
STATUTORY INSTRUMENTS

2021 No. 459

The Magistrates' Courts (Amendment) Rules 2021

Amendment of the Magistrates Court Rules 1981

- 2.—(1) The Magistrates' Courts Rules 1981(1) are amended as follows.
- (2) After rule 60 (enforcement where periodical payments made under more than one order), insert—

“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).

(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).”