

**1986 No. 1332 (L. 11)**
**MAGISTRATES' COURTS  
PROCEDURE**
**The Magistrates' Courts (Amendment) Rules 1986**

<i>Made</i> - - - - -	28th July 1986
<i>Laid before Parliament</i>	6th August 1986
<i>Coming into Operation</i>	1st October 1986

The Lord Chancellor, in exercise of the power conferred upon him by section 144 of the Magistrates' Courts Act 1980(a), as extended by section 145 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Magistrates' Courts (Amendment) Rules 1986 and shall come into operation on 1st October 1986.

(2) In these Rules, "the principal Rules" means the Magistrates' Courts Rules 1981(b).

2. After rule 66 of the principal Rules there shall be inserted the following Rules—

*"Registration of endorsement of licence under section 34 of the Transport Act 1982*

66A. The clerk of every magistrates' court who, as a fixed penalty clerk within the meaning of section 33(2) of the Transport Act 1982, endorses a driving licence under section 34(4) or (5) of that Act shall register the particulars of the endorsement in a book separate from the register kept under rule 66 but any such book shall be regarded as forming part of the register.

*Registration of certificate issued under section 36 of the Transport Act 1982*

66B. The clerk of every magistrates' court shall register receipt of a registration certificate issued under section 36 of the Transport Act 1982 in a book separate from the register kept under rule 66 but any such book shall be regarded as forming part of the register."

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(a) 1980 c. 43.

(b) S.I. 1981/552, amended by S.I. 1982/245, 1983/523, 1984/1552, 1985/1944.

3. After rule 110 there shall be inserted the following rules—

*“Notice of registration to defaulter under section 36(8) of the Transport Act 1982*

111. Where a clerk of a magistrates' court gives notice of registration to a defaulter under section 36(8) of the Transport Act 1982 (registration of sums payable in default for enforcement as a fine) the clerk shall send the notice by delivering it at, or by sending it by post to, the defaulter's address as given in the certificate of registration issued under section 36(4) of that Act.

*Statutory declaration under section 37 of the Transport Act 1982*

112. Where a clerk of a magistrates' court receives a statutory declaration under section 37 of the Transport Act 1982 he shall send a copy of it to the appropriate chief officer of police.”.

*Hailsham of St. Marylebone, C.*

28th July 1986.

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EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

Part III of the Transport Act 1982 (c. 49) makes provision for a new system of fixed penalties which comes into force on 1st October 1986 (S.I. 1986/1326). These Rules make consequential amendments to the Magistrates' Courts Rules 1981.

The new rules 66A and 66B make provision for a licence endorsement under section 34 and receipt of a registration certificate issued under section 36 respectively to be registered in the court register.

The new rule 111 makes provision for the giving of a notice of registration of a sum for enforcement to a defaulter and the new rule 112 provides that where a clerk of a magistrates' court receives a statutory declaration under section 37 of the Act he shall send a copy to the appropriate chief officer of police.

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