STATUTORY INSTRUMENTS

1974 No. 444 (L.7)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1974

Made - - - -	14*th March* 1974
Laid before Parliament	26*th March* 1974
Coming into Operation	1*st April* 1974

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) Rules 1974 and shall come into operation on 1st April 1974.

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

(*a*) for the forms numbered 1 to 4, 11 to 13, 15, 17, 34, 39, 42, 46, 47, 49, 53, 54, 56, 58, 68, 93, 95, 99, 100, 103, 104 and 119 there shall be substituted respectively the forms numbered in like manner in the Schedule to these Rules;

(*b*) after the form numbered 34 there shall be inserted the form numbered 34A in the Schedule to these Rules;

(*c*) the forms numbered 19 to 22, 24, 38, 40, 41, 57 and 96 shall be omitted.

Dated 14th March 1974.

Elwyn-Jones, C.

(a) 1949 c. 101.
(b) 1952 c. 55.
(c) S.I. 1968/1919 (1968 III, p. 5075).
(d) S.I. 1969/1710 (1969 III, p. 5383).

Rule 2 SCHEDULE

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

1

Information (*M.C. Act* 1952, *s.*1; *M.C.Rules* 1968, *r.*1)

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

Date:

Accused:

Address:

Alleged offence: (*particulars and statute*)

The information of:

Address: Telephone No.

who [upon oath] states that the accused committed the offence of which particulars are given above.
Taken [and sworn] before me

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

2

Summons (*M.C. Act* 1952, *s.*1; *M.C. Rules* 1968, *r.*81)

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

Date:

To the accused:

of:

You are hereby summoned to appear on at m. before the Magistrates' Court at

to answer to [the following information] [the informations of which particulars are given in the Schedule hereto.]

[Alleged Offence:]

Prosecutor:

Address:

[Date of information:]

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

Schedule

Date of information	Alleged offence (particulars and statute)

Warrant of arrest in first instance (*M.C.Act* 1952, *ss.*1, 93; *C.J.Act* 1967, *s.*24; *M.C.Rules* 1968, *rr.*78, 79)

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

Date:

Accused:

Address:

Alleged offence: (*particulars and statute*)

Information having been laid before me on oath by

.....on

.....

that the accused committed the offence of which particulars are given above

Direction: You, the constables of Police Force are hereby required to arrest the accused and to bring the accused before the Magistrates' Court at immediately.

*Bail: On arrest the accused shall be released on bail on entering into a recognizance in the sum of £ for the accused's appearance before that Magistrates' Court [on the next day on which the court is open] [on the]

J.P.
Justice of the Peace

*Delete if bail is not allowed and amend as appropriate where sureties are required or conditions imposed

4

Warrant of commitment on remand before conviction (*M.C.Act* 1952, *ss.*6, 14, 105; *C.J.Act* 1967, *s.*18; *M.C.Rules* 1968, *rr.*77, 78, 80)

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

Date:

Accused: Age years

Address:

Alleged offence: (*particulars and statute*)

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

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 bailed or you are otherwise ordered in the meantime, to keep the accused until that date and then convey the accused to the above magistrates' court at that time.

*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 above court [on the date and at the time stated above] [on at m.] and subject to the further conditions, if any, specified in the Schedule hereto.

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

J.C.
Justices' Clerk]

Schedule

*Delete if bail is not allowed.

11

Certificate to be sent to Crown Court on committal for trial

(*C.J.Act* 1925, *s.* 13; *M.C.Act* 1952, *ss.*4, 78; *C.J. Act* 1967, *ss.*1,3,7,11; *M.C.Rules* 1968, *rr.*4, 10)

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

Date:

Accused:

having been committed for trial [in custody] [on bail] [under section 1 of the Criminal Justice Act 1967] to the Crown Court at..... charged with the offence(s) specified in Schedule 1 hereto

Depositions: [I hereby certify that the depositions of the witnesses listed in Part I of Schedule 2 hereto were taken on oath before me* [in the presence and hearing of the accused] on the date(s) given on the respective depositions,† [and that the accused or counsel or solicitor on behalf of the accused had full opportunity of cross-examining each of the witnesses called for the prosecution]]

Statements: [I hereby certify that the statements purporting to be signed by the persons listed in Part II of Schedule 2 hereto were tendered in evidence under section 2 of the Criminal Justice Act 1967].

Publicity: The court made [an] [no] order under section 3(2) of the Criminal Justice Act 1967

Alibi: I hereby certify that the accused was [not] informed of the requirements of section 11 of the Criminal Justice Act 1967 and that he gave to the court [no] [the following] particulars of an alibi:—

Juveniles: The court gave [a] [no] direction under section 39 of the Children and Young Persons Act 1933

J.P.

Justice of the Peace

Schedule 1

*Delete if evidence was taken in the absence of the accused.

†Delete if evidence was taken in the absence of the accused and the accused was not represented.

Schedule 2

Part I

DEPOSITIONS

Name and address and occupation of witness	Witness order(*w*) Conditional witness order or direction given that witness order be treated as conditional(*c*)	Page No.

Part II

WRITTEN STATEMENTS

Name and address and occupation of witness	Witness order(*w*) Conditional witness order or direction given that witness order be treated as conditional(*c*)	Page No.

12

Statement of accused (*M.C.Rules* 1968, *r.*4)

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

Date:

Accused:

Address:

being charged with the offence(s) set out in Schedule 1 to the certificate herewith
And the evidence for the prosecution having been given and the charges having been read and explained to the accused
[The accused was addressed by the court in accordance with Rule 4 of the Magistrates' Courts Rules 1968, and asked whether he wished to say anything in answer to the charge(s)]
[The accused, being represented, was asked whether he wished to say anything in answer to the charge(s)]

Statement: Whereupon the accused [said:—] [made no reply]

[and this statement was read over to the accused who was given an opportunity to sign it]

And the accused was given an opportunity to give evidence and to call witnesses

Taken before me

J.P.

Justice of the Peace

13

Warrant of commitment: committal to Crown Court for trial (*M.C. Act* 1952, *s.*7; *C.J. Act* 1967, *s.*1; *M.C. Rules* 1968, *rr.*73, 77, 78, 80)

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

Date:

Accused: Age years

Address:

has this day been charged with the offence(s) set out in Schedule 1 hereto and committed for trial at 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 into your custody and keep the accused until the accused be 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 Schedule 2 hereto.

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

J.C.
Justices' Clerk]

Schedule 1

Schedule 2

*Delete if bail is not allowed.

15

Notice to governor of prison of persons committed to the Crown Court on bail (M.C. Rules 1968, *rr.* 8, 16)

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

Persons committed by this Court on.....on bail to the Crown Court at.....

Name and Age	Whether committed for trial or sentence, and Act and Section under which so committed	Brief description of offence, conviction or other reason for committal

J.C.
Justices' Clerk

To the Governor HM Prison/Remand Centre.....

17

Witness order (*C.P.* (*A. of W.*) *Act* 1965, *s.*1(1); *M.C.Rules* 1968, *r.*5)

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

Date:

To :
(*Witness*)

Address:

Order: That *[if notice is later given to you to that effect] you attend and give evidence at the trial of (*accused*) at the Crown Court at

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

J.C.
Justices' Clerk]

NOTE: Failure to comply with this order may render you liable to imprisonment for 3 months or a fine. You will be notified of the date and time at which you are to attend by the appropriate officer of the Crown Court, to whom any enquiry should be addressed.

*Delete unless the order is a conditional order.

34

Warrant of commitment on remand after conviction
(*M.C. Act* 1952, *ss.* 14(3), 105; *C.J. Act* 1961, *ss.* 4(4), 12(4); *C.J. Act* 1967, *s.*18; *I. Act* 1971, *s.*6(2); *M.C. Rules* 1968, *rr.* 77,78,80)

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

Date:

Accused: Age years

Address:

Offence: (*particulars and statute*)

The accused having been convicted of that offence

Decision: Hearing adjourned until (*date*) at (*time*) and accused remanded in custody [to enable enquiries to be made] [to determine the most suitable method of dealing with the case] [to enable the Secretary of State to make a report on the accused under section [4(4)] [12(3)] of the Criminal Justice Act 1961] [to enable a notice to be given to the accused under section 6(2) of the Immigration Act 1971] [to enable a period of seven days to elapse from the date on which notice under section 6(2) of the Immigration Act 1971 was given to the accused].

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 bailed or you are otherwise ordered in the meantime, to keep the accused until that date and then convey the accused to the above magistrates' court at that time.

*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 above magistrates' court on the date and at the time stated above 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.

34A

Warrant of commitment on remand for medical examination (*M.C. Act* 1952, *ss.* 26, 105; *C.J. Act* 1967, *s.*18; *M.C.Rules* 1968, *rr.* 23,77,78,80)

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

Date:

Accused: Age years

Address:

Offence: (*particulars and statute*)

Decision: Hearing adjourned until (*date*) at (*time*) and accused remanded in custody under section 26 of the Magistrates' Courts Act 1952, to enable a medical examination and report to be 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 the accused into your custody and, unless the accused is bailed or you are otherwise ordered in the meantime, to keep the accused until that date and then convey the accused to the above magistrates' court at that time. And you, the Governor are hereby requested to arrange an inquiry into the accused's [physical] [and] [mental] condition by [a] [two] duly qualified medical practitioner(s) who shall report thereon to the court.

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

J.C.
Justices' Clerk]

NOTE: This warrant must be accompanied by a Statement of Reasons in accordance with Rule 23 of the M.C. Rules 1968.

39

Conviction (*M.C. Act* 1952, *s.*13; *M.C. Rules* 1968, *r.*15)

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

Date of decision:

Accused: Age years

Address:

Offence: (*particulars and statute*)

The accused [having consented to be tried summarily] was convicted of the above offence.
*[The court is of opinion that no method of dealing with the accused other than a sentence of imprisonment is appropriate because (*state reason*)]

†Decision:

By order of the Court

J.C.
Justices' Clerk

*Delete if accused has attained the age of 21 years and has previously been sentenced to imprisonment.

†There should here be included details of any order as to costs or compensation

42

Warrant of commitment: committal to Crown Court for sentence (*C.J. Act* 1948, *ss.* 20, 29; *M.C. Act* 1952, *ss.* 28,29; *C.J. Act* 1961, *s.*1; *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 for sentence in accordance with the provisions of section [20] [29] of the Criminal Justice Act 1948.

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.

46

Warrant of commitment: sentence of imprisonment (*M.C. Act* 1952, *s.* 107; *C.J. Act* 1972, *s.*14(2); *M.C. Rules* 1968, *rr.* 77, 78, 80)

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

Date:

Accused: Age years

Address:

Offence: (*particulars and statute*)

The accused was on convicted of the above offence *[and the court is of opinion that no method of dealing with him other than a sentence of imprisonment is appropriate because (*state reason*)].

Decision: That the accused be imprisoned for (*state period*).

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

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

J.C.
Justices' Clerk]

*Delete if accused has attained the age of 21 years and has previously been sentenced to imprisonment.

47

Warrant of commitment to detention centre (*C.J. Act* 1961, *s.*4; *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 detained in a detention centre for the period of months.

Direction: You, [the constables of Police Force] [A.B.] are hereby required to convey the accused to the detention centre at and there deliver the accused to the Warden thereof, together with this warrant; and you, the Warden, 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]

49

Notice of fine (*M.C. Rules* 1968, *r.*38)

	.....Magistrates' Court (*Code*)
	Date.....
	Case No.....
	Convicted on..... (*date*)..... by the [.....Magistrates' Court] [Crown Court at.....]
	[Driving Licence No.....]

Offence(s)	Fine	Compensation	Costs	Total
	£	£	£	£

You have been ordered to pay the sums shown above [by (*date*)] [by weekly/monthly instalments of £ the first instalment to be paid by (*date*)]

Payment may be made personally at the address shown below on (*days*) between (*time*) and (*time*), or—

By post to the address shown below. Crossed cheques and postal orders should be made payable to the "Justices' Clerk". Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped.

Payment to: The Justices' Clerk

(*Address*)

(*Telephone No.*)

Failure to pay in accordance with the above directions may result in a distress warrant being issued against you or a warrant for your arrest unless you have been granted further time for payment; application for further time for payment may be made in writing to the Justices' Clerk stating the grounds for the application.

NOTE: This notice should be sent with any payment or application

53

Warrant of commitment on occasion of conviction (*C.J. Act* 1948, *s.* 17(2); *M.C. Act* 1952, *ss.* 64, 107; *C.J. Act* 1967, *s.*44; *M.C. Rules* 1968, *rr.* 77, 78, 80)

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

Date:

Accused: Age years

Address:

Offence: (*particulars and statute*)

Ordered to pay: £ fine
£ compensation } forthwith
£ costs

Imprisonment in default of payment:
To take effect forthwith because: (*state reason*)

*[This court is of opinion that no method of dealing with the accused in respect of his default other than a sentence of imprisonment is appropriate because (*state reason*)].

Direction: You [the constables of Police Force] [the authorised persons for] [A.B.] are hereby required to convey the accused to prison 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 for that period [to commence at the end of the term of imprisonment (*give particulars*)] unless the amount remaining due be sooner paid.

J.P.
Justice of the Peace

[By order of the Court

J.C.
Justices' Clerk]

*Delete if the accused appears to have attained the age of 21 years.

54

Warrant of commitment on occasion subsequent to conviction (*C.J. Act* 1948, *s.* 17 (2); *M.C. Act* 1952, *ss.* 64, 65(2), 67, 71, 107; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1968, *rr.* 77, 78, 80)

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

Date:

Accused: Age years

Address:

Convicted on:

by the: [.....Magistrates' Court] [Crown Court at.....]

Offence: (*particulars and statute*)

Amount outstanding when imprisonment imposed: £

Imprisonment in default of payment: days

Imposed on:

by the: [.....Magistrates' Court] [Crown Court at.....]

*[[This court has considered or tried all other methods of enforcing payment and it appears to this court that they are inappropriate or unsuccessful] [The said offence is punishable with imprisonment and the accused appears to this court to have sufficient means to pay the amount remaining due] [The accused is already serving a term of imprisonment]]

†[This court is of opinion that no method of dealing with the accused in respect of his default other than a sentence of imprisonment is appropriate because (*state reason*)]

‡[This court is satisfied that it is undesirable/impracticable to place the accused under supervision because (*state grounds*)]

Amount remaining due: £

Period to be served: days

Direction: You [the constables of Police Force] [the authorised persons for] [A.B.] are hereby required to convey the accused to prison 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 for the said period of [to commence at the end of the term of imprisonment (*give particulars*)] unless the amount remaining due be sooner paid.

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

J.C.
Justices' Clerk]

*Delete if a term of imprisonment has been fixed on a previous occasion.
†Delete if the accused appears to have attained the age of 21 years.
‡Delete if the accused appears to have attained the age of 21 years or has been placed under supervision.

56

Warrant for arrest of fine defaulter (*M.C.Act* 1952, *s.*70; *C.J.Act* 1967, *ss.*44, 47; *M.C. Rules* 1968, *rr.* 78, 79)

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

Date:

Accused:

Address:

Date penalty imposed:

by the: [.....Magistrates' Court] [Crown Court at.....]

Total amount still outstanding: £

Direction: You [the constables of Police Force] [the authorised persons for][A.B.] are hereby required to arrest the accused and bring him before the Magistrates' Court at immediately.

*Bail On arrest the accused shall be released on bail on entering into a recognizance in the sum of £ for the accused's appearance before the last mentioned Magistrates' Court at m. on (*date*) unless the amount outstanding be sooner paid.

J.P.
Justice of the Peace

*Delete if bail is not allowed and amend as appropriate where sureties are required or conditions imposed.

58

Warrant of commitment to detention centre: non-payment of fine (*C.J. Act* 1961, *s.5*)

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

Date:

Accused: Age years

Address:

Convicted on:

by the: [.....Magistrates' Court] [Crown Court at.....]

Offence: (*particulars and statute*)

*[Ordered to pay: £ (*Total of fine, compensation and costs*)]

*[Amount outstanding when imprisonment imposed: £]

Imprisonment in default of payment: days

Imposed on:

by the: [.....Magistrates' Court][Crown Court at.....]

[This court is satisfied that it is undesirable/impracticable to place the accused under supervision because (*state grounds*)].

The accused is at present detained in a detention centre under a previous sentence or warrant.

Amount remaining due: £

Period of detention:

Direction: You [the constables of Police Force] [the authorised persons for][A.B.] are hereby required to convey the accused to the detention centre at and there deliver the accused to the Warden thereof, together with this warrant; and you the Warden, to receive into your custody and keep the accused for the said period of unless the amount remaining due be sooner paid.

J.P.
Justice of the Peace

[By order of the Court

J.C.
Justices' Clerk]

*Delete whichever is inappropriate.

68

Probation order (*C.J. Act* 1948, *s.*3)

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

Date:

Accused: Age years

Address:

Offence: (*particulars and statute*)

The court has explained to the accused the effect of this order and that if the accused fails to comply therewith or commits another offence the accused will be liable to be sentenced for the offence in respect of which this order is made.

Decision: That the accused who [resides] [will reside] in the petty sessions area of.....shall for.....years be under the supervision of a probation officer appointed for or assigned to that petty sessions area and shall for that period comply with the requirements which are specified in the Schedule hereto.

[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

*1. *The accused shall be of good behaviour and lead an industrious life.*

2. *The accused shall inform the probation officer immediately of any change of address or employment.*

3. *The accused shall comply with the instructions of the probation officer as to reporting to the officer and as to receiving visits from the probation officer at home.*

4. (*Any special requirements*).

*These are specimens of requirements which are commonly inserted and are not part of the prescribed form.

93

Warrant of commitment putting into effect suspended sentence (*C.J. Act* 1967, *s.*40; *C.J. Act* 1961, *s.*4; *M.C. Rules* 1968, *rr.*77, 78, 80)

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

Date:

Accused: Age years

Address:

was on (*date*) at Magistrates' Court sentenced to imprisonment for months in respect of the following offence:—

Original offence: (*particulars and statute*)

And that sentence of imprisonment has been suspended for years

And the accused [has today been] [was on] convicted by [this] court of a further offence punishable with imprisonment committed during the operational period of the suspended sentence, namely—

Further offence: (*particulars and statute*)

Date of further offence:

Decision: That the suspended sentence take effect [with the substitution of a term of months imprisonment for the original term] [and it is directed that the accused serve that sentence in the detention centre at].

Direction: You [the constables of Police Force] [A.B.] are hereby required to convey the accused to [prison] [that detention centre] and there deliver the accused to the [Governor] [Warden] thereof, together with this warrant; and you the [Governor] [Warden] to receive into your custody and keep the accused for [to commence at the end of the term of imprisonment (*give particulars*)]

J.P.
Justice of the Peace

[By order of the Court

J.C.
Justices' Clerk]

95

Warrant of commitment: committal to Crown Court: summary offence (*C.J. Act* 1967, *s.*56; *M.C. Rules* 1968, *rr.* 77, 78, 80)

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

Date:

Accused: Age years

Address:

[was convicted today by this court of an offence [punishable with imprisonment] [in respect of which there is power to disqualify for driving a motor vehicle] namely:—]

[today appeared before this court to be dealt with in respect of a suspended sentence of months imprisonment imposed by court on , having been convicted on by/before court of the following offence:—]

Offence:

[Date of offence]:

and the accused has today been committed by this court to the Crown Court under [the Vagrancy Act 1824] [section 8(4) of the Criminal Justice Act 1948] [section 28/29 of the Magistrates' Courts Act 1952] [section 41(2)/62(6) of the Criminal Justice Act 1967]

Decision: That the accused be committed in custody to the Crown Court under section 56 of the Criminal Justice Act 1967 to be dealt with in respect of the said [offence] [suspended sentence].

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 be 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.

99

Complaint (*M.C.Act* 1952, *ss.* 43, 44; *M.C.Rules* 1968, *r.*1)

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

Date:

Defendant:

Address:

Matter of complaint: (*particulars and statute*)

The complaint of:

Address: Telephone No.

who [upon oath] states that the defendant was responsible for the matter of complaint of which particulars are given above.

Taken [and sworn] before me

J.P.
Justice of the Peace

[J.C.
Justices' Clerk]

100

Summons on complaint (*M.C.Act* 1952, *ss.* 43, 44; *M.C.Rules* 1968, *r.*81)

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

Date:

To the defendant:

Address:

You are hereby summoned to appear on (*date*)
at m. before the Magistrates' Court at
to answer to the following complaint

Matter of Complaint: (*particulars and statute*)

The complainant is:

Address:

Date of complaint:

J.P.
Justice of the Peace

[J.C.
Justices' Clerk]

103

Order on complaint (*M.C. Act* 1952, *s.*45)

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

Date:
Defendant:
Address:

On the complaint of

Complainant:
Address:

that

Matter of Complaint: (*particulars and statute*)

it is adjudged that the complaint is true and it is ordered that

Order:

And it is ordered that the defendant pay costs of

Costs: £ to the complainant [forthwith] [by weekly/monthly instalments of £] [not later than]

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

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Summons to rate defaulter (*G.R. Act* 1967, *s.*104; *M.C. Rules* 1968, *r.*81)

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

Date:
To the Defendant:
Address:

You are hereby summoned to appear, unless the sum specified below be sooner paid, before the Magistrates' Court at on (*date*) at (*time*) m. for inquiry as to your conduct and means in relation to the non-payment of rates and costs as follows:—

Rate arrears and costs: £
Rate period:
Payable to: .....Council

that Council having applied for a warrant for your committal to prison for default in payment of that sum.

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

NOTE: If the arrears and costs outstanding are paid to..... before the date of hearing you need not attend the court.

If the arrears and costs are not paid and you fail to attend the court a warrant may be issued for your arrest.

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Recognizance—general (*M.C. Act* 1952, *ss.* 7, 14, 26, 89, 91; *C.J. Act* 1967, *ss.*20, 21, 41, 62; *M.C. Rules* 1968, *rr.* 69, 72)

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

Date:

Principal:

Address:

I acknowledge my obligation to pay the Court the sum specified opposite my signature if I fail to comply with the conditions specified below.

Signature.....£

Surety:

Address:

I acknowledge my obligation to pay the Court the sum specified opposite my signature if the principal fails to comply with the conditions specified below [other than the condition(s) requiring the principal to].

Signature.....£

Surety:

Address:

I acknowledge my obligation to pay the Court the sum specified opposite my signature if the principal fails to comply with the conditions specified below [other than the condition(s) requiring the principal to].

Signature.....£

Taken before me

J.P.
Justice of the Peace

[J.C.
Justices' Clerk]

[A.B.
[Inspector] of Police Force]

Conditions

EXPLANATORY NOTE

(*This Note is not part of the Rules.*)

These Rules amend the Magistrates' Courts (Forms) Rules 1968 by substituting the forms contained in the Schedule to the Rules for the forms similarly numbered in the Schedule to the Rules of 1968, by inserting form 34A (warrant of commitment on remand for medical examination) in the Schedule to the Rules of 1968 and by omitting from that Schedule forms 19 to 22, 24, 38, 40, 41, 57 and 96. The changes made in the substituted forms are principally changes of form and not of substance; the changes of substance are mainly consequential on the Courts Act 1971 (c. 23) and the Magistrates' Courts (Amendment) Rules 1973 (S.I. 1973/790). The omission of forms 19 and 20 is also consequential on the Magistrates' Courts (Amendment) Rules 1973 and that of forms 21 and 22 consequential on the Courts Act 1971; the content of forms 24, 38 and 40, 41, 57 and 96 has been incorporated into the substituted forms 11, 39, 42, 54 and 15 respectively.

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