STATUTORY INSTRUMENTS

2000 No. 1875

MAGISTRATES' COURTS PROCEDURE

The Maintenance Orders (Facilities for Enforcement) (Amendment) Rules 2000

Made - - - - - *14th July 2000*

Laid before Parliament *18th July 2000*

Coming into force in accordance with rule 1

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(**a**) after consultation with the Rule Committee appointed under that section, hereby makes the following Rules—

1. These Rules may be cited as the Maintenance Orders (Facilities for Enforcement) (Amendment) Rules 2000 and shall come into force on the day on which section 78 of the Access to Justice Act 1999(**b**) comes into force.

2. In rule 1 of the Maintenance Orders (Facilities for Enforcement) Rules 1992(**c**) for sub-paragraphs (a) to (d) there shall be substituted the words "to a justices' clerk acting for the petty sessions area in which the defendant is alleged to be living".

14th July 2000 *Irvine of Lairg, C.*

(**a**) 1980 c. 43; section 144 is extended by section 145 and amended by section 78 of, and paragraph 29 of Schedule 11 to, the Access to Justice Act 1999 (c. 22).

(**b**) 1999 c. 22. Section 78 comes into force on such day as the Lord Chancellor appoints under section 108(1) and substitutes for sections 11 to 20 of the Justices of the Peace Act 1997 (c. 25) which provide for stipendiary magistrates and metropolitan stipendiary magistrates new sections 10A to 10E which provide for District Judges (Magistrates' Courts) in place of them; paragraph 22 of Schedule 14 provides for any person who is a stipendiary magistrate or metropolitan stipendiary magistrate immediately before the time section 78 comes into force to be treated (unless he would be required by reason of his age to vacate his office) as having been appointed to be a District Judge (Magistrates' Courts) at that time.

(**c**) S.R. & O. 1922/1355 having effect as if made under section 144 of the Magistrates' Courts Act 1980 by virtue of section 145(5) of that Act, amended by instruments not relevant to these rules and modified by S.I. 1992/709.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules amend the Maintenance Orders (Facilities for Enforcement) Rules 1922 (S.R. & O. 1922/1355) to take account of the coming into force of sections 74 and 75 of the Access to Justice Act 1999 (No. 22) which modify the territorial organisation of magistrates and magistrates' courts and section 78 of, and Schedule 11 to, that Act which unify and rename the stipendiary bench.

ISBN 0-11-099613-5

9 780110 996134

£1.00

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under the authority and superintendence of Carol Tullo, Controller of
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E1362 7/2000 531476 19585