
STATUTORY INSTRUMENTS

1992 No. 2072 (L.18)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Criminal Justice Act 1991) (Miscellaneous Amendments) Rules 1992

<i>Made</i>	- - - -	<i>27th August 1992</i>
<i>Laid before Parliament</i>		<i>10th September 1992</i>
<i>Coming into force</i>	- -	<i>1st October 1992</i>

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:

1. These Rules may be cited as the Magistrates' Courts (Criminal Justice Act 1991) (Miscellaneous Amendments) Rules 1992 and shall come into force on 1st October 1992.

The Magistrates' Courts Rules 1981

2. The Magistrates' Courts Rules 1981(2) shall be amended as follows—
- (a) in paragraph (2)(m) of rule 11, for the figure “17”, there shall be substituted the figure “18”;
 - (b) in paragraph (1) of rule 17—
 - (i) the words “or 62(6)” shall be omitted; and
 - (ii) for the words “or section 6 of the Bail Act 1976”, there shall be substituted the words “section 6 of the Bail Act 1976 or section 40(3)(b) of the Criminal Justice Act 1991”;
 - (c) in paragraph (2) of rule 17—
 - (i) the words “8(6) or” shall be omitted; and
 - (ii) the words “or 62(6)” shall be omitted;
 - (d) in paragraph (3) of rule 17, the words “or under section 6(4) of the Powers of Criminal Courts Act 1973” shall be omitted;
 - (e) at the end of paragraph (1) of rule 25, there shall be inserted the following sub-paragraph—

(1) 1980 c. 43, as extended by section 145 of that Act and section 48 of the Criminal Law Act 1977 (c. 45).
(2) S.I.1981/552, as amended by S.I. 1982/245, 1983/523 and 1988/2132.

- “(i) if the first-mentioned court remands the accused under section 128A of the Act of 1980 on the occasion upon which it makes the order under section 130(1) of that Act, a statement indicating the date set under section 128A(2) of that Act.”;
- (f) for paragraph (1) of rule 28 there shall be substituted the following paragraphs—
- “(1) Where a magistrates' court discharges or revokes a community order and, in either case, the community order was not made by that court, the clerk of the court shall—
- (a) if the community order was made by another magistrates' court, notify the clerk of that court; or
- (b) if the community order was made by the Crown Court, notify the appropriate officer of the Crown Court.
- (1A) Where a magistrates' court makes an order under section 11 of the Powers of Criminal Courts Act 1973 substituting an order for conditional discharge for a probation order and the probation order was not made by that court, the clerk of the court shall—
- (a) if the probation order was made by another magistrates' court, notify the clerk of that court; or
- (b) if the probation order was made by the Crown Court, notify the appropriate officer of the Crown Court.”;
- (g) in paragraph (2) of rule 28—
- (i) for the words “section 6 or 8 of the said Act of 1973” there shall be substituted the words “section 15 of the Children and Young Persons Act 1969, section 1B of the said Act of 1973, section 18 or 19 of the Criminal Justice Act 1982 or Schedule 2 to the Criminal Justice Act 1991”; and
- (ii) for the words “probation order” there shall be substituted the words “community order”;
- (h) at the end of rule 28 there shall be added the following paragraph—
- “(4) In this rule, “community order” means probation order, community service order, combination order, curfew order, supervision order or attendance centre order.”;
- (i) paragraphs (1A) and (3) of rule 29 shall be omitted;
- (j) in paragraph (2) of rule 29—
- (i) the words “or the said section 47(3) to (5)” shall be omitted;
- (ii) the words “or partly suspended”, in each place where they occur, shall be omitted;
- (k) in paragraph (2) of rule 65, after sub-paragraph (f), there shall be inserted the following sub-paragraph—
- “(ff) decision of the Secretary of State to make deductions from income support under section 24 of the Criminal Justice Act 1991;”;
- (l) after paragraph (10A) of rule 66 there shall be inserted the following paragraph—
- “(10B) Where a court passes a custodial sentence, the court shall cause a statement of whether it obtained and considered a pre-sentence report before passing sentence to be entered in the register.”; and
- (m) at the end of rule 74, there shall be added the following paragraph—
- “(7) Where a notice of appeal is given in respect of an appeal against sentence by a magistrates' court, and where that sentence was a custodial sentence, the clerk of the court shall send with the notice to the appropriate officer of the Crown Court a statement

of whether the magistrates' court obtained and considered a pre-sentence report before passing such sentence.”.

The Magistrates' Courts (Forms) Rules 1981

3. Schedule 2 to the Magistrates' Courts (Forms) Rules 1981(3) shall be amended as follows—
- (a) in the form numbered 16, after the words “[on bail]” there shall be inserted the words “[to local authority accommodation]”;
 - (b) in the form numbered 27 after the words “A form which you can use for writing to the Clerk is enclosed” there shall be inserted the words “Please also complete the enclosed means enquiry form. This is to enable the court to take your income and outgoings into account should it decide to impose a fine for the offence.”;
 - (c) in the form numbered 41—
 - (i) in paragraph 1, for the figure “17” there shall be substituted the figure “18”; and
 - (ii) for paragraph 4, there shall be substituted the following paragraph—

“4. The court being of the opinion [that the offence or the combination of the offence and other offences associated with it was so serious that greater punishment should be inflicted for the offence than the court has power to impose] [*in the case of a violent or sexual offence committed by a person who is not less than 21 years old*], that a sentence of imprisonment for a term longer than the court has power to impose is necessary to protect the public from serious harm from him];”;
 - (d) for the forms numbered 43, 44, 65 and 92 there shall be substituted the forms numbered 43, 44, 65 and 92 in the Schedule;
 - (e) after the form numbered 44 there shall be inserted the form numbered 44A;
 - (f) in the form numbered 46 for the word “Fine”, in the second column there shall be substituted the words “Fine (and where appropriate number of units and unit value)”;
 - (g) in the form numbered 51, after the “£” sign where it first appears there shall be inserted the words “(and, where appropriate, units at £ per unit)”;
 - (h) in the form numbered 52—
 - (i) after the “£” sign where it first appears there shall be inserted the words “(and, where appropriate, units at £ per unit)”;
 - (ii) for the words “This court has considered” there shall be substituted the words “This court is satisfied that the default is due to the accused’s wilful refusal or culpable neglect and has considered”; and
 - (iii) after paragraph (e), there shall be inserted the following paragraph—

“(f) an application to the Secretary of State to make deductions from income support,”;
 - (i) in the form numbered 59, after the words “Crown Court at ” there shall be inserted the words—

“Amount of fine[s] £ (and, where appropriate, units at £ per unit).”;
 - (j) in the form numbered 61 after the word “Fine: £ ” there shall be inserted the words “(and, where appropriate, units at £ per unit)”;

- (k) after the form numbered 63, the words “PROBATION AND” shall be omitted from the cross-heading “PROBATION AND CONDITIONAL DISCHARGE”;
- (l) the forms numbered 64, 66 to 68, 70 to 76, 90A to 90I and 93 to 95B shall be omitted;
- (m) in the form numbered 69—
 - (i) for the words “Supervising Court” there shall be substituted the words “Petty sessions area specified in the probation order”; and
 - (ii) the words “there being no direction reserving the power of discharge to the Crown Court.” shall be omitted;
- (n) in the forms 77 to 82 the words “probation period or”, “[probation]”, “[probation order]”, “[probation period]”, “by probationer or”, “[Supervising court]” and “Supervising court (if applicable)” shall be omitted in each place in which they occur;
- (o) after the form numbered 91, for the cross-heading “COMMUNITY SERVICE ORDERS” there shall be substituted the cross-heading “PROBATION, COMMUNITY SERVICE AND COMBINATION ORDERS”;
- (p) after the cross-heading mentioned in paragraph (o) above there shall be inserted the forms numbered 92 to 92C in the Schedule, and the forms numbered 92A and 92B in Schedule 2 to the Magistrates' Courts (Forms) Rules 1981 shall be renumbered 92D and 92E;
- (q) in the form renumbered 92D by virtue of paragraph (p) above—
 - (i) for the words “[a probation officer’s report] [a report of a social worker of a local authority social services department]” there shall be substituted the words “a pre-sentence report”; and
 - (ii) the words “is aged 17 and over and” shall be omitted;
- (r) in the form renumbered 92E by virtue of paragraph (p) above—
 - (i) for the words “Supervising Court” there shall be substituted the words “Petty sessions area specified in the community service order”; and
 - (ii) the words “is aged 17 or over and” shall be omitted;
- (s) after the form renumbered 92E by virtue of paragraph (p) above there shall be inserted the forms numbered 92F to 92S in the Schedule; and
- (t) after the form numbered 97A there shall be inserted the forms numbered 97B and 97C in the Schedule.

The Magistrates' Courts (Advance Information) Rules 1985

- 4. The Magistrates' Courts (Advance Information) Rules 1985(4) shall be amended as follows—
 - (a) in rule 4, for the figure “17”, there shall be substituted the figure “18”; and
 - (b) in paragraph (2) of rule 6, for the figure “17”, there shall be substituted the figure “18”.

Dated 27th August 1992

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Rule 3

MAGISTRATES' COURTS (FORMS) RULES 1981

FORM 43 *Warrant of commitment : sentence of imprisonment (M.C. Act 1980, s.132; C.J. Act 1991 ss.1, 3; M.C. Rules 1981, rr.94, 95, 97.)*

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: *(short particulars and statute)*

The accused was on convicted of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court [is of the opinion that the offence, or the combination of the offence and one other offence associated with it, was so serious that only such a sentence can be justified for the offence because *(state reason)*

][*where the offence is a violent or sexual offence*] is of the opinion that only such a sentence would be adequate to protect the public from serious harm from him because *(state reason)*

][proposed a community sentence which requires the consent of the offender, and the accused refused to give that consent].

Decision: That the accused be imprisoned for *(state period)*

[Where the offence is a sexual offence] That the period on licence for which the accused will be released should have effect until the end of his sentence]

Direction: You, [the constables of Police Force] are hereby required to convey the accused to prison and there deliver the accused to the Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace
[or By Order of the Court
Clerk of the Court]

FORM 44 *Warrant of commitment : sentence of detention in young offender institution (C.J. Act 1982, s.1A; C.J. Act 1991, ss.1, 3; M.C. Rules 1981, rr.94, 95, 97.)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Date of Birth:

Address:

Offence: (short particulars and statute)

The accused was on convicted of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court [is of the opinion that the offence, or the combination of the offence and one other offence associated with it, was so serious that only such a sentence can be justified for the offence because (state reason)

[[where the offence is a violent or sexual offence] is of the opinion that only such a sentence would be adequate to protect the public from serious harm from him because (state reason)

[[proposed a community sentence which requires the consent of the offender, and the accused refused to give that consent].

Decision: That the accused serve a term of detention in a young offender institution (state period).

[[Where the offence is a sexual offence] That the period on licence for which the accused will be released should have effect until the end of his sentence]

Direction: You, [the constables of Police Force] [AB] are hereby required to convey the accused to young offender institution/prison and there deliver the accused to the Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace
[or By Order of the Court
Clerk of the Court]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (*Code*)

Accused: Age: years

Address:

The accused was convicted of an offence under section 38(1) of the Criminal Justice Act 1991, being a short-term prisoner who was released on licence under Part II of the Act who failed to comply with the following conditions specified in that licence:

(short particulars)

Decision: That the accused be recalled to prison for *(state period)*

Direction: You, [the constables of Police Force] are hereby required to convey the accused to prison and there deliver the accused to the Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace
[or by Order of the Court
Clerk of the Court]

FORM 65 *Order for conditional discharge (P.C.C. Act 1973, s.1A.)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: (short particulars and statute)

On the accused was convicted of the above offence. The court is of the opinion, having regard to the circumstances, including the nature of the offence and the character of the accused, that it is inexpedient to inflict punishment. The court has explained to the accused in ordinary language that if he commits another offence during the period specified below, he will be liable to be sentenced for the original offence for which the order is made.

Order: That the accused be discharged subject to the condition that he commits no offence during the period of year[s] from the date of this order.

*[]

Justice of the Peace
[or By order of the Court
Clerk of the Court]

* Add details of any order as to costs or compensation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)
Accused: Age: years
Address:
Offence: (short particulars and statute)

On the accused was convicted of the above offence. The court [obtained and considered a pre-sentence report for the purpose of determining the most suitable method of dealing with the accused] [did not obtain a pre-sentence report]. The court has explained to the accused in ordinary language the effect of this order, and in particular the requirements of the order as specified in the Schedule hereto, the consequences that may follow under Schedule 2 to the Criminal Justice Act 1991 if the accused fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made) and that the court has power to review the order on the application either of the accused or of the probation officer responsible for his supervision. The accused has expressed his willingness to comply with the requirements of this order.

Order: That the accused who [resides] [will reside] in the petty sessions area of shall for years be under the supervision of a probation officer appointed for or assigned to that petty sessions area and shall for that period comply with the requirements which are specified in the Schedule hereto.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

SCHEDULE

1. The accused shall keep in touch with the probation officer responsible for his supervision in accordance with such instructions as he may from time to time be given by that officer and shall notify him of any change of address.
2. (Any additional requirements).

FORM 92A Probation order: accused resident in Scotland or Northern Ireland (P.C.C. Act 1973, s.2,3; C.J. Act 1991, Sch. 3.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: *(short particulars and statute)*

On the accused was convicted of the above offence. The court is satisfied that the accused resides, or will be residing when the order comes into force, in [Scotland] [Northern Ireland].

The court [obtained and considered a pre-sentence report for the purpose of determining the most suitable method of dealing with the accused] [did not obtain a pre-sentence report]. The court has explained to the accused in ordinary language the requirements of the legislation relating to probation orders which has effect in [Scotland] [Northern Ireland], the powers of the court in [Scotland] [Northern Ireland] under that legislation and the powers of the above magistrates' court in respect of this order.

The accused has expressed his willingness to comply with the requirements of this order.

Order: That the accused, who [resides] [will reside] in the [locality] [petty sessions district] of [Scotland: under court of summary jurisdiction], shall for be under the supervision of [an officer of the regional or islands council in whose area the locality is situated] [a probation officer assigned to the petty sessions district] and shall for that period comply with the requirements which are specified in the Schedule hereto.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

SCHEDULE

1. The accused shall keep in touch with the officer responsible for his supervision in accordance with such instructions as he may from time to time be given by that officer and notify him of any change of address.
2. (Any additional requirements).

FORM 92B Order amending probation order: accused resident in Scotland or Northern Ireland (P.C.C. Act 1973, s.2; C.J. Act 1991, Sch. 2, 3.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused:

Address:

Probation order made on:

Probation order made by:

Duration of probation order:

Petty sessions area specified in the probation order:

The court is satisfied that the accused [proposes to reside] [is residing] in [Scotland] [Northern Ireland].

The court has explained to the accused in ordinary language the requirements of the legislation relating to probation orders which has effect in [Scotland] [Northern Ireland], the powers of the court in [Scotland] [Northern Ireland] under that legislation and the powers of the above magistrates' court in respect of this order.

Order: The court amends the above order by specifying that the accused be supervised in accordance with the arrangements that may be made for such supervision in [Scotland] [Northern Ireland].

The [locality in Scotland] [petty sessions district in Northern Ireland] in which the accused [resides] [will be residing when the amendment to the above order comes into force.] will be [Scotland: under court of summary jurisdiction].

Justice of the Peace
[or By order of the Court
Clerk of the Court]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: (short particulars and statute)

On the accused was convicted of the above offence.

The court, having considered a pre-sentence report, is satisfied that the accused is a suitable person to perform work under a community service order. The court has explained to the accused in ordinary language the purpose and effect of this order, and in particular the requirements of the order as specified in section 15 of the Powers of Criminal Courts Act 1973, the consequences which may follow under Schedule 2 to the Criminal Justice Act 1991 if the accused fails to comply with any of these requirements (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made) and that the court has power to review the order on the application either of the accused or of the relevant officer. The accused has consented to the making of this community service order.

Order: That the accused who [resides] [will reside] in the petty sessions area of shall during the period of 12 months beginning with the date of this order be required to perform unpaid work for an aggregate of hours and shall for the duration of this order comply with the requirements which are specified in the Schedule hereto [and the court directs that such hours of work shall be [concurrent with] [additional to] the hours specified in [a] community service order[s] made on for hours' work [respectively]]

[And that the accused pay £ compensation and £ costs forthwith (or as appropriate).]

Justice of the Peace
[or By order of the Court
Clerk of the Court]

SCHEDULE

1. The accused shall keep in touch with the relevant officer in accordance with such instructions as he may from time to time be given by that officer and notify him of any change of address.
2. The accused shall perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: *(short particulars and statute)*

On.....the accused was convicted of the above offence. The court, having considered a pre-sentence report, is satisfied that the accused is a suitable person to perform work under a combination order. The court has explained to the accused in ordinary language the purpose and effect of this order, and in particular the requirements of the order as specified in the Schedule hereto, the consequences which may follow under Schedule 2 to the Criminal Justice Act 1991 if the accused fails to comply with any of the requirements of the order (including the fact that he will then be liable to be re-sentenced for the offence in respect of which the order is made) and that the court has power to review the order on the application either of the accused or of the responsible officer. The accused has consented to the making of this combination order and has expressed willingness to comply with its requirements.

Order: That the accused who [resides][will reside] in the petty sessions area of shall for years be under the supervision of a probation officer appointed for or assigned to that petty sessions area, shall during the period of 12 months beginning with the date of this order be required to perform unpaid work for an aggregate of.....hours and shall for the duration of this order comply with the requirements which are specified in the Schedule hereto.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

SCHEDULE

1. The accused shall keep in touch with the probation officer responsible for his supervision and, where a different person, the relevant officer responsible for the work to be performed under this order, in accordance with such instructions as he may from time to time be given by the officer or officers and notify the officer or officers of any change of address.
2. The accused shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.
3. (Any additional requirements).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

Offence: (short particulars and statute)

On the accused was convicted of the above offence. The court, having considered a pre-sentence report, is satisfied that the accused is a suitable person to perform work under a combination order.

The court is satisfied that the accused resides, or will be residing when the order comes into force, in Scotland.

The court has explained to the accused in ordinary language the requirements of the legislation relating to combination orders which has effect in Scotland, the powers of the court in Scotland under that legislation and the powers of the above magistrates' court in respect of the order.

The accused has consented to the making of this combination order and has expressed willingness to comply with its requirements.

Order: That the accused who [resides][will reside] in the locality of under court of summary jurisdiction, shall foryears be under the supervision of an officer of the regional or islands council in whose area the locality is situated, shall during the period of 12 months beginning with the date of this order be required to perform unpaid work for an aggregate of hours and shall for the duration of this order comply with the requirements which are specified in the Schedule hereto.

The locality in which the accused resides, or will be residing when the order comes into force, will be and the court requires the regional or islands council in whose area the locality is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

SCHEDULE

1. The accused shall keep in touch with the responsible officer or officers in accordance with such instructions as he may from time to time be given by the officer or officers and notify the officer or officers of any change of address.
2. The accused shall during the period of 12 months beginning with the date of this order perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.
3. (Any additional requirements).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 92H Order amending combination order: accused resident in Scotland (C.J. Act 1991, s.11; Sch. 2; Sch. 3.)

..... Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Combination order made on:

Combination order made by:

Duration of combination order:

Petty sessions area specified in the combination order:

The court is satisfied that the accused [proposes to reside] [is residing] in Scotland.

The court has explained to the accused in ordinary language the requirements of the legislation relating to combination orders which has effect in Scotland, the powers of the court in Scotland under that legislation and the powers of the above magistrates' court in respect of the order.

Order: The court amends the above order by specifying that the accused be supervised in accordance with the arrangements that exist for such supervision in Scotland and that the unpaid work required to be performed under the order be performed under the arrangements that exist for the performance of such work in Scotland.

The locality in which the accused resides, or will be residing when the amendment to the above order comes into force, will be under court of summary jurisdiction and the court requires the regional or islands council in whose area the locality is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

FORM 92I Information for failure to comply with requirements of probation, community service or combination order (C.J. Act 1991, Sch. 2; M.C. Rules 1981, r.4.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

..... order
made on:

..... order
made by:

Duration of
..... order:

Petty sessions area
specified in the
..... order:

The information of:

Address: Telephone No.:

who [upon oath] states that the accused has failed to comply with the requirement[s] of the above order in that:

Alleged failure
to comply with
requirement[s]:

Taken [and sworn] before me,

Justice of the Peace
[Justices' Clerk]

FORM 92J Summons for breach of requirement of probation, community service or combination order (C.J. Act 1991, Sch. 2; M.C. Rules 1981, r.98.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)
To:
Address:
Petty sessions area specified in the order:

You are hereby summoned to appear on at before the Magistrates' Court to answer to the following information which alleges that you have failed to comply with the following requirement[s] of the order made in your case on by [the Magistrates' Court] [the Crown Court at]

Alleged failure to comply with requirement[s]:
Information laid by:
Address:

Justice of the Peace
[Justices' Clerk]

FORM 92K Warrant of arrest for breach of requirement of probation, community service or combination order (C.J. Act 1991, Sch. 2; M.C. Act 1980, s.117; Bail Act 1976, s.3; M.C. Rules 1981, rr.95, 96.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused:

Address:

..... order
made by:

Duration of
..... order:

Petty sessions area
specified in the
..... order:

Alleged failure to
comply with
requirement: (short particulars)

Information in writing and on oath having this day been laid before me by that the accused is in breach of the above requirement.

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on at a.m./p.m.

Justice of the Peace

* Delete if bail is not granted.

SCHEDULE I
Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed.

†

SCHEDULE II
Conditions to be complied with after release on bail

†

† insert condition(s) as appropriate (including Schedule I directions under M.C. Rules 1981, r.85 in respect of any pre-release conditions).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 92L *Order on failure to comply with requirement of probation, community service or combination order (C.J. Act 1991, Sch. 2.)*

Date: Magistrates' Court (Code)

Accused: Age years:

Address:

Offence: *(short particulars and statute)*

..... order
made on:

..... order
made by:

Duration of
..... order:

Petty sessions area
specified in the
..... order:

Requirement(s)
contravened:

The accused has today [appeared][been brought] before the Magistrates' Court at and the court was satisfied that the accused had failed, without reasonable excuse, to comply with the above requirement(s) in that:

Failure to comply
with requirement(s): *(short particulars)*

Order: It is therefore ordered that the accused, in respect of his failure to comply with the requirement(s), *(insert court's decision)*.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

FORM 92M *Summons on application to amend or revoke a probation, community service or combination order (C.J. Act 1991, Sch. 2.)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)
To:
Address:

You are hereby summoned to appear on at before the Magistrates' Court for a hearing of an application by to [amend][revoke] the order made in your case on by [the Magistrates' Court] [the Crown Court at] [and to deal with you in some other manner for the offence in respect of which the order was made].

Justice of the Peace
[Justices' Clerk]

FORM 92N *Warrant of arrest of offender summoned to appear on application to amend or revoke a probation, community service or combination order (C.J. Act 1991, Sch. 2.)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused:

Address:

Date of summons:

Summons issued by:

The accused having this day failed to appear before the above court in accordance with a summons issued under Schedule 2 to the Criminal Justice Act 1991:

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the [..... Magistrates' Court][Crown Court at] immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, after complying with the conditions(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of Magistrates' Court onata.m./p.m.

Justice of the Peace

*Delete if bail is not granted.

SCHEDULE I
Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed.

†

SCHEDULE II
Conditions to be complied with after release on bail

†

† insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r.85 in respect of any pre-release conditions).

FORM 920Order amending probation, community service or combination order (C.J. Act 1991, Sch. 2.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

.....order
made on:

.....order
made by:

Duration of
.....order:

Petty sessions area
specified in the
.....order:

Order:

Upon the application of..... this court hereby
amends the above order as follows:
(set out details of amendment)

[The accused has expressed his willingness to comply with the
requirements of the order as amended.]

Justice of the Peace
[or By order of the Court
Clerk of the Court]

FORM 92PRevocation of probation, community service or combination order (C.J. Act 1991, Sch. 2.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Age: years

Offence: *(short particulars and statute)*

The accused was on at [this] [.....] Magistrates' Court convicted of the above offence and made the subject of a order.

[The accused [has this day appeared] [was this day brought] before this court and the court is satisfied that the accused has failed, without reasonable excuse, to comply with the following requirement(s) of the order, namely].

[On the application to this court of heard today it appears to the court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be revoked] [and that the court should deal with the accused for the above offence in a manner in which it could deal with him if he had just been convicted by the court of the offence.]

Order: That the order should be revoked [and *(insert particulars of court decision)*.]

Justice of the Peace
[or By order of the Court
Clerk of the Court]

FORM 92Q *Warrant of commitment: revocation of probation, community service or combination order; and re-sentence of imprisonment or detention in young offender institution (C.J. Act 1982, s.1; C.J. Act 1991, ss.1, 3, Sch. 2; M.C. Rules 1981, rr.94, 95, 97.)*

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)

Accused: Date of Birth:

Address:

Offence: *(short particulars and statute)*

The accused was on at
[this] [.....] Magistrates' Court convicted of the above offence and made the subject of a order.

[The accused [has this day appeared] [was this day brought] before this court and the court is satisfied that the accused has failed, without reasonable excuse, to comply with the following requirement(s) of the order namely.....]

[On the application to this court of heard today it appears to the court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be revoked] and that the court should deal with the accused for the above offence in a manner in which it could deal with him if he had just been convicted by the court of the offence and the court [is of the opinion that the offence, or the combination of the offence and one other offence associated with it, was so serious that only a custodial sentence can be justified for that offence, because *(state reason)*]

[where the offence is a violent or sexual offence: is of the opinion that only a custodial sentence would be adequate to protect the public from serious harm from him, because *(state reason)*]

[proposed a community sentence which requires the consent of the offender], [and the accused refused to give that consent] [but assumes the accused to have refused to give his consent on account of his wilful and persistent failure to comply with the requirements of the order].

Order: That the order should be revoked and the accused [be imprisoned for] [serve a term of detention in a young offender institution of] *(state period)*.

[Where the offence is a sexual offence]

That the period on licence for which the accused will be released should have effect until the end of his sentence.]

Direction: You, [the constables of Police Force] are hereby required to convey the accused to [young offender institution][prison] and there deliver the accused to the Governor and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 92R *Warrant of commitment: committal to Crown Court to be dealt with in respect of a probation, community service or combination order (C.J. Act 1991, Sch. 2; Bail Act 1976, ss.3, 4; M.C. Rules 1981, rr.94, 95, 97.)*

Date: Magistrates' Court (Code)

Accused: Age: years

Address:

..... order
made on:

..... order
made by:

Offence: *(short particulars and statute)*

Decision: The accused is committed in custody to the Crown Court at to be dealt with in accordance with the provisions of Schedule 2 to the Criminal Justice Act 1991 [for failure, without reasonable excuse, to comply with the requirements of a order made by the Crown Court at].

[Because this court is of the opinion, having heard an application by [the accused] [the responsible officer] and having regard to circumstances which have arisen since a order was made in respect of the accused by the Crown Court at, that it would be in the interests of justice that the order should be revoked] [and that the accused should be dealt with in some other manner for the offence in respect of which the order was made].

Direction: You, [the constables of Police Force], are hereby required to convey the accused to [prison] [remand centre] and there deliver the accused to the Governor thereof together with this warrant; and you, the Governor, to receive into your custody and, unless the accused is released on bail in the meantime, to keep the accused until the accused is delivered in due course of law.

*Bail: After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

*Delete if bail is not granted.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE I
Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed.

†

SCHEDULE II
Conditions to be complied with after release on bail

†

† insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r.85, in respect of any pre-release conditions).

FORM 92SCertificate of failure to comply with probation, community service or combination order (C.J. Act 1991, Sch. 2.)

..... Magistrates' Court (Code)

To the Crown Court at:

Date:

Accused:

Age: years

Address:

Duration of
..... order:

The accused [has this day appeared] [was this day brought] before this court for failure to comply with the following requirement(s) of the order made on by the Crown Court at

Requirement(s)
contravened:

(short particulars)

Certificate:

It is hereby certified that the accused has failed to comply with the above requirement(s) in that: (state particulars of failure(s) certified and the circumstances).

Justice of the Peace

FORM 97BOrder authorising the use or further use of secure accommodation (Children Act 1989, s.25.)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)
Relevant minor: Age: years
Address:

The relevant minor is accommodated by the Council in pursuance of section 23 of the Children and Young Persons Act 1969.

[On (date) on an application of [this] [.....] Magistrates' Court determined that in the case of the relevant minor the criteria set out in, or in regulations made under, section 25 of the Children Act 1989 were satisfied and made an order authorising the retention of the relevant minor in secure accommodation for a maximum period of].

On the [further] application of the court has determined that [it remains the case that] in the case of the relevant minor [those criteria] [the criteria set out in, or in regulations made under, section 25 of the Children Act 1989] are satisfied.

Order: The relevant minor may by virtue of this authorisation be retained in secure accommodation during a [further] period of beginning with the date of this order.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Date: Magistrates' Court (Code)
Relevant minor: Age: years
Address:

The relevant minor is accommodated by the Council in pursuance of section 23 of the Children and Young Persons Act 1969.

On the application of for an order authorising the keeping of the relevant minor in secure accommodation, the court is not in a position to determine whether in the case of the relevant minor the criteria set out in, or in regulations made under, section 25 of the Children Act 1989 are satisfied.

Order: The said application is hereby adjourned. The applicant shall bring the relevant minor before the above court on (date) at (time) or at such earlier time as the court may require. During the period of this adjournment the relevant minor may by virtue of this authorisation be kept in secure accommodation.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts Rules 1981, the Magistrates' Courts (Forms) Rules 1981 and the Magistrates' Courts (Advance Information) Rules 1985, pursuant, with one exception, to certain provisions of the Criminal Justice Act 1991.

Rule 2 makes miscellaneous amendments to the Magistrates' Courts Rules 1981 consequent upon the 1991 Act. These include amendment of rule 28 of those Rules to require the clerk of a magistrates' court, on the discharge by that court of a community order to notify the court which made the order of such discharge. Rule 2 also removes references to partly suspended sentences, the courts' powers to pass such sentences having been removed by the 1991 Act. Rule 2(1) requires a decision of the Secretary of State to make deductions from income support under section 24 of the 1991 Act to be entered in the magistrates' court register. Rule 2 also requires a statement of whether the court considered a pre-sentence report before passing custodial sentence to be entered in such a register, and such a statement to be sent to the Crown Court on an appeal against a custodial sentence.

Rule 2(e) amends rule 25(1) of the 1981 Rules to require a magistrates' court which transfers a remand hearing to notify the receiving court of the date set for the next remand hearing under

section 128A of the Magistrates' Courts Act 1980, which was inserted by section 155 of the Criminal Justice Act 1988 and came into force on 2nd December 1991.

Rule 3, and the associated forms in the Schedule, makes numerous amendments to the Magistrates' Courts (Forms) Rules 1981. These include amendment of warrants of commitment to include the court's reasons for being of the opinion that a custodial sentence is required, in accordance with section 1(5) of the 1991 Act, and a number of amendments to reflect the introduction of the unit fines system by section 18 of the 1991 Act. Other amendments are consequent upon the abolition by that Act of the partly suspended sentence. A number of new forms are provided concerning community orders, in particular those reflecting the introduction of combination orders under section 11 of the 1991 Act, and the new provisions on sentencing for breach, revocation and amendment of community orders made by Schedule 2 to the 1991 Act.

Rule 4 makes two amendments to the Magistrates' Courts (Advance Information) Rules 1985 as a result of provision in the 1991 Act that persons aged 17 are to be treated as young persons for certain purposes.