1964 No. 168 (L. 2)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts Rules 1964

Made - - - -	*6th February* 1964
Laid before Parliament	*12th February* 1964
Coming into Operation	*2nd March* 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 Rule 47 of the Magistrates' Courts Rules 1952(c), as amended(d), (which rule relates to transfer of fine orders) there shall be substituted the following Rule:—

"47.—(1) The clerk of a magistrates' court which has made a transfer of fine order under section 72 or 72A of the Act shall send to the clerk of the court having jurisdiction under the order a copy of the order with a statement of the offence and the steps, if any, taken to recover the sum adjudged to be paid, and with such further information as is available and is in the opinion of the first-mentioned clerk likely to assist the last-mentioned court.

(2) An additional copy of any second or subsequent transfer of fine order made under section 72 or 72A of the Act shall be sent by the clerk of the magistrates' court which made the order to the clerk of the convicting court in England and Wales or in Scotland, as the case may be.

(3) Where the clerk of a magistrates' court receives a copy of a transfer of fine order (whether made in England and Wales or in Scotland) specifying that court as the court by which payment of the sum in question is to be enforceable, he shall thereupon, if possible, deliver or send by post to the offender notice in writing in the prescribed form.

(4) If the said sum is paid, the clerk of the court on which jurisdiction is conferred by the order shall send it to the clerk of the convicting court; and if the said sum is not paid, the first-mentioned clerk shall inform the second-mentioned clerk of the manner in which the adjudication has been satisfied.

(5) Any reference in this Rule to a transfer of fine order made under section 72 or 72A of the Act shall include a reference to such an order made under that section as applied by section 72B thereof.".

2. After Form 54 in the Schedule to the Magistrates' Courts (Forms) Rules 1952(e), as amended(f), there shall be inserted the Forms numbered 54A and 54B in Schedule I to these Rules.

3. For Form 55 in the Schedule to the Magistrates' Courts (Forms) Rules 1952 there shall be substituted the Form in Schedule 2 to these Rules.

(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) S.I. 1952/2191 (1952 II, p. 1619).
(f) There is no amendment which relates to the subject matter of these Rules.

4. These Rules may be cited as the Magistrates' Courts Rules 1964 and shall come into operation on 2nd March 1964.

Dated 6th February 1964.

Dilhorne, C.

SCHEDULE 1

Rule 2

54A

Transfer of fine order to Scotland (M.C. Act 1952, s. 72A ; M.C. Rules 1952, r. 47.)

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

	£	s.	d.
Fine ...			
Compensation			
Costs ...			
Total ...			
Part Payments			
Balance ...			

A.B. (hereinafter called the defendant) was this day [*or* on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19]:

And the defendant has [paid in part payment, but has] made default in payment [of a balance of]:
[*or* And the time for payment has not yet expired:]

And it appears that the defendant is residing at (*state address*) within the jurisdiction of the court of summary jurisdiction in Scotland hereinafter mentioned:

And no term of imprisonment has been fixed in the event of a future default in paying the sum[s] in question:

A transfer of fine order is hereby made in pursuance of section 72A of the Magistrates' Courts Act 1952, transferring to the Court sitting at the enforcement of payment of the said sum[s] [*or* balance].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above-mentioned.

54B

Further transfer of fine order (M.C. Act 1952, ss. 72(3), 72A, 72B ; M.C. Rules 1952, r. 47.)

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

	£	s.	d.
Fine ...			
Compensation			
Costs ...			
Total ...			
Part Payments			
Balance ...			

A.B. (hereinafter called the defendant) was on the day of , 19 , adjudged to pay a fine of [, and for compensation,] [and for costs,] by the Magistrates' Court sitting at [*or* the Court at in Scotland]:

By virtue of a transfer of fine order dated the day of , 19 , the enforcement of payment of the said sum[s] has been transferred to a court acting for this petty sessions area:

And the defendant has [paid in part payment, but has] made default in payment [of a balance of]:

And it appears that the defendant is residing at (*state address*) in the [Petty Sessional Division] [*or* within the jurisdiction of the court of summary jurisdiction] hereinafter mentioned:

A further transfer of fine order is hereby made in pursuance of section 72(3) [*or* 72A] [as applied by section 72B] of the Magistrates' Courts Act 1952, transferring to a Magistrates' Court acting for the [Petty Sessional Division of in the county of] [*or* to the Court at in Scotland] the enforcement of payment of the said sum[s] [*or* balance].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above-mentioned.

Rule 3

SCHEDULE 2

55

Notice of transfer of fine order (*M.C. Rules* 1952, *r.* 47.)

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

To A.B., of .

	£	s.	d.
Fine ...			
Compensation			
Costs ...			
Total ...			
Part Payments			
Balance ...			

On the day of , 19 , you were adjudged by the Magistrates' Court sitting at [*or* by a court of summary jurisdiction in Scotland, namely the Court at ,] to pay the sum[s] shown in the margin hereof and you have failed to pay the said sum[s] [*or* the balance of].

You are hereby given notice that in consequence of a transfer of fine order made on the day of , 19 , the enforcement of payment of the said sum[s] [*or* balance] has become a matter for the Magistrates' Court acting for this [Petty Sessional Division].

Payment of the said sum[s] [*or* balance] should therefore be made forthwith [*or* before the day of , 19 ,] either by post to me (*insert name*), the Clerk of the Court at (*insert address*), or made personally at (*insert address and also days and hours when payment can be made*).

If you cannot pay, you should at once make an application for [further] time to be granted and the application may be made either in person to this Court at (*insert address*) or by letter addressed to me and stating fully the grounds on which the application is made.

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

NOTE—Any communication sent by post must be properly stamped. Cash should not be sent in unregistered envelopes.

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 and the Magistrates' Courts (Forms) Rules 1952 to take account of the coming into force of section 26(2) of the Criminal Justice (Scotland) Act 1963 (c. 39) which enables transfer of fine orders to be made from Scotland to England and Wales and vice versa.