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## STATUTORY INSTRUMENTS

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# 1981 No. 552

## The Magistrates' Courts Rules 1981

### WARRANT

#### Committal to custody to be by warrant

**94.** A justice of the peace shall not commit any person to a prison, detention centre, remand centre or place certified under section 134 of the Act of 1980 or to the custody of a constable under section 128(7) of that Act except by a warrant of commitment.

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#### Commencement Information

**I1** Rule 94 in force at 6.7.1981, see [rule 1\(1\)](#)

#### Warrant to be signed

**95.** Except where signature by the clerk of a magistrates' court is permitted by rule 109 or by the Magistrates' Courts (Forms) Rules 1981(1), every warrant under the Act of 1980 shall be signed by the justice issuing it.

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#### Commencement Information

**I2** Rule 95 in force at 6.7.1981, see [rule 1\(1\)](#)

#### Warrant of arrest

**96.—(1)** A warrant issued by a justice of the peace for the arrest of any person shall require the persons to whom it is directed, that is to say, the constables of the police area in which the warrant is issued, or the authorised persons for the police area specified in the warrant, or any persons named in that behalf in the warrant, to arrest the person against whom the warrant is issued.

**(2)** The warrant shall name or otherwise describe the person for whose arrest it is issued, and shall contain a statement of the offence charged in the information or, as the case may be, the ground on which the warrant is issued.

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#### Commencement Information

**I3** Rule 96 in force at 6.7.1981, see [rule 1\(1\)](#)

#### Warrant of commitment

**97.—(1)** A warrant of commitment issued by a justice of the peace—

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- (a) shall name or otherwise describe the person committed;
  - (b) shall contain a statement of the offence with which the person committed is charged, or of which he has been convicted, or of any other ground on which he is committed;
  - (c) shall be directed to a person named in the warrant or to the constables of the police area in which the warrant is issued or to the authorised persons for the police area specified in the warrant and to the governor or keeper of the prison or place of detention specified in the warrant, and shall require—
    - (i) the named person or the constables or authorised persons to arrest the person committed, if he is at large, and convey him to that prison or place and deliver him with the warrant to the governor or keeper;
    - (ii) the governor or keeper to keep in his custody the person committed until that person be delivered in due course of law, or until the happening of an event specified in the warrant, or for the period specified in the warrant, as the case may be.
- (2) A warrant of commitment may be executed by conveying the person committed to any prison or place of detention in which he may lawfully be detained and delivering him there together with the warrant; and, so long as any person is detained in any such prison or place other than that specified in the warrant, the warrant shall have effect as if that other prison or place were the prison or place specified in it.
- (3) Notwithstanding the preceding provisions of this rule, a warrant of commitment issued in pursuance of a valid conviction, or of a valid order requiring the person committed to do or abstain from doing anything, shall not, if it alleges that the person committed has been convicted, or ordered to do or abstain from doing that thing, be held void by reason of any defect in the warrant.
- (4) The governor or keeper of the prison or place of detention at which any person is delivered in pursuance of a warrant of commitment shall give to the constable or other person making the delivery a receipt for that person.
- (5) Notwithstanding the preceding provisions of this rule, a warrant of a justice of the peace to commit to custody any person who to the justice's knowledge is already detained in a prison or other place of detention shall be delivered to the governor or keeper of the prison or place of detention in which that person is detained.

#### **Commencement Information**

**I4** Rule 97 in force at 6.7.1981, see [rule 1\(1\)](#)

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