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STATUTORY INSTRUMENTS

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**1992 No. 2071 (L.17)**

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Children  
and Young Persons) Rules 1992**

*Made* - - - - - *27th August 1992*  
*Laid before Parliament* *10th September 1992*  
*Coming into force* - - - *1st October 1992*

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1) and sections 32(4) and (5) and 32A(11) of the Criminal Justice Act 1988(2), after consultation with the Rule Committee appointed under section 144 of the Magistrates' Courts Act 1980, hereby makes the following Rules:

**PART I**  
**GENERAL**

**Citation and commencement**

1. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) Rules 1992 and shall come into force on 1st October 1992.

**Interpretation**

2.—(1) In these Rules—

“the Act of 1933” means the Children and Young Persons Act 1933(3);

“the Act of 1969” means the Children and Young Persons Act 1969(4);

“the Act of 1989” means the Children Act 1989(5);

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(1) 1980 c. 43; section 144 was extended by section 145 of that Act and by section 18(2)(b) of the Children and Young Persons Act 1969 (c. 54).  
(2) 1988 c. 33; section 32(5) was amended, and section 32A inserted, by the Criminal Justice Act 1991 (c. 53), sections 55(5) and 54.  
(3) 1933 c. 12.  
(4) 1969 c. 54.  
(5) 1989 c. 41.

“child” means a person under the age of fourteen;

“court”—

(a) in Parts II and IV and, subject to rule 13(2), in Part III, means a youth court, and

(b) in rules 26 to 29, means a magistrates' court whether a youth court or not;

“guardian” has the meaning given in section 107(1) of the Act of 1933;

“register” means the separate register kept for the youth court pursuant to rule 25 of these Rules; and

“young person” means a person who has attained the age of fourteen and is under the age of eighteen.

(2) In these Rules, unless the context otherwise requires, references to a parent in relation to a child or young person are references—

(a) where a local authority has parental responsibility for him under the Act of 1989, to the local authority, and

(b) in any other case, to a parent who has parental responsibility for him under that Act.

(3) In these Rules, unless the context otherwise requires, any reference to a rule, Part or Schedule shall be construed as a reference to a rule contained in these Rules, a Part thereof or a Schedule thereto, and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

### **Revocations and savings etc.**

3.—(1) Subject to paragraph (3), the Rules specified in Schedule 1 are hereby revoked to the extent specified.

(2) Subject to paragraph (3), the provisions of the Magistrates' Courts Rules 1981(6) shall have effect subject to these Rules.

(3) Nothing in these Rules shall apply in connection with any proceedings begun before the coming into force thereof.

## **PART II**

### **PROCEEDINGS IN CRIMINAL MATTERS**

#### **Application of Part II**

4.—(1) This Part applies, subject to paragraph (3), where proceedings to which paragraph (2) applies are brought in a court in respect of a child or young person (“the relevant minor”).

(2) This paragraph applies to proceedings in which the relevant minor is charged with an offence, and, where he appears or is brought before the court, to proceedings under—

(a) section 15 of the Act of 1969(7)(variation and discharge of supervision orders),

(b) Part II, III or IV of Schedule 2 to the Criminal Justice Act 1991 (breaches of requirements of, and revocation and amendment of, probation orders, community service orders, combination orders and curfew orders), or

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(6) S.I. 1981/552, amended by S.I. 1982/245, 1983/523, 1984/1552, 1985/1695, 1944, 1986/1332, 1988/2132, 1989/300, 384, 1990/226, 1190, 2260.

(7) Section 15 was substituted by the Criminal Justice Act 1991 (c. 53), section 66 and Schedule 7.

(c) section 18 of the Criminal Justice Act 1982<sup>(8)</sup>(discharge and variation of attendance centre orders).

(3) Where the court is inquiring into an offence as examining justices, only rules 5, 6 and 8(3) apply, and where the proceedings are of a kind mentioned in paragraph (2)(a), (b) or (c) rules 7 and 12 do not apply.

#### **Assistance in conducting case**

5.—(1) Except where the relevant minor is legally represented, the court shall allow his parent or guardian to assist him in conducting his case.

(2) Where the parent or guardian cannot be found or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this Part.

#### **Duty of court to explain nature of proceedings etc.**

6.—(1) The court shall explain to the relevant minor the nature of the proceedings and, where he is charged with an offence, the substance of the charge.

(2) The explanation shall be given in simple language suitable to his age and understanding.

#### **Duty of court to take plea to charge**

7. Where the relevant minor is charged with an offence the court shall, after giving the explanation required by rule 6, ask him whether he pleads guilty or not guilty to the charge.

#### **Evidence in support of charge or application**

8.—(1) Where—

- (a) the relevant minor is charged with an offence and does not plead guilty, or
- (b) the proceedings are of a kind mentioned in rule 4(2)(a), (b) or (c),

the court shall hear the witnesses in support of the charge or, as the case may be, the application.

(2) Except where—

- (a) the proceedings are of a kind mentioned in rule 4(2)(a), (b) or (c), and
- (b) the relevant minor is the applicant,

each witness may at the close of his evidence-in-chief be cross-examined by or on behalf of the relevant minor.

(3) If in any case where the relevant minor is not legally represented or assisted as provided by rule 5, the relevant minor, instead of asking questions by way of cross-examination, makes assertions, the court shall then put to the witness such questions as it thinks necessary on behalf of the relevant minor and may for this purpose question the relevant minor in order to bring out or clear up any point arising out of any such assertions.

#### **Evidence in reply**

9. If it appears to the court after hearing the evidence in support of the charge or application that a prima facie case is made out, the relevant minor shall, if he is not the applicant and is not legally represented, be told that he may give evidence or address the court, and the evidence of any witnesses shall be heard.

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(8) 1982 c. 48; section 18 was amended by the Criminal Justice Act 1991, section 67(2), (3).

## **Procedure after finding against minor**

**10.—(1)** This rule applies where—

- (a) the relevant minor is found guilty of an offence, whether after a plea of guilty or otherwise, or
- (b) in proceedings of a kind mentioned in rule 4(2)(a), (b) or (c) the court is satisfied that the case for the applicant—
  - (i) if the relevant minor is not the applicant, has been made out, or
  - (ii) if he is the applicant, has not been made out.

(2) Where this rule applies—

- (a) the relevant minor and his parent or guardian, if present, shall be given an opportunity of making a statement,
- (b) the court shall take into consideration all available information as to the general conduct, home surroundings, school record and medical history of the relevant minor and, in particular, shall take into consideration such information as aforesaid which is provided in pursuance of section 9 of the Act of 1969,
- (c) if such information as aforesaid is not fully available, the court shall consider the desirability of adjourning the proceedings for such inquiry as may be necessary,
- (d) any written report of a probation officer, local authority, local education authority, educational establishment or registered medical practitioner may be received and considered by the court without being read aloud, and
- (e) if the court considers it necessary in the interests of the relevant minor, it may require him or his parent or guardian, if present, to withdraw from the court.

(3) The court shall arrange for copies of any written report before the court to be made available to—

- (a) the legal representative, if any, of the relevant minor,
- (b) any parent or guardian of the relevant minor who is present at the hearing, and
- (c) the relevant minor, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to his age and understanding or undesirable to do so having regard to potential serious harm which might thereby be suffered by him.

(4) In any case in which the relevant minor is not legally represented and where a report which has not been made available to him in accordance with a direction under paragraph (3)(c) has been considered without being read aloud in pursuance of paragraph (2)(d) or where he or his parent or guardian has been required to withdraw from the court in pursuance of paragraph (2)(e), then—

- (a) the relevant minor shall be told the substance of any part of the information given to the court bearing on his character or conduct which the court considers to be material to the manner in which the case should be dealt with unless it appears to it impracticable so to do having regard to his age and understanding, and
- (b) the parent or guardian of the relevant minor, if present, shall be told the substance of any part of such information which the court considers to be material as aforesaid and which has reference to his character or conduct or to the character, conduct, home surroundings or health of the relevant minor, and if such a person, having been told the substance of any part of such information, desires to produce further evidence with reference thereto, the court, if it thinks the further evidence would be material, shall adjourn the proceedings for the production thereof and shall, if necessary in the case of a report, require the attendance at the adjourned hearing of the person who made the report.

### **Duty of court to explain manner in which it proposes to deal with case and effect of order**

11.—(1) Before finally disposing of the case or before remitting the case to another court in pursuance of section 56 of the Act of 1933, the court shall inform the relevant minor and his parent or guardian, if present, or any person assisting him in his case, of the manner in which it proposes to deal with the case and allow any of those persons so informed to make representations; but the relevant minor shall not be informed as aforesaid if the court considers it undesirable so to do.

(2) On making any order, the court shall explain to the relevant minor the general nature and effect of the order unless, in the case of an order requiring his parent or guardian to enter into a recognizance, it appears to it undesirable so to do.

### **Notice to be given where remand is extended in absence of child or young person**

12. Where a child or young person has been remanded, and the period of remand is extended in his absence in accordance with section 48 of the Act of 1933, notice shall be given to him and his sureties (if any) of the date at which he will be required to appear before the court.

## **PART III**

### **PROCEEDINGS IN CERTAIN OTHER MATTERS**

#### **Application and interpretation of Part III**

13.—(1) This Part applies in connection with proceedings in a court in the case of any child or young person in relation to whom proceedings are brought or proposed to be brought under—

- (a) section 72 or 73 of the Social Work (Scotland) Act 1968<sup>(9)</sup>(persons subject to supervision requirements or orders moving from or to Scotland), or
- (b) regulations made under section 25 of the Act of 1989 (authority to retain child in secure accommodation),

except that rules 14, 16(2), 20 and 21 do not apply in connection with proceedings under the enactments mentioned in sub-paragraph (a) above.

(2) In this Part—

“the applicant” means the person by whom proceedings are brought or proposed to be brought; “court”, in relation to proceedings of the kind mentioned in paragraph (1)(b), means a magistrates' court, whether a youth court or not, but does not include a family proceedings court; and

“the relevant minor” means the person in relation to whom proceedings are brought or proposed to be brought as mentioned in paragraph (1).

#### **Notice by person proposing to bring proceedings**

14.—(1) The applicant shall send a notice to the clerk of the court specifying the grounds for the proceedings and the names and addresses of the persons to whom a copy of the notice is sent in pursuance of paragraph (2).

(2) Without prejudice to section 34(2) of the Act of 1969 and regulations made under section 25 of the Act of 1989, the applicant shall—

- (a) send to each of the persons mentioned in paragraph (3) a copy of the said notice, and

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(9) 1968 c. 49; sections 72 and 73 were amended by the Act of 1969, Schedule 5, paragraphs 58 and 59 and Schedule 6.

- (b) notify each of those persons of the date, time and place appointed for the hearing unless a summons is issued for the purpose of securing his attendance thereat.
- (3) The persons referred to in paragraph (2) are—
  - (a) the relevant minor, unless it appears to the applicant inappropriate to notify him in pursuance of paragraph (2), having regard to his age and understanding,
  - (b) the parent or guardian of the relevant minor if the whereabouts of such parent or guardian is known to the applicant or can readily be ascertained by him, and
  - (c) where the father and mother of the relevant minor were not married to each other at the time of his birth, any person who is known to the applicant to have made an application for an order under section 4 of the Act of 1989 (acquisition of parental responsibility by father) which has not yet been determined.

### **Rights of parents and guardians**

**15.** Without prejudice to any provision of these Rules which provides for a parent or guardian to take part in proceedings, the relevant minor's parent or guardian shall be entitled to make representations to the court at any such stage after the conclusion of the evidence in the hearing as the court considers appropriate.

### **Adjournment of proceedings and procedure at hearing**

**16.—**(1) The court may, at any time, whether before or after the beginning of the hearing, adjourn the hearing, and, when so doing, may either fix the date, time and place at which the hearing is to be resumed or leave the date, time and place to be determined later by the court; but the hearing shall not be resumed at that date, time and place unless the court is satisfied that the applicant, the respondent and any other party to the proceedings have had adequate notice thereof.

(2) Subject to the provisions of the Act of 1969, sections 56, 57 and 123 of the Magistrates' Courts Act 1980<sup>(10)</sup>(non-appearance of parties and defects in process) shall apply to the proceedings as if they were by way of complaint and as if any references therein to the complainant, to the defendant and to the defence were, respectively, references to the applicant, to the relevant minor and to his case.

(3) Rules 14 and 16(1) of the Magistrates' Courts Rules 1981 (order of evidence and speeches and form of order) shall apply to the proceedings as if they were by way of complaint and as if any references therein to the complainant, to the defendant and to the defence were, respectively, references to the applicant, to the relevant minor and to his case.

### **Duty of court to explain nature of proceedings**

**17.** Except where, by virtue of any enactment, the court may proceed in the absence of the relevant minor, before proceeding with the hearing the court shall inform him of the general nature both of the proceedings and of the grounds on which they are brought, in terms suitable to his age and understanding, or if by reason of his age and understanding or his absence it is impracticable so to do, shall so inform any parent or guardian of his present at the hearing.

### **Conduct of case on behalf of relevant minor**

**18.—**(1) Except where the relevant minor or his parent or guardian is legally represented, the court shall, unless the relevant minor otherwise requests, allow his parent or guardian to conduct the case on his behalf, subject, however, to the provisions of rule 19(2).

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(10) 1980 c. 43.

(2) If the court thinks it appropriate to do so it may, unless the relevant minor otherwise requests, allow a relative of his or some other responsible person to conduct the case on his behalf.

#### **Power of court to hear evidence in absence of relevant minor and to require parent or guardian to withdraw**

**19.**—(1) Where the evidence likely to be given is such that in the opinion of the court it is in the interests of the relevant minor that the whole, or any part, of the evidence should not be given in his presence, then, unless he is conducting his own case, the court may hear the whole or part of the evidence, as it thinks appropriate, in his absence; but any evidence relating to his character or conduct shall be heard in his presence.

(2) If the court is satisfied that it is appropriate so to do, it may require a parent or guardian of the relevant minor to withdraw from the court while the relevant minor gives evidence or makes a statement; but the court shall inform the person so excluded of the substance of any allegations made against him by the relevant minor.

#### **Duty of court to explain procedure to relevant minor at end of applicant's case**

**20.** If it appears to the court after hearing the evidence in support of the applicant's case that he has made out a prima facie case it shall tell the relevant minor or the person conducting the case on his behalf under rule 18 that he may give evidence or make a statement and call witnesses.

#### **Consideration of reports: secure accommodation proceedings**

**21.**—(1) The court shall arrange for copies of any written report before the court to be made available, so far as practicable before the hearing to—

- (a) the applicant,
- (b) the legal representative, if any, of the relevant minor,
- (c) the parent or guardian of the relevant minor, and
- (d) the relevant minor, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to his age and understanding or undesirable to do so having regard to potential serious harm which might thereby be suffered by him.

(2) In any case in which the court has determined that the relevant criteria are satisfied, the court shall, for the purpose of determining the maximum period of authorisation to be specified in the order, take into consideration such information as it considers necessary for that purpose, including such information which is provided in pursuance of section 9 of the Act of 1969.

(3) Any written report may be received and considered by the court without being read aloud.

#### **Duty of court to explain manner in which it proposes to deal with case and effect of order**

**22.**—(1) Before finally disposing of the case, the court shall in simple language inform the relevant minor, any person conducting the case on his behalf, and his parent or guardian, if present, of the manner in which it proposes to deal with the case and allow any of those persons so informed to make representations; but the relevant minor shall not be informed as aforesaid if the court considers it undesirable or, having regard to his age and understanding, impracticable so to inform him.

(2) On making any order, the court shall in simple language suitable to his age and understanding explain to the relevant minor the general nature and effect of the order unless it appears to it impracticable so to do having regard to his age and understanding and shall give such an explanation to the relevant minor's parent or guardian, if present.

## PART IV

### EVIDENCE—TELEVISION LINKS AND VIDEO RECORDINGS

#### **Evidence through television link where witness is a child or is to be cross-examined after admission of a video recording**

**23.**—(1) Any party may apply for leave under section 32(1)(b) of the Criminal Justice Act 1988<sup>(11)</sup> for evidence to be given through a live television link where—

- (a) the offence charged is one to which section 32(2) of that Act applies, and
- (b) the evidence is to be given by a witness who is either—
  - (i) in the case of an offence falling within section 32(2)(a) or (b) of that Act, under the age of 14,
  - (ii) in the case of an offence falling within section 32(2)(c) of that Act, under the age of 17, or
  - (iii) a person who is to be cross-examined following the admission under section 32A of that Act of a video recording of testimony from him,

and references in this Part to an offence include references to attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of that offence.

(2) An application under paragraph (1) above shall be made by giving notice in writing, which shall be in the form prescribed in Form 51 of Schedule 2 or a form to the like effect.

(3) An application under paragraph (1) above shall be made within 28 days after the date on which the defendant first appears or is brought before the court on an information charging him with the offence.

(4) The notice under paragraph (2) above shall be sent to the clerk to the court and at the same time a copy thereof shall be sent by the applicant to every other party to the proceedings.

(5) A party who receives a copy of a notice under paragraph (2) above and who wishes to oppose the application shall within 14 days notify the applicant and the clerk to the court, in writing, of his opposition, giving the reasons therefor.

(6) An application under paragraph (1) above shall be determined by a justice of the peace without a hearing, unless the justice otherwise directs, and the clerk to the court shall notify the parties of the time and place of any such hearing.

(7) The clerk to the court shall notify all the parties and the person who is to accompany the witness (if known) of the decision of the court in relation to an application under paragraph (1) above. Where leave is granted, the notification shall state—

- (a) where the witness is to give evidence on behalf of the prosecutor, the name of the witness, and, if known, the name, occupation and relationship (if any) to the witness of the person who is to accompany the witness, and
- (b) the location of the court at which the proceedings should take place.

(8) The period specified in paragraph (3) above may be extended, either before or after it expires, on an application made in writing, specifying the grounds of the application and sent to the clerk to the court and a copy of the application shall be sent by the applicant to every other party to the proceedings. The clerk to the court shall notify all the parties of the decision of the court.

(9) An application for extension of time under paragraph (8) above shall be determined by a justice of the peace without a hearing unless the justice otherwise directs.

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<sup>(11)</sup> 1988 c. 33; section 32(1) was amended by the Criminal Justice Act 1991 (c. 53), section 55(2).



(10) A witness giving evidence through a television link pursuant to leave granted under paragraph (7) above shall be accompanied by a person acceptable to a justice of the peace and, unless the justice of the peace directs, by no other person.

### **Video recordings of testimony from child witness**

**24.**—(1) Any party may apply for leave under section 32A of the Criminal Justice Act 1988(12) to tender in evidence a video recording of testimony from a witness where—

- (a) the offence charged is one to which section 32(2) of that Act applies,
- (b) in the case of an offence falling within section 32(2)(a) or (b) of that Act, the proposed witness is under the age of 14 or, if he was under 14 when the video recording was made, is under the age of 15,
- (c) in the case of an offence falling within section 32(2)(c) of that Act, the proposed witness is under the age of 17 or, if he was under 17 when the video recording was made, is under the age of 18, and
- (d) the video recording is of an interview conducted between an adult and a person coming within sub-paragraph (b) or (c) above (not being the accused or one of the accused) which relates to any matter in issue in the proceedings;

and references in this rule to an offence include references to attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting the commission of, that offence.

(2) An application under paragraph (1) above shall be made by giving notice in writing, which shall be in the form prescribed in Form 52 of Schedule 2, or a form to the like effect. The application shall be accompanied by the video recording which it is proposed to tender in evidence and shall include the following, namely—

- (a) the name of the defendant and the offence or offences charged,
- (b) the name and date of birth of the witness in respect of whom the application is made,
- (c) the date on which the video recording was made,
- (d) a statement that in the opinion of the applicant the witness is willing and able to attend the trial for cross-examination,
- (e) a statement of the circumstances in which the video recording was made which complies with paragraph (4) below, and
- (f) the date on which the video recording was disclosed to the other party or parties.

(3) Where it is proposed to tender part only of a video recording of an interview with the witness, an application under paragraph (1) above must specify that part and be accompanied by a video recording of the entire interview including those parts of the interview which it is not proposed to tender in evidence and by a statement of the circumstances in which the video recording of the entire interview was made which complies with paragraph (4) below.

(4) The statement of the circumstances in which the video recording was made referred to in paragraphs (2)(e) and (3) above shall include the following information, except in so far as it is contained in the recording itself, namely—

- (a) the times at which the recording commenced and finished, including details of any interruptions,
- (b) the location at which the recording was made and the usual function of the premises,

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(12) Section 32A was inserted by the Criminal Justice Act 1991, section 54.

- (c) the name, age and occupation of any person present at any point during the recording, the time for which he was present and his relationship (if any) to the witness and to the defendant,
- (d) a description of the equipment used, including the number of the cameras used and whether they were fixed or mobile, the number and location of microphones and the video format used and whether there were single or multiple recording facilities, and
- (e) the location of the mastertape if the video recording is a copy and details of when and by whom the copy was made.

(5) An application under paragraph (1) above shall be made within 28 days after the date on which the defendant first appeared or was brought before a court on an information for the offence.

(6) The period of 28 days in paragraph (5) above may be extended by a justice of the peace, either before or after it expires, on an application made in writing, specifying the grounds of the application. The clerk to the court shall notify all the parties of the decision of the court.

(7) The notice under paragraph (2) or (6) above shall be sent to the clerk to the court and, at the same time, copies thereof shall be sent by the applicant to every other party to the proceedings. Copies of any video recording required by paragraph (2) or (3) above to accompany the notice shall at the same time be sent to the court and to any other party who has not already been served with a copy, or in the case of a defendant acting in person, shall be made available for viewing by him.

(8) A party who receives a copy of a notice under paragraph (2) above shall, within 14 days of service of the notice, notify the applicant and the clerk to the court in writing—

- (a) whether he objects to the admission of the video recording or recordings disclosed, giving his reasons why it would not be in the interests of justice for it to be admitted,
- (b) whether he would agree to the admission of part of the video recording or recording disclosed and if so, which part or parts, and
- (c) whether he wishes to be represented at any hearing of the application.

(9) After the expiry of the period referred to in paragraph (8) above, a justice of the peace shall determine whether an application under paragraph (1) above is to be dealt with—

- (a) without a hearing, or
- (b) where any party notifies the clerk to the court pursuant to paragraph (8) that he objects to the admission of any part of the video recording and that he wishes to be represented at any hearing, or in any other case where the court so directs, at a hearing at which the applicant and such other party or parties as the court may direct may be represented,

and the clerk to the court shall notify the applicant and, where necessary, the other party or parties, of the time and place of any such hearing.

(10) The clerk to the court shall within 3 days (not counting Saturdays, Sundays, Good Friday, Christmas Day or Bank Holidays) of the decision of the court in relation to an application under paragraph (1) above being made, notify all the parties of it in the form prescribed in Form 53 of Schedule 2 or a form to the like effect, and, where leave is granted, the notification shall state whether the whole or specified parts only of the video recording or recordings disclosed are to be admitted in evidence.

## PART V

### MISCELLANEOUS

#### **Register of proceedings in youth court**

**25.** Such part of the register kept in pursuance of rules made under the Magistrates' Courts Act 1980(13) as relates to proceedings in a youth court shall be kept in a separate book.

#### **Issue of summons or warrant to enforce attendance of parent or guardian**

**26.** Where a child or young person is charged with an offence, or is for any other reason brought before a court, a summons or warrant may be issued by a court to enforce the attendance of a parent or guardian under section 34A of the Act of 1933(14), in the same manner as if an information were laid upon which a summons or warrant could be issued against a defendant under the Magistrates' Courts Act 1980 and a summons to the child or young person may include a summons to the parent or guardian to enforce his attendance for the said purpose.

#### **Payment of money by person subject to attendance centre order**

**27.—(1)** Where a person under the age of eighteen is ordered, under section 17 of the Criminal Justice Act 1982(15), 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) may not 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 maintained at the attendance centre.

#### **Form of warrant where young person is committed to remand centre or prison**

**28.** Where a young person is remanded or committed to a remand centre or prison under section 23(4) of the Act of 1969(16), the court shall record in the warrant of commitment that it has declared as mentioned in section 23(1) of that Act.

#### **Forms**

**29.—(1)** The forms in Schedule 2, or forms to the like effect, may be used with such variation as the circumstances may require, and may be so used in lieu of forms contained in the Schedule to the Magistrates' Courts (Forms) Rules 1981(17).

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(13) 1980 c. 43.

(14) Section 34A was inserted by the Criminal Justice Act 1991 (c. 53), section 56.

(15) 1982 c. 48.

(16) Section 23 was substituted by the Criminal Justice Act 1991, section 60(1), and for the time being has effect with the modifications set out in section 62 of that Act.

(17) S.I. 1981/553, amended by S.I. 1982/246, 1983/524, 1984/1542, 1985/1945, 1986/1333, 1990/336.

(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 made under section 7(7) of the Act of 1969, that is to say either or both of the requirements set out in paragraph (3).

(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”;
- (b) “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”.

27th August 1992

*Mackay of Clashfern, C.*

SCHEDULE 1  
REVOCATIONS

<i>Rules revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Magistrates' Courts (Children and Young Persons) Rules 1988	<a href="#">S.I. 1988/913</a>	The whole Rules
The Magistrates' Courts (Criminal Justice Act 1988) (Miscellaneous Amendments) Rules 1988	<a href="#">S.I. 1988/2132</a>	Rule 4
The Family Proceedings Courts (Matrimonial Proceedings etc.) Rules 1991	<a href="#">S.I. 1991/1991</a>	Paragraph 7 of Schedule 2

SCHEDULE 2

Rule 29

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Explanatory Note

1*Summons: offence(M.C. Act 1980, s.1; C. & Y.P. Act 1993, s. 34A.)*

In the [county of .....] Petty Sessional Division of .....

To A.B. (hereinafter called the defendant) [and E.F. his/her parent/guardian] of .....

Information has this day been laid before [me, the undersigned] [or state name] [Justice of the Peace] [Clerk to the Justices] by C.D. that you the defendant, who are believed to be a child/young person, on the .... day of ..... 19...., at ..... in the [county] aforesaid [or of .....] (state briefly particulars of offence):

[And information has further been laid by C.D. that you E.F. are the parent [or guardian] of the defendant.]

You are therefore hereby summoned [each of you] to appear on (date) at (time) before the [Youth] [Magistrates'] Court sitting at ..... to answer to the said information.

Dated the .... day of ..... 19.....

Justice of the Peace for the [county] first above mentioned.  
[or This summons was issued by the above-named justice of the peace.

Clerk of the Magistrates' Court sitting at .....

[or Clerk to the Justices for the Petty Sessional Division aforesaid.]

2*Summons for attendance of parent or guardian of child or young person: offence(C. & Y.P. Act 1933, s. 34A.)*

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

In the [county of ..... Petty Sessional Division of .....].

To C.D. of .....

A.B., who is believed to be a child/young person, of whom you are stated to be the parent/guardian, is charged for that he/she on the .... day of ....., 19...., at ..... in the [county] aforesaid [or of .....], (state briefly particulars of offence):

You are therefore hereby summoned to appear before the [Youth] [Magistrates'] Court sitting at ..... on (date) at (time) and during all the stages of the proceedings.

Dated the .... day of ....., 19....

Justice of the Peace for the [county] first above mentioned.  
[or This summons was issued by the above-named justice of the peace.

Clerk of the Magistrates' Court sitting at .....]

[or Clerk to the Justices for the Petty Sessional Division aforesaid.]

*3Warrant of arrest of child or young person in first instance(M.C. Act 1980, ss.1, 13, 14, 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.*

..... [Youth] [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.

**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*

‡

---

\*Delete if bail is not granted.

‡Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r.83, in respect of any pre-release conditions).

*4Summons: proceedings in respect of supervision order(C. & Y.P. Act 1969, s.16(2); C. & Y.P. Act 1933, s.34A.)*

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

In the [county of ..... Petty Sessional Division of .....]-

To A.B. (hereinafter called the relevant minor) [and E.F. his/her parent/guardian] of .....

C.D. the relevant minor's supervisor having given notice that the relevant minor is to be brought before the court under section 15 of the Children and Young Persons Act 1969 on grounds specified in the notice:

And application having been duly made in that behalf to [me the undersigned] [or state name] [Justice of the Peace] [Clerk to the Justices];

You are hereby summoned [each of you] to appear on (date) at (time) before the Youth Court sitting at ..... to attend proceedings brought in pursuance of the said notice.

Dated the .... day of ....., 19.....

Justice of the Peace for the [county] first above mentioned.  
[or This summons was issued by the above-named justice of the peace.

Clerk of the Magistrates' Court sitting at .....

[or Clerk to the Justices for the Petty Sessional Division aforesaid.]

*5 Summons for attendance of parent or guardian of child or young person: proceedings in respect of supervision order(C. & Y.P. At 1933, s.34A.)*

In the [county of ... Petty Sessional Division of .....]-

To E.F. being a parent/guardian of A.B. (hereinafter called the relevant minor), who is believed to be a child/young person, of .....

C.D. the relevant minor's supervisor having given notice that the relevant minor is to be brought before the court under the section 15 of the Children and Young Persons Act 1969 on grounds specified in the notice:

And application having been duly made in that behalf to [me the undersigned] [or state name] [Justice of the Peace] [Clerk to the Justices];

You are hereby summoned to appear on (date) at (time) before the Youth Court sitting at ..... to attend proceedings brought in pursuance of the said notice.

Dated the .... day of ....., 19.....

Justice of the Peace for the [county] first above mentioned.  
[or This summons was issued by the above-named justice of the peace.

Clerk of the Magistrates' Court sitting at .....

[or Clerk to the Justices for the Petty Sessional Division aforesaid.]

*6 Warrant of arrest: proceedings in respect of supervision order(C. & Y.P. Act 1969, s.16(2); M.C. Act 1980, s.55(3) and (4).)*

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

..... [Youth] [Magistrates'] Court (Code)

To each and all the constables of

C.D. the supervisor of the relevant minor hereinafter mentioned having given notice that A.B. of ..... (hereinafter called the relevant minor) is to be brought before the court under section 15 of the Children and Young Persons Act 1969 on the grounds specified in the notice:

[And the relevant minor having been summoned to appear on (date) at (time) before the [Youth] [Magistrates'] Court sitting at ..... to attend proceedings brought in pursuance of the said notice:]

[And I, the undersigned Justice of the Peace, being satisfied by evidence on oath/affirmation that the said summons cannot be served:]

[And the Court being satisfied by evidence on oath/affirmation that the relevant minor having failed to attend in answer to the said summons was served therewith within what appears to them to be a reasonable time before the hearing/adjourned hearing:]

[And the Court being satisfied by evidence on oath/affirmation that the relevant minor having on previous occasion attended proceedings brought in pursuance of the said notice has failed to attend the adjourned hearing thereof and has had adequate notice of the time and place of the adjourned hearing:]

You are hereby commanded to bring the relevant minor before the [Youth] [Magistrates'] Court sitting at ..... or a justice of the peace immediately or, in any case, within seventy-two hours [unless the relevant minor is released on bail as directed below].

Dated the .... day of ....., 19.....

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

*(Endorsement where bail is granted)*

Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the relevant minor 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 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.*

*7 Information for failure to comply with requirements of attendance centre or on breach of Attendance Centre Rules(C.J. Act 1982, s.19.)*

..... [Youth] [Magistrates'] Court (Code)

Date:

Accused: Age years

Attendance centre order made on:

Attendance centre order made by:

Duration of order:

Supervising court:

The information of:

Address:

who [upon oath] states that the accused has [failed without reasonable excuse to attend at the attendance centre specified in the order in accordance with the order] [while attending at the attendance centre specified in the order committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely:-

Particulars of breach: ]

Taken [and sworn] before me,

Justice of the Peace.  
[or Justices' Clerk.]

*8 Summons for failure to comply with requirements of attendance centre order or on breach of Attendance Centre Rules(C.J. Act 1982, s.19.)*

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

..... [Youth] [Magistrates' Court (Code)]

Date:

To:

Address:

Attendance centre  
order made on:

Attendance centre  
order made by:

Information laid by:

Address:

You are hereby summoned to appear on (date) at (time) before the ..... Youth Court to answer to the above information which alleges that you [failed without reasonable excuse to attend at the attendance centre specified in the order in accordance with the order] [while attending at the attendance centre specified in the order committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely:-

Particulars of breach:

}

Justice of the Peace.  
[or Justices' Clerk.]

*9 Warrant of arrest for failure to comply with requirements of attendance centre order or for breach of Attendance Centre Rules (C.J. Act 1982, s.19.)*

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Accused: Age years

Address:

Attendance centre order made on:

Attendance centre order made by:

Alleged failure or breach: (short particulars)

Information in writing and on oath alleging the above [failure to attend] [breach of the Attendance Centre Rules 1958] having this day been laid before me by .....

Direction: You, the constables of ..... Police Force are hereby required to arrest the accused and bring the accused before the above [youth] [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 [youth] [magistrates'] court on (date) at (time).

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*

†

\*Delete if bail is not granted.

†Insert condition(s) as appropriate (including in 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.*

10 *Information for Search Warrant under section 32 of the Children and Young Persons Act 1969(C. & Y.P. Act 1969, s. 32.)*

..... [Youth] [Magistrates'] Court (Code)

Date:

The information of:

Address:

Telephone number .....

who upon oath states that he has reasonable grounds for believing that ..... a child/young person to whom section 32 of the Children and Young Persons Act 1969 applies, is absent from the place where he is required to be, and that the said child/young person is in the premises at .....

And who applies for a warrant to search the premises.

Taken and sworn before me.

Justice of the Peace.

11 *Warrant to search for child or young person to whom section 32 of the Children and Young Persons Act 1969 applies(C. & Y.P. Act 1969, s.32.)*

..... [Youth] [Magistrates'] Court (Code)

To each and all the constables of .....

Date:

The information of:

Address:

who upon oath states that he has reasonable grounds for believing that ..... a child/young person to whom section 32 of the Children and Young Persons Act 1969 applies, is absent from the place where he is required to be, and that the said child/young person is in the premises at .....

You are hereby authorised to enter and search the said premises and if the said child/young person is found, to arrest him without warrant under the authority of the said section 32 and conduct him to the premises where he should be or to such other premises as may be directed.

Justice of the Peace.

12 *Warrant of commitment to local authority accommodation: remand on adjournment(M.C. Act 1980, ss. 5, 10, 128; C. & Y.P. Act 1969, s.23.)*

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

..... [Youth] [Magistrates'] Court (Code)

To each and all the constables of ..... and to the council of the county/district/ borough of .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ....., appeared this day before the Court charged with *(state briefly particulars of offence)*:

And the Court decided to adjourn the hearing and remand the defendant:

It is hereby ordered that the defendant be committed to the accommodation of the said council [, who are looking after the defendant] [, in whose area it appears that [the defendant resides] [the offence was committed]], and that the said council shall, unless he/she is released on bail in the meantime, accommodate the defendant until the .... day of ..... 19...., and on that day the said council shall convey the defendant at *(time)* before the [Youth] [Magistrates'] Court sitting at ..... to be further dealt with according to law unless otherwise ordered in the meantime:

And you the said constables are hereby required, unless the defendant is forthwith received into the charge of a person authorised by, and acting on behalf of, the said council, to deliver the defendant, together with this warrant, into the care of a person authorised and acting as aforesaid.

Dated the .... day of ....., 19....

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

*(Endorsement where bail is granted to be as in Form 16.)*

**SCHEDULE**

**State here any requirements or conditions imposed.**

*13 Warrant of commitment to remand centre or prison: remand on adjournment (M.C. Act 1980, ss.5, 10, 128; C. & Y.P. Act 1969 s.23.)*

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

..... [Youth] [Magistrates'] Court (Code)

To each and all the constables of ..... and to the Governor of the remand centre/Her Majesty's prison at .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ..... appeared this day before the Court charged with (*state briefly particulars of offence*):

And the Court decided to adjourn the hearing and remand the defendant:

It is hereby declared that the defendant is a person to whom section 23(5) of the Children and Young Persons Act 1969 applies:

[The Court having been notified by the Secretary of State that the said remand centre is available for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who shall receive and keep the defendant in his custody (unless released on bail in the meantime) until the .... day of ....., 19...., and on that day the said Governor shall convey the defendant at (*time*) before the [Youth] [Magistrates'] Court sitting at ..... to be further dealt with according to law unless otherwise ordered in the meantime:

And you the said constables are hereby required to deliver the defendant, together with this warrant, into the custody of the said Governor.

Dated the .... day of ....., 19....

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

(Endorsement where bail is granted to be as in Form 16.)

14Warrant of commitment to local authority accommodation: remand for enquiries(M.C. Act 1980, ss. 10, 30, 128; C. & Y.P. Act 1969, s.23.)

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

..... Youth Court (Code)

To each and all the constables of ..... and to the council of the county/district/borough of .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ....., appeared this day before the Court charged with (state briefly particulars of offence):

The Court, having found the defendant guilty of the said offence, decided to adjourn the hearing and remand the defendant for the purpose of [enabling enquiries to be made] [and] [determining the most suitable method of dealing with the case]:

[or The Court, being satisfied that the defendant did the act/made the omission charged but, being of the opinion that an inquiry ought to be made into the defendant's [physical] [and] [mental] condition before the method of dealing with the case was determined, decided to adjourn the hearing and remand the defendant:]

It is hereby ordered that the defendant be committed to the accommodation of the said council [who are looking after the defendant] [in whose area it appears that [the defendant resides] [the offence was committed]] and that the said council shall, unless he/she is released on bail in the meantime, accommodate the defendant until the .... day of ....., 19..... and on that day the said council shall convey the defendant at (time) before the Youth Court sitting at ..... to be further dealt with according to law unless otherwise ordered in the meantime:

[And the said council are hereby requested to arrange for such an inquiry as aforesaid to be made by a duly qualified medical practitioner [or by two duly qualified medical practitioners of whom one is approved for the purposes of section 12 of the Mental Health Act 1983 by a local health authority as having special experience in the diagnosis or treatment of mental disorders], who shall report the result of such inquiry to the Court:]

And you the said constables are hereby required, unless the defendant is forthwith received into the charge of a person authorised by, and acting on behalf of, the said council, to deliver the defendant, together with this warrant, into the charge of a person authorised and acting as aforesaid.

Dated the ... day of ....., 19.....

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

(Endorsement where bail is granted to be as in Form 16.)

SCHEDULE

State here any requirements or conditions imposed.

15 Warrant of commitment to remand centre or prison: remand for enquiries (M.C. Act 1980, ss. 10, 30, 128; C. & Y.P. Act 1969, s.23.)

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

..... Youth Court (Code)

To each and all the constables of ..... and to the Governor of ..... the remand centre/Her Majesty's prison at .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ..... appeared this day before the Court charged with (*state briefly particulars of offence*):

The Court, having found the defendant guilty of the said offence, decided to adjourn the hearing and remand the defendant for the purpose of [enabling enquiries to be made] [and] [determining the most suitable method of dealing with the case]:

*for* The Court, being satisfied that the defendant did the act/made the omission charged but, being of the opinion that an inquiry ought to be made into the defendant's [physical] [and] [mental] condition before the method of dealing with the case was determined, decided to adjourn the hearing and remand the defendant:]

It is hereby declared that the defendant is a person to whom section 23(5) of the Children and Young Persons Act 1969 applies:

[The Court having been notified by the Secretary of State that the said remand centre is available for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who shall receive and keep the defendant in his custody (unless released on bail in the meantime) until the .... day of ....., 19...., and on that day the said Governor shall convey the defendant at . ..... (*time*) before the Youth Court sitting at ..... to be further dealt with according to law unless otherwise ordered in the meantime:

[And you, the said Governor, are hereby requested to arrange for such an inquiry as aforesaid to be made by a duly qualified medical practitioner [or by two duly qualified medical practitioners of whom one is approved for the purposes of section 12 of the Mental Health Act 1983 by a local health authority as having special experience in the diagnosis or treatment of mental disorders], who shall report the result of such inquiry to the Court:]

And you the said constables are hereby required to deliver the defendant, together with this warrant, into the custody of the said Governor.

Dated the .... day of ....., 19....

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

*(Endorsement where bail is granted to be as in Form 16.)*

16Endorsement of warrant of commitment where bail is granted

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

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].

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 1981, r.85, in respect of any pre-release conditions).

*17Warrant of commitment to remand centre or prison in substitution for commitment to local authority accommodation(C. & Y.P. Act 1969, s.23(4), (9a).)*

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Accused: Age years

Address:

[Alleged] offence: (particulars and statute)

The accused, having been [charged with] [found guilty of] the above offence and [remanded] [committed for trial/sentence], was on (date) committed to the accommodation of the ..... Council by the ..... [Youth] [Magistrates'] Court.

Declaration: (On the application of the said council, it is hereby declared that the accused is a person to whom section 23(5) of the Children and Young Persons Act 1969 applies.

[The court has been notified by the Secretary of State that the ..... remand centre is available for the reception from the court of persons of the accused's class or description.]

Direction: You, [the constables of ..... Police Force] [A.B.], 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 the accused into your custody and [ unless the accused is released on bail or you are otherwise ordered in the meantime, to keep the accused until (date) and then convey the accused to ..... [Youth] [Magistrates'] Court at (time)] [to keep the accused until the accused be delivered in due course of law]. [And you, the Governor are hereby requested to arrange an inquiry into the accused's [physical] [and] [mental] condition by [a] [two] duly qualified medical practitioner(s) who shall report thereon to the court.]

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

(Endorsement where bail is granted to be as in Form 16.)

18Order for extended remand(c. & Y.P. Act 1933, s.48(3); C. & Y.P. Act 1969, s.23.)

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

..... Youth Court (Cite)

To [the council of the county/district/borough of .....] [each and all the constables of ..... and the Governor of the remand centre/Her Majesty's prison at .....].

A.B. (hereinafter called the defendant) having been committed to the accommodation/custody of the said council/Governor under a warrant of commitment dated the .... day of ....., 19...., and the Court having deemed it expedient to extend the period of the defendant's remand:

It is hereby ordered that unless the defendant is released on bail in the meantime the defendant remain committed to the accommodation/custody of the said council/Governor until the .... day of ....., 19.... and on the said day the said council/the said constables shall convey the defendant at (time) before the Youth Court sitting at ..... to be further dealt with according to law, unless otherwise ordered in the meantime.

Dated the .... day of ....., 19....

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

(Endorsement where bail is granted to be as in Form 16.)

19 Notice of extended remand

To A.B. (hereinafter called the defendant) of ..... and to C.D. of ..... and to E.F. of ..... (suret[y][ies] for the defendant).

Take notice that you, the defendant, were remanded by the Youth Court sitting at ..... to appear before the said Court on the ... day of ....., 19...., and that the Youth Court sitting at ..... has this day in your absence remanded you, the defendant, to appear before the Youth Court sitting at ..... on (date) at (time).

Dated the .... day of ....., 19....

Clerk of the Court.

20 Warrant of Commitment to local authority accommodation: committal for trial (C. & Y.P. Act 1969, s.23.)



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

..... [Youth] [Magistrates'] Court (Code)

To each and all the constables of ..... and to the council of the county/ district/borough of .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ....., having been charged this day before the Court sitting as Examining Justices with (state briefly particulars of offence):

And the Court after inquiring into the said offence having committed the defendant for trial at the Crown Court at .....

It is hereby ordered that the defendant be committed to the accommodation of the said council [who are looking after the defendant] [in whose area it appears [the accused resides] [the offence was committed]], and that the said council shall, unless he/she is released on bail in the meantime, accommodate the defendant until the defendant is delivered in due course of law:

And you the said constables are hereby required, unless the defendant is forthwith received into the charge of a person authorised by, and acting on behalf of, the said council, to deliver the defendant, together with this warrant, into the charge of a person authorised and acting as aforesaid.

Dated the .... day of ....., 19.....

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

(Endorsement where bail is granted to be as in Form 16.)

**SCHEDULE**

State here any requirements or conditions imposed.

21 Warrant of commitment to remand centre or prison: committal for trial (M.C. Act 1980, ss. 6, 128; C. & Y.P. Act 1969, s.23.)

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

..... [Youth] [Magistrates' Court (Code)]

To each and all the constables of ..... and to the Governor of the remand centre/Her Majesty's prison at .....

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ..... having been charged this day before the Court sitting as Examining Justices with (state briefly particulars of offence):

And the Court after inquiring into the said offence having committed the defendant for trial at the Crown Court at .....

It is hereby declared that the defendant is a person to whom section 23(5) of the Children and Young Persons Act 1969 applies:

[The Court having been notified by the Secretary of State that the said remand centre is available for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who shall receive and keep the defendant in his custody [, unless released on bail in the meantime] until the defendant is delivered in due course of law.

And you the said constables are hereby required to deliver the defendant, together with this warrant, into the custody of the said Governor.

Dated the .... day of ..... 19.....

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

*(Endorsement where bail is granted to be as in Form 16.)*

22Notice of fine etc.: criminal proceedings (M.C. Rules 1981, r.46.)

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

..... [Youth] [Magistrates'] Court (Code)  
 To [A.B. of .....] [the .....Council.]

ADJUDICATION		
Fine .....		
Compensation		
Costs .....		
Total .....		

C.D. of ....., who is believed to have been born on ....., was this day [or on the ... day of ....., 19.....] found guilty of an offence, namely (*state briefly particulars of the offence*) [or, found to have failed to comply with a requirement of a supervision order/community service order, namely (*state briefly particulars of breach*)], and you, being [the parent/guardian of] [a local authority having parental responsibility for] the said C.D. were ordered to pay the sum of

..... [being ..... units at £..... per unit] as shown in the margin hereof the sum to be paid forthwith [or on or before the ... day of ....., 19.....] [or by weekly [or monthly] instalments of ..... the first instalment to be paid on or before the ... day of ....., 19.....]. Payment should be made either by post to me, the Clerk of the Court at (*insert address*) or made personally at (*insert the address and also days and hours when payment can be made.*) [\*Failure to pay forthwith [or on or before the appointed day[s]] will render you liable to [\*imprisonment for (*state period*)] [arrest] or your money and goods liable to distraint without further notice [, unless you have applied for and been granted before that day further time for payment. Application for the grant of further time may be made either in person to the Court or by letter addressed to me, the Clerk of the Court at (*insert address*) and stating fully the grounds on which the application is made].]

Dated the .... day of ....., 19.....

Clerk of the Court.

NOTE: Any communication sent by post must be properly stamped. Cash should not be sent in unregistered envelopes.

\*Delete where notice is addressed to a local authority.  
 †Delete unless magistrates' court on occasion of conviction has, under section 77(2) of the Magistrates' Courts Act 1980, fixed a term of imprisonment in default and postponed the issue of the warrant of commitment.

23 Attendance centre order: offence(C.J. Act 1982, s.17.)



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

..... Youth Court (Code)

Date:

Defaulter:

Age      years

Address:

Offence:

*(short particulars and statute)*

Fine	.....	:
Compensation	.....	:
Costs	.....	:
Total	.....	:
Part payments	.....	:
Balance	.....	:

The defaulter was on *(date)* adjudged to pay the total sum set out in the margin hereof [being ..... units at £..... per unit, forthwith] [*or (here set out effect of order)*] and has made default in payment of [the whole] [the balance set out in the margin].

Decision:

The defaulter shall attend at the ..... attendance centre on *(date)* at *(time)* and, subsequently, at such times as shall be fixed by the officer in charge of that centre, until the accused has completed a period of attendance of ..... hours unless the outstanding sum is sooner paid (*but see Note 2 below*).

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

NOTE 1: The present address of the attendance centre specified above is .....

NOTE 2: Under section 17(13)(b) of the Criminal Justice Act 1982 the period of attendance may be reduced proportionately by payment of part of the outstanding sum.

25 Order discharging attendance centre order (C.J. Act 1982, s.18.)

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

..... Youth Court (Code)

Date:

Offender:

Age      years

Address:

The [Youth] [Crown] Court sitting at ..... on (date) made an attendance centre order specifying the ..... attendance centre.

The [offender] [officer in charge of the aforesaid attendance centre] has applied for the discharge of the said attendance centre order.

Order:

That the attendance centre order be discharged [and that for the offence in respect of which that order was made the offender (*specify terms of new order*)].

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

26Order varying attendance centre order(C.J. Act 1982, s.18.)

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

..... Youth Court (Code)

Date:

Offender: Age years

Address:

The [Youth] [Crown] Court sitting at ..... on (date), made an attendance centre order specifying the ..... attendance centre.

The [person in respect of whom the attendance centre order has been made] [officer in charge of the aforesaid attendance centre] has applied for the variation of the said attendance centre order.

The Court is satisfied that the attendance centre specified below is reasonably accessible to that person, having regard to his age and the means of access available to him and any other circumstances.

Order: That the attendance centre order be varied by substituting for the attendance centre specified therein the ..... attendance centre.

Justice of the Peace.  
{or By order of the Court  
Clerk of the Court.}

NOTE: The present address of the attendance centre substituted by this Order is .....

*27Order on failure to comply with attendance centre order or on breach of Attendance Centre Rules(C.J. Act 1982, s.19.)*

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

..... Youth Court (Code)

Date:

Accused: Age years

Address:

On (date) the accused was ordered to attend at the ..... attendance centre.

The accused has today [appeared] [been brought] before this court under section 19(1) of the Criminal Justice Act 1982 and the court is satisfied that on (date) the accused [failed without reasonable excuse to attend at that attendance centre in accordance with that order] [while attending at that attendance centre committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely:-

Particulars of breach: .....

Order: That the accused, in respect of his [failure to attend] [breach of the Rules], (insert court's decision).

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

28Revocation of attendance centre order(C.J. Act 1982, s.19.)



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

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Offence: (short particulars and statute)

Attendance centre order made on:

Attendance centre order made by:

Attendance centre specified:

[The accused has today [appeared] [been brought] before this court under section 19(1) of the Criminal Justice Act 1982 and the court is satisfied that on (date) the accused [failed without reasonable excuse to attend at the specified attendance centre] [while attending at the specified attendance centre committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely:-

Particulars of breach: ..... ]

It appears to the court that the attendance centre order should be revoked [and that the court should deal with the accused for the above offence in a manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made].

Order: That the attendance centre order be revoked [and (insert particulars of court's decision)].

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

29 Warrant of commitment: revocation of attendance centre order and re-sentence of detention in young offender institution (C.J. Act 1982, s.19.)

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

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Offence: (short particulars and statute)

Attendance centre order made on:

Attendance centre order made by:

Attendance centre specified:

[The accused has today [appeared] [been brought] before this court under section 19(1) of the Criminal Justice Act 1982 and the court is satisfied that on (date) the accused [failed without reasonable excuse to attend at the specified attendance centre] [while attending at the specified attendance centre committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely:-

Particulars of breach: ..... ]]

It appears to the court that the order should be revoked and that the court should deal with the accused for the above offence in a manner in which he could have been dealt with for that offence by the court which made the order if the order had not been made, 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 could 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 attendance centre order be revoked and the accused serve a term of detention in a young offender institution of (state period).

Direction: You, [the constables of ..... Police Force] [A B] are hereby required to convey the accused to ..... young offender institution 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.]

30Order on breach of probation 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.

..... Youth Court (Code)

Date:

Accused: Age years

Offence: (short particulars and statute)

Probation order made on:

Probation order made by:

Duration of order:

Petty sessions area specified in the order:

Requirement(s) contravened:

The accused has today [appeared] [been brought] before this court under paragraph 2 of Schedule 2 to the Criminal Justice Act 1991 and the court is 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.]

31 Sentence of detention in young offender institution: offence(C.J. Act 1982, s.1A; C.J Act 1991, ss. 1,3.)

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

..... Youth Court (Code)

Date:

Accused:

Date of Birth

Address:

Offence:

*(short particulars and statute)*

The accused was [today] [on *(date)*] found guilty of the above offence, which is punishable with a custodial sentence other than one fixed by law 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 could 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].

Order:

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

Directing:

You, [the constables of ..... Police Force] [A.B.], are hereby required to convey the accused to ..... young offender institution 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.]

32Order 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.

..... Youth Court (Code)

Date:

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] [... ..] Youth 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 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.]

33Interim order authorising the 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.

..... Youth Court (Code)

Date:

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.]

34 Binding over of parent or guardian: criminal proceedings (C.J. Act 1991, s.58.)

..... [Youth] [Magistrates'] Court (Code)

A.B. of ..... (hereinafter called the defendant), who is believed to have been born on ....., is this day [or was on the .... day of ....., 19.....] found guilty of an offence, namely, (state briefly particulars of offence):

It is hereby ordered that E.F. of .., a parent/guardian of the defendant [who has consented to the making of this order, do forthwith enter into a recognizance in the sum of ..... to take proper care of, and exercise proper control over, the defendant [for the period of ..... ] [until the defendant attains the age of eighteen]. [[who has unreasonably refused to enter into a recognizance to take proper care of him and exercise proper control over him shall pay a fine of ..... [being ..... units at £.... per unit] [by weekly/monthly instalments of ..... the first instalment of] the said sum to be paid [forthwith] [not later than (date)].]

Dated the .... day of ....., 19.....

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

35 Notice to surety of recognizance to secure compliance with bail condition: criminal proceedings (Bail Act 1976, s.3(7).)

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Accused: Age years

Address:

Alleged offence:

Surety: £

Address:

Appointed time and place:

Bail has been granted by the above court for the accused's surrender to custody at the above time and place, subject to the condition(s) specified in the Schedule hereto to be complied with after release on bail.

You, being a parent/guardian of the accused and having consented to the making of this order, are bound in the amount set opposite your name to secure that the accused complies with the said condition(s).

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

SCHEDULE

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

†

.....  
†Insert condition(s) as appropriate.

36Order of recognizance against parent or guardian of defaulter under 18(M.C. Act 1980, s.81.)

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

..... Youth Court (Code)

Date:

Defaulter: Age years

Address:

Parent/guardian:

Address if different from above:

Offence: (short particulars and statute)

Fine	.....	.....
Compensation	.....	.....
Costs	.....	.....
Total	.....	.....
Part payments	.....	.....
Balance	.....	.....

The defaulter was on (date) adjudged to pay the total sum set out in the margin hereof [being .... units at £ ... per unit] and has made default in payment of [the whole] [the balance set out in the margin].

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.]

37Notice of payment to be made by parent or guardian of defaulter under 18(M.C. Act 1980, s.81.)



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

..... Youth Court (Code)

Date:

Defaulter: Age years

Address:

Parent/guardian:

Address if different from above:

Offence:

(short particulars and statute)

Fine	.....
Compensation	.....
Costs	.....
Total	.....
Part payments	.....
Balance	.....

The defaulter was on (date) adjudged to pay the total sum set out in the margin hereof [being .... units at £.... per unit] and has made default in payment of [(the whole) [the balance set out in the margin].

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.

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

38Supervision order: criminal proceedings(C. & Y.P. Act 1969, ss. 7(7), 11, 12-12D, 13, 17, 18.)

..... Youth Court (Code)

Date:

Defendant: Age years

Address:

Offence: (short particulars and statute)
The defendant was on (date) found guilty of the above offence.

It appears to the court that the defendant resides/will reside in the non-metropolitan county/metropolitan district of ..... and in the ..... petty sessions area.

The court[, having obtained and considered a pre-sentence report,] is satisfied that a supervision order [which includes requirements imposed under section 12, 12A, 12AA, 12B or 12C] is suitable for the defendant.

Decision: The defendant is placed under the supervision of [the council of [the said county/district] [the non-metropolitan county/metropolitan district of .....] who have agreed to be designated as the supervisor] [a probation officer appointed for or assigned to the said petty sessions area] ("the supervisor") for the period of ..... beginning with the date of this order.

[And the defendant shall comply, so long as this order is in force, with the requirement(s) specified in the Schedule hereto.]

[The court hereby certifies that it was stated in open court that it is making this order instead of a custodial sentence, being satisfied that [the offence, or the combination of the offence and one other offence associated with it, was so serious that only a supervision order containing requirement ( ) in the Schedule or a custodial sentence can be justified for that offence, because (state reason)] [where the offence is a violent or sexual offence, that only a supervision order containing requirement ( ) in the Schedule or a custodial sentence would be adequate to protect the public from serious harm from the defendant, because (state reason).]

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

SCHEDULE

Any requirement(s) imposed by the court should be listed here. These should be in the terms of section 12, 12A, 12AA, 12B or 12C of the Children and Young Persons Act 1969, or rule 29 of the Magistrates' Courts (Children and Young Persons) Rules 1992 as appropriate.

*Document Generated: 2023-06-27*

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

*39 Order varying or discharging supervision order (C. & Y.P. Act 1969, ss.15, 16.)*

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Supervised person: Age years

Address:

Supervision order made on:

by the ..... Youth Court

[Varied on:

by the ..... Youth Court]

Local authority area:

Petty sessions area:

for the time being named in that supervision order.

Supervisor: [..... Council] [a probation officer appointed for, or assigned to, that petty sessions area]

[The [supervised person] [supervisor] has applied for the discharge of the supervision order]

[The [supervised person] [supervisor] has applied for the variation of the following requirements included in the supervision order in pursuance of section 12, 12A, 12AA, 12B, 12C or 18(2) of the Children and Young Persons Act 1969.

Requirements of supervision order proposed to be varied

[The supervisor has referred to the court a report from a medical practitioner in pursuance of section 15(9) of the Children and Young Persons Act 1969 proposing that a mental health treatment requirement should be [cancelled] [varied]

Reasons (in the terms of section 15(9)) for proposed [cancellation] [variation] of treatment requirement

Order: That the supervision order be [discharged]; [[further] varied as follows:-

].

Dated the .... day of ..... 19.....

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.

40 Attendance centre order on failure to comply with requirements of supervision order (C. & Y.P. Act 1969, ss. 15(3), 16.)

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Supervised person: Age years

Address:

Supervision order made on:

by the ..... Youth Court

[Varied on:

by the ..... Youth Court]

Local authority area:

Petty sessions area:

for the time being named in that supervision order.

Supervisor: [..... Council] [a probation officer appointed for, or assigned to, that petty sessions area]

On the application of the supervisor the court is satisfied that the supervised person has failed to comply with the following requirement(s) of the supervision order

Requirement(s) of supervision order contravened:

The court has been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the court of persons of the supervised person's description.

The court is satisfied that the attendance centre is reasonably accessible to the supervised person, having regard to the age of, and the means of access available to, the supervised person and any other circumstances.

[The court is of the opinion that twelve hours attendance would be inadequate having regard to all the circumstances.]

Order: [That the supervision order be discharged/varied as follows:-  
[AND] that the supervised person attend at the ..... attendance centre on the first occasion on (date) at (time), and subsequently at such times as shall be fixed by the officer in charge of that centre, until the supervised person shall have completed a period of attendance of ..... hours.

Dated the .... day of ....., 19.....

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

NOTE: The present address of the attendance centre specified above is .....

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

41 Order on failure to comply with requirements of supervision order (C. & Y.P. Act 1969, ss.15(3), 16.)

..... [Youth] [Magistrates'] Court (Code)

Date:

Supervised person: Age years

Address:

Supervision order made on:

by the ..... Youth Court

[Varied on:

by the ..... Youth Court]

Local authority area:

Petty sessions area:

for the time being named in that supervision order.

Supervisor: [..... Council] [a probation officer appointed for, or assigned to, that petty sessions area]

On the application of the supervisor the court is satisfied that the supervised person has failed to comply with the following requirement(s) included in the supervision order in pursuance of section 12, 12A, 12AA, 12B, 12C or 18(2) of the Children and Young Persons Act 1969

Requirement(s) of supervision order contravened:

Order: That the supervised person, in respect of his failure to comply with the requirement(s), (insert court's decision).

Dated the .... day of ....., 19....

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

42 Warrant of commitment: discharge of supervision order and re-sentence of detention in young offender institution (C. & Y.P. Act 1969, ss.12D, 15(3), (4) and (6), 16.)

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

..... [Youth] [Magistrates'] Court (Code)

Date:

Supervised person: Date of Birth

Address:

Offence: (short particulars and statute)

Supervision order made on:

by the ..... Youth Court

[Varied on:

by the ..... Youth Court]

Local authority area:

Petty sessions area:

for the time being named in that supervision order.

Supervisor: [..... Council] [a probation officer appointed for, or assigned to that petty sessions area]

On the application of the supervisor the court is satisfied that the supervised person has failed to comply with the following requirement(s) included in the supervision order in pursuance of section 12A(3)(a) of the Children and Young Persons Act 1969.

Requirement(s) of supervision order contravened:

It appears to the court that the supervision order should be discharged and that the court should impose on the accused a sentence which it could have imposed on him if it had now had power to try him for the offence in consequence of which the supervision order was made and had convicted him in the exercise of that power, and the court [is of the opinion that the offence, or the combination of the offence and the 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 could 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].

Order: That the said supervision order [varied as aforesaid] be discharged and that the supervised person serve a term of detention in a young offender institution for (state period).

Direction: You, [the constables of ..... Police Force] [A.B.], are hereby required to convey the above-named offender to ..... young offender institution and there deliver him to the Governor, together with this warrant, and you, the Governor to receive into your custody and keep the offender 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.*

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Offence: *(short particulars and statute)*  
On *(date)* 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 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 community service orders which has effect in Scotland, the powers of the court in Scotland under that legislation and the powers of the above youth court in respect of the order.

The accused has consented to the making of this community service order.

Decision: That the accused, who *(resides)* *(will reside)* in the locality 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)*).*

The locality in Scotland 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 authority 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 orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

*(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.)*

45Order amending community service order: accused resident in Scotland(P.C.C. Act 1973, ss.14, 17A, 17C.)

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

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Community service order made on:

Community service order made by:

Number of hours of order:

Supervising court:

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

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

Order: The court amends the above order by specifying that the unpaid work required to be performed under the order be performed under the arrangements that exist in Scotland for the performance of such work under community service orders.

The locality in Scotland in which the accused resides or will be residing when the amendment to the above 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 orders 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.]

*46Warrant of commitment: revocation of community service order and re-sentence of detention in young offender institution(P.C.C. Act 1973, ss.16(3), 17(2); C.J. Act 1982, s.1A; 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.

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Offence: (short particulars and statute)
The accused was on (date) at [this] [.....] Youth Court convicted of the above offence and made the subject of a community service order for .... hours.

[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 ..... 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 community service order].

Decision: That the community service order be revoked and that the accused serve a term of detention in a young offender institution for (state period) in respect of the above offence.

Direction: You, [the constables of ..... Police Force] [A.B.] are hereby required to convey the accused to ..... young offender institution and there deliver him 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.]

47Probation Order(P.C.C. Act 1973, s.2)

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

..... Youth Court (Code)

Date:

Accused: Age years

Address:

Offence: *(short particulars and statute)*  
On *(date)* the accused was convicted of the above offence. The court has explained to the accused in ordinary language the effect of this order including 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 (including the fact that he will then be liable to be sentenced for the offence in respect of which the order is made) of the order 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)*

48Certificate of failure to comply with 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.

..... Youth 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 (his court for failure to comply with the following requirement(s) of the ..... order made on .....by the Crown Court at ....., namely .....

Requirement(s): (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

49Remittal order: criminal proceedings(C. & Y.P. Act 1933, s.56; C & Y.P. Act 1969, s.7(8).)

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

..... Magistrates' Court (Code)

A.B. (hereinafter called the defendant) of ..... has this day been found guilty by the said Court of *(state the offence)*:

The defendant is a child [or young person] who is believed to have been born on the .... day of ....., 19.....

It is hereby ordered that the case be remitted to the Youth Court sitting at ..... acting for the same place as the Court [or for the place where the defendant resides]:

And it is directed that the defendant be committed to ..... and brought before the said youth court on *(date)* at *(time)* [unless released on bail in the meantime].

Dated the .... day of ....., 19.....

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

*(Endorsement where bail is granted to be as in Form 16.)*

50 Remittal order on joint trial: criminal proceedings (M.C. Act 1980, s.29.)

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

..... Magistrates' Court (Code)

Date:

Accused: Age years

Address:

Offence: *(short particulars and statute)*  
The accused [appeared] [was brought] before the above court on *(date)* on information jointly charging him and one or more other persons aged at least eighteen years ("the older accused") and pleaded not guilty. [The court has proceeded to the summary trial of the information in the case of the accused and the older accused, the older accused having pleaded guilty.]

[The court has proceeded to inquire into the information as examining justices in the case of the older accused and has [committed for trial] [discharged] the older accused and has proceeded to the summary trial of the information in the case of the accused.]

Decision: The accused is remitted for trial to the ..... Youth Court being a court acting for the same place as the above court [or for the place where the accused habitually resides].

The accused is committed to ..... until brought before the said Youth Court on *(date)* at *(time)* [unless released on bail in the meantime].

\*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 said Youth Court on *(date)* at *(time)*.

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*

†

\* Delete if bail is not granted.

† Insert condition(s) as appropriate (including in 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.

51 Notice of application for leave to use television link (C.J. Act 1988, s.32(1)(b); M.C. (C. & Y.P.) Rules 1992, r.23.)

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

..... Youth Court (Code)

**Case details**  
State the name(s) of the defendant(s) to whom this application relates

**Defendant(s):**

**Address:**

**Date upon which the defendant first appeared or was brought before the court on an information for these charges.**

.....

**Application**

**Name of Applicant:**

**Name of Applicant's Solicitor:**

**Address of Solicitor:**

**Reference:**

.....

**Charges**  
Give brief details of those charges to which this application applies

**Witness**

**Date of birth:**

If an application has been made to tender in evidence a video recording of testimony from the witness, state the date and (if known) result of that application:

If the Applicant is the prosecutor enter the name of the witness (otherwise leave blank):

**Name of the person who is proposed to accompany the witness:**

**Occupation of this person:**

**Relation to the witness of this person:**

.....

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

Grounds for believing this person to be most suitable to accompany the witness:

---

Grounds for applying for evidence to be given by television link:

---

Signature of applicant  
or  
applicant's solicitor.....  
Date: .....

**NOTE:** An application should be made within 28 days after the day on which the defendant first appeared or was brought before the court on an information for these charges. This form may also be used where an extension of time has been granted for the making of this application.

A copy of this form must be given at the same time to the other party or parties to the case.

52Notice of application for leave to tender in evidence a video recording(C.J. Act 1988, s.32A; M.C. (C. & Y.P.) Rules 1992, r.24.)

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

An application should be made within 28 days after the day on which the defendant first appeared or was brought before the court on an information for these charges. If made after the expiry of this period, this notice can be used but should be accompanied by a statement giving good reasons why the application was not made within it.

A copy of this form and any video recording(s) to which it relates must be sent at the same time to the other party or parties to the case. Where a defendant is unrepresented, a copy of the video recording should not be sent, but must be made available for viewing by him.

---

**Case Details**

Youth Court

Date on which defendant first appeared or was brought before the court on an information for these charges:

Defendant(s):                      Surname:                      Forenames:

---

**Application**

Name of Applicant:

Name of Applicant's Solicitor:

Address of Solicitor:

Reference

---

**Charges**

Give details of those charges to which this application applies

---

**Witness**

Name:

Date of birth:

---

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

These details need be completed only to the extent that the information is not contained in the video recording itself

State times at which recordings began and finished including any interruptions

Give address and description of premises where recording made

Include name, age and occupation of anyone present; time for which present, relationship (if any) to witness and defendant

Include number and type of cameras (fixed or mobile), number and location of microphones, video format and whether single or multiple recording facilities used

State name and address of keeper of mastertape

State when and by whom each copy accompanying this notice was made

**Video recording(s)**

Statement as to circumstances in which video recording made

Date(s) of video recording(s):

Time(s) of video recording(s):

Location and normal function of premises where video recording made:

---

**Details of those present while recording made**

---

**Equipment used**

---

**Location of mastertape**

**Details of copy**

[Note: A copy of any video recordings of other parts of the interview with the witness which it is *not* proposed to tender in evidence must also be provided to the court and the other parties. The details of each such recording must be given as above. Use separate sheets where necessary.]

---

**Grounds for application:**

---

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

I confirm that

- (a) I believe the witness is willing and able to attend the trial for cross-examination;
- (b) The details given in the statement of the circumstances in which the video recording was made above are correct;
- (c) Copies of the video recording(s) to which this application relates have been disclosed to the other parties and their agreement to them being tendered has been sought;
- (d) A copy of this notice and the video recording(s) to which it relates have been served on each party to the proceedings.

Signature of applicant  
or  
applicant's solicitor:.....

Date:.....

*53 Notice of decision on application to tender in evidence a video recording (C.J. Act 1988, s.32A; M.C. (C. & Y.P.) Rules 1992, r.24.)*

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

---

**Case Details**

Youth Court

Defendant(s) surname:

Forenames:

---

**Application**

Name of Applicant:

Name of Applicant's Solicitor:

Address of Solicitor:

Reference:

Date of Application:

Witness's name:

Date of videotape:

---

**Result**

\*Delete inapplicable

Leave to tender the video recording accompanying this application is refused on the following grounds\*/granted\*/granted subject to the following conditions\* (state details of any editing of the recording required or of any additional material disclosed to be added).

By order of the Court  
Clerk of the Court.

54Register of the Youth Court(M.C. (C. & Y.P.) Rules 1992, r.29.)

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

In the [county of ..... Petty Sessional Division of .....].

Register of the Youth Court sitting at .....  
The ... day of ... month, 19....

1	2	3	4	5	6	7
Number	Name of Informant, Complainant or Applicant	Name of child or young person and date of birth	Nature of offence, matter of complaint or ground of application with date (of offence, etc.)	Plea, admission or consent to order	Minute of adjudication	Whereas parents ordered to pay fine, compensation or costs

\_\_\_\_\_  
(Signature)  
Justice of the Peace for the [county] of .....

A Justice adjudicating

[or Clerk of the Court present during these proceedings.]

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules consolidate, with further amendments, the Magistrates' Courts (Children and Young Persons) Rules 1988 as amended by the other instruments mentioned in Schedule 1 (“the 1988 Rules”). Most of the further amendments are related to changes made by the Criminal Justice Act 1991 (c. 53) to the arrangements for dealing with young defendants and offenders, or to provisions in that Act (“the 1991 Act”) concerning children’s evidence. Consistently with section 70 of the 1991 Act (renaming of juvenile courts), references to youth courts throughout replace references to juvenile courts.

In rule 2(1), the definition of “young person” now includes persons aged 17 (1991 Act, section 68); for the purposes of applications for the use of secure accommodation (see rule 13(1)(b), “court” includes a magistrates' court other than a youth court (1991 Act, sections 70 and 60(3)). Rule 2(2) takes account of sections 56 and 57 of the 1991 Act, the effect of which is to apply to local authorities with parental responsibility (under the Children Act 1989 (c. 41)) provisions of the Children and Young Persons Act 1933 (c. 12) relating to attendance of parents at court and their responsibility for financial penalties.



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Part II (rules 4 to 12) assimilates procedures for the discharge or variation of supervision and attendance centre orders, and of other community orders (1991 Act, Schedule 2), to those in trials and committal proceedings (the 1988 Rules did not make provision in relation to penal orders other than supervision orders, which were dealt with in Part III).

Part III (rules 13 to 22) makes, for the proceedings mentioned in rule 13(1), provision substantially similar to that which was made for them in Part III of the 1988 Rules.

Part IV (rules 23 and 24) introduces procedures for applications for leave for the giving of evidence by child witnesses through television links and the admission of video recordings of evidence given by them. Sections 54 and 55 of the 1991 Act (amending the Criminal Justice Act 1988 (c. 33)) make such evidence admissible in youth courts.

Part V (rules 24 to 29) reproduces the miscellaneous provisions made in Parts VI and VII of the 1988 Rules.

The forms in Schedule 2 include a number of new ones required in connection with the changes made by the 1991 Act.