STATUTORY INSTRUMENTS

1978 No. 757 (L. 18)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) (No. 2) Rules 1978

Made - - - -	*22nd May* 1978
Laid before Parliament	*2nd June* 1978
Coming into Operation	*17th July* 1978

The Lord Chancellor in exercise of the powers 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 1978 and shall come into operation on 17th July 1978.

2. The Schedule to the Magistrates' Courts (Forms) Rules 1968(**c**), as amended(**d**), shall be amended as follows:—

(*a*) after the form numbered 2 there shall be inserted the form numbered 2A in the Schedule to these Rules;

(*b*) after the form numbered 4 there shall be inserted the forms numbered 4A, 4B, 4C and 4D in the Schedule to these Rules.

Dated 22nd May 1978.

Elwyn-Jones, C.

(**a**) 1949 c. 101. (**b**) 1952 c. 55. (**c**) S.I. 1968/1919.
(**d**) The relevant amending instruments are S.I. 1974/444, 1978/146.

Rule 2 SCHEDULE

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

2A

Summons to accused to attend adjourned hearing (C.L. Act 1977, s.26(1); M.C. Rules 1968, r.81)

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

Date:

To the accused:

of:

A summons was served on you for hearing on (*date*) by the above court. The court has this day determined that your presence is required for the purposes of the proceedings and has adjourned the hearing for your appearance.

You are hereby summoned to appear on (*date*) at (*time*) before the Magistrates' Court at .....

Justice of the Peace

[*or* By order of the Court
Clerk of the Court]

4A

Warrant of Commitment on remand to alternate court (M.C. Act 1952, ss. 6, 14, 105; C.L. Act 1977, ss. 19(4), 41; M.C. Rules 1968, rr.23A, 77, 78, 80)

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

Date:

Accused: Age years

Address:

Alleged offence: *(short particulars and statute)*

Decision: The above court, having adjourned the hearing and remanded the accused in custody, orders that the accused be brought up for any subsequent remands before ..... Magistrates' Court ("the alternate court").

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 on that day to convey the accused to the alternate court at (*time*) .

Justice of the Peace

[*or* By order of the Court
Clerk of the Court]

4B

Warrant of commitment on remand from alternate court (M.C. Act 1952, ss.6, 14, 105; C.L. Act 1977, ss.19(4), 41; M.C. Rules 1968, rr.23A, 77, 78, 80)

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

Date:

Accused: Age years

Address:

Alleged offence: *(short particulars and statute)*

Decision: The above court ("the alternate court"), having today adjourned the hearing until (*date*) at (*time*) and remanded the accused in custody, orders that the accused be brought up before ..... Magistrates' Court, which made the order for the transfer of the remand hearing, at the end of the period of remand.

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 on that day to convey the accused to the ..... Magistrates' Court at (*time*) .

*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 ..... Magistrates' Court on ..... at ..... a.m./p.m.

Justice of the Peace

[*or* By order of the Court
Clerk of the Court]

*Delete if bail is not granted.

SCHEDULE I

Conditions to be complied with before release on bail

To provide surety[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 1968, r.71A, in respect of any pre-release conditions).

4C

Warrant of commitment on further remand in custody of person detained under custodial sentence (C.L. Act 1977, s.42(3); M.C. Rules 1968, rr.77, 78, 80)

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

Date:

Accused: Age years

The accused having been committed to custody by the above magistrates' court on (*date*) under a warrant of commitment and having been remanded in custody until today in respect of the offence(s) set out in the said warrant
The accused's legal representative having been present at the adjourned hearing and signified the accused's consent to an application for a further remand being heard and determined in the accused's absence
The accused being already detained under a custodial sentence and not being present at the adjourned hearing

Decision: The hearing is adjourned until (*date*) at (*time*) and the accused is remanded in custody.

Direction: You, the Governor of [prison] [remand centre] are hereby required to keep the accused until that date and on that day to convey the accused to the above court at that time unless you shall have been ordered otherwise in the meantime.

Justice of the Peace

[*or* By order of the Court
Clerk of the Court]

4D

Warrant of commitment: remittal to another magistrates' court for sentence (M.C. Act 1952, ss.14, 105; C.L. Act 1977, s.45; M.C. Rules 1968, rr.17A, 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Offence: *(short particulars and statute)*

The defendant [having consented to summary trial and] having been convicted by ..... Magistrates' Court ("the convicting court") of the above offence (being an offence to which section 45 of the Criminal Law Act 1977 applies)

[It appearing to the convicting court that ..... Magistrates' Court ("the other court") has convicted the defendant of another such offence in respect of which the other court has neither passed sentence on the defendant nor committed the defendant to the Crown Court nor dealt with the defendant in any other way

The other court having consented to the defendant's being remitted under the said section 45 to the other court]

[And having been remitted to ..... Magistrates' Court ("the other court") under section 45(1) of the said Act]

Decision: The trial is adjourned and the defendant remanded in custody. The [convicting] [other] court remits the defendant to the [other] [convicting] court to be dealt with in respect of the above offence.

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there

deliver the defendant to the Governor thereof, together with this warrant; and you, the Governor, to receive the defendant into your custody and, unless the defendant is released on bail or you are otherwise ordered in the meantime, to keep the defendant until *(date)* and on that day to convey the defendant to the [convicting] [other] court at *(time)* .

*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 [convicting] [other] court on ..... at .....a.m./p.m.

Justice of the Peace

[*or* By order of the Court
Clerk of the Court]

*Delete if bail is not granted.

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 1968, r.71A, in respect of any pre-release conditions).

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Forms) Rules 1968 in consequence of certain provisions contained in Part III of the Criminal Law Act 1977 (c.45) which come into force on 17th July 1978 (S.I. 1978/712). New forms are inserted for use in connection with sections 26(1) (power to issue summons to accused in certain circumstances), 41 (transfer of remand hearings), 42(3) (remand of accused already in custody) and 45 (cases where magistrates' courts may remit offender to another such court for sentence) of that Act.

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