1962 No. 1591 (L. 14)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Attendance Centre) Rules 1962

Made - - - -	*25th July* 1962
Laid before Parliament	*1st August* 1962
Coming into Operation	*1st October* 1962

I, The Right Honourable Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred upon me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules :—

1. For the forms set out in the Schedule to the Magistrates' Courts (Attendance Centre) Rules 1958(c) there shall be substituted the forms set out in Schedule 1 to these Rules.

2. For the forms numbered 13A, 13B, 13C and 13D in the Schedule to the Summary Jurisdiction (Children and Young Persons) Rules 1933(d), as amended by Rule 2 of, and the Schedule to, the Summary Jurisdiction (Children and Young Persons) Rules 1950(e), there shall be substituted the forms set out in Schedule 2 to these Rules.

3. These Rules may be cited as the Magistrates' Courts (Attendance Centre) Rules 1962 and shall come into operation on 1st October 1962.

Dated 25th July 1962.

Dilhorne, C.

(a) 12, 13 & 14 Geo. 6. c. 101.
(b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) S.I. 1958/1991 (1958 I, p. 1384).
(d) S.R. & O. 1933/819 (Rev. XI, p. 573: 1933, p. 959).
(e) S.I. 1950/827 (1950 II, p. 887).

SCHEDULE 1

Rule 1

FORMS

1

Attendance centre order: conviction (C.J. Act 1948, s. 19; C.J. Act 1961, s. 10.)

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

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years, having been born, so far as has been ascertained, on the day of , 19 , is on this day [*or* was on the day of , 19 ,] [, having consented to be tried summarily,] convicted of an offence for which the Court has, or would, but for section 17 of the Criminal Justice Act 1948, have power to impose imprisonment on him in that he on the day of , 19 , did (*state shortly particulars of offence*):

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant do attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre, until he shall have completed a period of attendance of hours.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

2

Attendance centre order on failure to comply with requirement of probation order (C.J. Act 1948, ss. 6, 19; C.J. Act 1961, s. 10.)

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

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years having been born, so far as has been ascertained, on the day of , 19 , was on the day of , 19 , convicted by the Magistrates' Court [*or* before the Court of Assize *or* Quarter Sessions] sitting at , of (*state shortly particulars of offence*) and the said Court made a probation order which [, as subsequently amended by the competent Court,] required the defendant for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required the defendant (*set out requirement which is contravened*):

And the defendant has this day appeared [*or* been brought] before the first-mentioned Court and the Court is satisfied that he has failed to comply with the said requirement of that order inasmuch as (*state shortly particulars of breach*):

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant in respect of his failure to comply with the said requirement do attend at the attendance centre at (*insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre until he shall have completed a period of attendance of hours.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

3

Attendance centre order: non-payment of sum of money (*C.J. Act* 1948, *s.* 19; *C.J. Act* 1961, *s.* 10.)

In the [county of]. Petty Sessional Division of

Before the Magistrates' Court sitting at .

	£	s.	d.
Fine			
Compensation			
Costs ...			
Total... ...			
Part payments			
Balance ...			

Hours of attendance in default

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years, having been born, so far as has been ascertained, on the day of , 19 , was on the day of , 19 , convicted by the Magistrates' Court sitting at , of (*state shortly particulars of offence*) and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

[And a notice of fine having been served on the defendant and inquiry as to his means having subsequently been made by the competent Court in his presence:]

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

And the defendant has been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:

[And [it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he was placed [having been duly considered]:]

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant do attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre, until he shall have completed a period of hours, unless the said sum[s] [*or* balance] be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above-mentioned.

4

Order on failure to comply with attendance centre order or on breach of Attendance Centre Rules (*C.J. Act* 1948, *s.* 19.)

In the [county of Petty Sessional Division of].

Before the Magistrates' Court sitting at

On the day of . 19 , the Court ordered that A.B. (hereinafter called the defendant) should attend at the attendance centre at (*here insert address of centre*).

The defendant has this day appeared [*or* been brought] before this Court under section 19 (7) of the Criminal Justice Act 1948, and the Court is satisfied that on the day of . 19 , he failed without reasonable excuse to attend at the centre in accordance with the said order [*or* while attending at the centre he committed a breach of the Attendance Centre Rules 1958, which could not be adequately dealt with under those Rules, namely, (*here set out particulars of breach*)].

The said attendance centre order is hereby revoked and it is ordered that the defendant for the offence [*or* failure to comply with the requirements of a probation order *or* default in payment of a sum of money] in respect of which that order was made (*set out terms of new order*).

Dated the day of , 19

J.P.,
Justice of the Peace for the [county] aforesaid.

Rule 2

SCHEDULE 2

FORMS

13A

Attendance centre order : offence (C.J. Act 1948, s. 19 ; C.J. Act 1961, s. 10.)

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

Before the Juvenile Court sitting at .

A.B. (hereinafter called the defendant) who appears to the Court to be a child of not less than ten years of age [*or* young person under the age of seventeen years] having been born, so far as has been ascertained, on the day of , 19 , is on this day [*or* was on the day of , 19 ,] [, having consented to be tried summarily,] found guilty of an offence which is punishable on summary conviction in the case of an adult with imprisonment in that he on the day of , 19 , did (*state shortly particulars of offence*):

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be excessive, having regard to the fact that the defendant is under fourteen years of age or other circumstances, *or* would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant do attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre, until he shall have completed a period of attendance of hours.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

13B

Attendance centre order on failure to comply with requirement of probation order (C.J. Act 1948, ss. 6, 19 ; C.J. Act 1961, s. 10.)

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

Before the Juvenile Court sitting at .

A.B. (hereinafter called the defendant) who appears to the Court to be a child of not less than ten years of age [*or* young person under the age of seventeen years] having been born, so far as has been ascertained, on the day of , 19 , was on the day of , 19 , found guilty by the Juvenile Court sitting at , of (*state shortly particulars of offence*) and the said Court made a probation order which [as subsequently amended by the competent Court] required the defendant for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required the defendant (*set out requirement which is contravened*):

And the defendant has this day appeared [*or* been brought] before the first-mentioned Court and the Court is satisfied that he has failed to comply with the said requirement of that order inasmuch as (*state shortly particulars of breach*):

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be excessive, having regard to the fact that the defendant is under fourteen years of age or other circumstances, *or* would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant in respect of his failure to comply with the said requirement do attend at the attendance centre at (*insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre until he shall have completed a period of attendance of hours.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above-mentioned.

13C

Attendance centre order: non-payment of sum of money (*C.J. Act* 1948, *s.* 19; *C.J. Act* 1961, *s.* 10.)

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

Before the Juvenile Court sitting at .

	£	s.	d.
Fine			
Compensation			
Costs ...			
Total... ...			
Part payments			
Balance ...			

Hours of attendance in default

A.B. (hereinafter called the defendant) who appears to the Court to be a child of not less than ten years of age [*or* young person under the age of seventeen years] having been born, so far as has been ascertained, on the day of , 19 , was on the day of , 19 , found guilty by the Juvenile Court sitting at , of (*state shortly particulars of offence*) and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

[And a notice of fine having been served on the defendant and inquiry as to his means having subsequently been made by the competent Court in his presence;]

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

And the defendant has been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:

[And [it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he was placed [having been duly considered]:]

And the Court having been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the Court of persons of his class or description:

And the Court being satisfied that the attendance centre is reasonably accessible to the defendant, having regard to his age, the means of access available to him and any other circumstances:

[And the Court being of opinion that twelve hours attendance would be excessive, having regard to the fact that the defendant is under fourteen years of age or other circumstances, *or* would be inadequate, having regard to all the circumstances:]

It is ordered that the defendant do attend at the attendance centre at (*here insert address of centre*) on the first occasion on the day of , 19 , at the hour of in the noon, and subsequently at such times as shall be fixed by the officer in charge of the said centre, until he shall have completed a period of hours, unless the said sum[s] [*or* balance] be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above-mentioned.

13D

Order on failure to comply with attendance centre order or on breach of Attendance Centre Rules (*C.J. Act* 1948, *s.* 19.)

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

Before the Juvenile Court sitting at .

On the day of , 19 , the Court ordered that A.B. (hereinafter called the defendant) should attend at the attendance centre at (*here insert address of centre*).

The defendant has this day appeared [*or* been brought] before this Court under section 19 (7) of the Criminal Justice Act 1948, and the Court is satisfied that on the day of , 19 , he failed without reasonable excuse to attend at the centre in accordance with the said order [*or* while attending at the centre he committed a breach of the Attendance Centre Rules 1958, which could not be adequately dealt with under those Rules, namely, (*here set out particulars of breach*)].

The said attendance centre order is hereby revoked and it is ordered that the defendant for the offence [*or* failure to comply with the requirements of a probation order *or* default in payment of a sum of money] in respect of which that order was made (*set out terms of new order*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

EXPLANATORY NOTE

(This Note is not part of the Rules, but is intended to indicate their general purport.)

These Rules substitute new forms for use in magistrates' courts, where the court has made an attendance centre order under section 19 of the Criminal Justice Act 1948, in particular in order to take account of changes made by section 10 of the Criminal Justice Act 1961.