

2012 No. 2018

MAGISTRATES' COURTS, ENGLAND AND WALES

PROCEDURE

**The Magistrates' Courts (Sexual Offences Act 2003)
(Miscellaneous Amendments) Rules 2012**

<i>Made</i> - - - -	<i>31st July 2012</i>
<i>Laid before Parliament</i>	<i>3rd August 2012</i>
<i>Coming into force</i> - -	<i>3rd September 2012</i>

The Lord Chief Justice makes the following Rules under section 144(1) and 145(1) of the Magistrates' Courts Act 1980(a).

In accordance with section 144 of the Magistrates' Courts Act 1980, the Lord Chief Justice has consulted with the rule committee for magistrates' courts and makes these Rules with the concurrence of the Lord Chancellor.

Citation and Commencement

1. These Rules may be cited as the Magistrates' Courts (Sexual Offences Act 2003) (Miscellaneous Amendments) Rules 2012 and shall come into force on 3rd September 2012.

Magistrates' Courts (Foreign Travel Orders) Rules 2004

2.—(1) The Magistrates' Courts (Foreign Travel Orders) Rules 2004(b) are amended as follows.

(2) In rule 3 (Foreign travel orders)—

(a) omit paragraph (2);

(b) for paragraph (3) substitute—

“(3) A foreign travel order shall state—

(a) the name of the defendant;

(b) the prohibition imposed on the defendant;

(c) whether the defendant is required to surrender his or her passport;

(a) 1980 c. 43. Section 144(1) was amended by section 15 of, and paragraphs 99 and 102 of Schedule 4 to the Constitutional Reform Act 2005 (c. 4) and section 109 and paragraph 246 of Schedule 8 and Schedule 10 to the Courts Act 2003 (c. 39). Section 145(1) was amended by section 109 and paragraph 246 of Schedule 8 and Schedule 10 to the Courts Act 2003 (c.39), section 62(4) of the Children Act 2004 (c. 31), section 91 and 93 of, and Schedule 8 to, the Police and Magistrates' Court Act 1994 (c. 29) and sections 65 and 80 of, and Schedule 5 to, the Criminal Procedure and Investigations Act 1996 (c.25).

(b) S.I. 2004/1051 as amended by S.I. 2005/617 and S.I. 2010/605.

- (d) if the defendant’s passport is required to be surrendered, where it is to be surrendered;
- (e) the date by which the defendant is required to surrender his or her passport;
- (f) that the notification requirements of Part 2 of the Sexual Offences Act 2003(a) apply to the defendant;
- (g) the date when the order expires.”.

(3) Omit Schedule 2 (Summons on application for a foreign travel order under section 114 of the Sexual Offences Act 2003).

(4) Omit Schedule 3 (Foreign travel order (under section 114 of the Sexual Offences Act 2003)).

Magistrates’ Courts (Notification Orders) Rules 2004

3.—(1) The Magistrates’ Courts (Notification Orders) Rules 2004(b) are amended as follows.

(2) In rule 3 (notification orders and interim notification orders)—

(a) omit paragraph (2);

(b) for paragraph (3) substitute—

“(3) A notification order shall state—

(a) the name of the defendant;

(b) that the notification requirements of Part 2 of the Sexual Offences Act 2003 apply to the defendant;

(c) the date when the order expires.”;

(c) for paragraph (4) substitute—

“(4) An interim notification order shall state—

(a) the name of the defendant;

(b) that the notification requirements of Part 2 of the Sexual Offences Act 2003 apply to the defendant;

(c) the date when the order expires.”.

(3) Omit Schedule 2 (Form - Summons on Application for a Notification Order and an Interim Notification Order (Sexual Offences Act 2003 s 97 and s 100)).

(4) Omit Schedule 3 (Form- Notification Order (Sexual Offences Act 2003 s 97)).

(5) Omit Schedule 4 (Form – Interim Notification Order (Sexual Offences Act 2003 s 100)).

Magistrates’ Courts (Risk of Sexual Harm Orders) Rules 2004

4.—(1) The Magistrates’ Courts (Risk of Sexual Harm Orders) Rules 2004(c) are amended as follows.

(2) In rule 3 (risk of sexual harm orders and interim risk of sexual harm orders)—

(a) omit paragraph (2);

(b) for paragraph (3) substitute—

“(3) A risk of sexual harm order shall state—

(a) the name of the defendant;

(b) the prohibition imposed on the defendant;

(c) the date when the order expires.”;

(c) for paragraph (4) substitute—

(a) 2003 c. 42.
 (b) S.I. 2004/1052.
 (c) S.I. 2004/1053.

“(4) An interim risk of sexual harm order shall state—

- (a) the name of defendant;
- (b) the prohibition imposed on the defendant;
- (c) the date when the order expires.”.

(3) Omit Schedule 2 (Summons on Application for Risk of Sexual Harm Order and Interim Risk of Sexual Harm Order (Sexual Offences Act 2003 ss 123 and 126)).

(4) Omit Schedule 3 (Risk of Sexual Harm Order (Sexual Offences Act 2003 s123)).

(5) Omit Schedule 4 (Interim Risk of Sexual Harm Order (Sexual Offences Act 2003 s 126)).

Magistrates’ Courts (Sexual Offences Prevention Orders) Rules 2004

5.—(1) The Magistrates’ Courts (Sexual Offences Prevention Orders) Rules 2004(a) are amended as follows.

(2) In rule 4 (Sexual offences prevention orders and interim sexual offences prevention orders) omit paragraph (2).

(3) Omit Schedule 2 (Summons on application for sexual offences prevention order and interim sexual offences prevention order (Sexual Offences Act 2003 s104 and s109)).

26th July 2012

Judge C.J.
Lord Chief Justice

I concur

31st July 2012

J. Djanogly
Parliamentary Under Secretary of State
Ministry of Justice

(a) S.I. 2004/1054 as amended by S.I. 2005/384.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts (Foreign Travel Orders) Rules 2004, the Magistrates' Courts (Risk of Sexual Harm Orders) Rules 2004, the Magistrates' Courts (Notification Orders) Rules 2004 and the Magistrates' Courts (Sexual Offences Prevention Orders) Rules 2004.

These Rules set out information that needs to be included in a foreign travel order, risk of sexual harm order, notification order and interim notification order (the "orders"). This information was previously set out in prescribed forms. These Rules also remove the requirement for a summons in respect of the orders, a sexual offences prevention order or an interim sexual offences prevention order, to be in a prescribed form.

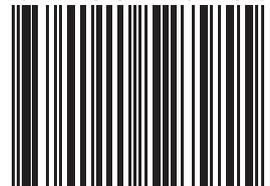
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