

---

STATUTORY INSTRUMENTS

---

1978 No. 869 (L. 23)

**JUVENILE COURTS AND OFFENDERS**

**The Magistrates' Courts (Children and Young Persons)  
(Amendment) Rules 1978**

<i>Made - - - -</i>	<i>16th June 1978</i>
<i>Laid before Parliament</i>	<i>26th June 1978</i>
<i>Coming into Operation</i>	<i>17th July 1978</i>

The Lord Chancellor, in exercise of the powers conferred upon him by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b) and sections 18(2)(b) and 32B of the Children and Young Persons Act 1969(c), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1978 and shall come into operation on 17th July 1978.

2. The Magistrates' Courts (Children and Young Persons) Rules 1970(d), as amended(e), shall have effect subject to the amendments specified in the Schedule to these Rules.

Dated 16th June 1978.

*Elwyn-Jones, C.*

---

(a) 1949 c. 101.  
(d) S.I. 1970/1792.

(b) 1952 c. 55.  
(e) S.I. 1976/1769.

(c) 1969 c. 54.

## SCHEDULE

## PART I

AMENDMENTS TO MAGISTRATES' COURTS (CHILDREN AND YOUNG PERSONS)  
RULES 1970

1. In Rule 14A(5) for the words "a copy" there shall be substituted the word "notice".

2. After Rule 26 there shall be inserted the following Rule:—

*Rule 26A**"Payment of money by person subject to attendance centre order*

26A.—(1) Where a person under the age of seventeen is ordered, under section 19 of the Criminal Justice Act 1948, to attend at an attendance centre in default of payment of a sum of money, payment may thereafter be made—

(a) of the whole of the said sum, to the clerk of the court which made the order; or

(b) of the whole or, subject to paragraph (2), any part of the said sum, to the officer in charge of the attendance centre specified in the order.

(2) The officer mentioned in paragraph (1)(b) shall not be required to accept a payment of part of the said sum unless it is an amount required to secure a reduction of one complete hour, or some multiple thereof, in the period of attendance specified in the order.

(3) The clerk of the court shall, on receiving a payment under paragraph (1), forthwith notify the officer mentioned in paragraph (1)(b).

(4) The officer mentioned in paragraph (1)(b) shall pay any money received by him under that paragraph to the clerk of the court which made the order and shall note the receipt of the money in the register kept at the attendance centre."

3. For paragraph (2) of Rule 28 there shall be substituted the following paragraphs:—

"(2) For the purpose of facilitating the performance by supervisors of their functions under section 14 of the Act of 1969 of advising, assisting and befriending persons subject to supervision orders the following additional requirements to be complied with by the person subject to the order are prescribed for the purpose of inclusion (if the court considers it appropriate) in supervision orders, that is to say—

(a) in the case of a supervision order made under sub-section (7) of section 7 of the Act of 1969 or a supervision order made on the occasion of the discharge of a care order made under that sub-section, either or both of the requirements set out in paragraph 3(a), and

(b) in the case of any other supervision order, one or more of the requirements set out in paragraph (3)(a) and (b).

(3) The requirements mentioned in paragraph (2) are—

(a) “That he/she shall inform the supervisor at once of any change of his/her residence or employment.”

“That he/she shall keep in touch with the supervisor in accordance with such instructions as may from time to time be given by the supervisor and, in particular, that he/she shall, if the supervisor so requires, receive visits from the supervisor at his/her home.”; and

(b) “That he/she shall be medically examined in accordance with arrangements made by the supervisor.”.

4. In Schedule 2—

(a) In Form 6—

(i) for the paragraph beginning with the words “You are hereby commanded” there shall be substituted the following paragraph:—

“You are hereby commanded to bring the relevant infant before the [juvenile] [magistrates] court sitting at or a Justice of the Peace immediately or, in any case, within 72 hours [unless the relevant infant is released on bail as directed below].”;

(ii) immediately before “J.P.,” there shall be inserted the words “Dated the            day of            19    .”; and

(iii) for the words “(Endorsement where bail is allowed)” to the end there shall be substituted the following words:—

“(Endorsement where bail is granted)

Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the relevant infant 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 court on .....  
..... at ..... a.m./p.m.

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

## 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 1968, r.71A, in respect of any pre-release conditions).

- (b) In Form 7A, for the words “a copy of this notice” there shall be substituted the words “notice of the appointment”;
- (c) In Forms 10A and 10C, immediately before the words “Taken and sworn before me” there shall be inserted the words “And who applies for a warrant to search the said premises”;
- (d) In Forms 12, 13, 14, 15, 18, 25 and 26—
- (i) for the word “bailed” there shall be substituted the words “released on bail”; and
  - (ii) in the words in brackets at the end, for the word “allowed” there shall be substituted the word “granted”;
- (e) In Form 17—
- (i) after the words “[found guilty” there shall be inserted the word “of”;
  - (ii) for the word “bailed” there shall be substituted the words “released on bail”; and
  - (iii) after “Justices’ Clerk.]” there shall be added the words “(Endorsement where bail is granted to be as in Form 16)”;
- (f) In Form 51—
- (i) for the last paragraph there shall be substituted the following paragraph:—

“And it is directed that the defendant be committed to ..... until brought before the said juvenile court on (*date*) at (*time*) [unless released on bail in the meantime].”;
  - (ii) after the words “Clerk of the Court.]” there shall be added the words “(Endorsement where bail is granted to be as in Form 16)”.

5. In Schedule 2, for the forms numbered 3, 16, 43, 44 and 45 there shall be substituted, respectively, the forms numbered in like manner in Part II of this Schedule and the forms numbered 30A, 38A, 40A, 40B and 51A in the said Part II shall be inserted in numerical order.

PART II

FORMS TO BE SUBSTITUTED OR INSERTED IN SCHEDULE 2 TO THE MAGISTRATES' COURTS (CHILDREN AND YOUNG PERSONS) RULES 1970

3

Warrant of arrest of child or young person in first instance

(M. C. Act 1952, ss. 1, 93; C. J. Act 1967, s. 24; Bail Act 1976, s. 3; M. C. Rules 1968, rr. 78, 79)

..... Juvenile/Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (particulars and statute)

Information having been laid before me on [oath] [affirmation] by ..... on ..... that the accused committed the offence of which particulars are given above.

Direction: You, the constables of Police Force, are hereby required to arrest the accused, who is believed to be a child or young person, and to bring the accused before the above court immediately [unless the accused is released 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 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 in Schedule I directions under M.C. Rules 1968, r.71A, in respect of any pre-release conditions).

*Endorsement of warrant of commitment where bail is granted*

Bail: After complying with the condition(s) specified in Schedule I hereto, the defendant 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 court on ..... at ..... a.m./p.m.] [the Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that Court].

Dated the            day of            19 .

Justice of the Peace.

[or By order of the Court  
Clerk of the Court.]

## SCHEDULE I

Conditions to be complied with before release on bail

To provide            suret[y][ies] in the sum of £  
[each] to secure the defendant'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 1968, r.71A, in respect of any pre-release conditions).







---

SCHEDULE

Condition(s) to be complied with after release on bail

†

---

†Insert condition(s) as appropriate.

40A

*Order of recognizance against parent or guardian of defaulter under 17*

*(C. L. Act 1977, s. 36)*

..... Juvenile Court (*Code*)

Date:

Defaulter: Age Years

Address:

Parent/guardian:

Address if different  
from above:

Offence: *(short particulars and statute)*

Fine.....	The defaulter was on <i>(date)</i> adjudged to pay the total sum set out in the margin hereof and has made default in payment of [the whole] [the balance set out in the margin].
Compensation..	
Costs.....	
Total.....	
Part payments.	
Balance.....	

Decision: The said parent/guardian, who has consented to the making of this order, shall forthwith enter into a recognizance in the sum of £  to ensure that the defaulter pays the sum remaining unpaid by *(state date)*.

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

40B

Notice of payment to be made by parent or guardian of defaulter under 17  
(C. L. Act 1977, s. 36)

..... Juvenile Court (Code)

Date:

Defaulter: Age Years

Address:

Parent/guardian:

Address if different  
from above:

Offence: *(short particulars and statute)*

Fine.....	The defaulter was on <i>(date)</i> adjudged to pay the total sum set out in the margin hereof and has made default in payment of [the whole] [the balance set out in the margin].
Compensation..	
Costs.....	
Total.....	
Part payments.	
Balance.....	

You, the parent/guardian of the defaulter have been ordered to pay the sum outstanding instead of the defaulter [forthwith] [or *(here set out method of payment)*].

Payment may be made personally at the address shown below on *(days)* between *(time)* and *(time)* , or—  
By post to the address shown below.

Crossed cheques and postal orders should be made payable to the “Justices’ Clerk”. Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped.

Payment to: The Justices’ Clerk

*(Address)*

*(Telephone No.)*

Failure to pay in accordance with the above directions may result in a distress warrant being issued against you or a warrant for your arrest unless you have been granted further time for payment; application for further time for payment may be made in writing to the Justices’ Clerk stating the grounds for the application.

Note: This notice should be sent with any payment or application.



---

**SCHEDULE**

*Any requirement(s) imposed by the court should be listed here. These should be in the terms of section 12 of the Children and Young Persons Act 1969, as amended, or Rule 28 of the Magistrates' Courts (Children and Young Persons) Rules 1970, as appropriate.*





**SCHEDULE**

*Any requirement(s) imposed by the court should be listed here. These should be in the terms of section 12 of the Children and Young Persons Act 1969, as amended, or Rule 28 of the Magistrates' Courts (Children and Young Persons) Rules 1970, as appropriate.*



## SCHEDULE

*Any requirement(s) imposed by the court should be listed here. These should be in the terms of section 12 of the Children and Young Persons Act 1969, as amended, or Rule 28 of the Magistrates' Courts (Children and Young Persons) Rules 1970, as appropriate.*



---

**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 1968, r.71A, in respect of any pre-release conditions).

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules amend the Magistrates' Courts (Children and Young Persons) Rules 1970, as amended.

The main purpose of the Rules is to take account of the coming into force on 17th July 1978 of sections 34, 36 and 37 of the Criminal Law Act 1977 (c. 45) which, respectively, amend the law relating to the trial of a juvenile charged jointly with an adult of a criminal offence, the enforcement of fines, etc. imposed on young offenders and the requirements which may be included in supervision orders (new Rule 26A and new Forms 30A, 40A, 40B, 43, 44, 45 and 51A).

The Rules also make a number of amendments which are consequential upon the coming into force on 17th April 1978 of the Bail Act 1976 (c. 63) (in particular, new Forms 3, 16 and 38A).

Finally, the Rules contain some minor amendments to the existing Rules and Forms.

SI 1978/869  
ISBN 0-11-083869-6

