1978 No. 146 (L. 1)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1978

Made - - - -	1*st February* 1978
Laid before Parliament	14*th February* 1978
Coming into Operation	17*th April* 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**), and section 5(1) of the Bail Act 1976(**c**), after consultation with the Rule Committee under the said section 15, hereby makes the following Rules:—

1. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 1978 and shall come into operation on 17th April 1978.

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

(*a*) for the forms numbered 3 to 5, 7, 10, 13, 32, 33, 34, 42, 76, 77, 83, 84, 90, 91, 94D, 95, 119, 120, 123, 125 and 126 there shall be substituted the forms numbered in like manner in the Schedule to these Rules;

(*b*) after the forms numbered 119, 120, 123, 124, 125 and 126 there shall be inserted respectively the forms numbered 119A, 120A, 123A, 124A, 125A and 126A in the Schedule to these Rules;

(*c*) after the form numbered 146 there shall be inserted the forms numbered 146A, 146B, 146C, 146D and 146E in the Schedule to these Rules:

Provided that these Rules shall not have effect in relation to bail granted before 17th April 1978 (the date on which the Bail Act 1976 comes into force) and, accordingly, the said Rules of 1968 shall have effect in relation to bail so granted as if these Rules had not been made.

Dated 1st February 1978.

Elwyn-Jones, C.

(**a**) 1949 c. 101.
(**b**) 1952 c. 55.
(**c**) 1976 c. 63.
(**d**) S.I. 1968/1919.
(**e**) The relevant amending instruments are S.I. 1974/444, 1975/301.

Rule 2

SCHEDULE

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

3

Warrant of arrest in first instance (M.C. Act 1952, ss.1, 93; C.J. Act 1967, s.24; Bail Act 1976, s.3; 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] [affirmation] by

..... on

.....

that the accused committed the above offence

Direction: You, the constables of Police Force, are hereby required to arrest the accused and to bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

On arrest, 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 above magistrates' court on ..... at .....a.m./p.m.

Justice of the Peace

*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 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).

4

Warrant of Commitment on remand before conviction (M.C. Act 1952, ss.6, 14, 105; Bail Act 1976, ss.3, 4; M.C. Rules 1968, rr.77, 78, 80)

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

Date:

Accused: Age years

Address:

Alleged offence: *(short particulars and statute)*

Decision: The hearing is 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 released on bail 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: 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 above 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 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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

5

Warrant of commitment on further remand in custody of person unable to appear by reason of illness or accident (M.C. Act 1952, s.106; Bail Act 1976, s.3; M.C. Rules, 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 court being satisfied that by reason of [illness] [accident] the accused is unable to appear personally before the court

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

*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 above 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 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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

7

Warrant of arrest on failure to surrender to bail (M.C. Act 1952, s.93; Bail Act 1976, s.7; M.C. Rules 1968, rr.78, 79)

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

Date:

Accused:

Address:

Alleged offence: *(short particulars and statute)*

The accused having been released on bail with a duty to surrender to the custody of the above magistrates' court on this day at (*time*) and having failed to surrender to custody as required

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, 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 above 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 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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

10

Warrant of arrest issued before return date of summons (M.C. Act 1952, ss.1, 93; C.J. Act 1967, s.24; Bail Act 1976, s.3; M.C. Rules 1968, rr. 78, 79)

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

Date:

Accused:

Address:

Alleged offence: *(short particulars and statute)*

Information having been laid [on [oath] [affirmation]] by .....
on .....
that the accused committed the above offence

[The said information having been this day substantiated on [oath] [affirmation]]

Direction: You, the constables of Police Force, are hereby required to arrest the accused and to bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, after complying with the condition(s) specified inin 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 above magistrates' court on ..... at ..... a.m./p.m.

Justice of the Peace

*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 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).

13

Warrant of commitment: committal to Crown Court for trial (M.C. Act 1952, s.7; C.J. Act 1967, s.1; Bail Act 1976, ss.3, 4; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Accused: Age years

Address:

Alleged offence: *(particulars and statute)*

Decision: The accused is committed for trial at the Crown Court at ..... in respect of the above offence.

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, 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 on such day and at such time and place as may be notified to the accused by the appropriate officer of that court.

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 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).

32

Warrant of arrest on failure to appear in answer to summons or at adjourned trial before evidence has been received (M.C. Act 1952, ss.1, 15, 93; C.J. Act 1967, s.24; Bail Act 1976, s.3; M.C. Rules 1968, rr. 78, 79)

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

Date:

Accused:

Address:

Alleged offence: *(short particulars and statute)*

The accused having this day failed to appear [in answer to a summons issued on *(date)* and duly served in respect of the above offence] [at the time fixed for the adjourned trial of the information charging the above offence], no evidence having been received

Direction: You, the constables of Police Force, are hereby required to arrest the accused and to bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, 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 above 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 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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

33

Warrant of arrest on failure to appear after evidence has been received where the accused is at large otherwise than on bail (M.C. Act 1952, ss.15, 93; C.J. Act 1967, s.24; Bail Act 1976, s.3; M.C. Rules 1968, rr. 78, 79)

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

Date:

Accused:

Address:

Alleged offence: *(short particulars and statute)*

The accused having this day failed to appear before the above court [in answer to a summons issued on ..... and duly served in respect of the above offence] [at the time fixed for the adjourned trial of the information charging the above offence, the accused having previously appeared to answer to that information]

[Evidence having been received] [the accused having been convicted], the court [considers it undesirable by reason of the gravity of the offence to continue the trial in the absence of the accused] [proposes to impose a disqualification on the accused].

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

*Bail: On arrest, 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 above 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 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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

34

Warrant of commitment on remand after conviction (M.C. Act 1952, ss.14)(3), 105; C.J. Act 1961, ss.4(4), 12; Immigration Act 1971, s.6(2); Bail Act 1976, ss.3, 4; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Offence: *(particulars and statute)*

The defendant having been convicted of the above offence

Decision: The hearing is adjourned until (*date*) at (*time*) and the defendant 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 defendant under section [4(4)] [12(3)] of the Criminal Justice Act 1961] [to enable a notice to be given to the defendant 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 defendant].

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 that date and then convey the defendant to the above magistrates' court at that time.

*Bail: On arrest, 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 above 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 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).

42

Warrant of commitment: committal to Crown Court for sentence (M.C. Act 1952, ss.28, 29; C.J. Act 1961, s.1; C.J. Act 1967, s.62; Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Offence: *(particulars and statute)*

Decision: The defendant is committed in custody to the Crown Court at for sentence in accordance with the provisions of section [20 of the Criminal Justice Act 1948] [42 of the Powers of Criminal Courts Act 1973].

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 into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

*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 Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that court.

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).

76

Warrant of arrest for breach of requirement of probation order (P. of C. C. Act 1973, s.6; M.C. Act 1952, s.93; Bail Act 1976, s.3; M.C. Rules 1968, rr. 78, 79)

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

Date:

Defendant:

Address:

Probation order made on:

Probation order made by:

Duration of order:

Supervising court:

Alleged failure to comply with requirement: *(short particulars)*

Information on [oath] [affirmation] having this day been laid before me by that the defendant is in breach of the above requirement

Direction: You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the above magistrates' court immediately [unless the defendant is released on bail as directed below].

*Bail: On arrest, 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 above magistrates' court on ..... at ..... a.m./p.m.

Justice of the Peace

*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).

77

Warrant of commitment: committal to Crown Court on breach of requirement of probation order (P. of C.C. Act 1973, s.6; Bail Act 1976, ss.3, 4; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Probation order made on:

Probation order made by: Crown Court at .....

Alleged failure to comply with requirement: *(short particulars)*

Decision: The court, being satisfied that the defendant failed to comply with the above requirement, commits the defendant to custody until the defendant can be brought before the Crown Court at .....

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 into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

*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 Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that court.

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).

83

Warrant of arrest on commission of further offence during probation period or period of conditional discharge (P. of C.C. Act 1973, s.8; M.C. Act 1952, s.93; Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:	
Defendant:	
Address:	
Original offence:	*(short particulars and statute)*
Order:	[Probation] [Conditional discharge]
Order made on:	
Order made by:	
Duration of order:	
Supervising court (if applicable):	
Date and place of further conviction:	
Further offence:	*(short particulars and statute)*
	Information on [oath] [affirmation] having this day been laid before me by that the defendant is subject to the above [probation order] [order of conditional discharge] and has been convicted of the further offence of which short particulars are set out above, being an offence committed during the [probation period] [period of conditional discharge]
Direction:	You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the [Magistrates' Court] [Crown Court at] immediately [unless the defendant is released on bail as directed below].
*Bail:	On arrest, 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 Magistrates' court on ..... at ..... a.m./p.m.

Justice of the Peace

*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).

84

Warrant of commitment: committal to Crown Court on commission of further offence by probationer or person conditionally discharged (P. of C.C. Act 1973, s.8; Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Original offence: *(particulars and statute)*

Order: [Probation] [Conditional discharge]

Order made on:

Order made by: The Crown Court at

Further offence: *(short particulars and statute)*

Decision: The court, having convicted the defendant of the further offence set out above, being an offence committed during the currency of the above [probation order] [order for conditional discharge], commits the defendant to custody until the defendant can be brought before the Crown Court at .....

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 into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

*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 Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that court.

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).

90

Warrant of arrest on conviction of further offence committed during operational period of suspended sentence (P. of C.C. Act 1973, s.25; M.C. Act 1952, s.93; Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80) .

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

Date:

Defendant:

Address:

Original offence: *(short particulars and statute)*

Suspended sentence: On *(date)* the defendant was sentenced by the above court to imprisonment for *(state period)* suspended for a period of.....
.....

Date and place of further conviction:

Further offence: *(short particulars and statute)*

Information on [oath] [affirmation] having this day been laid before me by that the defendant is subject to the above suspended sentence and has been convicted of the further offence of which short particulars are set out above, being an offence committed during the operational period of the suspended sentence

Direction: You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the Magistrates' Court immediately [unless the defendant is released on bail as directed below].

*Bail: On arrest, 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 Magistrates' Court on ..... at ..... a.m./p.m.

Justice of the Peace

*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).

91

Warrant of commitment: committal to Crown Court on commission of further offence committed during operational period of suspended sentence (P. of C.C. Act 1973, s.24(2); Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Original offence: *(particulars and statute)*

Suspended sentence: On *(date)* the defendant was sentenced by the Crown Court at ..... to imprisonment for *(state period)*, suspended for a period of .....

Further offence: *(short particulars and statute)*

Decision: The court, having convicted the defendant of the further offence set out above, being an offence committed during the operational period of the above suspended sentence, commits the defendant to custody until the defendant can be brought before the Crown Court at .....

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 into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

*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 Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that court.

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).

94D

Warrant of commitment: committal to Crown Court to be dealt with in respect of community service order (P. of C.C. Act 1973, ss.16(3)(b), 17(2)(b); Bail Act 1976, ss.3, 4; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

Offence: *(particulars and statute)*

Decision: The defendant is 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 defendant] [the relevant officer] and having regard to circumstances which have arisen since a community service order was made in respect of the defendant by the Crown Court on , that it would be in the interests of justice that the order should be revoked or that the defendant 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 defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof together with this warrant; and you, the Governor, to receive into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

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 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.

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).

95

Warrant of commitment: committal to Crown Court: summary offence (C.J. Act 1967, s.56; Bail Act 1976, s.3; M.C. Rules 1968, rr. 77, 78, 80)

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

Date:

Defendant: Age years

Address:

The defendant has today [been convicted by this court of (*particulars and statute*)] [appeared before this court to be dealt with in respect of a suspended sentence of months imprisonment imposed by court on following conviction on by court of (*particulars including date*)] and has been committed by this court to the Crown Court under [the Vagrancy Act 1824] [section 28/29 of the Magistrates' Courts Act 1952] [section 62(6) of the Criminal Justice Act 1967] [section 8(6)/24(2) of the Powers of Criminal Courts Act 1973]:

Decision: The defendant is committed in custody to the Crown Court at 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 defendant to [prison] [remand Centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

*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 Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that court.

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).

119

Recognizance (civil cases) (M.C. Act 1952, ss.90, 91; 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 condition 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 condition 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 condition specified below.

Signature ..... £

Taken before me

Justice of the Peace

[Clerk of the Court]

[Inspector of Police Force]

[Governor of Prison/Remand Centre]

Condition

The principal shall appear before the court at on at a.m./p.m.

119A

Recognizance of surety (criminal cases) (M.C. Act 1952, s.96; Bail Act 1976, ss.3, 8)

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

Date:

Accused:

Address:

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the accused fails to surrender to [the custody of the court at ..... on ..... at ..... a.m./p.m.] [custody at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned].

Signature ..... £

Taken before me

Justice of the Peace

[Clerk of the Court]

[Inspector of Police Force]

[Governor of Prison/Remand Centre]

120

Notice of recognizance to principal and sureties (civil cases)

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

Date:

Principal: £

Address:

Suret[y][ies]: £

Address:

Nature of hearing:

Time and place
of hearing:

Bail has been granted by the above court for the principal's appearance at the above hearing.

You are [each] bound in the amount set opposite your name for [your appearance] [the appearance of the principal] at the appointed time and place. The said sum(s) may be declared forfeit if [you] [the principal] fail(s) to appear.

Justice of the Peace

[Clerk of the Court]

120A

Notice of recognizance to sureties (criminal cases)

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

Date:

Accused:

Address:

Alleged offence:

Suret[y][ies]: £

Address[es]:

Appointed time and place:

Bail has been granted by the above court for the accused's surrender to custody at the above time and place. You are [each] bound in the amount set opposite your name, to secure the accused's surrender at that time and place and the said sum(s) may be declared forfeit if the accused fails to surrender.

Justice of the Peace

[Clerk of the Court]

123

Certificate of amount and conditions of recognizance (civil cases) (M.C. Rules 1968, rr. 72, 73)

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

Date:

Principal:

Complaint:

I hereby certify that the above court has granted the principal bail in the sum of £ [with suret[y][ies] in the sum of £] and has committed the principal to custody at [prison] [remand centre] until the recognizance(s) [is] [are] entered into. Bail is conditioned for the principal's appearance at the court at on..... at ..... a.m./p.m.

Clerk of the Court

123A

Certificate of amount and conditions of surety's recognizance and other bail conditions (criminal cases) (Bail Act 1976, ss. 3, 8; M.C. Rules 1968, r. 72)

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

Date:

Accused:

Alleged offence:

I hereby certify that the above court has granted the accused bail, subject to the condition(s) specified in Schedules I and II hereto and with a duty to surrender to the custody of the court at on ..... at .....a.m./p.m.

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 appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

124A

Certificate as to suitability of surety (criminal cases) (Bail Act 1976, s. 8; M.C. Rules 1968, rr. 72, 73)

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

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

Accused:

Surety:

Address of surety:

Surety's recognizance: £.....

The accused being in custody under a warrant of (*date*) issued by (*court*), I hereby certify that the bearer of this certificate, being the person named above as surety and whose signature is in the margin hereof, has satisfied [me] [the Magistrates' Court] that he is an acceptable surety for the accused.

Signature of Surety .....

Clerk of the Court

125

Notice of recognizance having been entered into (civil or criminal cases) (M.C. Rules 1968, r. 73)

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

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

[Principal]:

[Accused]:

The [principal] [accused] being in custody under a warrant of (*date*) issued by (*court*) , I hereby give notice that the suret[y][ies] referred to in the said warrant [has] [have] duly entered into a recognizance of £ [each] before [the Magistrates' Court] [me].

Justice of the Peace

[Clerk of the Court]

[Inspector of Police Force]

125A

Notice of compliance with pre-release bail conditions (criminal cases) (Bail Act 1976, s. 3; M.C. Rules 1968, r. 73)

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

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

Accused:

The accused being in custody under a warrant of (*date*) issued by (*court*), I hereby give notice that the following requirement(s), to be complied with before release on bail, [has] [have] been duly complied with: —

†

Signature .....

Designation .....

†Insert condition(s) as appropriate (including directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

126

Notice of enlargement of recognizance (civil cases) (M.C. Act 1952, s. 106; M.C. Rules 1968, r. 71)

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

Principal: £

Address:

Suret[y][ies]: £

Address[es]:

Date:

Take notice that this court has this day enlarged the recognizance(s) entered into by you on .
Unless the principal appears at the above court on ..... at ..... a.m./p.m. the said sums may be declared forfeit.

Justice of the Peace

[Clerk of the Court]

126A

Notice of enlargement of surety's recognizance (criminal cases) (M.C. Act 1952, ss. 38, 106; M.C. Rules 1968 r. 71)

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

Date:

Accused:

Address:

Suret[y][ies]: £

Address[es]:

Take notice that this court has today enlarged the recognizance(s) entered into by you on . You are bound to secure the accused's surrender to [the custody of the court at on ..... at ..... a.m./p.m.] [custody at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned].

Justice of the Peace

[Clerk of the Court]

146A

Record of decision to grant unconditional bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1968, rr. 54, 75A)

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

Date:

Accused: Date of birth.....

Last bail/custody decision (if any): (*date*)

Alleged offence[s]: *(short particulars and statute)*

Stage reached in proceedings:

Decision: The accused is granted bail with a duty to surrender to the custody of [Magistrates' Court on ..... at ..... a.m./p.m.] [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].

Signature .....
Justice of the Peace

[Clerk of the Court present during these proceedings]

146B

Record of decision to grant conditional bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1968, rr. 54, 75A)

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

Date:

Accused: Date of birth.....

Last bail/custody decision (if any): (*date*)

Alleged offence[s]: (*short particulars and statute*)

Stage reached in proceedings:

Decision: The accused is granted bail, with a duty to surrender to the custody of [Magistrates' Court on ..... at ..... a.m./p.m.] [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], the bail being subject to the following conditions:

Conditions:

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.

†

Conditions to be complied with after release on bail

†

*Reasons: The above conditions were imposed on the grant of bail for the following reason(s):

Signature .....
Justice of the Peace

[Clerk of the Court present during these proceedings]

*Delete if section 4 of the Bail Act 1976 does not apply.
†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1968, r. 71A in respect of any pre-release conditions).

146C

Record of decision to withhold bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1968, rr. 54, 75A)

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

Date:

Accused: Date of birth.....

Last bail/custody decision (if any): (*date*)

Alleged offence[s]: (*short particulars and statute*)

Stage reached in proceedings:

Decision: The court, having found that the exception(s) to the right to bail specified in the first column of the Schedule hereto applies (apply) for the reason(s) specified in the second column of the said Schedule, withholds bail.

The accused is [remanded in] [committed to] custody for appearance before [Magistrates' Court on ..... at ..... a.m./p.m.] [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].

Signature .....
Justice of the Peace

[Clerk of the Court present during these proceedings]

SCHEDULE

Exception(s) to right to bail (Include relevant Part and paragraph number(s) of Schedule I to Bail Act 1976)	Reason(s) for applying the exception(s) specified in first column

146D

Record of decision to vary conditions of bail or impose conditions on bail granted unconditionally (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1968, rr. 54, 75A)

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

Date:

Accused: Date of birth.....

Last bail/custody decision (if any): (*date*)

Alleged offence[s]: (*short particulars and statute*)

Stage reached in proceedings:

The accused having been granted bail by the above magistrates' court on (date) with a duty to surrender to the custody of [Magistrates' Court on ..... at ..... a.m./p.m.] [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 the said bail being subject to conditions].

Application having been made by ..... under section 3(8) of the Bail Act 1976 for [variation] [imposition] of bail conditions.

Decision: The condition(s) to be complied with by the accused in respect of the said bail shall now be as specified in Schedules I and II hereto.

*Reasons: The conditions of bail were [varied] [imposed] for the following reason(s):

Signature .....
Justice of the Peace

[Clerk of the Court present during these proceedings]

*Delete if section 4 of the Bail Act 1976 does not apply.

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).

146E

Record of decision to appoint a different time or place for a person granted bail to surrender to custody (criminal cases) (Magistrates' Courts Act, 1952 s. 38; Bail Act 1976, s. 5; M.C. Rules 1968, r. 54)

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

Date:

Accused:

Bail granted on: (date)

Bail granted by: [Magistrates' Court] [Police Force]

Time originally appointed for surrender: at ..... a.m./p.m. on .....

Decision: The accused is now under a duty to surrender to the custody of the [above] [ ] Magistrates' Court on ..... at ..... a.m./p.m.

Signature .....
Justice of the Peace

[Clerk of the Court present during these proceedings]

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Forms) Rules 1968 in consequence of the Bail Act 1976, which comes into force on 17th April 1978. Some existing forms are replaced and some new forms are prescribed for use in connection with bail. In particular, new forms (numbered 146A, 146B, 146C, 146D and 146E) are inserted for use in making records of bail decisions under section 5 of that Act. The particulars to be contained in the records are prescribed in these forms and include, where applicable, the reasons for withholding bail or imposing or varying conditions of bail.

SI 1978/146
ISBN 0-11-083146-2

