

**2001 No. 168 (C.9)**

**MAGISTRATES' COURTS, ENGLAND AND WALES**

**The Access to Justice Act 1999 (Commencement No. 6  
and Transitional Provisions) Order 2001**

*Made - - - - - 24th January 2001*

*Coming into force in accordance with article 1*

The Lord Chancellor, in exercise of the powers conferred upon him by section 108(1) of and paragraph 1(1) of Schedule 14 to the Access to Justice Act 1999(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Access to Justice Act 1999 (Commencement No. 6 and Transitional Provisions) Order 2001 and shall come into force on the day following that on which it is made.

**Commencement of Access to Justice Act 1999**

2. The following provisions of the Access to Justice Act 1999 shall come into force on 19th February 2001—

- (a) sections 96 and 97;
- (b) in Part V of Schedule 15 (repeals), all entries in the table headed “(8) Warrants” to the extent that they are not already in force;
- (c) section 106, so far as it relates to those entries.

**Transitional provisions**

3.—(1) This article applies where—

- (a) a warrant of arrest, commitment, detention or distress is issued by a justice of the peace at any time before 8th January 2001,
- (b) the warrant has not been executed before 19th February 2001, and
- (c) if the warrant had been issued on 8th January 2001, section 125A(1) of the Magistrates' Courts Act 1980(b) would have applied to it.

(2) Where this article applies, section 125D of the Magistrates' Courts Act 1980 shall apply as if the warrant had been issued on 8th January 2001.

Signed by authority of the Lord Chancellor

*Jane Kennedy*  
Parliamentary Secretary,  
Lord Chancellor's Department

Dated 24th January 2001

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(a) 1999 c. 22.

(b) 1980 c. 43. Section 125A was inserted by section 92 of the Access to Justice Act 1999 with effect from 8th January 2001, and section 125D is inserted by section 96 of the same Act, which is brought into force by this Order.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings sections 96 and 97 of the Access to Justice Act 1999 into force on 19th February 2001, together with associated repeals. These provisions relate to the execution of warrants issued by justices of the peace.

Section 96 inserts a new section 125D into the Magistrates' Courts Act 1980, which provides that certain warrants may be executed by a person even though the warrant is not in his possession at the time.

Section 97 amends the Maintenance Orders Act 1958<sup>(a)</sup> and sections 83, 86(4) and 125(1) of the Magistrates' Courts Act 1980 to make provision for the cessation of warrants.

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<sup>(a)</sup> 1958 c. 39.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

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<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Sections 36, 40, 42, 46 and 49	27.9.1999	1999/2657
Section 43 and Schedule 6 (partially)		
Section 48 and Schedule 7		
Section 66 and Schedule 9		
Section 67(2) (in certain areas only)		
Section 83(1) (partially)		
Section 83(3) and Schedule 12 (partially)		
Sections 88 and 89		
Section 105		
Section 106 and Schedule 15 (partially)		
Section 53	1.11.1999	
Section 106 and Schedule 15 (partially)		
Section 79	12.11.1999	
Section 106 and Schedule 15 (partially)		
Section 35	1.1.2000	1999/3344
Section 41 and Schedule 5		
Section 43 and Schedule 6 (partially)		
Section 71		
Section 85		
Section 106 and Schedule 15 (partially)		
Section 83(1) (partially)	1.3.2000	
Section 83(3) and Schedule 12 (partially)		
Section 1 and Schedule 1	1.4.2000	2000/774
Sections 2 to 5		
Section 6 and Schedule 2		
Sections 7 to 11 and 19 to 23		
Section 24 and Schedule 4 (partially)		
Sections 25 and 26		
Sections 27, 29 and 30		
Section 106 and Schedule 15 (partially)		
Sections 37, 38 and 39	31.7.2000	2000/1920
Section 44		
Section 106 and Schedule 15 (partially)		
Section 78 and Schedule 11	31.8.2000	
Section 83(2) (partially)		
Section 106 and Schedule 15 (partially)		
Section 67(2) (partially)	8.1.2001	2000/3280
Sections 92 to 95		
Section 106 and Schedule 15 (partially)		

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