
STATUTORY INSTRUMENTS

2001 No. 167

The Magistrates' Courts (Amendment) Rules 2001

Amendments to the Magistrates' Courts Rules 1981

7.—(1) In rule 97(1)—

- (a) after “commitment” there shall be inserted “or detention”;
- (b) after the words “person committed”, wherever they occur, there shall be inserted “or detained”;
- (c) for the words “authorised persons”, wherever they occur, there shall be substituted “civilian enforcement officers”.

(2) After rule 97(1A) there shall be inserted—

“(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.”.

(3) In rule 97(2), (3) and (4)—

- (a) after “commitment”, wherever it occurs, there shall be inserted “or detention”;

- (b) after the words “person committed”, wherever they occur, there shall be inserted “or detained”.
- (4) After rule 97(5) there shall be inserted—
- “(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 justices' chief executive 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⁽¹⁾;
 - (c) regulation 41(1) of the Community Charges (Administration and Enforcement) Regulations 1989;
 - (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⁽²⁾ 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.”.

(1) 1991 c. 48.

(2) 1958 c. 39. Section 1(2A), which specifies the warrants to which Part I applies, was inserted by paragraph 1 of Schedule 3 to the Administration of Justice Act 1977 (c. 38); the new rule 97(8) inserted by these Rules is in substitution for sections 2(4)(b) and 5(4)(b) of the 1958 Act, both of which are repealed by paragraph (8) of Part V of Schedule 15 to the Access to Justice Act 1999 (c. 22).