courts Act, 1957, whereby in certain cases a written plea of guilty may be accepted without the accused appearing before the court. Rule 2 prescribes the form to be used in giving notice under section 3 of that Act of intention to cite previous convictions and prescribes the manner in which the notice is to be served.

Rule 3 amends the Magistrates' Courts Rules, 1952, so as to provide that where a summons is served on the accused by leaving it at his last known or usual place of abode and the accused fails to appear, service of the summons shall not be treated as proved unless it is proved that the summons came to his knowledge, thus assimilating the procedure to that followed where service is by registered post.

OFFICERS AND OFFICES

1957 No. 1681

The Justices of the Peace Act, 1949 (Compensation) Regulations, 1957

Made - - - - 18*th September*, 1957

In pursuance of the powers conferred on me by section forty-two of the Justices of the Peace Act, 1949(**a**), I hereby make the following Regulations:—

1. For sub-paragraph (1) of paragraph 23 of the Schedule to the Justices of the Peace Act, 1949 (Compensation) Regulations, 1954(**b**), there shall be substituted the following sub-paragraph:—

"(1) The compensation awarded to a whole-time officer for diminution of emoluments shall be awarded by way of an annual sum, payable for the same period or periods as would be the case were he a whole-time officer claiming compensation for loss of office under Parts II and III of this Schedule, and shall not, in respect of any such period, exceed a sum bearing the same proportion to the maximum amount of compensation which could have been awarded had he lost office as the difference between the annual rates of his emoluments immediately before and after diminution bears to the annual rate of his emoluments immediately before diminution:

Provided that where the said proportion is less than five per cent. no compensation shall be awarded.".

2. These Regulations may be cited as the Justices of the Peace Act, 1949 (Compensation) Regulations, 1957.

R. A. Butler,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
18th September, 1957.

(a) 12, 13 & 14 Geo. 6. c. 101. (b) S.I. 1954/1262 (1954 I, p. 1168).