

---

STATUTORY INSTRUMENTS

---

**1997 No. 2420 (L.37)**

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Magistrates' Courts (Children and  
Young Persons) (Amendment) Rules 1997**

<i>Made</i>	- - - -	<i>6th October 1997</i>
<i>Laid before Parliament</i>		<i>10th October 1997</i>
<i>Coming into force</i>	- -	<i>1st November 1997</i>

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

1. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1997 and shall come into force on 1st November 1997.

2. In these Rules any reference to a form is a reference to a form contained in Schedule 2 to the Magistrates' Courts (Children and Young Persons) Rules 1992(2).

3. Nothing in these Rules shall affect proceedings in relation to an offence committed before 1st October 1997.

4. In form 29 (Warrant of commitment: revocation of attendance centre order and re-sentence of detention in young offender institution), for the words "[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 ]]" there shall be substituted the following words "[proposed a community sentence including a requirement as to treatment of the offender for his [mental condition etc.] [drug or alcohol dependency] and the accused failed to express his willingness to comply with that requirement]."

5. In forms 31 (Sentence of detention in young offender institution: offence) and 42 (Warrant of commitment: discharge of supervision order and re-sentence of detention in young offender institution), for the words "[proposed a community sentence which requires the consent of the offender and the accused refused to give that consent]." there shall be substituted the following

---

(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) S.I.1992/2071.

words “[proposed a community sentence including a requirement as to treatment of the offender for his [mental condition etc.] [drug or alcohol dependency] and the accused failed to express his willingness to comply with that requirement].”.

6. In forms 43 (Community service order) and 44 (Community service order: accused resident in Scotland), the words “The accused has consented to the making of this community service order.” shall be omitted.

7. In form 46 (Warrant of commitment: revocation of community service order and re-sentence of detention in a young offender institution), for the words “[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].” there shall be substituted the following words “[proposed a community sentence including a requirement as to treatment of the offender for his [mental condition etc.] [drug or alcohol dependency] and the accused failed to express his willingness to comply with that requirement] [is imposing a custodial sentence on the accused on account of his wilful and persistent failure to comply with the requirements of the community service order].”.

8. In form 47 (Probation Order), for the words “The accused has expressed his willingness to comply with the requirements of this Order.” there shall be substituted the following words “[The accused has expressed his willingness to comply with a requirement as to treatment for his [mental condition etc.] [drug or alcohol dependency]].”.

Dated 6th October 1997

*Irvine of Lairg, C.*

## **EXPLANATORY NOTE**

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

These Rules amend the Magistrates' Courts (Children and Young Persons) Rules 1992, by amending certain of the forms set out in Schedule 2 to those Rules, to take account of the changes effected by, and consequential upon, section 38 of the Crime (Sentences) Act 1997, which came into force on 1st October 1997. Section 38 removes the requirement for the accused to consent to the making of various community sentences and, in most cases, to indicate his willingness to comply with the requirements of such sentences. These Rules accordingly amend certain forms used in relation to criminal proceedings involving young offenders as a consequence of these changes. The Rules do not affect proceedings in relation to offences committed before 1st October 1997.