STATUTORY INSTRUMENTS

1975 No. 301 (L. 6)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) (No. 2) Rules 1975

Made - - -	*4th March* 1975
Laid before Parliament	*12th March* 1975
Coming into Operation	*1st April* 1975

The Lord Chancellor, in exercise of the power conferred on him by section 15 of the Justices of the Peace Act 1949(**a**), as extended by section 122 of the Magistrates' Courts Act 1952(**b**), after consultation with the Rule Committee appointed under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) (No. 2) Rules 1975 and shall come into operation on 1st April 1975.

2. In the Schedule to the Magistrates' Courts (Forms) Rules 1968(**c**), as amended (**d**), after Form 94 there shall be inserted the forms contained in the Schedule to these Rules in the order in which they there appear.

Dated 4th March 1975.

Elwyn-Jones, C.

SCHEDULE Rule 2

FORMS TO BE INSERTED IN THE MAGISTRATES' COURTS (FORMS) RULES 1968

COMMUNITY SERVICE ORDERS

94A.

Community Service Order (*M.C. Act* 1952, *s.*13; *P. of C. C. Act* 1973, *s.*14; *M. C. Rules* 1968, *r.*15)

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

Date:

Accused: Age.....years

Address:

Offence: (*Particulars and statute*)

On the accused was convicted of the above offence. The court, having considered a probation officer's report, is satisfied that the accused is a suitable person to perform work under a community service order.

(**a**) 1949 c. 101. (**b**) 1952 c. 55.
(**c**) S.I. 1968/1919 (1968 III, p. 5075).
(**d**) There are no relevant amendments.

The court has explained to the accused the purpose and effect of this order, and in particular the requirements of the order as specified in section 15 of the Powers of Criminal Courts Act 1973 and that if the accused fails to comply with any of the requirements of the order the court may impose a fine not exceeding £50 or may revoke the order and deal with the accused for the above offence in any manner in which he could have been dealt with for that offence by the court if the order had not been made. The court also explained to the accused that on the application of himself or a relevant officer, the court may revoke the order and deal with the accused for the above offence in any manner in which he could have been dealt with for that offence by the court if the order had not been made.

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

Decision: That the accused, who [resides] [will reside] in the petty sessions area 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]].

[And that the accused pay £ compensation and £ costs forthwith (*or as appropriate*).]

J.P.
Justice of the Peace
[By order of the Court
J.C.
Justices' Clerk]

Schedule

(*a*) The accused shall report to the relevant officer and subsequently from time to time notify him of any change of address;

(*b*) The accused shall perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

94B.

Certificate of failure to comply with community service order
(*P. of C.C. Act* 1973, *s.*16(4))

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

To the Crown Court at

Date:

Accused: Age.....years

Address:

The accused [has this day appeared] [was this day brought] before this court for failure to comply with the following requirement(s) of section 15 of the Powers of Criminal Courts Act 1973 namely..... [[and] [in that] he has failed satisfactorily to perform the work which he has been instructed to do] in respect of a community service order made on by the Crown Court at [and subsequently amended by the Magistrates' Court].

It is hereby certified that it has been proved to the satisfaction of this court that the accused has failed without reasonable excuse to comply with [that] [those] requirement[s] [and that he has failed satisfactorily to perform the work which he has been instructed to do].

J.P.
Justice of the Peace
[By order of the Court
J.C.
Justices' Clerk]

94C.

Warrant of Commitment: revocation of community service order, sentence of imprisonment (*P. of C.C. Act* 1973, *ss.* 16(3), 17(2), 19, 20, 21. *M.C. Act* 1952, *s.* 107(1); *M.C. Rules* 1968, *rr.* 77, 78, 80).

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

Date:

Accused: Age.....years

Address:

Offence: (*Particulars and statute*)

The accused was on at [this] [.....] Magistrates' 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 section 15 of the Powers of Criminal Courts Act 1973, namely.....,[[and] [in that] he has failed satisfactorily to perform the work which he has been instructed to do]].

[On the application to this court of.....heard today 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 accused should be dealt with for the above offence in some other manner in which he could have been dealt with for that offence by [this] [.....] Magistrates' Court,]

and the court is of opinion that no method of dealing with him other than a sentence of imprisonment is appropriate because (*state reasons*)

Decision: That the community service order be revoked and that the accused be imprisoned for in respect of the above offence.

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

J.P.
Justice of the Peace
[By order of the Court

J.C.
Justices' Clerk]

94D.

Warrant of Commitment: committal to Crown Court.
(*P. of C.C. Act* 1973, *ss.* 16(3)(*b*), 17(2)(*b*); *M.C. Rules* 1968, *rr.* 77, 78, 80).

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

Date:

Accused: Age.....years

Address:

Offence: (*Particulars and statute*)

Decision: That the accused be committed in custody to the Crown Court at to be dealt with in accordance with the provisions of section [16(5)] [17(3)] of the Powers of Criminal Courts Act 1973 [for failure without reasonable excuse to comply with the terms of a community service order made by the Crown Court on] [because this court is of the opinion,

having heard an application by [the accused] [the relevant officer] and having regard to circumstances which have arisen since a community service order was made in respect of the accused by the Crown Court on , that it would be in the interests of justice that the order should be revoked or that the accused should be dealt with in some other manner for the offence in respect of which the order was made].

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 into your custody and keep the accused until the accused is delivered in due course of law.

*Bail: The accused shall be released on bail on entering into a recognizance in the sum of £ with suret in the sum of £ [each] for the accused's appearance before the Crown Court on such day and at such time and place as may be notified to the accused by the appropriate officer of that court and subject to the further conditions, if any, specified in the Schedule hereto.

J.P.
Justice of the Peace
[By order of the Court

J.C.
Justices' Clerk]

Schedule.

*Delete if bail is not allowed

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules prescribe forms for use by Magistrates' Courts in connection with community service orders made under section 14 of the Powers of Criminal Courts Act 1973 (c. 62). Form 94A in the Schedule is the form for the community service order itself. Form 94B is the form of certificate of failure to comply with a community service order to be given to a Crown Court under section 16(4) of the Act. Form 94C is the form of warrant of commitment under sentence of imprisonment imposed by a Magistrates' Court under section 16(3) or section 17(2) of the Act. Form 94D is the form of warrant of commitment in custody to a Crown Court under section 16(3)(*b*) or section 17(2)(*b*) of the Act.

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