STATUTORY INSTRUMENTS

1963 No. 2121 (L. 22)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts Rules 1963

Made - - - -	19*th December* 1963
Laid before Parliament	1*st January* 1964
Coming into Operation	1*st February* 1964

I, the Right Honourable 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. After paragraph (2) of Rule 5 of the Magistrates' Courts Rules 1952(c), as amended(d), there shall be inserted the following paragraphs:—

"(2A) Before a statement made in writing by or taken in writing from a child is received in evidence under section 27(1) of the Children and Young Persons Act 1963(e) the court shall cause the effect of that subsection to be explained to the accused in ordinary language and, if the defence does not object to the application of that subsection, shall inform him that he may ask questions about the circumstances in which the statement was made or taken.

(2B) Any such statement as aforesaid which is received in evidence shall be made an exhibit."

2. These Rules may be cited as the Magistrates' Courts Rules 1963 and shall come into operation on 1st February 1964.

Dated 19th December 1963.

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.
(e) 1963 c. 37.

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 to take account of the coming into operation of section 27 of the Children and Young Persons Act 1963, which makes provision, in subsection (1), for the admission in evidence of written statements in lieu of the oral testimony of children in committal proceedings for sexual offences but excludes the application of the subsection where the defence objects and in certain other cases. The present Rules require the court to explain the effect of the subsection to the accused in ordinary language before a statement is received in evidence and to inform him, if the defence does not object to the application of the subsection, that he may ask questions about the circumstances in which the statement was made or taken; where the statement is admitted it is to be made an exhibit.