STATUTORY INSTRUMENTS

1983 No. 525 (L.7)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Attendance Centre) (Amendment) Rules 1983

Made - - - -	*29th March* 1983
Laid before Parliament	*12th April* 1983
Coming into Operation	*24th May* 1983

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980 (**a**), as extended by section 145 of that Act, 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 (Attendance Centre) (Amendment) Rules 1983 and shall come into operation on 24th May 1983.

2. The Schedule to the Magistrates' Courts (Attendance Centre) Rules 1958 (**b**) shall have effect subject to the amendments specified in the Schedule to these Rules.

Hailsham of St. Marylebone, C.

Dated 29th March 1983.

SCHEDULE

PART I

AMENDMENTS TO THE SCHEDULE TO THE MAGISTRATES' COURTS (ATTENDANCE CENTRE) RULES 1958

1. Forms 1, 2 and 3 shall be amended by—
   (*a*) omitting the words "class or" in each form;
   (*b*) substituting for the words "the attendance centre at (*here insert address of centre*)" in the final paragraph of each form the words "the ..... attendance centre"; and
   (*c*) adding at the foot of each form the following Note:—
   "NOTE: The present address of the attendance centre specified above is .....".

2. The forms numbered 5, 6 and 7 set out in Part II of this Schedule shall be inserted after form 4.

(**a**) 1980 c.43.

(**b**) S.I. 1958/1991, amended by S.I. 1962/1591.

PART II

FORMS

5

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

.....Magistrates' Court (*Code*)

Date:

Offender: Age: Years

Address:

The [Crown] [Magistrates'] 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 variation of the said attendance centre order.

The Court is satisfied that the offender proposes to change or has changed his residence and is satisfied that the attendance centre specified below is reasonably accessible to the offender at his new residence, having regard to the age of, and the means of access available to, the offender 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 .....
.....

6.

Warrant of Commitment: committal to Crown Court on failure to comply with attendance centre order or on breach of Attendance Centre Rules

(*C.J. Act* 1982, *s.* 19; *Bail Act* 1976, *ss.* 3, 4;
M.C. Rules 1981, *rr.* 94, 95, 97)

.....Magistrates' Court (*Code*)

Date:

Accused: Age: years

Address:

Attendance centre order made on:

Attendance centre order made by: Crown Court at .....

Alleged failure to attend in accordance with attendance centre order or alleged breach of attendance centre rules:	(*short particulars*)
Decision:	The court, being satisfied that on (*date*) the accused [failed without reasonable excuse to attend at the centre in accordance with the said order] [while attending at the centre committed a breach of the Attendance Centre Rules 1958 which cannot be adequately dealt with under those Rules], commits the accused to custody until the accused can be brought before the Crown Court at .....
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 in the meantime, to keep the accused until the accused is delivered in due course of law.
*Bail:	After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

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

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 apropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

* Delete if bail is not granted.

7.

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

.....Magistrates' Court (*Code*)

To the Crown Court at

Date:

Accused: Age: years

Address:

Attendance centre order made on:

Attendance centre order made by: Crown Court at .....

The accused [has this day apeared] [was this day brought] before this Court under section 19(1) of the Criminal Justice Act 1982 for [failure to attend at the centre in accordance with the said order] [breach while attending at the centre of the Attendance Centre Rules 1958].

Particulars of breach: (*State short particulars and any other particulars of the case as may be desirable*).

Certificate: It is hereby certified that it has been proved to the satisfaction of this Court that the accused has [failed without reasonable excuse to attend at the attendance centre in accordance with the order] [while attending at the centre committed a breach of the Attendance Centre Rules 1958 which cannot be adequately dealt with under those Rules].

Justice of the Peace.

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Attendance Centre) Rules 1958. They prescribe forms for use in magistrates' courts where, under sections 18 and 19 respectively of the Criminal Justice Act 1982 (c. 48), which come into force on 24th May 1983 (S.I. 1983/182), the court varies an attendance centre order upon the change of residence of the offender or commits an offender to the Crown Court to be dealt with in respect of a breach of an attendance centre order or Attendance Centre Rules. They also make minor amendments to existing forms prescribed for use in connection with attendance centre orders.

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