

**Magistrates' Courts Rules 1981**  
**SI 1981 No 552 (as amended)**

*This text is up to date to April 2024.*

*General*

**1 Citation, operation and revocations**

- (1) These Rules may be cited as the Magistrates' Courts Rules 1981 and shall come into operation on 6th July 1981.
- (2) The Rules mentioned in the Schedule to these Rules are hereby revoked; but where proceedings were commenced before 6th July 1981 and the old enactments within the meaning of paragraphs 1 and 2(2) of Schedule 8 to the Magistrates' Courts Act 1980 continue to apply by virtue of paragraph 2(1) of the said Schedule 8, the provisions of the Rules so mentioned continue to apply and nothing in these Rules affects those provisions.

**2 Interpretation**

- (1) In these Rules—

... “the Act of 1980” means the Magistrates' Courts Act 1980;

“the Act of 2000” means the Powers of Criminal Courts (Sentencing) Act 2000;

“the Act of 1998” means the Crime and Disorder Act 1998;

“justices' legal adviser” means a person nominated by the Lord Chancellor who is authorised to exercise functions under section 28(1) of the Courts Act 2003;

“business day” means any day other than—

(a) a Saturday, Sunday, Christmas Day or Good Friday; or

(b) a bank holiday under the Banking and Financial Dealings Act 1971, in England and Wales;

“child” means a person who has not attained the age of 18;

“court computer system” means a computer or computer system which is used to assist to discharge and record the business of the court;

“domestic abuse protection notice” has the same meaning as in section 22 of the Domestic Abuse Act 2021 (power to give a domestic abuse protection notice);

“domestic abuse protection order” has the same meaning as in section 27 of the Domestic Abuse Act 2021 (meaning of “domestic abuse protection order”);

“electronic signature” is as much of anything in electronic form as

(a) is incorporated into or otherwise logically associated with any electronic communication or electronic data; and

(b) purports to be so incorporated or associated for the purpose of being used in establishing the authenticity of the communication or data, the integrity of the communication or data, or both;

“judgment summons” has the meaning assigned to it by rule 58;

“live link” means an arrangement by which—

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- (a) a person (P) taking part in proceedings can hear, or can see and hear, every other person taking part in those proceedings who is not in the same location as P; and
- (b) all those other people can hear, or can see and hear, P;

“the Schedule 12 procedure” means the procedure in Schedule 12 to the Tribunals, Courts and Enforcement Act 2007 (taking control of goods and selling them to recover a sum of money).

- (2) In these Rules “representation order” has the meaning assigned to it by section 14 of the Access to Justice Act 1999.
- (3) . . .
- (4) In these Rules a reference to “the authorised persons for the area in which they are employed” is a reference to the persons employed by an authority which performs its functions within that area who are authorised to execute warrants within that area in pursuance of rule 3 of the Magistrates' Courts (Civilian Fine Enforcement Officers) (No 2) Rules 1990.
- (5) Any requirement in these Rules that a document shall be in the prescribed form shall be construed as a requirement that the document shall be in the form prescribed in that behalf by rules made under section 144 of the Act of 1980, or a form to like effect.
- (6) In these Rules any reference to a rule shall be construed as a reference to a rule contained in these Rules; and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.
- (7) Subject to rules 15 and 99, where these Rules require a document to be given or sent, or a notice to be communicated in writing, it may, with the consent of the addressee, be sent by electronic communication.
- (8) Electronic communication means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa)—
  - (a) by means of a telecommunication system (within the meaning of the Telecommunications Act 1984); or
  - (b) by other means but while in an electronic form.

### **3 Duties of justices’ legal advisers**

- (1) This rule applies in relation to a magistrates’ court, including a youth court, that comprises a lay justice or lay justices.
- (2) A justices’ legal adviser—
  - (a) must provide the court with any legal advice that it needs to carry out its functions, whether the court asks for that advice or not, including advice about—
    - (i) questions of law,
    - (ii) questions of mixed law and fact,
    - (iii) matters of practice and procedure,
    - (iv) relevant judicial decisions that bind the court,
    - (v) the process to be followed to reach a decision,
    - (vi) the process to be followed when determining a matter,
    - (vii) the range of orders available to the court and the matters to be taken into account, and
    - (viii) any other matter relevant to the case before the court;
  - (b) must allow the parties, if present, an opportunity to make representations to the court about that advice;
  - (c) before a hearing begins must draw the court’s attention to, as appropriate—

- (i) the substance of any application about to be made, including the test (if any) which must be applied and the burden and standard of proof,
  - (ii) what the parties say is agreed,
  - (iii) what the parties say is in dispute, and
  - (iv) what the parties say about how each expects to present the case, especially where that may affect its duration and timetabling;
- (d) must assist the court by making a note of the substance of any oral evidence or representations, to help the court recall that information;
- (e) may ask questions of a party or witness on the court's behalf to clarify representations and evidence and to obtain information sufficient to allow the court to make such decisions as are required;
- (f) must assist the court with the formulation and recording of reasons for its orders and, if necessary, other decisions; and
- (g) may make announcements on the court's behalf, other than an announcement of an order or finding of fact.
- (3) To provide the legal advice required by paragraph (2)(a) a justices' legal adviser must—
- (a) if necessary, attend the members of the court outside the courtroom; and
  - (b) in that event, inform the parties, if present, of any such advice given there.
- (4) A justices' legal adviser must assist a party who has no legal representative—
- (a) to understand what the court requires and why;
  - (b) to provide information required by the court to prepare for a hearing or to carry out its other functions; and
  - (c) if necessary, to make representations to the court or to give evidence.
- (5) In performing the functions for which these Rules provide a justices' legal adviser—
- (a) must avoid the appearance of advocacy for a party;
  - (b) must adhere to the same principles that apply to courts of independence, impartiality, integrity, propriety, competence, diligence and ensuring fair treatment; and
  - (c) may consult with other justices' legal advisers.

### **3A Case management**

- (1) The court must actively manage the case. That includes—
- (a) the early identification of the real issues;
  - (b) the early identification of the needs of witnesses;
  - (c) achieving certainty as to what must be done, by whom and when, in particular by the early setting of a timetable for the progress of the case;
  - (d) monitoring the progress of the case and compliance with directions;
  - (e) ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
  - (f) discouraging delay, dealing with as many aspects of the case as possible on the same occasion and avoiding unnecessary hearings;
  - (g) encouraging the participants to co-operate in the progression of the case; and

- (h) making use of technology, including live links.
- (2) The court must actively manage the case by giving any direction appropriate to the needs of that case as early as possible.
- (3) Each party must—
  - (a) actively assist the court in managing the case without, or if necessary with, a direction; and
  - (b) apply for a direction if needed to assist with the management of the case.
- (4) At the beginning of the case each party must, unless the court otherwise directs—
  - (a) nominate an individual responsible for progressing that case; and
  - (b) tell other parties and the court who he is and how to contact him.
- (5) In fulfilling its duty under paragraphs (1) and (2), the court must where appropriate—
  - (a) nominate a court officer responsible for progressing the case; and
  - (b) make sure the parties know who he is and how to contact him.
- (6) In this rule a person nominated under paragraphs (4) and (5) is called a case progression officer. A case progression officer must—
  - (a) monitor compliance with directions;
  - (b) make sure that the court is kept informed of events that may affect the progress of that case;
  - (c) make sure that he can be contacted promptly about the case during ordinary business hours;
  - (d) act promptly and reasonably in response to communications about the case; and
  - (e) if he will be unavailable, appoint a substitute to fulfil his duties and inform the other case progression officers
- (7) In fulfilling its duty under paragraph (2) actively to manage the case the court may give any direction and take any step unless that direction or step would be inconsistent with legislation, including these Rules. In particular, the court may—
  - (a) nominate a magistrate, justices' clerk or assistant to a justices' clerk to manage the case;
  - (b) give a direction on its own initiative or on application by a party;
  - (c) ask or allow a party to propose a direction;
  - (d) for the purpose of giving directions, receive applications and representations by letter, by telephone or by any other means of electronic communication, and conduct a hearing by such means;
  - (e) give a direction without a hearing;
  - (f) fix, postpone, bring forward, extend or cancel a hearing;
  - (g) shorten or extend (even after it has expired) a time limit fixed by a direction;
  - (h) require that issues in the case should be determined separately, and decide in what order they will be determined; and
  - (i) specify the consequences of failing to comply with a direction.
- (8) Any power to give a direction under this rule includes a power to vary or revoke that direction.
- (9) A party may apply to vary a direction if—
  - (a) the court gave it without a hearing;
  - (b) the court gave it at a hearing in that party's absence; or

- (c) circumstances have changed.
- (10) A party who applies to vary a direction must—
  - (a) apply as soon as practicable after becoming aware of the grounds for doing so; and
  - (b) give as much notice to the other parties as the nature and urgency of the application permits.
- (11) The parties may agree to vary a time limit fixed by a direction, but only if—
  - (a) the variation will not—
    - (i) affect the date of any hearing that has been fixed, or
    - (ii) significantly affect the progress of the case in any other way; and
  - (b) the court has not prohibited variation by agreement.
- (12) The court's case progression officer must refer any agreement by the parties to vary a time limit under paragraph (11) to the court if he doubts the condition in paragraph (11) is satisfied.
- (13) At every hearing, if a case cannot be concluded there and then the court must give directions so that it can be concluded at the next hearing or as soon as possible after that.
- (14) At every hearing the court must, where relevant—
  - (a) if a party is absent, decide whether to proceed nonetheless;
  - (b) set, follow or revise a timetable for the progress of the case, which may include a timetable for any hearing;
  - (c) in giving directions, ensure continuity in relation to the court and to the parties' representatives where that is appropriate and practicable; and
  - (d) where a direction has not been complied with, find out why, identify who was responsible, and take appropriate action.
- (15) In fulfilling his duty under paragraph (3) actively to assist the court in managing the case, each party must—
  - (a) comply with directions given by the court;
  - (b) take every reasonable step to make sure that that party's witnesses will attend when they are needed;
  - (c) make appropriate arrangements to present any written or other material; and
  - (d) promptly inform the court and the other parties of anything that may—
    - (i) affect the date or duration of any hearing, or
    - (ii) significantly affect the progress of the case in any other way.
- (16) The court may require a party to give a certificate of readiness.
- (17) In order to manage the case—
  - (a) the court must establish, with the active assistance of the parties, what disputed issues they intend to explore; and
  - (b) the court may require a party to identify—
    - (i) which witnesses will give oral evidence,
    - (ii) the order in which those witnesses will give their evidence;
    - (iii) whether that party requires an order compelling the attendance of a witness;
    - (iv) what arrangements are desirable to facilitate the giving of evidence by a witness;

- (v) what arrangements are desirable to facilitate the participation of any other person;
  - (vi) what written evidence that party intends to introduce;
  - (vii) what other material, if any, that party intends to make available to the court in the presentation of the case;
  - (viii) whether that party intends to raise any point of law that could affect the conduct of the case; and
  - (ix) what timetable that party proposes and expects to follow.
- (18) The court must make available to the parties a record of directions given.

### **3B Live links**

- (1) The court may exercise its power to allow or require anyone, including any member or members of the court, to take part in proceedings by live link—
- (a) on application or on the court’s own initiative; and
  - (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.
- (2) Unless the court otherwise directs—
- (a) a person who takes part in proceedings by live link must be treated as present; and
  - (b) where a member of the court takes part in proceedings by live link those proceedings must be treated as taking place—
    - (i) at any place at which the court lawfully can sit in England and Wales, and
    - (ii) at any such place as the designated officer advertises under rule 66E(2)(a).

### **3C Measures to help a witness to give evidence**

- (1) The court may exercise its power to facilitate the giving of evidence by a witness—
- (a) on application or on the court’s own initiative; and
  - (b) as long as the court is satisfied that it is in the interests of justice to exercise that power in that way.
- (2) An applicant for the exercise of that power must explain which one or more of the following arrangements the applicant suggests—
- (a) by means of a screen or other arrangement preventing the witness from seeing, or being seen by, another person except—
    - (i) any member of the court,
    - (ii) any legal representative acting in the proceedings, and
    - (iii) any interpreter or other person appointed to assist the witness;
  - (b) by means of a device allowing questions and answers to be communicated to or by the witness despite any disability, disorder or other impairment;
  - (c) allowing the witness to be accompanied, with directions about seating arrangements for the companion; and
  - (d) any other arrangement that the applicant thinks would be desirable to facilitate the giving of evidence by the witness and which the court has power to direct, including any special measure that the court can direct by reason of section 49 of the Domestic Abuse Act 2021.

### **3D Forms and electronic arrangements for use in case management and for other purposes**

- (1) This rule applies where an enactment, a rule or the court requires a person to—
  - (a) make an application or a complaint, or give a notice;
  - (b) supply information for the purposes of case management by the court; or
  - (c) supply information needed for other purposes by the court.
- (2) Unless the court otherwise directs, such a person must—
  - (a) use such electronic arrangements as the designated officer may make for that purpose, in accordance with those arrangements; or
  - (b) if no such arrangements have been made use the appropriate form issued by the Lord Chief Justice, in accordance with any relevant rule and any instructions in the form itself.

#### *Information and complaint*

#### **4 Information and complaint**

- (1) An information may be laid or complaint made by the prosecutor or complainant in person or by his counsel or solicitor or other person authorised in that behalf.
- (2) Subject to any provision of the Act of 1980 and any other enactment, an information or complaint need not be in writing or on oath.
- (3) It shall not be necessary in an information or complaint to specify or negative an exception, exemption, proviso, excuse or qualification, whether or not it accompanies the description of the offence or matter of complaint contained in the enactment creating the offence or on which the complaint is founded.

#### **4A Documents served on the designated officer**

- (1) Unless the court otherwise directs, the designated officer may—
  - (a) keep a document served in connection with an information, complaint or application; or
  - (b) arrange for the whole or any part to be kept by the informant, complainant, applicant or some other appropriate person, subject to any conditions that the court may impose.
- (2) A person who under such arrangements keeps such a document must provide it for the court if and when the designated officer so requires.

#### *Proceedings Preliminary to Trial on Indictment*

**5 – 13A ...**

Revoked by SI 2021/626, r 2(12).

#### *Summary Trial of Information and Hearing of Complaint*

#### **14 Order of evidence and speeches: complaint**

- (1) On the hearing of a complaint, except where the court determines under section 53(3) of the Act of 1980 to make the order with the consent of the defendant without hearing evidence, the complainant shall call his evidence, and before doing so may address the court.
- (2) At the conclusion of the evidence for the complainant the defendant may address the court, whether or not he afterwards calls evidence.
- (3) At the conclusion of the evidence, if any, for the defence, the complainant may call evidence to rebut that evidence.
- (4) At the conclusion of the evidence for the defence and the evidence, if any, in rebuttal, the defendant may address the court if he has not already done so.

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(5) Either party may, with the leave of the court, address the court a second time, but where the court grants leave to one party it shall not refuse leave to the other.

(6) Where the defendant obtains leave to address the court for a second time his second address shall be made before the second address, if any, of the complainant.

**15 ...**

Revoked by SI 2021/626, r 2(12).

## **16 Record of Adjudication**

(1) A record of summary conviction or order made on complaint required for an appeal or other legal purpose may be in the form of certified extract from the court register.

(2) Revoked by SI 2003/1236, rr 9, 16(3).

### *Domestic Abuse Protection Orders*

## **17 Application for order after giving domestic abuse protection notice**

(1) On an application for a domestic abuse protection order made as a result of a person being given a domestic abuse protection notice—

- (a) the court must treat the application as a complaint and the applicant as a complainant;
- (b) the person given the notice must be treated as a defendant; and
- (c) the domestic abuse protection notice must be treated as a summons.

(2) The application must include a statement of the time and date when the domestic abuse protection notice was given to the defendant.

## **18 Notice of proposed terms of order**

On an application for a domestic abuse protection order the applicant must—

- (a) serve a notice that specifies the requirements (including any prohibitions or restrictions) which the applicant proposes as necessary to protect the person for whose protection the order is made from domestic abuse or the risk of domestic abuse, including different kinds of abusive behaviour; and
- (b) serve that notice on the defendant and on the designated officer—
  - (i) as soon as reasonably practicable, and
  - (ii) in any event, no later than the beginning of the hearing.

## **19 Service of order**

Unless the court otherwise directs—

- (a) a domestic abuse protection order must be served on the defendant; and
- (b) service must be effected—
  - (i) by a constable or by an employee of a police authority, and
  - (ii) by handing a copy of the order to the defendant in person.

## **20 Representations after application without notice**

(1) This rule applies where the court makes a domestic abuse protection order—

- (a) otherwise than as a result of a person being given a domestic abuse protection notice; and



- (b) without notice to the defendant.
- (2) The court must arrange a hearing at which the defendant may make representations to the court.
- (3) Notice of the hearing—
  - (a) must be given to the applicant for the order; and
  - (b) must be served on the defendant with the order.
- (4) If the defendant makes representations at the hearing—
  - (a) the court must treat such representations as a complaint;
  - (b) the court may exercise its powers to vary or discharge the domestic abuse protection order; and
  - (c) rule 21 (application to vary or discharge order) does not apply.

## **21 Application to vary or discharge order**

- (1) This rule applies on an application under section 44 of the Domestic Abuse Act 2021 (variation and discharge of orders) to vary or discharge a domestic abuse protection order.
- (2) A person who applies under this rule must—
  - (a) apply as soon as practicable after becoming aware of the grounds for doing so, explaining—
    - (i) why the order should be varied or discharged, and
    - (ii) what, if any, material circumstances have changed since the court made the order or last determined an application to vary or discharge it;
  - (b) where the application is a second or subsequent application by the applicant in respect of the same order—
    - (i) give details of each previous application, and
    - (ii) if the applicant wants the court to decide the application at a hearing, explain why; and
  - (c) serve the application on—
    - (i) the designated officer, and
    - (ii) at least one relevant chief officer of police within the meaning of section 44 of the Domestic Abuse Act 2021, unless the person applying under this rule is such a chief officer.
- (3) Unless the court otherwise directs—
  - (a) a relevant chief officer of police who applies under this rule must in addition to serving the application under paragraph (2)(c)(i) serve it on—
    - (i) the person against whom the domestic abuse protection order was made,
    - (ii) the person for whose protection the domestic abuse protection order was made, and
    - (iii) if the person for whose protection the domestic abuse protection order was made is under 18, a parent or guardian of that person who is not the person against whom that order was made; and
  - (b) a relevant chief officer of police on whom an application under this rule is served must serve the application on each person listed in paragraph (3)(a) who is not the applicant.
- (4) An application under this rule must be served as if it were a summons.
- (5) The designated officer must give notice of any hearing to—
  - (a) the applicant; and
  - (b) each relevant chief officer of police on whom the application is served.

(6) Unless the court otherwise directs, a relevant chief officer of police must serve notice of any hearing on each person on whom that officer serves the application.

## **22 Notice to responsible person of requirement for supervision or monitoring**

(1) This rule applies where a domestic abuse protection order imposes on the defendant—

(a) a requirement to do something that specifies a person to be responsible for supervising compliance with that requirement, under section 36 of the Domestic Abuse Act 2021 (further provision about requirements that may be imposed by orders); or

(b) an electronic monitoring requirement, under section 37 of that Act (further provision about electronic monitoring requirements).

(2) The designated officer must—

(a) notify the person to be responsible for the supervision or monitoring that the order has been made and provide that person with—

(i) the defendant's name, address and, if available, telephone number,

(ii) details of the requirement to be supervised or monitored,

(iii) the duration of the order, and

(iv) if applicable, details of the place at which the defendant's presence must be monitored and the period or periods during which the defendant's presence at that place must be monitored;

(b) inform the defendant of the responsible person's identity and the means by which that person may be contacted; and

(c) notify the responsible person of any subsequent variation or discharge of the requirement.

## **23 Exclusion of requirement for notice of hearsay evidence**

Section 2(1) of the Civil Evidence Act 1995 (notice of proposal to adduce hearsay evidence) does not apply on an application for a domestic abuse protection order under section 28 of the Domestic Abuse Act 2021 (domestic abuse protection orders on application).

### **24 – 32 ...**

Revoked by SI 2021/626, r 2(12).

### **33 ...**

Revoked by SI 1997/706, r 12.

### *Appeal to Magistrates' Court*

## **34 Appeal or application to be by complaint**

Where under any enactment an appeal or application lies to a magistrates' court against or in respect of the decision, order, act or omission of a local authority or other authority, or other body or person, the appeal or application shall be by way of complaint for an order.

### **35 – 38**

Revoked by SI 2014/879, arts 15, 17.

### *Orders for Periodical Payments*

## **39 Method of making periodical payments**

(1) Where a magistrates' court makes a means of payment order, the designated officer for the court shall record on the order for periodical payments to which the means of payment order relates, the means of payment

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which the court has ordered and the designated officer shall notify in writing, as soon as practicable, the person liable to make payments under the order of how payments are to be made.

(2) Where the court orders that payments by the debtor to the creditor are to be made to the designated officer for the court or to the designated officer for any other magistrates' court under section 59(3)(b) of the Act of 1980, the designated officer to whom the payments are ordered to be made shall notify the person liable to make the payments of the hours during which, and the place at which, payments are to be made.

(3) The designated officer for the court to whom any periodical payments are made shall send them by post to—

- (a) the person entitled to them; or
- (b) if the person entitled to them is a child, to the child or to the person with whom the child has his home:

Provided that the designated officer may—

- (a) at the request of the person entitled to the payments; or
- (b) if the person entitled to them is a child, at the request of the child or the person with whom the child has his home,

make other arrangements for making the payments.

(4) If a person makes any periodical payments to the designated officer for a magistrates' court otherwise than in person at the office of the designated officer, he shall do so at his own risk and expense.

(5) Where the court orders that payments by the debtor to the creditor be made by a method of payment falling within section 59(6) of the Act of 1980 (standing order, etc), the designated officer for the court shall notify the person liable to make payments under the order of the number and location of the account into which the payments should be made.

(6) . . .

(7) In this rule “means of payment order” means an order of a magistrates' court under paragraphs (a) to (d) of section 59(3) of the Act of 1980.

**40 . . .**

Revoked by SI 2003/1236, rr 9, 28.

**41 . . .**

Revoked by SI 2014/879, arts 15, 17.

**43 . . .**

Revoked by SI 2014/879, arts 15, 17.

**44 . . .**

Revoked by SI 2014/879, arts 15, 17.

**45 . . .**

Revoked by SI 2014/879, arts 15, 17.

### *Satisfaction, Enforcement and Application of Payments*

#### **46 Notice to defendant of fine or forfeited recognizance**

(1) Where under section 140(1) of the Act of 2000, section 49 of the Criminal Justice Act 1967 or section 19(5) of the Coroners Act 1887 a magistrates' court is required to enforce payment of a fine imposed or recognizance forfeited by the Crown Court or by a coroner or where a magistrates' court allows time for payment of

a sum adjudged to be paid by a summary conviction, or directs that the sum be paid by instalments, or where the offender is absent when a sum is adjudged to be paid by a summary conviction, the designated officer for the court shall serve on the offender notice in writing stating the amount of the sum and, if it is to be paid by instalments, the amount of the instalments, the date on which the sum, or each of the instalments, is to be paid and the places and times at which payment may be made; and a warrant of control or commitment shall not be issued until the preceding provisions of this rule have been complied with.

(2) A notice under this rule shall be served by delivering it to the offender or by sending it to him by post in a letter addressed to him at his last known or usual place of abode.

#### **47 Registration and notification of financial penalty enforcement order**

(1) The designated officer for a magistrates' court receiving a financial penalty enforcement order made by the Defence Council or an officer authorised by them shall cause the said order to be registered in his court by means of a memorandum entered in the register kept pursuant to rule 66 and signed by him and shall send notice in writing to the Defence Council or the authorised officer, as appropriate, stating that the order has been so registered.

(2) Where a financial penalty enforcement order has been registered in accordance with the provisions of paragraph (1), the designated officer shall forthwith serve on the person against whom the order was made a notice of registration in the prescribed form.

(3) A notice required by paragraph (2) shall be served on the person by delivering it to him or by sending it by post addressed to him at the address shown on the financial penalty enforcement order.

(4) In this rule "financial penalty enforcement order" means an order made under section 322 of the Armed Forces Act 2006.

#### **48 To whom payments are to be made**

(1) Revoked by SI 2021/626, r 2(12).

(2) Where payment of any sum or instalment of any sum adjudged to be paid by the conviction or order of a magistrates' court is made to any person other than the designated officer for the court, that person, unless he is the person to whom the court has directed payment to be made or, in the case of a child, is the person with whom the child has his home, shall, as soon as may be, account for and, if the designated officer so requires, pay over the sum or instalment to the designated officer for the court.

(3) Where payment of any sum adjudged to be paid by the conviction or order of a magistrates' court, or any instalment of such a sum, is directed to be made to the designated officer for some other magistrates' court, the designated officer for the court that adjudged the sum to be paid shall pay over any sums received by him on account of the said sum or instalment to the designated officer for that other court.

#### **49 Duty of designated officer to give receipt**

The designated officer for a magistrates' court shall give or send a receipt to any person who makes a payment to him in pursuance of a conviction or order of a magistrates' court and who asks for a receipt.

#### **51 – 52A ...**

Revoked by SI 2021/626, r 2(12).

#### **52 Notice of date of hearing of means inquiry, etc**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

#### **52A Review of terms of postponement of warrant of commitment**

*Omitted as referring only to criminal proceedings and superseded by the Criminal Procedure Rules*

### **53 Notice to defendant before enforcing order**

(1) A warrant of control shall not be issued for failure to pay a sum enforceable as a civil debt unless the defendant has been previously served with a copy of the minute of the order, or the order was made in his presence and the warrant is issued on that occasion.

(2) A warrant of commitment shall not be issued for disobedience to an order of a magistrates' court unless the defendant has been previously served with a copy of the minute of the order, or the order was made in his presence and the warrant is issued on that occasion:

Provided that this paragraph shall not apply to—

- (a) an order to pay money; or
- (b) an expedited order under section 16(2) and (6) of the Act of 1978.

(3) A copy of the minute of the order shall be served under this rule by delivering it to the defendant or by sending it to him by post in a letter addressed to him at his last known or usual place of abode.

(4) In relation to an order under section 16 of the Act of 1978 (other than an expedited order under subsections (2) and (6) of that section) paragraphs (2) and (3) shall have effect as if for the references to a copy of a minute of the order there were substituted references to a copy of the order.

### **54 Execution of distress warrant**

(1) A warrant of control issued for the purpose of levying a sum adjudged to be paid by a summary conviction or order—

- (a) shall name or otherwise describe the debtor;
- (b) shall be directed to the constables of the police area in which the warrant is issued or to the civilian enforcement officers for the area in which they are employed, or to a person named in the warrant and shall, subject to, and in accordance with, the provisions of this rule, require them to recover the said sum from the debtor by way of the Schedule 12 procedure;
- (c) may where it is directed to the constables of a police area, instead of being executed by any of those constables, be executed by any person under the direction of a constable.

(2) The warrant shall authorise the person charged with the execution of it to take as well any money as any goods of the debtor; and any money so taken shall be treated as if it were the proceeds of the sale of goods taken under the warrant.

(3) The warrant shall require the person charged with the execution to pay the debt to the designated officer for the court that issued the warrant.

(3A) A warrant to which this rule applies may be executed by the persons to whom it was directed or by any of the following persons, whether or not the warrant was directed to them—

- (a) a constable for any police area in England and Wales, acting in his own police area;
- (b) where the warrant is one to which section 125A of the Act of 1980 applies, a civilian enforcement officer within the meaning of section 125A of the Act of 1980;
- (c) where the warrant is one to which section 125A of the Act of 1980 applies, any of the individuals described in section 125B(1) of the Act of 1980;

and in this rule any reference to the person charged with the execution of a warrant includes any of the above persons who is for the time being authorised to execute the warrant, whether or not they have the warrant in their possession at the time.

(3B) A person executing a warrant of control shall—

- (a) either—

- (i) if he has the warrant with him, show it to the debtor, or
- (ii) otherwise, state where the warrant is and what arrangements may be made to allow the debtor to inspect it;
- (b) explain, in ordinary language, the debt and the reason for the use of the Schedule 12 procedure;
- (c) where the person executing the warrant is one of the persons referred to in paragraph (3A)(b) or (c) above, show the debtor a written statement under section 125A(4) of 125B(4) as appropriate; and
- (d) in any case, show documentary proof of his identity.

**55 Payment after imprisonment imposed**

- (1) The persons authorised for the purposes of section 79(2) of the Act of 1980 to receive a part payment are—
  - (a) unless there has been issued a warrant of control or commitment, the designated officer for the court enforcing payment of the sum, or any person appointed under section 88 of that Act to supervise the offender;
  - (b) where the issue of a warrant of commitment has been suspended on conditions which provide for payment to be made to the designated officer for some other magistrates' court, that designated officer;
  - (c) any constable holding a warrant of control or commitment or, where the warrant is directed to some other person, that person;
  - (d) the governor or keeper of the prison or place in which the defaulter is detained, or other person having lawful custody of the defaulter:

Provided that—

- (i) the said governor or keeper shall not be required to accept any sum tendered in part payment under the said subsection (2) except on a week-day between 9 o'clock in the morning and 5 o'clock in the afternoon; and
- (ii) no person shall be required to receive in part payment under the said subsection (2) an amount which, or so much of an amount as, will not procure a reduction of the period for which the defaulter is committed or ordered to be detained.
- (2) Where a person having custody of a defaulter receives payment of any sum he shall note receipt of the sum on the warrant of commitment.
- (3) Where the designated officer for a court other than the court enforcing payment of the sums receives payment of any sum he shall inform the designated officer for the other court.
- (4) Where a person appointed under section 88 of the Act of 1980 to supervise an offender receives payment of any sum, he shall send it forthwith to the designated officer for the court which appointed him.

**56 – 57A ...**

Revoked by SI 2021/626, r 2(12).

**58 Civil debt: judgment summons**

- (1) A summons issued on a complaint made for the purposes of section 96 of the Act of 1980 (in these rules referred to as a “judgment summons”) shall be served on the judgment debtor personally:

Provided that if a justice of the peace is satisfied by evidence on oath that prompt personal service of the summons is impracticable, he may allow the summons to be served in such a way as he may think just.

- (2) Unless the judgment debtor appears and consents to an immediate hearing, the court shall not hear the complaint unless the summons was served at least 3 clear days before the hearing.

(3) Service of a judgment summons outside the local justice area in which the justice issuing the summons acted may, without prejudice to any other provision of these rules enabling service of a summons to be proved, be proved by affidavit.

**59 . . .**

Revoked by SI 2014/879, arts 15, 19.

**59A . . .**

Revoked by SI 2014/879, arts 15, 19.

**59B . . .**

Revoked by SI 2014/879, arts 15, 19.

**60 Enforcement where periodical payments made under more than one order**

(1) Where periodical payments are required to be made to any person by another person under more than one periodical payments order, proceedings for the recovery of the payments may be brought by way of one complaint. Any such complaint shall indicate the payments due under each order referred to in the complaint.

(2) . . .

(3) For the purposes of calculating the apportionment of any sum under paragraph (2)—

(a) a month shall be treated as consisting of 4 weeks; and

(b) a year shall be treated as consisting of 52 weeks.

**60A Applications under regulation 7(2)(b) of the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020**

(1) In this Rule the “2020 Regulations” means the Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020.

(2) Where the permission of a magistrates’ court is sought for the purposes of regulation 7(2)(b) (effect of moratorium) of the 2020 Regulations, an application must be made by complaint in writing and Part II of the Magistrates’ Courts Act 1980 applies accordingly, with the exception of paragraphs (2) to (8) of section 55 (non-appearance of defendant).

(3) The complainant must serve on the debt advice provider named in the notification provided for the purposes of regulation 4(3) (debt advice provider fees and referrals) of the 2020 Regulations a copy of the summons that is issued to the debtor following a complaint under paragraph (1).

**61 . . .**

Revoked by SI 2014/879, arts 15, 19.

**62 . . .**

Revoked by SI 2014/879, arts 15, 19.

**63 . . .**

Revoked by SI 2021/626, r 2(12).

**64 Directions that money found on defaulter shall not be applied in satisfaction of debt**

Where the defaulter is committed to, or ordered to be detained in, a prison or other place of detention, any direction given under section 80(2) of the Act of 1980 shall be endorsed on the warrant of commitment.

**65 ...**

Revoked by SI 2021/626, r 2(12).

### *Register*

#### **66 Register in civil proceedings**

- (1) The designated officer for every magistrates' court shall keep a register in which there shall be entered—
  - (a) a minute or memorandum of every adjudication of the court;
  - (b) a minute or memorandum of every other proceeding or thing required by these rules or any other enactment to be so entered.
- (2) The register may be stored in electronic form on the court computer system and entries in the register shall include, where relevant, the following particulars—
  - (a) the name of the informant, complainant or applicant;
  - (b) the name and date of birth (if known) of the defendant or respondent;
  - (c) the nature of offence, matter of complaint or details of the application;
  - (d) the date of offence or matter of complaint;
  - (e) the plea or consent to order; and
  - (f) the minute of adjudication.
- (3) Where an entry in the register appears to be incorrect the designated officer must correct it if—
  - (a) the parties agree on the terms of the correction; or
  - (b) the court or a justices' legal adviser so directs.
- (3A) – (7) Revoked by SI 2024/254, r 2(9)(c).
- (8) Where a court has power under section 53(3) of the Act of 1980 to make an order with the consent of the defendant without hearing evidence, the court shall cause any consent of the defendant to the making of the order to be entered in the register.
- (9) – (10B) Revoked by SI 2024/254, r 2(9)(c).
- (11) & (11A) Revoked by SI 2003/1236, rr 9, 32(4).
- (12) Revoked by SI 2021/626, r 2(7).

#### **66A The open justice principle**

- (1) Where rules 66B, 66C, 66D and 66E apply, the designated officer and the court must have regard to the importance of—
  - (a) dealing with cases in public;
  - (b) allowing a public hearing to be reported to the public; and
  - (c) the rights of a person affected by a direction or order made, or warrant issued, by the court to understand why that decision was made.
- (2) In rules 66D and 66E this requirement is called 'the open justice principle'.

#### **66B Request for information about a case**

- (1) This rule applies where anyone, including a member of the public or a reporter, requests information about a case.



- (2) A person requesting information must—
- (a) ask the designated officer;
  - (b) specify the information requested; and
  - (c) pay any fee prescribed.
- (3) The request—
- (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the designated officer to supply that information; but
  - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the designated officer must supply to the person making the request—
- (a) the date of a hearing in public;
  - (b) in general terms, the subject of the proceedings;
  - (c) the court’s decision at a hearing in public;
  - (d) whether the case is under appeal;
  - (e) the identity of—
    - (i) the parties,
    - (ii) the parties’ representatives, including their addresses, and
    - (iii) the judge, magistrate or magistrates, or justices’ legal adviser by whom a decision at a hearing in public was made;
  - (f) such other information about the case as is required by arrangements to which paragraph (6)(c) refers; and
  - (g) details of any reporting or access restriction ordered by the court.
- (5) The designated officer must not supply the information requested if—
- (a) the supply of that information is prohibited by a reporting restriction;
  - (b) that information is the date of a hearing in public of which a party has yet to be notified;
  - (c) that information concerns proceedings determined by the court without notice to—
    - (i) a party to those proceedings, or
    - (ii) a person affected by those proceedings; or
  - (d) that information is not readily available to the designated officer (for example, because of the location or conditions of its storage).
- (6) Where the designated officer must supply the information requested the supply may be—
- (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by such other arrangements as the Lord Chancellor directs, including supply by electronic means.
- (7) Where this rule does not require the designated officer to supply the information requested then unless that information can be supplied under rule 66C—
- (a) the designated officer must refer the request to the court; and

- (b) rule 66D applies.

**66C Request for information by a party or person directly affected by a case**

- (1) This rule applies where a party, or a person directly affected by a direction or order made or a warrant issued by the court, wants information about their case.
- (2) Such a party or person must—
  - (a) ask the designated officer;
  - (b) specify the information requested; and
  - (c) pay any fee prescribed.
- (3) The request—
  - (a) may be made orally or in writing, and need not explain why the information is requested, if this rule requires the designated officer to supply that information; but
  - (b) must be in writing, unless the court otherwise permits, and must explain why the information is requested, if this rule does not so require.
- (4) Subject to paragraph (5), the designated officer must supply to the party or person making the request—
  - (a) information about the terms of any direction or order made, or warrant issued, which was—
    - (i) served on, or addressed or directed to, that party or person, or
    - (ii) made on an application by that party or person; and
  - (b) information received from that party or person (which might be, for example, to establish what information the court holds, or in case of a loss of that information by the party or person making the request).
- (5) The designated officer must not supply the information requested if that information—
  - (a) concerns the grounds on which a direction or order was made, or a warrant issued, in the absence of the party or person making the request; or
  - (b) is not readily available to the designated officer (for example, because of the location or conditions of its storage).
- (6) Where the designated officer must supply the information requested the supply may be, at the choice of the party or person making the request—
  - (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by a copy of a document served by, or on, that party or person (but not of a document not so served).
- (7) Where this rule does not require the designated officer to supply the information requested—
  - (a) the designated officer must refer the request to the court; and
  - (b) rule 66D applies.

**66D Request for information determined by the court**

- (1) This rule applies where the designated officer refers to the court a request for information under rule 66B (request for information about a case) or rule 66C (request for information by a party or person directly affected by a case).
- (2) The designated officer must—

- (a) serve the request on—
  - (i) the applicant for any direction, order or warrant that the request concerns which was made or issued in the absence of the party or person making the request, and
  - (ii) anyone else, and to such extent, as the court directs; and
- (b) notify the party or person making the request of—
  - (i) the date of its service under this rule, and
  - (ii) the identity of each person served with it, if the court so directs.
- (3) If a party or person served with the request objects to the supply of information requested the objector must—
  - (a) give notice of the objection not more than 20 business days after service of the request, or within any longer period allowed by the court;
  - (b) serve that notice on the designated officer and on the party or person making the request; and
  - (c) if the objector wants a hearing, explain why one is needed.
- (4) A notice of objection must explain—
  - (a) whether the objection is to the supply of the whole of the information requested, or only to the supply of a specified part or specified parts;
  - (b) whether the objection applies without limit of time, or only for a specified period (for example, until a date or event specified by the objector); and
  - (c) the grounds of the objection.
- (5) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request, the objector must—
  - (a) omit that material from the notice served on that party or person;
  - (b) mark the material to show that it is only for the court; and
  - (c) with that material include an explanation of why it has been withheld.
- (6) The court must not determine the request, and information requested must not be supplied, until—
  - (a) each party or person served with the request has had at least 20 business days, or any longer period allowed by the court, in which to object or make other representations; and
  - (b) the court is satisfied that in all the circumstances every such party or person has had a reasonable opportunity to do so.
- (7) The court may determine the request—
  - (a) without a hearing; or
  - (b) at a hearing, which—
    - (i) may be in public or private, but
    - (ii) must be in private, unless the court otherwise directs, where the request concerns a direction, order or warrant made or issued in the absence of the party or person making the request.
- (8) Where a notice of objection includes material that the objector thinks ought not be revealed to the party or person making the request—
  - (a) any hearing of the request may take place, wholly or in part, in the absence of the party or person making it; and

- (b) at any such hearing the general rule is that the court must consider, in the following sequence—
  - (i) representations first by the party or person making the request and then by the objector, in the presence of both, and then
  - (ii) further representations by the objector, in the absence of the party or person making the request but the court may direct other arrangements for the hearing.
- (9) In deciding whether to order the supply of the information requested the court must have regard to—
  - (a) the open justice principle;
  - (b) any reporting restriction;
  - (c) rights and obligations under other legislation;
  - (d) the importance of any public interest in the withholding of that information, or in its supply only in part or subject to conditions (which public interest might be, for example, in preventing injustice, protecting others’ rights, protecting the confidentiality of a criminal investigation or protecting national security); and
  - (e) the extent to which that information is otherwise available to the party or person making the request.
- (10) Where the court orders the supply of the information requested the supply may be, at the court’s direction—
  - (a) by word of mouth;
  - (b) in writing, including by written certificate or extract from a court record; or
  - (c) by a copy of a document.

**66E Publication of information about court hearings**

- (1) Where a case is due to be heard in public, the designated officer must—
  - (a) publish the information listed in paragraph (2)—
    - (i) if that information is available to the designated officer, and
    - (ii) unless the publication of that information is prohibited by a reporting restriction; and
  - (b) publish that information for no longer than 5 business days—
    - (i) by notice displayed somewhere prominent in the vicinity of a court room in which the hearing is due to take place, and
    - (ii) by such arrangements as the Lord Chancellor directs, including arrangements for publication by electronic means, but only to the extent needed to comply with the open justice principle.
- (2) The information that paragraph (1) requires the designated officer to publish is—
  - (a) the date, time and place of the hearing;
  - (b) the identity of the parties; and
  - (c) such other information as it may be practicable to publish concerning—
    - (i) the type of hearing,
    - (ii) the identity of the court,
    - (iii) in general terms, the subject of the proceedings, and
    - (iv) whether any reporting or access restriction applies.

## *Evidence—General*

### **67 Proof of service**

- (1) The service of any process or other document required or authorised to be served may be proved in any proceedings before a magistrates' court by a document purporting to be a certificate signed by the person by whom the service was effected.
- (2) References in paragraph (1) to the service of any process shall, in their application to a witness summons, be construed as including references to the payment or tender to the witness of costs and expenses.
- (3) Any process or other document produced by the court computer system on a given day shall be sufficient evidence that the process or other document was sent to the person to whom it is addressed within 2 days of it being produced, unless the contrary is proved.”.

### **68 Proof of proceedings**

The register of a magistrates' court, or . . . an extract from the register . . . certified by the designated officer as a true extract, shall be admissible in any legal proceedings as evidence of the proceedings of the court entered in the register.

### **69 . . .**

Revoked by SI 2014/879, arts 15, 19.

### **70 – 73 . . .**

Revoked by SI 2021/626, r 2(12).

## *Appeal to Crown Court*

### **74 Documents to be sent to Crown Court**

- (1) A designated officer for a magistrates' court shall as soon as practicable send to the appropriate officer of the Crown Court any notice of appeal to the Crown Court given to the designated officer for the court.
- (2) The designated officer for a magistrates' court shall send to the appropriate officer of the Crown Court, with the notice of appeal, a copy of the extract of the magistrates' court register relating to that decision and of the last known or usual place of abode of the parties to the appeal.
- (3) Where any person, having given notice of appeal to the Crown Court, has been granted bail for the purposes of the appeal the designated officer for the court from whose decision the appeal is brought shall before the day fixed for the hearing of the appeal send to the appropriate officer of the Crown Court—
  - (a) Revoked by SI 2021/626, r 2(12).
  - (b) in the case of bail otherwise than in criminal proceedings, the recognizance entered into by the appellant relating to such bail.
- (4) Where, in any such case as is referred to in paragraph 3(b), the recognizance in question has been entered into otherwise than before the magistrates' court from whose decision the appeal is brought, or the designated officer for that court, the person who took the recognizance shall send it forthwith to that designated officer.
- (5) – (6) Revoked by SI 2021/626, r 2(12).

### **75 Abandonment of appeal**

Where notice to abandon an appeal has been given by the appellant, any recognizance conditioned for the appearance of the appellant at the hearing of the appeal shall have effect as if conditioned for the appearance of the appellant before the court from whose decision the appeal was brought at a time and place to be notified to the appellant by the designated officer for that court.

## *Case Stated*

### **76 Application to state case**

- (1) An application under section 111(1) of the Act of 1980 shall be made in writing and signed by or on behalf of the applicant and shall identify the question or questions of law or jurisdiction on which the opinion of the High Court is sought.
- (2) Where one of the questions on which the opinion of the High Court is sought is whether there was evidence on which the magistrates' court could come to its decision, the particular finding of fact made by the magistrates' court which it is claimed cannot be supported by the evidence before the magistrates' court shall be specified in such application.
- (3) Any such application shall be sent to the designated officer for the magistrates' court whose decision is questioned.

### **77 Consideration of draft case**

- (1) Within 21 days after receipt of an application made in accordance with rule 76, the designated officer for the magistrates' court whose decision is questioned shall, unless the justices refuse to state a case under section 111(5) of the Act of 1980, send a draft case in which are stated the matters required under rule 81 to the applicant or his solicitor and shall send a copy thereof to the respondent or his solicitor.
- (2) Within 21 days after receipt of the draft case under paragraph (1), each party may make representations thereon. Any such representations shall be in writing and signed by or on behalf of the party making them and shall be sent to the designated officer.
- (3) Where the justices refuse to state a case under section 111(5) of the Act and they are required by the High Court by order of mandamus under section 111(6) to do so, this rule shall apply as if in paragraph (1)—
  - (a) for the words “receipt of an application made in accordance with rule 76” there were substituted the words “the date on which an order of mandamus under section 111(6) of the Act of 1980 is made”; and
  - (b) the words “unless the justices refuse to state a case under section 111(5) of the Act of 1980” were omitted.

### **78 Preparation and submission of final case**

- (1) Within 21 days after the latest day on which representations may be made under rule 77, the justices whose decision is questioned shall make such adjustments, if any, to the draft case prepared for the purposes of that rule as they think fit, after considering any such representations, and shall state and sign the case.
- (2) A case may be stated on behalf of the justices whose decision is questioned by any 2 or more of them and may, if the justices so direct, be signed on their behalf by a justices' legal adviser.
- (3) Forthwith after the case has been stated and signed the designated officer for the court shall send it to the applicant or his solicitor, together with any statement required by rule 79.

### **79 Extension of time limits**

- (1) If the designated officer for a magistrates' court is unable to send to the applicant a draft case under paragraph (1) of rule 77 within the time required by that paragraph, he shall do so as soon as practicable thereafter and the provisions of that rule shall apply accordingly; but in that event the designated officer shall attach to the draft case, and to the final case when it is sent to the applicant or his solicitor under rule 78(3), a statement of the delay and the reasons therefor.
- (2) If the designated officer for a magistrates' court receives an application in writing from or on behalf of the applicant or the respondent for an extension of the time within which representations on the draft case may be made under paragraph (2) of rule 77, together with reasons in writing therefor, a justices' legal adviser may by notice in writing sent to the applicant or respondent as the case may be by the designated officer extend the

time and the provisions of that paragraph and of rule 78 shall apply accordingly; but in that event the designated officer shall attach to the final case, when it is sent to the applicant or his solicitor under rule 78(3), a statement of the extension and the reasons therefor.

(3) If the justices are unable to state a case within the time required by paragraph (1) of rule 78, they shall do so as soon as practicable thereafter and the provisions of that rule shall apply accordingly; but in that event the designated officer shall attach to the final case, when it is sent to the applicant or his solicitor under rule 78(3), a statement of the delay and the reasons therefor.

### **80 Service of documents**

Any document required by rules 76 to 79 to be sent to any person shall either be delivered to him or be sent by post in a registered letter or by recorded delivery service and, if sent by post to an applicant or respondent, shall be addressed to him at his last known or usual place of abode.

### **81 Content of case**

(1) A case stated by the magistrates' court shall state the facts found by the court and the question or questions of law or jurisdiction on which the opinion of the High Court is sought.

(2) Where one of the questions on which the opinion of the High Court is sought is whether there was evidence on which the magistrates' court could come to its decision, the particular finding of fact which it is claimed cannot be supported by the evidence before the magistrates' court shall be specified in the case.

(3) Unless one of the questions on which the opinion of the High Court is sought is whether there was evidence on which the magistrates' court could come to its decision, the case shall not contain a statement of evidence.

### **81A Duty of justices' legal adviser**

(1) This rule applies in relation to a magistrates' court, including a youth court, which—

- (a) comprises a lay justice or lay justices; and
- (b) agrees to state a case.

(2) A justices' legal adviser must assist the court by—

- (a) preparing and amending the draft case; and
- (b) completing the case stated.

### ***Recognizances and Bail***

#### **82 Recognizance to keep the peace, etc, taken by one court and discharged by another**

Where a magistrates' court acting in any local justice area makes an order under section 116 of the Act of 1980 discharging a recognizance entered into before a magistrates' court acting in any other local justice area, the designated officer for the court that orders the recognizance to be discharged shall send a copy of the order of discharge to the designated officer for the court acting in that other local justice area.

#### **83 Application to vary order for sureties or dispense with them**

Where a person has been committed to custody in default of finding sureties and the order to find sureties was made at the instance of another person, an application under section 118 of the Act of 1980 shall be made by complaint against that other person.

#### **84 Notice of bail requirement**

- (1) This rule applies where the court remands a defendant on bail with requirements under section 128(1)(c) of the Act of 1980 (remand in custody or on bail) and sections 29 and 30 of the Domestic Abuse Act 2021 (applications where domestic abuse protection notice has been given; remand under section 29(8) of person arrested for breach of notice).
- (2) Unless the court otherwise directs, the designated officer must serve the defendant with a notice of the requirements.
- (3) Where the court imposes a requirement with which the defendant must comply before release from custody then forthwith upon compliance the designated officer must send notice to the custodian to release the defendant.

#### **85 Sureties for bail**

- (1) This rule applies where the court remands a person on bail under section 128(1)(c) of the Act of 1980 by taking a recognisance with sureties.
- (2) Unless the court otherwise directs—
  - (a) the recognizance must specify—
    - (i) the amount that the surety will be required to pay if the purpose for which the recognizance is entered is not fulfilled, and
    - (ii) the date upon which the recognizance will expire;
  - (b) the surety must enter into the recognizance in the presence of—
    - (i) the designated officer,
    - (ii) the defendant’s custodian, where the defendant is in custody, or
    - (iii) someone acting with the authority of either; and
  - (c) the person before whom the surety enters into the recognizance must at once serve a copy on—
    - (i) the surety, and
    - (ii) as appropriate, the designated officer and the defendant’s custodian.
- (3) The custodian must release the defendant when each requirement ordered by the court has been met.

#### **86 Forfeiture of sureties**

- (1) This rule applies where the court imposes as a condition of bail a requirement that a surety enter into a recognizance and after the defendant is released on bail the defendant fails to surrender to custody as required.
- (2) The designated officer must serve notice of the hearing at which the court will consider the forfeiture of the recognizance on—
  - (a) the surety; and
  - (b) each party to the proceedings.
- (3) The court must not forfeit the recognizance less than 5 business days after service of notice under paragraph (2).

#### **87 – 90A ...**

Revoked by SI 2021/626, r 2(12).



### **90B Records to be kept where warrant is endorsed for bail**

- (1) Where a person is arrested and released on bail pursuant to a warrant endorsed for bail in accordance with section 117 of the Act of 1980, the person executing the warrant shall make a record stating the matters set out in paragraph (2) below.
- (2) Those matters are—
  - (a) the name of the person arrested;
  - (b) the offence or default with which the person arrested is charged and the reason for the arrest;
  - (c) the fact that that person is to be released on bail;
  - (d) the date, time and place at which that person is to appear before the court;
  - (e) except in criminal proceedings, the amount if any in which that person is bound;
  - (f) any other details which in the opinion of the person executing the warrant are relevant.
- (3) After making the record, the person executing the warrant shall—
  - (a) sign the record;
  - (b) invite the person arrested to sign the record;
  - (c) if the person arrested refuses to sign the record, annotate the record to show the fact of that refusal;
  - (d) make a copy of the record and give it to the person arrested;
  - (e) send the original record to the designated officer for the court which issued the warrant.

### **91 – 94 ...**

Revoked by SI 2021/626, r 2(12).

### *Warrant*

### **95 Form of warrants issued by magistrates' courts**

- (1) A warrant of arrest must identify—
  - (a) each person to whom it is directed;
  - (b) the person against whom it was issued;
  - (c) the reason for its issue;
  - (d) the ground in relation to which it was issued;
  - (e) the court that issued it; and
  - (f) the court office for the court that issued it.
- (2) Except where any enactment provides otherwise, a warrant issued by a magistrates' court need not bear the name of the justice or other person issuing it, provided that the designated officer has recorded the name of that justice or other person.

### **96 Warrant of arrest**

- (1) A warrant issued by a justice of the peace for the arrest of any person shall require the persons to whom it is directed, that is to say, the constables of the police area in which the warrant is issued, or the civilian enforcement officers for the area in which they are employed, or any persons named in that behalf in the warrant, to arrest the person against whom the warrant is issued.
- (2) Revoked by SI 2019/1367, rule 6.

(3) A warrant to which this rule applies may be executed by the persons to whom it was directed or by any of the following persons, whether or not the warrant was directed to them—

- (a) a constable for any police area in England and Wales, acting in his own police area;
- (b) where the warrant is one to which section 125A of the Act of 1980 applies, a civilian enforcement officer within the meaning of section 125A of the Act of 1980;
- (c) where the warrant is one to which section 125A of the Act of 1980 applies, any of the individuals described in section 125B(1) of the Act of 1980;

and in this rule any reference to the person charged with the execution of a warrant includes any of the above persons who is for the time being authorised to execute the warrant, whether or not they have the warrant in their possession at the time.

(4) A person executing a warrant of arrest shall, upon arresting the person against whom the warrant is issued—

- (a) either
  - (i) if he has the warrant with him, show it to the person against whom the warrant is issued, or
  - (ii) otherwise, state where the warrant is and what arrangements may be made to allow the person arrested to inspect it;
- (b) explain, in ordinary language, the offence or default with which the person is charged and the reason for the arrest;
- (c) where the person executing the warrant is one of the persons referred to in paragraph (3)(b) or (c) above, show the person arrested a written statement under section 125A(4) or 125B(4) as appropriate; and
- (d) in any case, show documentary proof of his identity.

(5) A warrant of arrest issued under any of the provisions in paragraph (6) shall cease to have effect when—

- (a) the sum in respect of which the warrant is issued is paid to the person charged with the execution of the warrant;
- (b) that sum is tendered to and refused by the person charged with the execution of the warrant; or
- (c) a receipt for that sum given by—
  - (i) the designated officer for the court which issued the warrant; or
  - (ii) the charging or billing authority,

is produced to the person charged with the execution of the warrant.

(6) Those provisions are—

- (a) sections 83(1), 83(2), 86(4) and 93(5) of the Act of 1980;
- (b) . . .
- (c) regulation 17(5)(b) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989; and
- (d) regulation 48(5)(b) of the Council Tax (Administration and Enforcement) Regulations 1992.

### **97 Warrant of commitment**

(1) A warrant of commitment or detention, other than a warrant committing a person to customs detention under section 152 of the Criminal Justice Act 1988, issued by a justice of the peace—

- (a) shall name or otherwise describe the person committed or detained;

(b) shall contain a statement of the offence with which the person committed or detained is charged, or of which he has been convicted, or of any other ground on which he is committed;

(c) shall be directed to a person named in the warrant or to the constables of the police area in which the warrant is issued or to the civilian enforcement officers for the area in which they are employed and to the governor or keeper of the prison or place of detention specified in the warrant, and shall require—

(i) the named person or the constables or civilian enforcement officers to arrest the person committed or detained, if he is at large, and convey him to that prison or place and deliver him with the warrant to the governor or keeper;

(ii) the governor or keeper to keep in his custody the person committed or detained until that person be delivered in due course of law, or until the happening of an event specified in the warrant, or for the period specified in the warrant, as the case may be.

(1A) A warrant issued by a justice of the peace committing a person to customs detention under section 152 of the Criminal Justice Act 1988—

(a) shall name or otherwise describe the person committed;

(b) shall contain a statement of the offence with which the person committed is charged;

(c) shall be directed to the officers of Her Majesty's Customs and Excise and shall require those officers to keep the person committed in their custody, unless in the meantime he be otherwise delivered in due course of law, for a period (not exceeding 192 hours) specified in the warrant.

(1B) A warrant of commitment or detention other than a warrant committing a person to customs detention under section 152 of the Criminal Justice Act 1988 may be executed by the persons to whom it was directed or by any of the following persons, whether or not the warrant was directed to them—

(a) a constable for any police area in England and Wales, acting in his own police area;

(b) where the warrant is one to which section 125A of the Act of 1980 applies, a civilian enforcement officer within the meaning of section 125A of the Act of 1980;

(c) where the warrant is one to which section 125A of the Act of 1980 applies, any of the individuals described in section 125B(1) of the Act of 1980;

and in this rule any reference to the person charged with the execution of a warrant includes any of the above persons who is for the time being authorised to execute the warrant, whether or not they have the warrant in their possession at the time.

(1C) A person executing a warrant of commitment or detention shall, upon arresting the person against whom the warrant is issued—

(a) either

(i) if he has the warrant with him, show it to the person against whom the warrant is issued, or

(ii) otherwise, state where the warrant is and what arrangements may be made to allow the person against whom the warrant was issued to inspect it;

(b) explain, in ordinary language, the offence or default with which the person is charged and the reason for the commitment or detention;

(c) where the person executing the warrant is one of the persons referred to in paragraph (1B)(b) or (c) above, show the person against whom the warrant was issued a written statement under section 125A(4) or 125B(4) as appropriate; and

(d) in any case, show documentary proof of his identity.

(2) A warrant of commitment or detention, other than a warrant committing a person to customs detention under section 152 of the Criminal Justice Act 1988, may be executed by conveying the person committed or

detained to any prison or place of detention in which he may lawfully be detained and delivering him there together with the warrant; and, so long as any person is detained in any such prison or place other than that specified in the warrant, the warrant shall have effect as if the other prison or place were the prison or place specified in it.

(3) Notwithstanding the preceding provisions of this rule, a warrant of commitment or detention issued in pursuance of a valid conviction, or of a valid order requiring the person committed or detained to do or abstain from doing anything, shall not, if it alleges that the person committed or detained has been convicted, or ordered to do or abstain from doing that thing, be held void by reason of any defect in the warrant.

(4) The governor or keeper of the prison or place of detention at which any person is delivered in pursuance of a warrant of commitment or detention shall give to the constable or other person making the delivery a receipt for that person.

(5) Notwithstanding the preceding provisions of this rule, a warrant of a justice of the peace to commit to custody any person who to the justice's knowledge is already detained in a prison or other place of detention shall be delivered to the governor or keeper of the prison or place of detention in which that person is detained.

(6) A warrant of commitment or detention issued under any of the provisions in paragraph (7) shall cease to have effect if, at any time before the person for whose commitment or detention the warrant was issued is placed in custody—

(a) the sum in respect of which the warrant is issued, together with the costs and charges, if any, of the commitment, is paid to the person charged with the execution of the warrant;

(b) that sum is tendered to and refused by the person charged with the execution of the warrant; or

(c) a receipt for that sum given by—

(i) the designated officer for the court which issued the warrant; or

(ii) the charging or billing authority,

is produced to the person charged with the execution of the warrant.

(7) Those provisions are:

(a) sections 76 and 136 of the Act of 1980;

(b) section 40 of the Child Support Act 1991;

(c) . . .

(d) regulation 16(3)(a) of the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989; and

(e) regulation 47(3)(a) of the Council Tax (Administration and Enforcement) Regulations 1992.

(8) A warrant of commitment issued for the enforcement of a maintenance order to which Part I of the Maintenance Orders Act 1958 applies shall cease to have effect if, at any time when the defendant is not already detained in pursuance of the warrant, the person charged with the execution of the warrant is informed—

(a) that an application for registration of the order has been granted under section 2 of the Maintenance Orders Act 1958; or

(b) that notice seeking the cancellation of such registration has been given under section 5 of that Act.

### *Summons*

#### **98 Form of summons**

(1) A summons requiring a person to appear before a magistrates' court may be issued in respect of more than one information or complaint.

- (2) A summons must—
- (a) state the name and address of the complainant or informant;
  - (b) contain notice of when and where the person is required to attend the court;
  - (c) specify each information or complaint in respect of which it is issued;
  - (d) identify the name and address of the court office for the court that issued it.
- (3) A summons need not bear the name of the justice or other person issuing it, provided that the designated officer has recorded the name of that justice or other person.

### **99 Service of summons**

- (1) Subject to paragraph (7), a summons requiring a person to appear before a magistrates' court may be served by—
- (a) handing it to the person in person or, where the person is a corporation, to a person holding a senior position in that corporation;
  - (b) posting it to the person at an address where it is reasonably believed that the person will receive it or, where the person is a corporation, the address for service in accordance with paragraph (2);
  - (c) addressing it to the person and leaving it for the person at an address where it is reasonably believed that the person will receive it;
  - (d) where the person has given an electronic address and has not refused to accept service at that address, sending it by electronic means to the address which the person has given;
  - (e) where the person to be served is given access to an electronic address at which a document may be deposited and has not refused to accept service by the deposit of a document at that address, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means);
  - (f) where the person is in custody, sending it to his or her custodian, addressed to the person;
  - (g) where the person has given a document exchange (DX) box number, and has not refused to accept service by DX, addressing it to the person at that DX box number and leaving it at that document exchange;
  - (h) where the person is legally represented, serving it on the person's legal representative in the same manner as it could be served on the person under subparagraphs (a), (b), (c) and (g);
  - (i) where the person is legally represented and the person's legal representative has given an electronic address, sending it to that address;
  - (j) where the person to be served is legally represented and the legal representative is given access to an electronic address at which a document may be deposited, by depositing it at that address and making it possible for the recipient to read the document, or view or listen to its content, as the case may be, and notifying the recipient of the deposit of the document (which notice may be given by electronic means); or
  - (k) any other method specified by the court.
- (2) Where the person is a corporation, the address for service under this rule is the person's principal office, and if there is no readily identifiable principal office, then any place where it carries on its activities or business.
- (3) Where under any enactment other than the Act of 1980 or these Rules a summons is required to be served in any particular manner—
- (a) the summons will, if served in accordance with paragraph (1), be deemed to have been as effectively served as if served in that particular manner; and

- (b) if the summons is served in that particular manner, nothing in this rule invalidates such service.
- (4) A summons served in accordance with paragraph (1) shall be deemed to have been received by the person—
  - (a) if handed to the person or the person’s legal representative in accordance with paragraph (1)(a) or (h), when so handed;
  - (b) if sent by electronic means in accordance with paragraph (1)(d) or (i), one day after being sent;
  - (c) if served in accordance with paragraph (1)(k), on a date specified by the court;
  - (d) in any other case, three business days after it was posted, left, or sent in accordance with paragraph (1)(b), (c), (f) or (g),

unless something different is shown.

- (5) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by post, or the equivalent of post, to the addressee on the third business day after the day on which it was produced.
- (6) A witness summons may only be served in accordance with paragraph (1)(a), (d) or (f).
- (7) Unless the court otherwise directs or other legislation otherwise requires, a summons shall be prepared and served by the applicant or by another person on the applicant’s behalf.
- (8) This rule does not apply in relation to—
  - (a) a domestic abuse protection notice (which by rule 17(c) must be treated as a summons); or
  - (b) a judgment summons (for which rule 58 requires service on the judgment debtor personally).

**100 – 101B ...**

Revoked by SI 2021/626, r 2(12).

*Miscellaneous*

**102 ...**

Revoked by SI 2003/1236, rr 9, 43.

**103 ...**

Revoked by SI 1998/2167, r 4(3).

**104 – 104C ...**

Revoked by SI 2021/626, r 2(12).

**105 ...**

Revoked by SI 2014/879, arts 15, 21.

**106 ...**

Revoked by SI 2014/879, arts 15, 21.

**107 Application for summons to witness or warrant for his arrest**

- (1) An application for the issue of a summons or warrant under section 97 or 97A of the Act of 1980 or paragraph 4 of Schedule 3 to the Act of 1998 may be made by the applicant in person or by his counsel or solicitor.
- (2) An application for the issue of such a summons may be made by delivering or sending the application in writing to the designated officer for the magistrates' court.

**108 ...**

Revoked by SI 2021/626, r 2(12).

**109 Signature of forms prescribed by rules made under the Act of 1980**

Revoked by SI 2019/1367, rule 9.

**110 – 112 ...**

Revoked by SI 2021/626, r 2(12).

**113 ...**

Revoked by SI 2003/1236, rr 9, 46.

**114 ...**

Revoked by SI 2014/879, arts 15, 21.

**115 Service of orders**

(1) Subject to paragraph (6), in proceedings commenced by complaint, unless any enactment otherwise provides for service of an order, the designated officer for the court shall serve a copy of that order on the defendant as soon as reasonably practicable after an order or interim order has been made.

(2) The designated officer may serve the copy by—

- (a) handing it to the defendant in person or, where the defendant is a corporation, to a person holding a senior position in that corporation;
- (b) posting it to the defendant at an address where it is reasonably believed that the defendant will receive it or, where the defendant is a corporation, the address for service in accordance with paragraph (3);
- (c) where the defendant has given an electronic address and has not refused to accept service at that address, sending it by electronic means to the address which the defendant has given;
- (d) where the defendant is legally represented, serving it on the defendant's legal representative in the same manner as it could be served on the defendant under sub-paragraphs (a), (b) and (c);
- (e) where the defendant is in custody, sending it to his or her custodian, addressed to the defendant; or
- (f) any other method specified by the court.

(3) Where the defendant is a corporation, the address for service under this rule is the defendant's principal office, and if there is no readily identifiable principal office, then any place where it carries on its activities or business.

(4) An order served in accordance with paragraph (2) shall be deemed to have been received by the defendant—

- (a) if handed to the defendant or the defendant's legal representative in accordance with paragraph (1)(a), when so handed;
- (b) if sent by electronic means in accordance with paragraph (1)(c) or (d), one day after being sent; or
- (c) in any other case, three business days after being posted, sent or given,

unless something different is shown.

(5) Unless something different is shown, a document produced by a computer system for dispatch by post is to be taken as having been sent by post, or the equivalent of post, to the addressee on the third business day after the day on which it was produced.

(6) This rule does not apply to—

- (a) a domestic abuse protection order (for which rule 19 requires service on the defendant personally); or
- (b) a liability order.

**SCHEDULE  
Revocations**

**Rule 1(2)**

**Rules revoked**

The Magistrates' Courts Rules 1968  
 The Magistrates' Courts (Amendment) Rules 1969  
 The Magistrates' Courts (Amendment) Rules 1970  
 The Magistrates' Courts (Amendment) (No 2) Rules 1970  
 The Magistrates' Courts (Amendment) Rules 1973  
 The Magistrates' Courts (Amendment) Rules 1975  
 The Magistrates' Courts (Amendment) (No 2) Rules 1975  
 The Magistrates' Courts (Amendment) Rules 1977  
 The Magistrates' Courts (Amendment) Rules 1978  
 The Magistrates' Courts (Amendment) (No 2) Rules 1978  
 The Magistrates' Courts (Amendment) Rules 1979  
 The Magistrates' Courts (Amendment) Rules 1980  
 The Magistrates' Courts (Amendment) (No 2) Rules 1980

**References**

SI 1968/1920  
 SI 1969/1711  
 SI 1970/1004  
 SI 1970/1791  
 SI 1973/790  
 SI 1975/126  
 SI 1975/518  
 SI 1977/1174  
 SI 1978/147  
 SI 1978/758  
 SI 1979/1221  
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