STATUTORY INSTRUMENTS

1985 No. 1945 (L.19)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) (Amendment) Rules 1985

Made - - - - -	*28th November* 1985
Laid before Parliament	*13th December* 1985
Coming into Operation	*1st January* 1986

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. These Rules may be cited as the Magistrates' Courts (Forms) (Amendment) Rules 1985 and shall come into operation on 1st January 1986.

2. Schedule 2 to the Magistrates' Courts (Forms) Rules 1981**(b)** shall be amended by inserting after the form numbered 155, the forms numbered 156 and 157 in the Schedule to these Rules.

Hailsham of St. Marylebone, C.

28th November 1985.

(a) 1980 c. 43.
(b) S.I. 1981/553, to which there are amendments not relevant to these Rules.

Rule 2

SCHEDULE

FORMS TO BE INSERTED IN THE MAGISTRATES' COURTS (FORMS) RULES 1981

FORM 156

WARRANT TO ENTER AND SEARCH PREMISES (P.C.E. Act 1984, s. 15)

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

Date

On this day an application supported by an information was made by: (specify name of applicant)
for the issue of a warrant under: (state enactment under which warrant is to be issued)
to enter and search the premises at: (specify premises)
and search for: (identify, so far as is practicable, the articles or persons to be sought).

Authority is hereby given for any constable[accompanied by]
to enter the said premises on one occasion only within one month from the date of issue of this warrant and to search for the articles or persons in respect of which the above application is made.

Justice of the Peace

ENDORSEMENT (to be made by constable executing the warrant)

1. [The following articles or persons sought were found: (list)] or [no article or person sought was found]
2. [The following articles other than articles which were sought were seized: (list)] or [no other article was seized]

signature of constable.....
date .....

FORM 157

WARRANT OF FURTHER DETENTION (*P.C.E. Act* 1984, *s.* 43)

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

Date and time:

Person to whom warrant applies: Age: Years

Address:

Offence for which under arrest:

Starting time of detention (relevant time as defined in s. 41 of P.C.E. Act 1984)

Decision: The above court, to which an application on oath supported by an information has been made by a constable of the [Police Force], is satisfied that there are reasonable grounds for believing that the further detention of the person named above and brought before the court today is justified in accordance with section 43(4) of the Police and Criminal Evidence Act 1984.

You, the constables of the above named Police Force, are hereby authorised to keep the person named above in police detention for [ ] hours from the time of issue of this warrant.

Justice of the Peace

Endorsement of extension or further extension (*section* 44 *P.C.E. Act* 1984)

The court, being satisfied that there are reasonable grounds for believing that the further detention of the person named above is justified, in exercise of its powers under section 44 of the Police and Criminal Evidence Act 1984, hereby extends/[further extends] this warrant for [ ] hours from the expiry of the period authorised above.

.....

Justice of the Peace

Date and time of endorsement

EXPLANATORY NOTE

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

These Rules make provision for two new forms in Schedule 2 to the Magistrates' Courts (Forms) Rules 1981.

Sections 15 and 16 of the Police and Criminal Evidence Act 1984, which come into operation on 1st January 1986 (S.I. 1985/1934) make provision for search warrants and sections 43 and 44 of the Act, which also come into operation on that date, make provision for warrants of further detention and for the extension of such warrants. These Rules contain forms for search warrants issued by a justice of the peace, and for warrants of further detention issued by a magistrates' court.

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