STATUTORY INSTRUMENTS

1983 No. 524 (L.6)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1983

Made - - - - -	29*th March* 1983
Laid before Parliament	12*th April* 1983
Coming into Operation	24*th May* 1983

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980**(a)**, as extended by section 145 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 1983 and shall come into operation on 24th May 1983.

(2) In these Rules "the principal Rules" means the Magistrates' Courts (Forms) Rules 1981**(b)**.

2. In Rule 2(2) of the principal Rules for the words "Schedule 1" there shall be substituted the words "Schedule 2".

3.—(1) Schedule 2 to the principal Rules shall be amended as follows:—

(*a*) for the forms numbered 5, 6, 7, 43, 44, 51, 52, 90A, 90B, 90C, 90D, 90E, 90F, 90H, 90I and 110 there shall be substituted the forms numbered in like manner in the Schedule to these Rules;

(*b*) the forms numbered 8, 45, 55 and 56 shall be omitted;

(*c*) after the form numbered 44 there shall be inserted the form numbered 44A in the Schedule to these Rules;

(*d*) after the form numbered 92 there shall be inserted the forms numbered 92A and 92B in the Schedule to these Rules;

(*e*) after the form numbered 94 there shall be inserted the forms numbered 94A and 94B in the Schedule to these Rules;

(*f*) after the form numbered 95 there shall be inserted the forms numbered 95A and 95B in the Schedule to these Rules; and

(*g*) after the form numbered 151 there shall be inserted the form numbered 151A in the Schedule to these Rules.

(a) 1980 c. 43.

(b) S.I. 1981/553, amended by S.I. 1982/246.

(2) The form numbered 35 in Schedule 2 to the principal Rules shall be amended by substituting for the words "the accused be admitted to and detained in (*name and address of hospital*)" the words "(*name and address of hospital*) be authorised to admit and detain the accused".

(3) The form numbered 92 in Schedule 2 to the principal Rules shall be amended by substituting—

(*a*) for the words "a probation officer's report" the words "[a probation officer's report] [a report of a social worker of a local authority social services department]"; and

(*b*) for the words "£50" the words "£200".

Hailsham of St. Marylebone, C.

Dated 29th March 1983.

SCHEDULE Rule 3

FORMS TO BE SUBSTITUTED OR INSERTED IN SCHEDULE 2 TO THE MAGISTRATES' COURTS (FORMS) RULES 1981

FORM 5

Warrant of commitment on remand before conviction (*Bail Act* 1976, *ss.* 3, 4; *M.C. Act* 1980, *ss.* 5, 10, 128; *M.C. Rules* 1981, *rr.* 94, 95, 97)

..... 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. [The accused consented to the hearing and determination in his absence of any future application for his 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, where the hearing and determination of any application for the accused's next remand is to take place in the accused's absence, to keep the accused until such time as you receive another warrant of commitment from the above magistrates' court or, in any other case, to keep the accused until (*date*) and on that day to convey the accused to the above 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 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 1981, r. 85 in respect of any pre-release conditions).

FORM 6

Warrant of commitment on remand to alternate court (*M.C. Act* 1980, *ss.* 5, 10, 18(4), 128, 130; *M.C. Rules* 1981, *rr.* 25, 94, 95, 97)

..... 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"). [The accused consented to the hearing and determination in his absence of any future application for his 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, where the hearing and determination of any application for the accused's next remand is to take place in the accused's absence, to keep the accused until such time as you receive another warrant of commitment from the alternate court or, in any other case, 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]

FORM 7

Warrant of commitment on remand from alternate court (*M.C. Act* 1980, *ss.* 5, 10, 18(4), 128, 130; *M.C. Rules* 1981, *rr.* 25, 94, 95, 97)

..... 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. [The accused consented to the hearing and determination in his absence of any future application for his 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, where the hearing and determination of any application for the accused's next remand is to take place in the accused's absence, to keep the accused until such time as you receive another warrant of commitment from the ..... Magistrates' Court, or, in any other case, 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 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 1981, r. 85, in respect of any pre-release conditions).

FORM 43

Warrant of commitment: sentence of imprisonment (*C.J. Act* 1982, *s.* 2; *M.C. Act* 1980, *s.* 132; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short 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*)].

[The court obtained a social inquiry report for the purpose of determining whether there was any appropriate method of dealing with the accused other than imprisonment]. [The court did not obtain a social inquiry report for the purpose of determining whether there was any appropriate method of dealing with the accused other than imprisonment 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.

Justice of the Peace

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

*Delete if accused has previously been sentenced to imprisonment.

FORM 44

Warrant of commitment to detention centre (*C.J. Act* 1982, *ss.* 1, 2, 4; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

The accused was on convicted of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court is, for the following reason, of the opinion that no method of dealing with him other than a detention centre order is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified]:
(*state reason*)

[The court considered that it was unnecessary to obtain a social inquiry report because
(*state reason*)].

Decision: That the accused be subject to a detention centre order for a period of

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 Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace

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

FORM 44A

Warrant of commitment: sentence of youth custody (*C.J. Act* 1982, *ss.* 1, 2, 6; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

The accused was on convicted of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court is, for the following reason, of the opinion that no method of dealing with him other than a term of youth custody is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified]:
(*state reason*)

[The court considered that it was unnecessary to obtain a social inquiry report because (*state reason*)].

*[The court passed a sentence of youth custody on the accused because it considered that his detention in a detention centre would be unsuitable because of his mental condition].

Decision: That the accused serve a term of youth custody of (*state period*).

*Delete unless appropriate.

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

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

* Delete unless appropriate.

FORM 51

Warrant of commitment on occasion of conviction; (*M.C. Act* 1980, *ss.* 76, 82, 132; *C.J. Act* 1982, *ss.* 1, 2; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

Ordered to pay: £ fine

£ compensation

£ costs

[Imprisonment] [detention] in default of payment:

To take effect forthwith because: (*state reason*)

*[This court is of the opinion that no method of dealing with the accused in respect of his default other than to order his detention 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] [detention centre] [youth custody 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 for that period [to commence at the end of the term of [imprisonment] [detention] [youth custody] (*give particulars*)] unless the amount remaining due be sooner paid.

Justice of the Peace

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

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

FORM 52

Warrant of commitment on occasion subsequent to conviction (*P.C.C. Act* 1973, *s.* 31; *M.C. Act* 1980, *ss.* 76, 77(2), 79, 82, 88, 132; *C.J. Act* 1982, *ss.* 1, 2; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Convicted on:

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

Offence: (*short particulars and statute*)

Amount outstanding when [imprisonment] [detention] imposed: £

[Imprisonment] [detention] 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, namely—
(*a*) the making of a money payment supervision order;
(*b*) the making of an attachment of earnings order;
(*c*) the issue of a distress warrant;
(*d*) an application to the High Court or county court for remedies available in those courts;
(*e*) in the case of an offender under 21 years of age, the making of an attendance centre order,
and it appears to the court that all these methods 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]]

*Delete if a term of imprisonment has been fixed on a previous occasion.

†[This court is of the opinion that no method of dealing with the accused in respect of his default other than to order his detention 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] [detention centre] [youth custody 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 for the said period of [to commence at the end of the term of [imprisonment] [detention] [youth custody] (*give particulars*)] unless the amount remaining due be sooner paid.

Justice of the Peace

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

†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.

FORM 90A

Conviction: partly suspended sentence (*C.L. Act* 1977, *s.* 47; *M.C. Act* 1980, *s.* 9; *M.C. Rules* 1981, *r.* 16)

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

Date of decision:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

The court convicted the accused of the above offence. The court being satisfied that the case appeared to be one in which an order under section 22 of the Powers of Criminal Courts Act 1973 (sentences wholly suspended) would be inappropriate.

*Decision: The court sentenced the accused to imprisonment for (*state whole period*) and ordered that after the accused has served a period of (*state period ordered to be served*) in prison, the remainder of the sentence shall be held in suspense and not take effect unless the accused is convicted of an offence punishable with imprisonment and committed during the whole period of the sentence and thereafter an order is made under section 47(3) of the Criminal Law Act 1977 that the accused shall serve the part held in suspense.

Justice of the Peace

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

*There should be added here details of any order as to costs or compensation.

FORM 90B

Warrant of Commitment: partly suspended sentence of imprisonment (*C.L. Act* 1977, *s.* 47; *P. of C.C. Act* 1973, *s.* 20; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date of decision:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

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

The court being satisfied that the case appeared to be one in which an order under section 22 of the Powers of Criminal Courts Act 1973 (sentences wholly suspended) would be inappropriate.

†Decision: The accused is sentenced to imprisonment for (*state whole period of sentence*) and the court orders that after the accused has served a period of (*state period ordered to be served*) in prison, the remainder of the sentence shall be held in suspense and not take effect unless the accused is convicted of an offence punishable with imprisonment and committed during the whole period of the sentence and thereafter an order is made under section 47(3) of the Criminal Law Act 1977 that the accused shall serve the part held in suspense.

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 period to be served in prison.

Justice of the Peace

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

*Delete if defendant has previously been sentenced to imprisonment.
†There should be added here details of any order as to costs or compensation and information as to whether the partly suspended sentence is concurrent or consecutive to any other sentence of imprisonment imposed on the same occasion.

FORM 90C

Information on conviction of further offence committed during whole period of a partly suspended sentence (*C.L. Act* 1977, *s.* 47, *Sch.* 9; *M.C. Rules* 1981, *r.* 4)

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

Date:

Accused:

Address:

Original offence: (*short particulars and statute*)

Sentence imposed: months/years imprisonment of which (*state period ordered to be served*) was ordered to be served and the remainder held in suspense. Sentence imposed by the above magistrates' court on (*date*).

Date and place of further conviction: [Magistrates' Court]
[Crown Court at].

Further offence: (*short particulars and statute*)

The information of:

Address: Telephone No.:

who [upon oath] states that the accused is subject to the partly suspended sentence of which short particulars are set out above and, in respect of which, no order has been made under section 47(3) of the Criminal Law Act 1977 restoring part of it, and has been convicted of the further offence, of which short particulars are also set out above, and which was committed during the whole period of the original sentence.

Taken [and sworn] before me.

Justice of the Peace
[Justices' Clerk]

FORM 90D

Summons on conviction of further offence committed during whole period of a partly suspended sentence (*C.L. Act* 1977, *s.* 47, *Sch.* 9; *M.C. Rules* 1981, *r.* 98)

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

Date:

To the accused:

Address:

Original offence: (*short particulars and statute*)

Partly suspended sentence: On (*date*) you were sentenced by the Magistrates' Court to imprisonment for a period of (*state whole period*) and the court ordered that after you had served a period of (*state period ordered to be served*) in prison, the remainder of the sentence was to be held in suspense and not put into effect unless you were convicted of an offence punishable with imprisonment and committed during the whole period of the sentence and unless thereafter an order was made under section 47(3) of the Criminal Law Act 1977 that you should serve the part held in suspense.

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

Information: That you are subject to the above partly suspended sentence in respect of which no order has been made under section 47(3) of the Criminal Law Act 1977 restoring part of it and you have been convicted of the further offence set out below which you committed during the whole period of the partly suspended sentence.

Further offence: (*short particulars and statute*)

Date and place of conviction: [Magistrates' Court]
[Crown Court at].

Information laid by:

Address:

Date of Information:

Justice of the Peace
[Justices' Clerk]

FORM 90E

Warrant of arrest on conviction of further offence committed during whole period of a partly suspended sentence (*C.L. Act* 1977, *s.* 47, *Sch.* 9; *Bail Act* 1976, *s.* 3; *M.C. Act* 1980, *s.* 117; *M.C. Rules* 1981, *rr.* 94, 95, 96)

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

Date:

Defendant:

Address:

Original offence: (*short particulars and statute*)

Partly suspended sentence: On (*date*) the defendant was sentenced by the above court to imprisonment for (*state whole period*) of which (*state period ordered to be served*) was ordered to be served and the remainder held in suspense.

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 partly suspended sentence of which short particulars are set out above, in respect of which no order has been made under section 47(3) of the Criminal Law Act 1977 restoring part of it and has been convicted of a further offence of which short particulars are set out above, being an offence committed during the whole period of the original 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 1981, r. 85, in respect of any pre-release conditions).

FORM 90F

Warrant of commitment: committal to Crown Court on conviction of further offence committed during whole period of a partly suspended sentence (*C.L. Act* 1977, *s.* 47, *Sch.* 9; *Bail Act* 1976, *s.* 3; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Defendant: Age: years

Address:

Original offence: (*short particulars and statute*)

Partly suspended sentence: On (*date*) the defendant was sentenced by the Crown Court at ..... in respect of the offence set out above to imprisonment for (*state whole period*) of which (*state period ordered to be served*) was ordered to be served and the remainder held in suspense.

No order has been made by any court under section 47(3) of the Criminal Law Act 1977 restoring any part of the sentence held in suspense:

Further offence: (*short particulars and statute*)

Decision: The court, having convicted the defendant of the further offence set out above, being an offence punishable with imprisonment and committed during the whole period of the said 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 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 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 at the time and place for the time being appointed by that court.

Justice of the Peace

[*or* By order of the Court
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 defendant's surrender to custody at the time and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

*Delete if bail is not granted.

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 90H

Order restoring the part of a partly suspended sentence held in suspense (*C.L. Act* 1977, *s.* 47)

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

Date:

Accused: Age: years

Address:

was on (*date*) at Magistrates' Court sentenced in respect of the following offence to imprisonment for (*state whole period*) of which (*state period ordered to be served*) was ordered to be served and the remainder held in suspense.

Original offence: (*short particulars and statute*)

And the accused was [today] [on (*date*)] convicted by ..... Magistrates' Court of a further offence punishable with imprisonment which was committed during the whole period of the said sentence namely—

Further offence: (*short particulars and statute*)

Date of further offence:

Decision: The court, being satisfied that no order has previously been made by any court under section 47(3) of the Criminal Law Act 1977 restoring any part of the sentence held in suspense, restores [months of] the part of the said sentence held in suspense and orders that the accused is to serve such period [at the end of the term of imprisonment (*give particulars*)].

Justice of the Peace

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

FORM 90I

Warrant of commitment putting into effect partly suspended sentence (*C.L. Act* 1977, *s.* 47; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

was on (*date*) at Magistrates' Court sentenced in respect of the following offence to imprisonment for (*state whole period*) of which (*state period ordered to be served*) was ordered to be served and the remainder held in suspense.

Original offence: (*short particulars and statute*)

And the accused was [today] [on (*date*)] convicted by ..... Magistrates' Court of a further offence punishable with imprisonment which was committed during the whole period of the said sentence namely—

Further offence: (*short particulars and statute*)

Date of further offence:

The court being satisfied that no order has previously been made by any court under section 47(3) of the Criminal Law Act 1977 restoring any part of the sentence held in suspense:

Decision: The court restores [months of] the part of the said sentence held in suspense and orders that the accused is to serve such 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 [to commence at the end of the term of imprisonment (*give particulars*)].

Justice of the Peace

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

FORM 92A

Community service order: accused resident in Scotland or Northern Ireland (P.C.C. Act 1973, ss. 14, 17A, 17B, 17C)

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

Date:

Accused: Age: years

Address:

Offence: (*short particulars and statute*)

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

[The Court is satisfied that the accused resides, or will be residing when the order comes into force, in Scotland].

[The Court is satisfied that the accused is aged 17 or over and resides, or will be residing when the order comes into force, in Northern Ireland].

The Court has explained to the accused in ordinary language the requirements of the legislation relating to community service orders which has effect in [Scotland] [Northern Ireland], the powers of the court in [Scotland] [Northern Ireland] under that legislation and the powers of the above magistrates' court in respect of the order.

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

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

The [locality in Scotland] [petty sessions district in Northern Ireland] in which the accused resides or will be residing when the order comes into force will be ..... and the court requires [the regional or islands council in whose area the locality is situated] [the Probation Board] [to appoint or assign] [to select] an officer who will discharge in respect of the order the functions in respect of community service orders conferred on [the local authority officer by the Community Service by Offenders (Scotland) Act 1978] [the relevant officer by the Treatment of Offenders (Northern Ireland) Order 1976].

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

Justice of the Peace

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

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.

FORM 92B

Order amending community service order: accused resident in Scotland or Northern Ireland (P.C.C. Act 1973, *ss.* 14, 17*A*, 17*B*, 17*C*)

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

Date:

Accused: Age: years

Address:

Community service order made on:

Community service order made by:

Number of hours of order:

Supervising court:

[The Court is satisfied that the accused proposes to reside or is residing in Scotland] [The Court is satisfied that the accused is aged 17 or over and proposes to reside or is residing in Northern Ireland].

The Court has explained to the accused in ordinary language the requirements of the legislation relating to community service orders which has effect in [Scotland] [Northern Ireland], the powers of the court in [Scotland] [Northern Ireland] under that legislation and the powers of the above magistrates' court in respect of the order.

Order: The Court amends the above order by specifying that the unpaid work required to be performed under the order be performed under the arrangements that exist in [Scotland] [Northern Ireland] for the performance of such work under community service orders.

The [locality in Scotland] [petty sessions district in Northern Ireland] in which the accused resides or will be residing when the amendment to the above order comes into force will be ..... and the court requires [the regional or islands council in whose area the locality is situated] [the Probation Board] [to appoint or assign] [to select] an officer who will discharge in respect of the order the functions in respect of community service orders conferred on [the local authority officer by the Community Service by Offenders (Scotland) Act 1978] [the relevant officer by the Treatment of Offenders (Northern Ireland) Order 1976].

Justice of the Peace

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

FORM 94A

Warrant of commitment: revocation of community service order, detention centre order (P.C.C. Act 1973, *ss.* 16(3), 17(2), 20, 21; *C.J. Act* 1982, *ss.* 1, 2, 4; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short 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, for the following reason, of the opinion that no method of dealing with him other than a detention centre order is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified]: (*state reason*)

[The court considered that it was unnecessary to obtain a social inquiry report because (*state reason*)].

Decision: That the accused be subject to a detention centre order (*state period*).

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

Justice of the Peace

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

FORM 94B

Warrant of commitment: revocation of community service order, sentence of youth custody (*P.C.C. Act* 1973, *ss.* 16(3), 17(2), 20, 21; *C.J. Act* 1982, *ss.* 1, 2, 6; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Accused: Age: years

Address:

Offence: (*short 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, for the following reason, of the opinion that no method of dealing with him other than a term of youth custody is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified]: (*state reason*)

[The court considered that it was unnecessary to obtain a social inquiry report because (*state reason*)].

*[The court passed a sentence of youth custody on the accused because it considered that his detention in a detention centre would be unsuitable because of his mental condition].

Decision: That the accused serve a term of youth custody of (*state period*).

*Delete unless appropriate.

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

Justice of the Peace

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

FORM 95A

Community Service: requirement to appear before sentencing court (Community Service by Offenders (Scotland) Act 1978, *s.* 6*B*(6); *C.J. Act* 1982, *Sch.* 13, *para.* 9(6))

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

Date:

To the accused:

of:

Offence: (*short particulars and statute*)

Date of order:

Order made by: Court

It appears to this court [that you have failed to comply with the following requirement(s) of the legislation applicable to the order to which you are subject:

]

[that it would be in the interests of justice to revoke the order to which you are subject] [and to deal with you for the offence in respect of which the order was made]. You are hereby required to appear before court on ..... at ..... a.m./p.m.

Justice of the Peace

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

FORM 95B

Community Service: warrant of arrest of offender required to appear before sentencing court (P.C.C. Act 1973, *s.* 17*C*(7))

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

Date:

Defendant:

Address:

Offence: (*short particulars and statute*)

Date of order:

Order made by: Court

The defendant having this day failed to appear before the above court in accordance with a requirement imposed under section 17C(6) of the Powers of Criminal Courts Act 1973:

Direction: You, [the constables of Police Force], [A.B.], are hereby required to arrest the defendant and bring the defendant before this 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 Magistrates' Courts Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 110

Commitment: civil debt enforceable by imprisonment (*M.C. Act* 1980, *ss.* 76, 88, 96, 132; *M.C. Rules* 1981, *rr.* 94, 95, 97)

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

Date:

Debtor:

Address:

was on (*date*) by the [Crown] [Magistrates'] Court at ..... ordered to pay the sum[s] shown below

£

£ costs

of which there is still outstanding the sum of

Amounts still outstanding: £

The court is satisfied that the debtor [has] [has had since the date of the above order] the means to pay the sum [now] due and [refuses or neglects] [has refused or neglected] to pay the sum.

[It appears that [no] [insufficient] distress could be found upon which to levy the sum due]

[The court is of the opinion that no method of dealing with the debtor in respect of his default other than to order his detention is appropriate because (*state reason*)]

Decision: that the debtor be [committed to prison] [detained] [in police custody] for:

unless the amount outstanding together with the costs are sooner paid.

FORM 151A

Certificate as to hearing of full argument on application for bail (criminal case) (Bail Act 1976, *s.* 5; *M.C. Rules* 1981, *rr.* 66, 90)

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

Date:

Accused:

Date of Birth:

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

I hereby certify that, at a hearing this day, the court heard full argument on an application for bail made [by] [on behalf of] the accused, before refusing the application and remanding the accused in custody under section ..... of the Magistrates' Courts Act 1980.

[The court has not previously heard full argument on an application for bail by or on behalf of the accused in these proceedings]

[The court has previously heard full argument from the accused on an application for bail, but is satisfied [that there has been the following change in his circumstances:] [that the following new considerations have been placed before it:]]

Signature.....
Justice of the Peace

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

Note: if the accused intends to make an application for bail to the Crown Court under section 81(1)(*g*) of the Supreme Court Act 1981, a copy of this certificate should accompany that application.

Direction: You, [the constables of Police Force] [A.B.], are hereby required to take the debtor and convey him to [prison] [ ] and there deliver the debtor to the [Governor] [Police officer in charge] thereof: and you, the [Governor] [Police officer in charge] to receive the debtor into your custody and keep the debtor for (*state period*) from the debtor's arrest under this order or until the debtor be sooner discharged in due course of law.

Justice of the Peace

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

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Forms) Rules 1981 in consequence of the coming into force on 24th May 1983 (S.I. 1983/182) of certain provisions of the Criminal Justice Act 1982 (c. 48) in particular the provisions of sections 1 to 25 (treatment of young offenders), section 30 (prison sentence partly served and partly suspended), section 59 and Schedule 9 (remand in custody in absence of accused), section 60 (applications to Crown Court for bail by persons remanded in custody) and section 68 and Schedule 13 (community service orders—reciprocal arrangements). The Rules revise some forms in consequence of those provisions and delete some forms which are no longer necessary. They also prescribe the following new forms:—

Form 44A	(Warrant of commitment: sentence of youth custody);
Form 92A	(Community service order: accused resident in Scotland or Northern Ireland);
Form 92B	(Order amending community service order: accused resident in Scotland or Northern Ireland);
Form 94A	(Warrant of commitment: revocation of community service order);
Form 94B	(Warrant of commitment: revocation of community service order, sentence of youth custody);
Form 95A	(Community service: requirement to appear before sentencing court);
Form 95B	(Community service: warrant of arrest of offender required to appear before sentencing court);
Form 151A	(Certificate as to hearing of full argument on application for bail (criminal case)).

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