EXPLANATORY MEMORANDUM TO THE

THE MAGISTRATES' COURTS WARRANTS (SPECIFICATION OF PROVISIONS) (AMENDMENT) ORDER 2004

2004 No. 1835

This explanatory memorandum is laid before Parliament by Command of Her Majesty.

Department responsible

1. Home Office.

Description

2. This Order amends the Magistrates' Courts Warrants (Specification of Provisions) Order 2000 (S.I. 200/3278) and subject to annulment in pursuance of a resolution of either House will come into force on 1st September 2004.

Matters of special interest the Joint Committee on Statutory Instruments

3. None.

Legislative Background

4. This instrument is made under section 125A(3) of the Magistrates' Courts Act 1980. That provision enables the Lord Chancellor and Secretary of State to specify, by Order, the warrants to which may be executed by civilian enforcement officers and approved enforcement agencies apply. The Magistrates' Courts Warrants (Specification of Provisions) Order 2000 specified certain provisions and this instrument extends the list of provisions.

Extent

5. The instrument applies to England and Wales.

European Convention on Human Rights

6. In the view of the Parliamentary Under Secretary of State for the Home Department, Paul Goggins, the provisions of the Magistrates' Courts Warrants (Specification of Provisions) (Amendment) Order 2004 are compatible with the Convention Rights.

Policy background

7. Section 125A of the Magistrates' Courts Act 1980 permits police authorities, local authorities, and courts to use civilian enforcement officers and approved enforcement agencies to execute warrants. This power applies to warrants, specified by Order made by the Lord Chancellor and Secretary of State.

8. This instrument amends the existing Order, the Magistrates' Courts Warrants (Specification of Provisions) Order 2000, to widen the application of such powers to other warrants. Warrants covered in that Order are mainly those for which the Courts are responsible.

9. This change was instigated by joint efforts of criminal justice agencies to improve the enforcement of crime warrants. There have been particular problems with the enforcement of failure to appear bench warrants and a huge number of these are outstanding. This has a direct impact on the ability of courts to conduct effective trials.

10. This amendment would broaden the capacity of police forces to enforce warrants more effectively.

Impact

11. A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. It is expected that the amendments would help improve the efficiency of police operations.

Contact

12. Further information on this instrument can be obtained from:

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