1952 No. 2191 (L. 19)

The Magistrates' Courts (Forms) Rules, 1952

Made - - - -	*17th December*, 1952
Laid before Parliament	*18th December*, 1952
Coming into Operation	*1st June*, 1953

I, the Right Honourable Gavin Turnbull, Baron Simonds, Lord High Chancellor of Great Britain, in exercise of the power conferred upon me by section fifteen of the Justices of the Peace Act, 1949(a), as extended by section one hundred and twenty-two of the Magistrates' Courts Act, 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section fifteen, make the following rules:—

1.—(1) The forms contained in the Schedule to these rules or forms to the like effect may be used, with such variation as the circumstances may require, in connection with proceedings in magistrates' courts.

(2) Where a requirement is imposed by or under any Act for the use of a form prescribed by rules made under section fifteen of the Justices of the Peace Act, 1949, and an appropriate form is contained in the Schedule to these rules, that form or a form to the like effect shall be used.

2. These rules may be cited as the Magistrates' Courts (Forms) Rules, 1952, and shall come into operation on the first day of June, 1953.

Dated the seventeenth day of December, 1952.

Simonds, C.

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N.B Several Forms now inserted and replaced by 1967/1661

CRIMINAL PROCEDURE

FORMS COMMON TO INQUIRY BY EXAMINING JUSTICES AND SUMMARY TRIAL

1

**Information* (*M.C. Act*, 1952, *s.* 1 ; *M.C. Rules*, 1952, *rr.* 4, 14.)

In the [county of . Petty Sessional Division of].

The information of C.D., of , who [upon oath [*or* affirmation]] states that A.B., of , on the day of , 19 , at , in the [county] aforesaid [*or* of], (*stating particulars of offence*).

Taken [and sworn [*or* affirmed]] before me this day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

* Where the information is substantiated on oath any sworn statement forming part of the information may conveniently be taken in the form of a deposition.

2

Summons to defendant (*M.C. Act*, 1952, *s.* 1 ; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Information has this day been [*or* was on the day of , 19 ,] laid before me, the undersigned Justice of the Peace, by that you on the day of , 19 , at in the [county] aforesaid [*or* of], (*state shortly particulars of offence*):

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

3

Warrant for arrest of defendant in first instance (*M.C. Act*, 1952, *ss.* 1, 93 ; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information on oath [*or* affirmation] has this day been laid before me, the undersigned Justice of the Peace, by that A.B. (hereinafter called the defendant) on the day of , 19 , at , in the [county] aforesaid [*or* of], (*state shortly particulars of offence*):

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , forthwith [*or* on the day of , 19 , at the hour of in the noon], to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] first above mentioned.

4

Commitment on remand (*M.C. Act*, 1952, *ss.* 6, 14, 105 ; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) appeared this day before the Magistrates' Court sitting at , charged with (*state shortly particulars of offence*):

And the hearing being adjourned, it is [*or* appears] necessary to remand the defendant:

You, the said constables, are hereby commanded to convey the defendant to the said prison and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and, unless he/she shall have been bailed in the meantime, to keep him/her until the day of , 19 , and on that day to convey him/her at the hour of in the noon before the [said] Magistrates' Court [sitting at] to be further dealt with according to law, unless you, the said Governor, shall be otherwise ordered in the meantime.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, himself/herself in the sum of , with suret in the sum of [each], to appear before the Magistrates' Court sitting at , on the day of , 19 , at the hour of in the noon [, and at every time and place to which during the course of the proceedings against the defendant the hearing may be from time to time adjourned], and that the defendant has [not] entered into his/her recognizance.

J.P.,

Justice of the Peace for the [county] aforesaid.

5

Commitment on further remand of person in custody unable to appear through illness or accident (*M.C. Act*, 1952, *s.* 106 ; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) was on the day of , 19 , committed to your custody under a warrant of commitment by the Magistrates' Court sitting at , on remand until this day, the defendant being accused [*or* convicted] of the offence set forth in the said warrant:

And the said Court is now satisfied that by reason of illness [*or* accident] the defendant is unable to appear personally before the Court:

You are therefore hereby commanded to keep the defendant until the day of , 19 , unless he/she shall have been bailed in the meantime, and on that day to convey him/her at the hour of in the noon, before the [said] Magistrates' Court [sitting at ,] to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, himself/herself in the sum of , with suret in the sum of [each], to appear before the Magistrates' Court sitting at , on the day of , 19 , at the hour of in the noon [, and at every time and place to which during the course of the proceedings against the defendant the hearing may be from time to time adjourned], and that the defendant has [not] entered into his/her recognizance.

J.P.,

Justice of the Peace for the [county] aforesaid.

6

Order for taking finger-prints of defendant (*M.C. Act*, 1952, *s.* 40.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) having on the day of , 19 , been taken into custody is this day charged that he/she on the day of , 19 , at , in the [county] aforesaid, did (*state shortly particulars of offence*):

And application being made to the Court in that behalf by (*insert name and rank*) of the Police Force:

And it appearing to the Court that the defendant is not less than fourteen years of age:

It is ordered that the finger-prints of the defendant be taken by a constable.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

7

Warrant for arrest of defendant on failure to surrender to bail (*M.C. Act*, 1952, *ss.* 93, 97; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , charged before [*or* convicted by] the Magistrates' Court sitting at , [*or* was charged at the Police Station] (*state shortly particulars of offence*):

And [, the hearing of the case being adjourned,] the defendant was released [in pursuance of section thirty-eight [*or* ninety-three] of the Magistrates' Courts Act, 1952,] upon a recognizance conditioned for his/her appearance this day, at the hour of in the noon, before the Magistrates' Court sitting at :

And, in breach of the said recognizance, the defendant has this day failed to appear:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , forthwith [*or* on the day of , 19 , at the hour of in the noon].

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] aforesaid.

INQUIRY BY EXAMINING JUSTICES

8

Warrant for arrest of defendant on failure to appear to summons or issued before return date thereof (*M.C. Act*, 1952, *ss.* 1, 93; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information [on oath [*or* affirmation]] has this day been [*or* was on the day of , 19 ,] laid before me, the undersigned Justice of the Peace, by that A.B. (hereinafter called the defendant) on the day of , 19 , at in the [county] aforesaid [*or* of], (*state shortly particulars of offence*):

[And the said information having been this day substantiated on oath before me:]

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , forthwith [*or* on the day of , 19 , at the hour of in the noon], to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] first above mentioned.

9

Depositions of witnesses (*C.J. Act*, 1925, *s.* 13; *M.C. Act*, 1952, *ss.* 4, 78; *M.C. Rules*, 1952, *r.* 5.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting as Examining Justices at .

The examination of C.D. and E.F. taken on oath this day of , 19 , [and day of , 19 ,] in the presence and hearing of A.B., who is charged with (*state particulars of the offence which should, where Form* 10 *is completed, correspond with the charge as read to the accused in accordance with Rule* 5(3) *of the Magistrates' Courts Rules*, 1952).

This witness, C.D., says:— (*set out the deposition of the witness who should state first his occupation and address; on completion, the witness is required to sign the deposition after it has been read to him in the presence and hearing of the accused*).

This witness, E.F., says:—

I hereby certify that the above depositions of C.D. and E.F. were taken and sworn before me in the presence of the said A.B., and that he/she or his/her counsel or solicitor had full opportunity of cross-examining each of the witnesses called for the prosecution.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
An Examining Justice.

10

Statement of accused (*M.C. Rules*, 1952, *r.* 5.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting as Examining Justices at

A.B. (hereinafter called the accused) stands charged this day with the offence hereinbefore particularly set out:

And the witnesses for the prosecution having each been examined in the presence of the accused:

And the said charge being read and its nature explained in ordinary language to the accused:

The accused is now addressed by the Court in accordance with Rule 5(4) of the Magistrates' Courts Rules, 1952, as follows:—

"You will have an opportunity to give evidence on oath before us [me] and to call witnesses. But first I am going to ask you whether you wish to say anything in answer to the charge. You need not say anything unless you wish to do so; and you have nothing to hope from any promise, and nothing to fear from any threat, that may have been held out to induce you to make any admission or confession of guilt. Anything you say will be taken down and may be given in evidence at your trial. Do you wish to say anything in answer to the charge? "

Whereupon the accused says as follows:—[*or* makes no reply:]

[And the above statement of the accused has been read over to him/her; and the accused has been told that he/she may sign it if he/she wishes:]

And the accused has been given an opportunity to give evidence himself/herself and to call witnesses.

Taken before me this day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
An Examining Justice.

11

Warrant of commitment in custody for trial (*M.C. Act*, 1952, *ss.* 7, 26; *M.C. Rules*, 1952, *rr.* 68, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the accused) having been charged this day before the Magistrates' Court sitting as Examining Justices at with (*state shortly particulars of offence*):

And the said Court after inquiry into the said offence having committed the accused for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at :

You, the said constables, are hereby commanded to convey the accused to the said prison and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and keep him/her until he/she shall be delivered in due course of law

Dated the day of 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the accused may be bailed by recognizance himself/herself in the sum of , with suret in [each], to appear before the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at , to take his/her trial upon any indictment preferred against him/her, [and, subject to the condition for his/her said appearance, to undergo medical examination by a duly qualified medical practitioner at (*insert name and address of institution or place*) [and to reside, for the purpose of undergoing the said examination, at the said institution [place] from the day of , 19 , to the day of , 19 , [*or* until he/she appears to take his/her trial as aforesaid,]]] and that the defendant has [not] entered into his/her recognizance.

J.P.,
Justice of the Peace for the [county] first above mentioned.

12

Order committing corporation for trial (M.C. Act, 1952, s. 7, Second Sched.)

In the [county of . Petty Sessional Division of].

To C.D., of .

A.B. and Company, Limited (hereinafter called the accused corporation) were this day charged before the Magistrates' Court sitting as Examining Justices at with (*state shortly particulars of offence*):

And the said Court after inquiry into the said offence having determined to commit the accused corporation for trial [and you, the said C.D., having this day been bound over to prosecute the accused corporation] at the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at :

You, the said C.D., are hereby empowered, as prosecutor, to prefer at the said Court of Assize [*or* Quarter Sessions] a bill of indictment in respect of the said offence.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

13

Recognizance of witness (M.C. Act, 1952, s. 5; M.C. Rules, 1952, r. 6.)

In the [county of . Petty Sessional Division of].

C.D., of (*address and description*) acknowledges that he/she owes to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the condition endorsed hereon.

Taken before me this day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement*)

Condition

The condition of this recognizance is that whereas A.B. (hereinafter called the accused) was this day charged before me, J.P., the above mentioned Justice of the Peace, with (*state shortly particulars of offence*):

*If therefore the said C.D. appears at the next Court of Assize [*or* Quarter Sessions] for the [county] of and there gives evidence upon the trial of any indictment against the accused,

And if the said C.D. in all respects complies with the requirements of any notice which he/she may subsequently receive relating to this recognizance,

[*Or* (*where witness is bound over to give evidence conditionally upon notice being received, insert instead after asterisk**)

If therefore the said C.D. receives notice to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , or at such other court as he/she may be directed, and duly appears thereat and there gives evidence upon the trial of any indictment against the accused,]

then this recognizance shall be void but otherwise shall remain in full force

14

Recognizance of prosecutor (*M.C. Act*, 1952, *s.* 5; *M.C. Rules*, 1952, *r.* 6.)

In the [county of . Petty Sessional Division of].

C.D., of (*address and description*) acknowledges that he/she owes to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the condition endorsed hereon.

Taken before me this day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

(*Endorsement*)

Condition

The condition of this recognizance is that whereas A.B. (hereinafter called the accused) was this day charged before me, J.P., the Justice of the Peace above mentioned, with (*state shortly particulars of offence*).

If therefore the said C.D. appears at the next Court of Assize [*or* Quarter Sessions] for the [county] of , and there prefers or causes to be preferred a bill of indictment against the accused in respect of the said offence, and also duly prosecutes such indictment [and gives evidence upon the trial thereof],

then this recognizance shall be void but otherwise shall remain in full force.

15

Notice to governor of prison of person committed on bail for trial (*M.C. Rules*, 1952, *r.* 10.)

In the [county of . Petty Sessional Division of].

To the Governor of Her Majesty's prison at .

The undermentioned person has been committed on bail for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at .

Name, age, address and occupation of accused	
Charge as set out in caption of depositions ...	
Committing Court ...	

Bailed this day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

16

Notice of recognizance to be given to prosecutor or witness bound over (M.C. Act, 1952, s. 5 ; M.C. Rules, 1952, r. 6.)

TAKE NOTICE that you, C.D., of
are bound by a recognizance in the sum of to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and there to [prosecute [and]] [give evidence on the trial of] A.B. ; and unless you appear and [prosecute [and]] [give evidence] accordingly, and unless you comply with the requirements of any notice you may receive in relation thereto, the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

17

Notice of recognizance to be given to witness bound over conditionally (M.C. Act, 1952, s. 5 ; M.C. Rules, 1952, r. 6.)

TAKE NOTICE that you, C.D., of
are bound by a recognizance in the sum of to appear, UPON NOTICE BEING GIVEN TO YOU, at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and there to give evidence on the trial of A.B. ; and unless you comply with the requirements of any notice you may receive relating to the said recognizance and duly appear at such Court as you may be directed therein and give evidence accordingly, the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

18

Notice to witness bound over that he is to be treated as having been bound over conditionally (M.C. Act, 1952, s. 5 ; M.C. Rules, 1952, r. 6.)

Whereas you, C.D., of , were on the day of , 19 , bound by a recognizance in the sum of to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , or at such other court as you should be directed, and there to give evidence on the trial of A.B.:

And whereas the Examining Justices have [since committed the said A.B. for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and have] directed that you are to be treated as having been bound over to attend the trial conditionally upon notice being given to you:

THIS IS TO GIVE YOU NOTICE that you are NOT required to attend the Court of Trial unless you subsequently receive notice directing you to appear thereat.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

19

Notice directing witnesses to appear at a court other than that specified in his recognizance (M.C. Rules, 1952, r. 6.)

Whereas you, C.D., of , were on the day of , 19 , bound by a recognizance in the sum of to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , or at such other court as you should be directed, to give evidence on the trial of A.B.:

THIS IS TO GIVE YOU NOTICE that you are no longer required to attend the above mentioned Court at but you are hereby directed and required to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at :

And unless you so appear and give evidence, the said recognizance entered into by you will be forthwith enforced against you.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of
[*or* J.C.,
Clerk of the Magistrates' Court sitting at

20

Notice to witness bound over conditionally that accused has been committed for trial to some other court (M.C. Rules, 1952, r. 6.)

Whereas you, C.D., of , were on the day of , 19 , bound by a recognizance in the sum of to appear, upon notice being given you, at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , or at such other court as you should be directed, to give evidence on the trial of A.B. (hereinafter called the accused):

And whereas the accused has since been committed for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at :

THIS IS TO GIVE YOU NOTICE that you will NOT be required to appear at the first above mentioned Court, but that you may receive notice to appear at the Court to which the accused has been committed for trial. You are NOT however required to attend the Court of Trial unless you subsequently receive notice directing you to appear thereat.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

21

Notice to witness that accused has not been committed for trial (M.C. Rules, 1952, r. 6.)

Whereas you, C.D., of , were on the day of , 19 , bound by a recognizance in the sum of to appear [upon notice being given to you] at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , to give evidence upon the trial of A.B.:

THIS IS TO GIVE YOU NOTICE that the Court has determined not to commit the said A.B. for trial and that consequently you are NOT required to appear at the said Court for the purpose aforesaid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

22

Notice requiring attendance of witness bound over, or treated as bound over, conditionally (M.C. Rules, 1952, r. 7.)

Whereas you, C.D., of , were on the day of , 19 , bound over by a recognizance in the sum of to appear *upon notice being given to you at the Court specified in such notice and there to give evidence on the trial of A.B.:

[*Or* (*where witness has been treated as bound over conditionally insert instead after asterisk**) at the next Court of Assize [*or* Quarter Sessions] for the [county] of , or at such other Court as you should be directed, to give evidence on the trial of A.B.; and whereas notice was subsequently given to you that you would not be required to attend the trial unless you received notice:]

THIS IS TO GIVE YOU NOTICE that you ARE required to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and there to give evidence accordingly, and that unless you do so the said recognizance will be forthwith enforced against you.

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

23

Statement of witnesses bound over, or treated as having been bound over, conditionally (M.C. Rules, 1952, r. 12.)

In the [county of . Petty Sessional Division of].

Reg. *v.*

Committed for trial at .

List of Witnesses whose attendance at the trial appears to the Committing Court to be unnecessary and who have accordingly been bound over to attend the trial conditionally or have been treated as having been so bound over.

Name	Address	Occupation	If notice to attend has subsequently been issued by the Clerk to Committing Court, the date of issue should be stated

Notice to attend the trial has been issued by me on the dates above mentioned to those witnesses against whose names a date is inserted in the last column above.

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

24

Commitment of witness for refusing to enter into recognizance to give evidence (M.C. Act, 1952, s. 5; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. being charged before the Magistrates' Court sitting as Examining Justices at , with (*state shortly particulars of offence*):

And C.D. having been examined before the Court concerning the said offence, and being required by the Court to enter into a recognizance conditioned to attend and give evidence on the trial of A.B., refuses to do so:

You, the said constables, are hereby commanded to take the said C.D. and convey him/her to the said prison, and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody, and keep him/her until after the trial of the said A.B. for the offence aforesaid, unless in the meantime the said C.D. shall enter into such recognizance as aforesaid in the sum of , conditioned to appear at the next Court of Assize [*or* Quarter Sessions] for the [county] of , and there to give evidence upon the trial of any indictment against the said A.B. in respect of the said offence.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

25

Warrant to arrest person indicted (M.C. Act, 1952, s. 12; M.C. Rules, 1952, rr. 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

There having been produced to me, the undersigned Justice of the Peace, a certificate signed by C.D., Clerk of Assize of the Circuit [*or* Clerk of the Peace for the [county] of] that on the day of , 19 , at the Court of Assize [*or* Quarter Sessions] for the [county] of , held at , a bill of indictment was signed against A.B. (*state shortly particulars as in certificate*):

You are hereby commanded to bring the said A.B. before the Magistrates' Court sitting at forthwith [*or* on the day of , 19 , at the hour of in the noon] to be dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

26

Warrant of commitment of person indicted (M.C. Act, 1952, s. 12; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) has been brought this day before the Magistrates' Court sitting at , by virtue of a warrant issued on production of a certificate signed by C.D., Clerk of Assize of the Circuit [*or* Clerk of the Peace for the [county] of] that on the day of , 19 , at the Court of Assize [*or* Quarter Sessions] for the [county] of , held at , a bill of indictment was signed against the defendant:

And, it being proved on oath to the satisfaction of the said Magistrates' Court that the defendant is the person named in the said indictment, the Court has committed the defendant for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at :

You, the said constables, are hereby commanded to convey the defendant to the said prison and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and keep him/her until he/she shall be delivered in due course of law.

Dated this day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance himself/herself in the sum of , with suret in the sum of [each], to appear before the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and take his/her trial upon the indictment which stands preferred against him/her, and that the defendant has [not] entered into his/her recognizance.

J.P.,
Justice of the Peace for the [county] first above mentioned.

27

Warrant of commitment of person indicted who is already in custody (M.C. Act, 1952, s. 12; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at [*or* Warden in charge of].

There having been produced to me, the undersigned Justice of the Peace, a certificate signed by C.D., Clerk of Assize of the Circuit [*or* Clerk of the Peace for the [county] of] that on the day of ,19 , at the Court of Assize [*or* Quarter Sessions] for the [county] of , held at , a bill of indictment was signed against A.B. (hereinafter called the defendant) (*state shortly particulars as in certificate*):

And, it having been proved on oath to my satisfaction that the defendant is detained in the said (*insert description of place of detention*), I have this day committed him/her for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at .

You, the said Governor [*or* Warden], are hereby required to keep the defendant in your custody until he/she be tried upon the said indictment or until he/she shall otherwise be removed or discharged out of your custody in due course of law.

Dated the day of , 19 .

Justice of the Peace for the [county] first above mentioned.

J.P.,

(*Endorsement where bail is allowed*)

It is hereby certified that the defendant, if no longer held for any other cause, may be bailed by recognizance himself/herself in the sum of , with suret in the sum of [each], to appear before the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and take his/her trial upon the indictment which stands preferred against him/her, and that the defendant has [not] entered into his/her recognizance.

J.P.,

Justice of the Peace for the [county] first above mentioned.

SUMMARY TRIAL

28

Warrant for arrest of defendant on failure to appear before evidence has been received (M.C. Act, 1952, ss. 15, 93; M.C. Rules, 1952, rr. 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information [on oath [*or* affirmation]] was laid on the day of , 19 , by that A.B. (hereinafter called the defendant) on the day of , 19 , at in the [county] aforesaid [*or* of], (*state shortly particulars of offence*):

And the defendant was thereupon summoned to appear before the Magistrates' Court sitting at this day [*or* on the day of , 19 ,] to answer to the said information:

And the defendant having this day failed to appear in answer to the said summons [*or* at the time fixed for the adjourned trial of the said information], and no evidence having been received:

[And the said information having been substantiated on oath [*or* affirmation]:]

And oath [*or* affirmation [*or* declaration]] having been made [*or* it having been certified] that the summons was duly served on the defendant [*or* the defendant having appeared on a previous occasion] [and the Court being satisfied that the defendant has had adequate notice of the date to which the trial was adjourned]:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , forthwith [*or* on the day of , 19 , at the hour of in the noon], to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] first above mentioned.

29

Warrant for arrest on failure to appear after evidence has been received where defendant at large otherwise than on bail (*M.C. Act*, 1952, *ss.* 15, 93; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information [on oath [*or* affirmation]] was laid on the day of , 19 , by that A.B. (hereinafter called the defendant) on the day of , 19 , at in the [county] aforesaid [*or* of], (*state shortly particulars of offence*):

And the defendant was thereupon summoned to appear before the Magistrates' Court sitting at this day [*or* on the day of , 19 ,] to answer to the said information:

And the defendant having this day failed to appear in answer to the said summons [*or* at the time fixed for the adjourned trial of the said information], and evidence having been received, the Court is of opinion that it is undesirable, by reason of the gravity of the offence, to continue the trial in the absence of the defendant:

[And the said information having been substantiated on oath [*or* affirmation]:]

And oath [*or* affirmation [*or* declaration]] having been made [*or* it having been certified] that the summons was duly served on the defendant [*or* the defendant having appeared on a previous occasion] [and the Court being satisfied that the defendant has had adequate notice of the date to which the trial was adjourned]:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , forthwith [*or* on the day of , 19 , at the hour of in the noon], to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] first above mentioned.

30

Commitment on remand after conviction or for medical examination (*M.C. Act*, 1952, *ss.* 14 (3), 26, 28, 105 ; *M.C. Rules*, 1952, *rr.* 25, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) appeared this day before the Magistrates' Court sitting at , charged with (*state shortly particulars of offence*):

And, the defendant [, having consented to be tried summarily and] having been convicted of the said offence, the Court decided to adjourn the hearing and remand the defendant for the purpose of enabling inquiries to be made [and] [*or* of determining the most suitable method of dealing with the case]:

[*or* And the Court, being satisfied that the said offence had been committed by the defendant but being of opinion that an inquiry ought to be made into his/her physical [and] [*or* mental] condition before the method of dealing with him/her was determined, decided to adjourn the hearing and remand the defendant:]

You, the said constables, are hereby commanded to convey the defendant to the said prison and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and, [unless he/she shall have been bailed in the meantime, or] unless you, the said Governor shall be otherwise ordered in the meantime, to keep him/her until the day of , 19 :

And you, the said Governor, are hereby requested [to arrange for an inquiry to be made into the defendant's physical [and] [*or* mental condition] by a duly qualified medical practitioner, who shall report thereon to the Court [, and] [*or* to make such arrangements as will ensure that a report is made to the Court by or on behalf of the Prison Commissioners on the defendant's physical and mental condition and his/her suitability for a sentence of Borstal training].

And you, the said Governor are further commanded to convey the defendant on the said day of , 19 , at the hour of in the noon before the Court to be further dealt with according to law.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, himself/herself in the sum of , with suret in the sum of [each], to appear before the Magistrates' Court sitting at , on the day of , 19 , at the hour of in the noon [and, subject to the condition for his/her said appearance, to undergo medical examination by a duly qualified medical practitioner at (*insert name and address of institution or place*) [and to reside, for the purpose of undergoing the said examination, at the said institution [place] from the day of , 19 , to the day of , 19 ,]] and that the defendant has [not] entered into his/her recognizance.

J.P.,

Justice of the Peace for the [county] aforesaid.

31

Reception order : person of unsound mind charged with offence (*M.C. Act*, 1952, *s.* 30 ; *M.C. Rules*, 1952, *r.* 28.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. is this day charged (*state shortly particulars of offence*):

And the Court is satisfied that he/she did the said act [*or* made the said omission]:

And the Court, having heard the evidence of (*insert number*) duly qualified medical practitioners, namely, (*insert names and addresses*), is satisfied that the said A.B. is of unsound mind and is a proper person to be detained:

It is ordered that the said A.B. be received and detained in (*insert name and address of institution*) [and that he/she be conveyed thereto by the duly authorised officer of the [County] Council [*or* a constable of]].

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

32

Order of dismissal of information (*M.C. Act*, 1952, *s.* 13.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

Information having been laid by C.D., of , that A.B., of , (hereinafter called the defendant) on the day of , 19 , at , in the [county] aforesaid [*or* of], did (*state shortly particulars of offence*):

[And the defendant having consented to be tried summarily:]

It is adjudged that the said information be dismissed.

[And it is ordered that the said C.D. pay to the defendant the sum of for costs [by weekly [*or* monthly] instalments of , the first instalment to be paid] forthwith [*or* not later than the day of , 19 .]]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

33

Order for absolute discharge (*C.J. Act*, 1948, *s.* 7.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day convicted (*state shortly particulars of offence*):

And the Court is of opinion having regard to the circumstances, including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment and that a probation order is not appropriate:

It is ordered that the defendant be discharged absolutely.

[And it is ordered that the defendant pay [as damages for injury suffered by [*or* compensation for loss incurred by] and] for costs, [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19].]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

34

Conviction: imprisonment (*M.C. Act*, 1952, *s.* 13; *M.C. Rules*, 1952, *r.* 19.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day convicted (*state shortly particulars of offence*):

And it is adjudged that the defendant for his/her offence be imprisoned in Her Majesty's prison at for (*state period*).

[And it is ordered that the defendant pay the sum of [for compensation and] for costs [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19]:]

[And in default of payment it is ordered that the [sum[s] due be levied by distress and sale of the defendant's goods and in default of sufficient distress that] the defendant be imprisoned in the said prison for (*state period*) commencing at the termination of the imprisonment before adjudged, unless the said sum[s] [and all costs and charges of the [said distress and] commitment] be sooner paid.]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

35

Conviction: fine (*M.C. Act*, 1952, *s.* 13; *M.C. Rules*, 1952, *r.* 19.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day convicted (*state shortly particulars of offence*):

And it is adjudged that the defendant for his/her said offence pay a fine of [and for compensation] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19]:

[And in default of payment it is adjudged that [the said sum[s] be levied by distress and sale of the defendant's goods and in default of distress that] the defendant be imprisoned in Her Majesty's prison at for (*state period*) unless the said sum[s] [and all costs and charges of the [said distress and] commitment] be sooner paid.]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

36

Commitment to Sessions: Borstal case (*M.C. Act*, 1952, *s.* 28; *C.J. Act*, 1948, *s.* 20; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] was this day [*or* on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*):

And it appeared to the Court that on the day of his/her said conviction the defendant was not less than sixteen and under twenty-one years of age:

And the Court was satisfied, having regard to the character and previous conduct of the defendant and to the circumstances of the offence, that it was expedient for his/her reformation and the prevention of crime that he/she should undergo a period of training in a Borstal institution:

And the Court has considered a report [*or* representations] made on behalf of the Prison Commissioners on the defendant's physical and mental condition and his suitability for a sentence of Borstal training:

And it was this day adjudged that the defendant should be committed in custody to Quarter Sessions for sentence in accordance with the provisions of section twenty of the Criminal Justice Act, 1948:

You, the said constables, are hereby commanded to convey the defendant to Her Majesty's prison aforesaid and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her until the next [available sitting of the Appeal Committee of the] Quarter Sessions for the said [county] and to have him/her there, together with this warrant, there to be dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

37

Commitment to Sessions for sentence (M.C. Act, 1952, s. 29; C.J. Act, 1948, s. 29; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] was this day [*or* on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*):

And it appeared to the Court that on the day of his/her said conviction the defendant was not less than seventeen years of age:

And the Court, on obtaining information as to the character and antecedents of the defendant, was of opinion that they were such that greater punishment should be inflicted in respect of the offence than the Court had power to inflict:

And it was this day adjudged that the defendant should be committed in custody to Quarter Sessions for sentence in accordance with the provisions of section twenty-nine of the Criminal Justice Act, 1948:

You, the said constables, are hereby commanded to convey the defendant to Her Majesty's prison aforesaid and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her until the next [available sitting of the Appeal Committee of the] Quarter Sessions for the said [county] and to have him/her there, together with this warrant, there to be dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

38

Commitment: sentence of imprisonment (M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day [*or* was on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*):

[*And the Court is of opinion that no method of dealing with the defendant, other than the imposition of imprisonment, is appropriate because (*stating reason*):]

It is adjudged that the defendant for his/her offence be imprisoned in Her Majesty's prison at , for (*state period*).

You, the said constables, are hereby commanded to convey the defendant to the said prison and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody, and keep him/her for (*state period*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

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

39

Commitment to detention centre: offence (*C.J. Act*, 1948, *s.* 18; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Warden of the detention centre at .

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years, having been born, so far as has been ascertained, on the day of , 19 , is this day [*or* was on the day of , 19 ,] [, having consented to be tried summarily,] convicted of an offence for which the Court has, or would, but for section seventeen of the Criminal Justice Act, 1948, have had power to impose imprisonment on him/her in that he/she on the day of , 19 , did (*state shortly particulars of offence*):

And the Court having been notified by the Secretary of State that the detention centre specified herein is available for the reception from the Court of persons of his/her class or description:

And the Court, having considered every other method (except imprisonment) by which the Court might deal with the defendant, is of opinion that none of those methods is appropriate:

It is ordered that the defendant be detained in the detention centre at for (*state period*):

You, the said constables, are hereby commanded to convey the defendant to the said detention centre, and there deliver him/her to the Warden thereof, together with this warrant; and you, the Warden of the said detention centre, to receive the defendant into your custody and keep him/her for (*state period*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

ENFORCEMENT OF FINES

40

Notice of fine (*M.C. Rules*, 1952, *r.* 37.)

In the [county of . Petty Sessional Division of].

To A.B., of .

ADJUDICATION

	£	s.	d.
Fine			
Compensation			
Costs			
Total			

You were this day [*or* on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*) and were ordered to pay the sum of pound[s] shilling[s] and pence as shown in the margin hereof; the sum to be paid forthwith [*or* on or before day the day of , 19] [*or* by weekly [or monthly] instalments of , the first instalment to be paid on or before day the day of , 19].

Payment should be made either by post to me, the Clerk of the Court at (*insert address*) or made personally at (*insert the address and also days and hours when payment can be made*).

Failure to pay forthwith [*or* on or before the appointed day[s]] will render you liable to [*imprisonment for (*state period*)] [*or* arrest] or your money and goods liable to distraint without further notice [,unless you have applied for and been granted before that day further time for payment. Application for the grant of further time may be made either in person to the Court or by letter addressed to me, the Clerk of the Court at (*insert address*) and stating fully the grounds on which the application is made].

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

NOTE.—Any communication sent by post must be properly stamped. Cash should not be sent in unregistered envelopes.

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* Delete reference to imprisonment if no term of imprisonment in default has yet been imposed.

41

Distress warrant (*M.C. Act*, 1952, *ss.* 64, 66; *M.C. Rules*, 1952, *rr.* 37, 43, 72.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*):

And it was adjudged that the defendant for the said offence be imprisoned for (*state period*) and [*or* pay a fine of and] pay [for compensation and] for costs, [by weekly [*or* monthly] instalments, the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19 ,] and [on the day of , 19 , this Court ordered] that in default of payment the said sum[s] be levied by distress:

And [a notice of fine having been served on the defendant and] default having been made in payment:

You are hereby commanded forthwith to make distress of the money and goods of the defendant (except the wearing apparel and bedding of him/her and his/her family, and, to the value of five pounds, the tools and implements of his/her trade); and if the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the defendant consents in writing to an earlier sale, to sell the said goods, and pay the proceeds of the said distress to the clerk of the said Court, and if no such distress can be found, to certify the same to the Court.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

	£	s.	d.
Amount adjudged			
Paid			
Remaining due			
Costs of issuing this warrant			
Amount to be levied			

42

Return of insufficient distress (*M.C. Act*, 1952, *s.* 64 (2).)

(*Endorsement*)

I, , constable of the of , hereby certify that, by virtue of this warrant, I have made diligent search for the money and goods of the above named A.B., and that I can find no [sufficient] money or goods of him/her whereon the sums specified in this warrant can be levied.

Dated the day of , 19 .

X.Y.

43

Account of charges incurred on distress warrant (*M.C. Rules*, 1952, *r.* 43 (10).)

In the matter of an information by against .

I, of , the constable charged with the execution of the warrant of distress upon the money and goods of dated the day of , 19 , hereby declare that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant:—

	£	s.	d.
Total... ...			

Dated the day of , 19 .

X.Y.

44

Commitment forthwith in lieu of distress (*M.C. Act*, 1952, *ss.* 64, 69; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] was this day convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation] [and for costs,] forthwith:

[*And the Court was of opinion that no method of dealing with the defendant in the event of a default in payment, other than the imposition of imprisonment, was appropriate because (*stating reason*):]

ADJUDICATION

	£	s.	d.
Fine			
Compensation			
Costs			
Total			

Imprisonment in default

PART PAYMENTS RECEIVED

	£	s.	d.
Balance payable			

Enforcement costs and charges

Balance of imprisonment

And in default of payment it was ordered that the defendant be imprisoned for (*state period*) and that his/her committal take place forthwith for the reason that—

he/she appeared to the Court to be possessed of sufficient means to enable him/her to pay the said sum[s]:

or on being asked by the Court whether he/she wished to have time for payment, the defendant did not ask for time:

or he/she failed to satisfy the Court that he/she had a fixed abode:

or (*state any other special circumstance*):

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

You, the said constables, are hereby commanded to convey the defendant to the said prison, and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the

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

defendant into your custody and keep him/her for (*state period*) unless the said sum[s] [balance], and any costs and charges of his/her commitment, be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

45

Commitment in default of distress where imprisonment fixed at time of conviction (*M.C. Act*, 1952, *ss.* 64, 67, 69, 71, 107; *M.C. Rules*, 1952, *rr.* 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

ADJUDICATION

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Imprisonment in default			

PART PAYMENTS RECEIVED

	£	s.	d.
Balance payable			
Enforcement of costs and charges ...			
Balance of imprisonment			

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

[* And the Court was of opinion that no method of dealing with the defendant in the event of a default in payment, other than the imposition of imprisonment, was appropriate because (*stating reason*):]

And it was ordered that in default of payment the defendant be imprisoned for (*state period*):

And a notice of fine having been served on the defendant and default having been made in payment, the constables aforesaid were authorised by warrant dated the day of , 19 , to levy the sum of by distress:

And it appearing that no sufficient distress whereon to levy the said sum could be found [and that a balance of is due]:

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

[†And the defendant having been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:]

[‡And [§it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he/she was placed [§having been duly considered]:]

You, the said constables, are hereby commanded to take the defendant and convey him/her to the said prison, and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her for (*state period*) unless the said sum[s] [*or* balance] and any costs and charges of [the said distress and of] his/her commitment, be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

† Delete if defendant appears to have attained the age of 21 years and has not been placed under supervision.
‡ Delete if defendant has not been placed under supervision.
§ Delete whichever is inappropriate where defendant has been placed under supervision.

46

Commitment in lieu of distress where imprisonment fixed at time of conviction (M.C. Act, 1952, ss. 64, 69, 71, 107; M.C. Rules, 1952, rr. 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of
and to the Governor of Her Majesty's prison at .

ADJUDICATION

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Imprisonment in default			

PART PAYMENTS RECEIVED

	£	s.	d.
Balance payable			
Enforcement costs and charges payable			
Balance of imprisonment			

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

[*And the Court was of opinion that no method of dealing with the defendant in the event of a default in payment, other than the imposition of imprisonment, was appropriate because (*stating reason*):]

And it was ordered that in default of payment the defendant be imprisoned (*state period*):

And the defendant having [paid in part payment, but having] made default in payment [of a balance of].

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

[†And the defendant having been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:]

[‡And [§it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he/she was placed [§having been duly considered]:]

And a notice of fine having been served on the defendant:

You, the said constables, are hereby commanded to take the defendant and convey him/her to the said prison, and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her for (*state period*), unless the said sum[s] [*or* balance], and any costs and charges of his/her commitment, be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

† Delete if defendant appears to have attained the age of 21 years and has not been placed under supervision.
‡ Delete if defendant has not been placed under supervision.
§ Delete whichever is inappropriate where defendant has been placed under supervision.

47

Summons to defaulter: fine (*M.C. Act*, 1952, *s.* 70; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			

On the day of , 19 , you were adjudged by the Magistrates' Court sitting at , to pay the sum[s] shown in the margin hereof and you have failed to pay the said sum[s] [*or* the balance of]:

You are therefore hereby summoned to appear before the Magistrates' Court sitting at , on day the day of , 19 , at the hour of in the noon, unless the said sum[s] [*or* balance] be sooner paid, for inquiry to be made as to your means.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

NOTE.—The object of the inquiry as to your means is to enable the Court to decide whether or not to commit you to prison for default in payment. If, not having paid, you fail to appear personally in obedience to this summons, you will render yourself liable to arrest without further notice. Payment may be made either by post to the Clerk of the Court at (*insert address*) or made personally at (*insert address and also days and hours when payment can be made*).

Any communication sent by post should be properly stamped; and cash should not be sent in unregistered envelopes.

48

Warrant for arrest of defaulter: fine (*M.C. Act*, 1952, *s.* 70; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , adjudged by the Magistrates' Court sitting at , to pay a fine of [, and for compensation,] [and for costs]:

And the defendant has [paid in part payment, but has] made default in payment [of a balance of]:

You are hereby commanded to bring the defendant forthwith [*or* on day the day of , 19 , at the hour of in the noon], before the Magistrates' Court sitting at , for inquiry to be made in his/her presence as to his/her means, unless the said sum[s] [*or* balance] be sooner paid.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each for], his/her appearance, unless the sum[s] [*or* balance] specified in this warrant be sooner paid, before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which such Court is open [*or* on the day of , 19].

J.P.,
Justice of the Peace for the [county] first above mentioned.

PAYMENTS RECEIVED BY A CONSTABLE HOLDING THIS WARRANT

Date of Receipt	£	s.	d.	Signature

49

Commitment in default of distress where imprisonment imposed on occasion subsequent to conviction (*M.C. Act*, 1952, *ss.* 64, 67, 69, 70, 71, 107; *M.C. Rules*, 1952, *rr.* 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of
and to the Governor of Her Majesty's prison at .

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			

Imprisonment in default

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

PART PAYMENTS RECEIVED SINCE IMPRISONMENT IMPOSED	£	s.	d.
Amount unpaid			
Enforcement costs and charges payable			
Balance of imprisonment			

And, a notice of fine having been served on the defendant and default having been made in payment, the constables aforesaid were authorised by warrant dated the day of , 19 , to levy the sum of by distress:

And it appearing that no sufficient distress whereon to levy the said sum could be found [and that a balance of is due]:

And inquiry as to the means of the defendant having subsequently to the conviction been made by the competent Court in his/her presence [*or* the defendant being in prison]:

[*And the defendant having been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:]

[†And [‡it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he/she was placed [‡having been duly considered]:]

[§And this Court is [*or* was] of opinion that no method of dealing with the defendant in respect of the said default, other than the imposition of imprisonment, is [*or* was] appropriate because (*stating reason*):]

It is this day [*or* was on the day of , 19 ,] ordered that the defendant be imprisoned in Her Majesty's prison aforesaid and there kept for (*state period*) unless the said sum [*or* balance], and any costs and charges of [the said distress and of] his/her commitment, be sooner paid:

[And the defendant has since paid in part payment, leaving the amount of unpaid:]

You, the said constables, are hereby commanded to take the defendant and convey him/her to the said prison, and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her for (*state period*), unless the said sum [*or* balance] [*or* amount unpaid], and any costs and charges of [the said distress and of] his/her commitment, be sooner paid.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

* Delete if defendant appears to have attained the age of 21 years and has not been placed under supervision.

† Delete if defendant has not been placed under supervision.

‡ Delete whichever is inappropriate where defendant has been placed under supervision.

§ Delete if defendant appears to have attained the age of 21 years.

50

Commitment in lieu of distress where imprisonment imposed on occasion subsequent to conviction (M.C. Act, 1952, ss. 64, 69, 70, 71, 107; M.C. Rules, 1952, rr. 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			
Imprisonment in default			

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

PART PAYMENTS RECEIVED SINCE IMPRISONMENT IMPOSED

	£	s.	d.
Amount unpaid			
Enforcement costs and charges payable			
Balance of imprisonment			

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

And a notice of fine having been served on the defendant and inquiry as to his/her means having subsequently to the conviction been made by the competent Court in his/her presence [*or* the defendant being in prison]:

[*And the defendant having been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:]

[†And [‡it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he/she was placed [‡having been duly considered]:]

[§And this Court is [*or* was] of opinion that no method of dealing with the defendant in respect of the said default, other than the imposition of imprisonment, is [*or* was] appropriate because (*stating reason*):]

It is this day [*or* was on the day of , 19 ,] ordered that the defendant be imprisoned in Her Majesty's prison aforesaid and there kept for (*state period*), unless the said sum[s] [*or* balance], and any costs and charges of his/her commitment, be sooner paid:

[And the defendant has since paid in [further] part payment, leaving the amount of unpaid:]

You, the said constables, are hereby commanded to take the defendant and convey him/her to the said prison, and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her for (*state period*), unless the said sum[s] [*or* balance] [*or* amount unpaid], and all costs and charges of his/her commitment, be sooner paid.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

* Delete if defendant appears to have attained the age of 21 years and has not been placed under supervision.

† Delete if defendant has not been placed under supervision.

‡ Delete whichever is inappropriate where defendant has been placed under supervision.

§ Delete if defendant appears to have attained the age of 21 years.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

51

Commitment to detention centre: non-payment of fine (*C.J. Act*, 1948, *s.* 18; *M.C. Act*, 1952, *ss.* 64, 67, 69, 70, 71; *M.C. Rules*, 1952, *rr.* 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Warden of the detention centre at .

Before the Magistrates' Court sitting at .

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			

Detention in default

PART PAYMENTS RECEIVED SINCE DETENTION IMPOSED

	£	s.	d.
Amount unpaid			

Balance of detention

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years, having been born, so far as has been ascertained, on the day of , 19 , was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid not later than the day of , 19 :

And a notice of fine having been served on the defendant and inquiry as to his/her means having subsequently been made by the competent Court in his/her presence:

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

And the defendant has been placed under supervision [*or* this Court is satisfied that it is undesirable [*or* impracticable] to place the defendant under supervision on the grounds that (*stating grounds*)]:

[And [it not being practicable to obtain] a report as to the defendant's conduct and means by the person under whose supervision he/she was placed [having been duly considered]:]

And this Court having been notified by the Secretary of State that the detention centre specified herein is available for the reception from the Court of persons of his/her class or description:

And this Court, having considered every other method (except imprisonment) by which the Court might deal with the defendant in respect of the said default, is [*or* was] of opinion that none of those methods is [*or* was] appropriate:

It is [*or* was on the day of , 19 ,] ordered that the defendant be detained in the detention centre aforesaid for (*state period*), unless the said sum[s] [*or* balance] be sooner paid:

[And the defendant has since paid in [further] part payment leaving the amount of unpaid:]

You, the said constables, are hereby commanded to take the defendant and convey him/her to the said detention centre, and there deliver him/her to the Warden thereof, together with this warrant; and you, the Warden of the said detention centre, to receive the defendant into your custody and keep him/her for (*state period*), unless the said sum[s] [*or* balance] [*or* amount unpaid] be sooner paid.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

52

Warrant for detention in police cells, etc. (*M.C. Act*, 1952, *s.* 109; *M.C. Rules*, 1952, *rr.* 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Police Officer in charge of .

A.B. (hereinafter called the defendant) is this day [*or* was on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs]:

(*Here follow the appropriate form of commitment to prison for non-payment of fine substituting for any reference to imprisonment a reference to detention in certified police cells, etc.*)

53

Warrant for detention in police station (*M.C. Act*, 1952, *ss.* 69, 111; *M.C. Rules*, 1952, *rr.* 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to all whom it may concern.

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			

A.B. (hereinafter called the defendant) is this day [*or* was on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs]:

And it is this day [*or* was on the day of , 19 ,] ordered that in default of payment

of the said sum[s] the defendant be detained in a police station in accordance with section one hundred and eleven of the Magistrates' Courts Act, 1952 [, and that his/her detention take place forthwith for the reason that—

he/she appeared to the Court to have sufficient means to pay the said sum[s] forthwith:

or on being asked by the Court whether he/she wished to have time for payment, he/she did not ask for time:

or he/she failed to satisfy the Court that he/she had a fixed abode:

or (*state any other special circumstance*)].

And the defendant having [paid in part payment, but having] made default in payment [of a balance of]:

You, the said constables and any other constables, are hereby commanded unless the said sum[s] [*or* balance] be sooner paid, to take the defendant, and convey him/her to a convenient police station and to detain him/her therein until eight o'clock in the morning of the day following that on which he is arrested under this warrant, or, if he is arrested under this warrant between midnight and eight o'clock in the morning, until eight o'clock in the morning of the day on which he is arrested, provided that the officer in charge of the police station in which the defendant is detained in pursuance of this warrant is authorised to discharge him/her at any time within four hours before eight o'clock in the morning if the said officer thinks it expedient to do so in order to enable him/her to go to his/her work or for any other reason appearing to the said officer to be sufficient.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

54

Transfer of fine order (*M.C. Act*, 1952, *s.* 72; *M.C. Rules*, 1952, *r.* 47.)

In the [county of . Petty Sessional Division of].

	£	s.	d.
Fine			
Compensation			
Costs			
Total			
Part Payments...			
Balance ...			

A.B. (hereinafter called the defendant) was this day [*or* on the day of , 19 ,] convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and was adjudged to pay a fine of [, and for compensation,] [and for costs,] [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19]:

And the defendant has [paid in part payment, but has] made default in payment [of a balance of]:

And it appears that the defendant is residing at (*state address*) in the [Petty Sessional Division] hereinafter mentioned:

A transfer of fine order is hereby made in pursuance of section seventy-two of the Magistrates' Courts Act, 1952, transferring to a Magistrates' Court acting for the [Petty Sessional Division of in the county of ,] and to the clerk of the said Court, all the functions referred to in the said section with respect to the said sum[s] [*or* balance].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

55

Notice of transfer of fine order (*M.C. Rules*, 1952, *r.* 47.)

In the [county of . Petty Sessional Division of].

To A.B., of .

	£	s.	d.
Fine			
Compensation Costs			
Total			
Part Payments...			
Balance ...			

On the day of , 19 , you were adjudged by the Magistrates' Court sitting at , to pay the sum[s] shown in the margin hereof and you have failed to pay the said sum[s] [*or* the balance of].

You are hereby given notice that in consequence of a transfer of fine order made on the day of , 19 , the enforcement of the said sum[s] [*or* balance] has become a matter for the Magistrates' Court acting for this [Petty Sessional Division].

Payment of the said sum[s] [*or* balance], should therefore be made forthwith either by post to me (*insert name*), the Clerk of the Court at (*insert address*), or made personally at (*insert address and also days and hours when payment can be made*).

If you cannot pay forthwith, you should at once make an application for further time to be granted and the application may be made either in person to this Court at (*insert address*) or by letter addressed to me and stating fully the grounds on which the application is made.

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

NOTE.—Any communication sent by post must be properly stamped.
Cash should not be sent in unregistered envelopes.

56

Notice of order of supervision: fine (*M.C. Rules*, 1952, *r.* 46.)

In the [county of . Petty Sessional Division of]

To A.B., of .

	£	s.	d.
Fine			
Compensation Costs			
Total			
Part Payments...			
Balance ...			

You were this day [*or* on the day of , 19 ,] adjudged by the Magistrates' Court sitting at , to pay the sum[s] shown in the margin hereof [and you have failed to pay the said sum[s] [*or* the balance of]].

You are hereby given notice that you were this day [*or* on the day of , 19 ,] by order of this Court placed under the supervision of until the said sum[s] [*or* balance] be paid or further order be made.

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

PROBATION AND CONDITIONAL DISCHARGE

57

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

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day convicted (*state shortly particulars of offence*):

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is expedient to make a probation order:

And the Court has explained to the defendant the effect of this order (including the additional requirements specified below) and that if he/she fails to comply therewith or commits another offence he/she will be liable to be sentenced for the offence in respect of which this order is made, and the defendant has expressed his/her willingness to comply with the requirements of this order:

It is therefore ordered that the defendant, who resides [*or* will reside] in the [Petty Sessional Division] of , be required for the period of [years] from the date of this order to be under the supervision of a probation officer appointed for or assigned to that [Division]; and it is further ordered that the defendant shall during the said period comply with the following additional requirements:—

*1. *That he/she shall be of good behaviour and lead an industrious life;*

2. *That he/she shall inform the probation officer at once of any change of his/her residence or employment;*

3. *That he/she shall keep in touch with the probation officer in accordance with such instructions as may from time to time be given by the probation officer; and, in particular, that he/she shall, if the probation officer so requires, receive visits from the probation officer at his/her home;*

4. (*Here will follow any other requirements relating to residence, etc.*).

[And it is ordered that the defendant pay [as damages for injury suffered by [*or* compensation for loss incurred by] and] for costs, [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19].]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

58

Order for conditional discharge (*C.J. Act*, 1948, *s.* 7.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) [, having consented to be tried summarily,] is this day convicted (*state shortly particulars of offence*):

And the Court is of opinion, having regard to the circumstances including the nature of the offence and the character of the defendant, that it is inexpedient to inflict punishment and that a probation order is not appropriate:

It is ordered that the defendant be discharged subject to the condition that he/she commits no offence during the period of months from the date of this order.

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

[And it is ordered that the defendant pay [as damages for injury suffered by [*or* compensation for loss incurred by] and] for costs, [by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19].]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

59

Summons to probationer on application to amend probation order (C.J. Act, 1948, First Sched.)

In the [county of . Petty Sessional Division of].

To A.B., of .

You are hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , on the hearing of an application by to amend the probation order made in your case on the day of , 19 , by the [said] Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at .

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

60

Order amending probation order (C.J. Act, 1948, First Sched.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

This Court [*or* the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at ,] having on the day of , 19 , made a probation order which [, as subsequently amended by the competent Court,] required A.B. for a period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required him/her to (*set out any requirement which is amended*):

Upon the application of the Court hereby amends the said probation order as follows:—(*set out details of amendment*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

61

Order discharging probation order (C.J. Act, 1948, First Sched.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

This Court having on the day of , 19 , made a probation order which [, as subsequently amended by the competent Court,] required A.B. for a period of [years] from the date thereof to be under the

supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [and further required him/her (*set out any requirement as to residence, etc.*)].

Upon the application of the Court hereby discharges the said probation order.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

62

Information for breach of requirement of probation order (*C.J. Act*, 1948, *s.* 6; *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The information of , who [upon oath [*or* affirmation]] states:—

A.B. was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*stating shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required the said A.B. for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required the said A.B. to (*set out requirement which is contravened*):

And the said A.B. did on the day of , 19 , fail to comply with the last mentioned requirement [inasmuch as he/she (*state shortly particulars of breach*)].

Taken [and sworn [*or* affirmed]] before me,

J.P.,
Justice of the Peace for the [county] first above mentioned.

63

Summons for breach of requirement of probation order (*C.J. Act*, 1948, *s.* 6; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Information has this day been laid before me, the undersigned Justice of the Peace, by that you on the day of , 19 , were convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [as subsequently amended by the competent Court,] required you for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required you to (*set out requirement which is contravened*); and by the said information it is further alleged that you did on the day of , 19 , fail to comply with the last mentioned requirement of the said order inasmuch as (*state shortly particulars of breach*):

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said information.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

64

Warrant for breach of requirement of probation order (*C.J. Act*, 1948, *s.* 6; *M.C. Act*, 1952, *s.* 93; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information on oath [*or* affirmation] has this day been laid before me, the undersigned Justice of the Peace, by that A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required the defendant for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required the defendant (*set out requirement which is contravened*): and by the said information it is further alleged that the defendant did on the day of , 19 , fail to comply with the last mentioned requirement of the said order inasmuch as (*state shortly particulars of breach*).

You are hereby commanded to bring the said defendant forthwith before the Magistrates' Court sitting at , to answer to the said information.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the said Court is open [*or* on the day of , 19].

J.P.,
Justice of the Peace for the [county] first above mentioned.

65

Remand of probationer to Assizes or Sessions on breach of requirement of probation order (*C.J. Act*, 1948, *s.* 6; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) has this day appeared [*or* been brought] before the Magistrates' Court sitting at , charged with having failed to comply with the following requirement of a probation order made on the day of , 19 , in his/her case by the Court of Assize [*or* Quarter Sessions] for the [county] of sitting at , [as subsequently amended by the competent Court,] namely, (*set out requirement which is contravened*):

And the said failure has been proved to the satisfaction of this Court and it appears necessary to remand the defendant until he/she can be brought before the said Court of Assize [*or* Quarter Sessions]:

You, the said constables, are hereby commanded to convey the defendant to the said prison, and there to deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody, and, unless he/she shall have been bailed in the meantime, keep him/her until the next Court of Assize [*or* Quarter Sessions] at , and then to convey him/her before the said Court, at the hour of in the noon, to be further dealt with according to law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance himself/herself in , with suret in the sum of [each], to appear before the Court of Assize [*or* Quarter Sessions] above mentioned at the hour and on the day above mentioned and that the defendant has [not] entered into his/her recognizance.

J.P.,
Justice of the Peace for the [county] first above mentioned.

66

Certificate that probationer has failed to comply with requirement of probation order (*C.J. Act*, 1948, *s.* 6 (4) (*a*).)

In the [county of . Petty Sessional Division of].

To the Court of Assize [*or* Quarter Sessions] for the [county] of .

A.B. (hereinafter called the defendant) has this day appeared [*or* been brought] before the Magistrates' Court sitting at , charged with having failed to comply with the hereinafter mentioned requirement of a probation order made in his/her case on the day of , 19 , by the Court of Assize [*or* Quarter Sessions] for the [county] of sitting at [, and subsequently amended by the competent Court]:

Having heard the evidence relating to the said charge, it is this day adjudged and hereby certified that the defendant has failed to comply with the requirement of the said order that he/she should (*set our requirement which is contravened*) inasmuch as (*set out full particulars of the circumstances*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

67

Order on failure to comply with requirement of probation order (C.J. Act, 1948, s. 6.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required him/her for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of and further required him/her (*set out requirement which is contravened*):

And the defendant has this day appeared [*or* been brought] before the [said] Magistrates' Court sitting at , and the Court was satisfied that he/she had failed to comply with the last mentioned requirement of the said order inasmuch as (*state shortly particulars of breach*):

It is adjudged that the defendant in respect of his failure to comply with the said requirement pay a fine of (*as in form of conviction where fine imposed*) [(*or, where defendant is dealt with for original offence*) for the said offence in respect of which the said probation order was made (*as in appropriate form of conviction*)].

Dated the of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

68

Commitment on failure to comply with requirement of probation order (C.J. Act, 1948, s. 6; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at [*or* to the Police Officer in charge of].

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required him/her for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to [the Petty Sessional Division] of and further required him/her (*set out requirement which is contravened*):

And the defendant has this day appeared [*or* been brought] before the Magistrates' Court sitting at , and the Court was satisfied that he/she had failed to comply with the last mentioned requirement of the said order inasmuch as (*state shortly particulars of breach*) and it was adjudged that the defendant (*as in previous form*).

(*Here follow the appropriate form of commitment contained in this Schedule.*)

69

Information on commission of further offence during probation period or period of conditional discharge (*C.J. Act*, 1948, *s.* 8; *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The information of who [upon oath [*or* affirmation]] states:—

A.B. was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required him/her for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [*or* an order discharging him/her subject to the condition that he/she should commit no offence during the period of months from the date thereof]:

And the said A.B. was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , of a further offence, namely, (*state shortly particulars of offence*), committed by him/her during the said period, to wit, on the day of , 19 , and was sentenced [*or* ordered] to .

Taken [and sworn [*or* affirmed]] before me,

J.P.,
Justice of the Peace for the [county] first above mentioned.

70

Summons on commission of further offence during probation period or period of conditional discharge (*C.J. Act*, 1948, *s.* 8; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Information has this day been laid before me, the undersigned Justice of the Peace, by that you on the day of , 19 , were convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required you for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [*or* an order discharging you subject to the condition that you should commit no offence during the period of months from the date thereof]; and by the said information it is further alleged that you were on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , of a further offence, namely, (*state shortly particulars of offence*), committed by you during the said period, to wit, on the day of , 19 , and that you were sentenced [*or* ordered] to :

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , to answer the said information.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

71

Warrant on commission of further offence during probation period or period of conditional discharge (C.J. Act, 1948, s. 8; M.C. Act, 1952, s. 93; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information on oath [*or* affirmation] has this day been laid before me, the undersigned Justice of the Peace, by that A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required the defendant for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [*or* an order discharging the defendant subject to the condition that he/she should commit no offence during the period of months from the date thereof]; and by the said information it is further alleged that the defendant was on the day of , 19 , convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , of a further offence, namely, (*state shortly particulars of offence*), committed by him/her during the said period, to wit, on the day of , 19 , and was sentenced [*or* ordered] to :

You are hereby commanded to bring the defendant forthwith before the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , to answer to the said information.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where warrant requires the defendant to be brought before a Magistrates' Court and bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] first above mentioned.

72

Remand to Assizes or Sessions on commission of further offence by probationer or person in whose case an order for conditional discharge has been made (C.J. Act, 1948, s. 8; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) has this day been brought before the Magistrates' Court sitting at , on an information alleging that he/she has been convicted of a further offence committed during the currency of a probation order [*or* order for conditional discharge] made in his/her case

on the day of , 19 , by the Court of Assize [*or* Quarter Sessions] for the [county] of sitting at [, and as subsequently amended by the competent Court,]:

[*or* has this day been convicted by the Magistrates' Court sitting at (*state shortly particulars of offence*) and sentenced [*or* ordered] to , and it appears to the Court that on the date when the said offence was committed, namely, the day of , 19 , there was in force a probation order [*or* order for conditional discharge] made in his/her case on the day of , 19 , by the Court of Assize [*or* Quarter Sessions] for the [county] of sitting at :]

And it appears necessary to remand the defendant until he/she can be brought before the said Court of Assize [*or* Quarter Sessions]:

You, the said constables, are hereby commanded to convey the defendant to the said prison and there to deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and, unless he/she shall have been bailed in the meantime, keep him/her until the next Court of Assize [*or* Quarter Sessions] at , and then convey him/her before the said Court at the hour of in the noon, to be there dealt with according to law.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance himself/herself in the sum of , with suret in the sum of [each], to appear before the Court of Assize [*or* Quarter Sessions] above mentioned, at the hour and on the day above mentioned, and that the defendant has [not] entered into his/her recognizance.

J.P.,

Justice of the Peace for the [county] first above mentioned.

73

Order in respect of original offence on commission of further offence during probation period or period of conditional discharge (*C.J. Act*, 1948, *s.* 8.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required him/her for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [*or* an order discharging him/her subject to the condition that he/she should commit no further offence during the period of months from the date thereof]:

And the defendant has this day appeared [*or* been brought] before the said [*or* first mentioned] Court and the Court was satisfied that the defendant had on the day of , 19 , been convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , of a further offence, namely, (*state shortly particulars of offence*), committed by him/her during the said period, to wit, on the day of , 19 , and that he/she had been dealt with in respect of that offence.

[(*or*) And the defendant has this day been convicted by the first mentioned Court of a further offence, namely (*state shortly particulars of offence*), and the Court was satisfied that the said offence was committed by him/her during the said period, to wit, on the day of , 19 :

And the Court was satisfied that the consent of the Court by which the said order was made [*or* the supervising Court] had in accordance with subsection (7) of section eight of the Criminal Justice Act, 1948, been duly given:]

It is adjudged that the defendant for the offence in respect of which the said order is made (*as in appropriate form of conviction*).

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

74

Commitment on commission of further offence during probation period or period of conditional discharge (*C.J. Act*, 1948, *s.* 8; *M.C. Rules*, 1952, *rr.* 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and on the said date [*or* on the day of , 19 ,] the said Court made a probation order which [, as subsequently amended by the competent Court,] required him/her for the period of [years] from the date thereof to be under the supervision of a probation officer appointed for or assigned to the [Petty Sessional Division] of [*or* an order discharging him/her subject to the condition that he/she should commit no further offence during the period of months from the date thereof]:

And the defendant has this day appeared [*or* been brought] before the said [*or* first mentioned] Court and the Court was satisfied that the defendant had on the day of , 19 , been convicted by [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , of a further offence, namely, (*state shortly particulars of offence*), committed by him/her during the said period, to wit, on the day of , 19 , and that he/she had been dealt with in respect of that offence:

[(*or*) And the defendant has this day been convicted by the first mentioned Court of a further offence, namely, (*state shortly particulars of offence*), and the Court was satisfied that the said offence was committed by him/her during the said period, to wit, on the day of , 19 :

And the Court was satisfied that the consent of the Court by which the said order was made [*or* the supervising Court] had in accordance with subsection (7) of section eight of the Criminal Justice Act, 1948, been duly given:]

And it was adjudged that the defendant for the offence in respect of which the said order was made (*as in previous form*).

(*Here follow the appropriate form of commitment contained in this Schedule.*)

CIVIL PROCEDURE

ORDERS OTHER THAN CIVIL DEBT

75

Complaint (*M.C. Act*, 1952, *ss.* 43, 44; *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The complaint of C.D., of , who [upon oath [*or* affirmation]] states that A.B. of , on the day of , 19 , at , in the [Petty Sessional Division] aforesaid [*or* in the [county] aforesaid [*or* of]], (*stating grounds of complaint*).

Taken [and sworn [*or* affirmed]] before me this day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

76

Summons to defendant (*M.C. Act*, 1952, *ss.* 43, 44; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Complaint has this day been [*or* was on the day of , 19 ,] made to me, the undersigned Justice of the Peace, by that you on the day of , 19 , at , in the [Petty Sessional Division] aforesaid [*or* in the [county] aforesaid [*or* of]], (*state shortly grounds of complaint*):

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said complaint.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

77

Domestic proceedings: report by probation officer of attempted conciliation (*M.C. Act*, 1952, *s.* 59.)

To the Magistrates' Court sitting at .

1. Name and age—
   (*a*) of complainant.....
   (*b*) of defendant.....
2. Address—
   (*a*) of complainant.....
   (*b*) of defendant.....
3. Date of the marriage.....
4. Age and sex of any children under 16 years of age and where living.....
   .....
5. Allegations made by the complainant.....
6. Defendant's answer to complainant's allegations and any counter allegations made by the defendant.....
7. Complainant's answer to defendant's counter allegations.....
8. Names and addresses of persons furnished as being able to give material evidence by—
   (*a*) the complainant.....
   (*b*) the defendant.....

Dated the day of , 19 .

G.H.,
Probation Officer.

78

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

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

Complaint having been made by C.D., of , that A.B., of , (hereinafter called the defendant) on the day of , 19 , at , in the [Petty Sessional Division] aforesaid [*or* in the [county] aforesaid [*or* of]], did (*state shortly grounds of complaint*):

It is this day adjudged that the said complaint be dismissed.

[And it is ordered that the complainant pay to the defendant the sum of for costs [by weekly [*or* monthly] instalments of , the first instalment to be paid] forthwith [*or* not later than the day of , 19]:]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

79

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

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

Complaint having been made by C.D. of , that A.B. of , (hereinafter called the defendant) on the day of , 19 , at in the [Petty Sessional Division] aforesaid [*or* in the [county] aforesaid [*or* of]], did (*state shortly grounds of complaint*):

It is this day adjudged that the said complaint is true and it is ordered that (*state adjudication*).

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

80

Summons to defaulter: general or special rate (*M.P.* (*J.P.*) *Act*, 1935, *s.* 11; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

On the day of , 19 , you were summoned to appear on the day of , 19 , before the Magistrates' Court sitting at , to show cause why a distress warrant should not be issued in respect of the sum of due from you in payment of the general [*or* special] rate levied by the Council of for the months ended the day of , 19 .

A distress warrant was subsequently issued for the recovery of the said sum and the sum of for costs incurred in obtaining that warrant, but no sufficient distress whereon to levy the said sums, could be found.

And the further sum of , being the costs attending the said distress, is due from you.

You have [paid in part payment, but have] made default in payment [of a balance of].

And the said Council has applied to the said Court for a warrant for your committal to prison in respect of the said sums [*or* balance].

You are therefore hereby summoned to appear, unless the said sums [*or* balance] be sooner paid, on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , for inquiry to be made as to your conduct and means.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

NOTE.—The object of the inquiry as to your means is to enable the Court to decide whether or not to commit you to prison for default in payment. If, not having paid, you fail to appear personally in obedience to this summons you will render yourself liable to arrest without further notice.

81

Warrant for arrest of defaulter: general or special rate (*M.C. Act*, 1952, *s.* 93; *M.P. (J.P.) Act*, 1935, *s.* 11; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , summoned to appear before the Magistrates' Court sitting at , to show cause why a distress warrant should not be issued in respect of the sum of due from him/her in payment of the general [*or* special] rate levied by the Council of for the months ended the day of , 19 :

And a distress warrant was subsequently issued for the recovery of the said sum and the sum of for costs incurred in obtaining that warrant, but no sufficient distress whereon to levy the said sums could be found.

And the further sum of , being the costs attending the said distress, is due from the defendant:

And the defendant has [paid in part payment, but has] made default in payment [of a balance of]:

And the said Council has applied to the said Court for a warrant for the commitment of the defendant to prison in respect of the said sums [*or* balance]:

You are hereby commanded to bring the defendant forthwith [*or* on day the day of , 19 , at the hour of in the noon], before the Magistrates' Court sitting at , for inquiry to be made in his/her presence as to his/her conduct and means, unless the said sums [*or* balance] be sooner paid.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance, unless the sum[s] [*or* balance] specified in this warrant be sooner paid, before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the said Court is open [*or* on the day of , 19].

J.P.,

Justice of the Peace for the [county] aforesaid.

(*Endorsement of payments*)

PAYMENTS RECEIVED BY A CONSTABLE HOLDING THIS WARRANT

Date of Receipt	£	s.	d.	Signature

CIVIL DEBT

82

Complaint: civil debt (*M.C. Act*, 1952, *s.* 50; *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The complaint of C.D., of , who states that A.B. (*stating grounds of complaint*) and claims from the said A.B. [the sum of ,] being money recoverable summarily as a civil debt.

Taken before me the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

83

Summons to defendant: civil debt (*M.C. Act*, 1952, *s.* 43; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Complaint has this day been made to me, the undersigned Justice of the Peace, by C.D., of , (hereinafter called the complainant) that (*state shortly grounds of complaint*) and claiming from you [the sum of], being money recoverable summarily as a civil debt:

Particulars of the complainant's claim are given on the reverse of [*or* are annexed to] this summons:

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said complaint.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

84

Order: civil debt (*M.C. Act*, 1952, *s.* 50.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

It is this day adjudged that A.B., of , pay to C.D., of , the sum of [, being an amount recoverable summarily as a civil debt, and] for costs [, by weekly [*or* monthly] instalments of , the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19]; [and it is ordered that in default of payment the sum due thereunder be levied by distress and sale of the goods of the said A.B.].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

85

Complaint to enforce order: civil debt (*M.C. Act*, 1952, *s.* 73; *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The complaint of C.D., of , who states that on the day of , 19 , A.B. (hereinafter called the debtor) was ordered by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , to pay to the complainant the sum of (enforceable summarily as a civil debt), particulars of which are given below, [by weekly [*or* monthly] instalments of , the first instalment to be paid] forthwith [*or* not later than the day of , 19]; and the complainant further states that the debtor has made default in payment of the sum ordered to be paid [, by reason of his refusal or neglect to pay the instalments thereof], particulars of which are given below.

	£	s.	d.
Amount of order and costs			
Costs of distress, if any			
Amount paid			
Total sum in default			

	£	s.	d.
Amount of default in instalments due to date			

Taken before me the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

86

Judgment summons (*M.C. Act*, 1952, *s.* 73; *M.C. Rules*, 1952, *rr.* 48, 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Complaint has this day been made to me, the undersigned Justice of the Peace, by C.D., of , (hereinafter called the complainant) that on the day of , 19 , you were ordered by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , to pay to the complainant the sum of , (enforceable summarily as a civil debt), particulars of which are given below, [by weekly [*or* monthly] instalments of , the first instalment to be paid] forthwith [*or* not later than the day of , 19]; and that you have made default in payment of the said sum [, by reason of your refusal or neglect to pay the instalments thereof], particulars of which are given below:

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said complaint and to be examined as to the means which you have or have had since the said order was made to pay the said sum or the undermentioned instalments thereof, and to show cause why you should not be committed to prison pursuant to section seventy-three of the Magistrates' Courts Act, 1952, in default of payment.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

Particulars

	£	s.	d.
Amount of order and costs			
Costs of distress, if any			
Amount paid			
Total sum in default			

	£	s.	d.
Amount of default in instalments due to date			
Costs of this summons			
Amount upon the payment of which, before the date fixed by this summons for your appearance, no further proceedings will be taken unless you default in payment of a further instalment			

87

Distress warrant : civil debt (*M.C. Act,* 1952, *s.* 64 ; *M.C. Rules,* 1952, *rr.* 42, 43.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

On the day of , 19 , it was ordered by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , that A.B. (hereinafter called the debtor) pay to C.D., of , the sum of [, being an amount recoverable summarily as a civil debt, and] for costs, [the said order being made in the presence of the debtor] ; and [on the day of , 19 ,] it was [further] ordered [by the Magistrates' Court sitting at ,] that in default of payment the sums due thereunder should be levied by distress and sale of the debtor's goods:

[And the debtor having been served with a copy of a minute of the first mentioned order:]

And default having been made in payment, you are hereby commanded forthwith to make distress of the money and goods of the debtor (except the wearing apparel and bedding of him/her and his/her family and, to the value of five pounds, the tools and implements of his/her trade) ; and if the sum stated at the foot of this warrant to be levied, together with the reasonable charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the debtor consents in writing to an earlier sale, to sell the said goods by you distrained and pay the money arising thereby to the Clerk of the Magistrates' Court sitting at and if no such distress can be found to certify the same to the Court.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

	£	s.	d.
Amount ordered to be paid			
Amount paid			
Amount remaining due			
Cost of issuing this warrant			
Total amount to be levied			

88

Commitment: civil debt (M.C. Act, 1952, ss. 64, 71, 73, 107; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at [*or* the Police Officer in charge of].

On the day of , 19 , it was ordered by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , that A.B. (hereinafter called the debtor) should pay to C.D., of , the sum of [, being an amount recoverable summarily as a civil debt, and] for costs:

And the debtor has made default in payment of the sum ordered to be paid and has been summoned for an examination as to his/her means:

And it being proved to the satisfaction of the Court that the debtor has [*or* has had, since the date of the said order,] the means to pay the sum [now] due and payable and refuses or neglects [*or* has refused or neglected] to pay the said sum:

[And the constables aforesaid having been authorised by warrant dated the day of , 19 , to levy the sum of by distress and it appearing that no sufficient distress whereon to levy the said sum could be found [and that a balance of is due]:]

It is ordered that the debtor be committed to prison [*or* detained in police custody] for (*state period*), unless he/she sooner pays the [balance of the] sum ordered to be paid [, together with the costs of enforcement], as set out below:

You, the said constables, are hereby required to take the debtor and convey him/her to the Governor of Her Majesty's prison [*or* the Police Officer in charge of] at ; and you, the said Governor [*or* Police Officer], to receive the debtor into your custody and keep him/her for (*state period*) from his/her arrest under this order, or until he/she be sooner discharged in due course of law.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

	£	s.	d.
Sum [*or* balance] payable under order			
Enforcement costs payable			
Total sum payable by debtor			

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEBTOR

Date of Receipt	£	s.	d.	Signature

PERIODICAL PAYMENTS: VARIATION, ETC.

89

Complaint to vary, etc., order for periodical payments (M.C. Act, 1952, s. 53; M.C. Rules, 1952, rr. 4, 34.)

In the [county of . Petty Sessional Division of].

The complaint of C.D., of , (hereinafter called the complainant) who [upon oath [*or* affirmation]] states that by an order made on the day of , 19 , under the Act, by the Magistrates' Court sitting at , in the county aforesaid [*or* of], A.B. (hereinafter called the defendant) of (*insert last known address and description of defendant*) was ordered (*state shortly terms of the original order, and mention any subsequent order and effect thereof*).

And the complainant now applies for the said order to be revived [*or* revoked [*or* varied by an order requiring]] on the ground that .

[The nature of the evidence that the complainant proposes to adduce at the hearing of this complaint is as follows:— . The names and addresses of the complainant's witnesses are .]

Taken [and sworn [*or* affirmed]] before me this day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

90

Summons to vary, etc., order for periodical payments (M.C. Act, 1952, ss. 43, 53; M.C. Rules, 1952, rr. 34, 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

Complaint has this day been [*or* was on the day of , 19 ,] made [before a Justice of the Peace acting for the [Petty Sessional Division] of] by C.D., of , (hereinafter called the complainant) who states that by an order made on the day of , 19 , under the Act, by this Court [*or* the Magistrates' Court sitting at , in the [county] of ,] you were [*or* he/she was] ordered (*state shortly terms of the original order, and mention any subsequent order and effect thereof*):

And the complainant now applies for the said order to be revived [*or* revoked] [*or* varied by an order requiring] on the ground that .

And the complainant has furnished me with written particulars in accordance with Rule 34 (3) of the Magistrates' Courts Rules, 1952 [*or* it appears to me, the undersigned Justice of the Peace, that your last address known to the complainant is within the [Petty Sessional Division] aforesaid] [*or* the said complaint has been transferred to the petty sessions area first above mentioned under Rule 34 of the Magistrates' Courts Rules, 1952].

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the said complaint.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

91

Order varying, etc., order for periodical payments (M.C. Act, 1952, s. 53.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

Complaint has been made by C.D., of , (hereinafter called the complainant) who states that by an order made on the day of , 19 , under the Act, by this Court [*or* the Magistrates' Court sitting at , in the [county] of ,] A.B. (hereinafter called the defendant) [*or* he/she] was ordered (*state shortly terms of the original order, and mention any subsequent order and effect thereof*):

And the complainant has applied for the said order to be revived [*or* revoked] [*or* varied by an order requiring] on the ground that :

And the said complaint has been sent to the Clerk of this Court in pursuance of Rule 34 of the Magistrates' Courts Rule, 1952:

It is this day adjudged that the said order be forthwith revived [*or* revoked] [*or* varied as follows:—].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

RECOGNIZANCES

92

Order of recognizance to keep the peace, etc. (M.C. Act, 1952, s. 91.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

Complaint having been made by C.D. that A.B. (hereinafter called the defendant) did (*state shortly grounds of complaint*):

It is adjudged that the said complaint is true, and it is ordered that the defendant do forthwith enter into a recognizance in the sum of , with suret in the sum of [each], to keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and especially towards the said C.D., for the term of from the date of this order:

And it is adjudged that if the defendant fail to comply with this order he/she be imprisoned in Her Majesty's prison at for (*state period*), unless he/she sooner complies with this order.

[And it is ordered that the defendant pay to the said C.D. the sum of for costs [by weekly [*or* monthly] instalments of , the first instalment to be paid] forthwith [*or* not later than the day of , 19].]

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

93

Summons to vary sureties, etc. (M.C. Act, 1952, s. 94; M.C. Rules, 1952, rr. 66, 75.)

In the [county of . Petty Sessional Division of].

To C.D., of .

Application having been duly made in that behalf, you are hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to show cause why the order made on the day of , 19 , by the said Court requiring A.B., of , to find suret should not be varied or otherwise dealt with.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

94

Order varying order for sureties (*M.C. Act*, 1952, *s.* 94; *M.C. Rules*, 1952, *r.* 66.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

A.B. (hereinafter called the defendant) having, under a warrant of commitment dated the day of , 19 , issued by this Court, been committed to prison for default in finding suret in the sum of [each]:

And application having been duly made in that behalf, it is this day ordered that the amount in which the suret of the defendant [are] to be bound be reduced to [*or* that the obligation of the defendant to find [a] suret be dispensed with].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

95

Recognizance : general (*M.C. Act*, 1952, *ss.* 7, 14, 26, 89, 91.)

In the [county of . Petty Sessional Division of].

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:—

of , as principal, the sum of , and of , and of , as suret the sum of [each], payment thereof to be enforced severally against them by due process of law if the principal fails to comply with any of the conditions endorsed hereon.

(*Signed where not taken orally*) A. B.
G. H.
J. K.

Taken [orally] before me the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

[*or* E.F.,
Superintendent of the Police.]

(*Endorsement*)

Condition[*s*]

The condition[s] of this recognizance is [are] that if the principal—

appears before the Magistrates' Court sitting at , on day the day of , 19 , at the hour of in the noon [*or* appears at every time and place to which during the course of the proceedings against the principal the hearing may be from time to time adjourned, unless the Court otherwise orders in the meantime,] to answer to the charge made against him/her by ,

[*or* appears before the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at , and there surrenders himself/herself into custody and takes his/her trial upon any indictment preferred against him/her,]

[and, subject to the condition for his/her said appearance, undergoes medical examination by a duly qualified medical practitioner at (*insert name and address of institution or place*) [and resides, for the purpose of undergoing the said examination, at the said institution [place] from , 19 , to , 19 [*or* until he/she appears to take his/her trial as aforesaid]],]

[*or* keeps the peace and is of good behaviour towards Her Majesty and all Her liege people, and especially towards for the term of from the date of this recognizance,]

[*or* appears on such date and at such time and place as may be notified to him/her by the Clerk of the Peace at the hearing of his/her appeal to Quarter Sessions for the [county] aforesaid from a decision of the Magistrates' Court sitting at , dated the day of , 19 , whereby the principal was convicted (*state shortly particulars of offence*) [*or* was sentenced *or* ordered],]

[*or* prosecutes without delay his/her appeal to the High Court of Justice from a conviction [*or* order] of the Magistrates' Court sitting at , dated the day of , 19 , whereby the principal was convicted (*state shortly particulars of offence*) [*or* was ordered], and submits to the judgment of the High Court and pays such costs as may be awarded by the High Court [*and, unless the determination appealed against is reversed, appears before the said Magistrates' Court within ten days after the said judgment is given],]

[*or* (*where prosecutor is appealing*) prosecutes without delay his/her appeal to the High Court of Justice from a determination of the Magistrates' Court sitting at on the day of , 19 , whereby the said Magistrates' Court dismissed an information laid by the principal alleging that X.Y. had (*state shortly particulars of offence*) [*or* (*state other determination appealed against*)], and pays such costs as may be awarded by the High Court.]

then this recognizance shall be void, but otherwise shall remain in full force.

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* Delete if the principal is not to be released on bail pending the appeal to the High Court.

96

Notice of recognizance to principal and sureties

In the [county of . Petty Sessional Division of].

Take notice that you, A.B., are bound in the sum of as principal, and you, G.H. [and J.K.], in the sum of [each] as suret , that you, the said principal, appear before the Magistrates' Court sitting at , on day the day of ,19 , at the hour of in the noon, to answer the charge made against you (*or as the case may be*), and unless you, the said principal, appear accordingly, payment of the said sums will forthwith be enforced by due process of law severally against you, the said principal, and you, the said suret .

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

97

Certificate of amount and condition[s] of recognizance (M.C. Rules, 1952, rr. 68 (2), 69 (a).)

In the [county of . Petty Sessional Division of].

A.B. (hereinafter called the defendant) was on the day of , 19 , committed by the Magistrates' Court sitting at , to Her Majesty's prison at , charged with [*or* convicted of [*or* on the complaint of]] (*state shortly particulars of offence or complaint*):

[And the defendant having given notice of appeal [*or* applied for a case to be stated]:]

I hereby certify that the said Court has consented to the defendant being bailed by recognizance, himself/herself in the sum of , [*or* has fixed the amount of the recognizance to be entered into by the defendant at the sum of ,] with suret in [each], conditioned—

For the appearance of the defendant before the said Court on the day of , 19 , at the hour of , in the noon [*or* at every time and place to which during the course of the proceedings against the defendant the hearing may be from time to time adjourned, unless the Court shall otherwise order in the meantime],

[*or* for the appearance of the defendant before the next Court of Assize *or* Quarter Sessions at , to take his/her trial,]

[and, subject to the condition for his/her said appearance, for the medical examination of the defendant by a duly qualified medical practitioner at (*insert name and address of institution or place*) [and for the residence of the defendant, for the purpose of undergoing the said examination, at the said institution [place] from the day of , 19 , to the day of , 19 , [*or* until he/she appears to take his/her trial as aforesaid]],]

[*or* for the defendant keeping the peace and being of good behaviour towards Her Majesty and all Her liege people, and especially towards for the term of from the date aforesaid],

[*or* for the appearance of the defendant on such date and at such time and place as may be notified to him/her by the Clerk of the Peace at the hearing of his/her appeal to Quarter Sessions for the [county] aforesaid against his/her conviction [*or* sentence],]

[*or* for the prosecution without delay by the defendant of an appeal to the High Court of Justice against his/her conviction and for the submission of the defendant to the judgment of the High Court and for payment by the defendant of such costs as may be awarded by the High Court [*and, unless the determination appealed against be reversed, for the appearance of the defendant before the Magistrates' Court sitting at , within ten days after the judgment of the High Court shall have been given, to abide such judgment, and I hereby further certify that, on the said recognizance[s] being entered into, the defendant is to be released from custody, if he/she be held for no other cause]].

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

* Delete if the defendant is not to be released on bail pending the appeal to the High Court.

98

Certificate of ability of surety to pay (*M.C. Rules*, 1952, *r.* 68 (3).)

In the [county of . Petty Sessional Division of].
To the Governor of Her Majesty's prison at .
A.B., being now in your custody under a warrant of the Magistrates' Court sitting at , in the [county] of , dated the day of , 19 :
I hereby certify that the bearer of this certificate, G.H. of in the [county] of (*description*), whose signature is in the margin hereof, has offered himself/herself as surety for the above-named prisoner, and has satisfied me [*or* the Magistrates' Court sitting at ,] of his/her ability to pay the sum of in the event of the recognizance [for the appearance of the said A.B. before the sitting at ,] referred to in the said warrant [*or* in the certificate hereto attached] becoming forfeited.
Dated the day of , 19 .

Signature of Surety .....

J.C.,
Clerk of the Magistrates' Court sitting at .

99

Notice of recognizance having been entered into (*M.C. Rules*, 1952, *r.* 69 (*b*).)

In the [county of . Petty Sessional Division of].
To the Governor of Her Majesty's prison at .
A.B., being now in your custody under a warrant of the Magistrates' Court sitting at , in the [county] of , dated the day of , 19 :
I hereby give notice that suret referred to in the said warrant [*or* in the certificate from the Clerk of the said Court hereto attached] [have] duly entered into a recognizance [each] in the sum of before the said Court [*or* the Magistrates' Court sitting at , [*or* before me]].
Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]
[*or* E.F.,
Superintendent of the Police.]

100

Notice of enlargement of recognizance (*M.C. Act*, 1952, *s.* 106; *M.C. Rules*, 1952, *r.* 67.)

In the [county of . Petty Sessional Division of].
Before the Magistrates' Court sitting at .
Take notice that by reason of the enlargement by this Court of the recognizance entered into by you on the day of , 19 , you, A.B., are bound in the sum of as principal, and you, G.H. [and J.K.], in the sum of [each] as suret , that you, the said principal, appear on the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to answer to the charge made against you, and unless you, the said principal, appear accordingly, payment of the said sums will forthwith be enforced by due process of law severally against you, the said principal, and you, the said suret .
Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
[*or* J.C.,
Clerk of the Magistrates' Court sitting at .]

101

Complaint for forfeiture of recognizance to keep the peace, etc. (*M.C. Act*, 1952, *s.* 96 (2); *M.C. Rules*, 1952, *r.* 4.)

In the [county of . Petty Sessional Division of].

The complaint of C.D., who [upon oath [*or* affirmation]] states that A.B. (*stating particulars of recognizance and breach of condition*).

Taken [and sworn [*or* affirmed]] before me this day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

102

Summons for forfeiture of recognizance (*M.C. Act*, 1952, *s.* 96; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To A.B., of .

[Complaint has this day been made before me, the undersigned Justice of the Peace, by that (*state shortly grounds of complaint*):]

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to show cause why the recognizance entered into on the day of , 19 , whereby you are bound to pay the sum of should not be forfeited.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

103

Notice of forfeiture of recognizance (*M.C. Act*, 1952, *s.* 96; *M.C. Rules*, 1952, *r.* 37.)

In the [county of . Petty Sessional Division of].

Before the Magistrates' Court sitting at .

To A.B., of .

Take notice that [on the complaint of C.D.] this Court has this day adjudged that the recognizance entered into by you on the day of , 19 , be forfeited and that you pay the sum of [and for costs] [by instalments of for every days, the first instalment of] the said sum[s] to be paid forthwith [*or* not later than the day of , 19].

Failure to pay forthwith [*or* on or before the appointed day[s]] will render you liable to *imprisonment for (*state period*) [*or* arrest] *or* your money and goods liable to distraint without further notice [unless you shall have been granted further time for payment. Application for the grant of further time may be made either in person to the Court or by letter addressed to me, the Clerk of the Court at (*insert address*) and stating fully the grounds on which the application is made].

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .

NOTE.—Any communication sent by post must be properly stamped.

* Delete reference to imprisonment if no term of imprisonment in default has yet been imposed.

104

Distress warrant : forfeited recognizance (M.C. Act, 1952, ss. 64, 96 ; M.C. Rules, 1952, rr. 37, 44, 72.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

A.B. was by his/her recognizance entered into on the day of , 19 , bound in the sum of :

And the condition of the said recognizance having been broken, it was on the day of , 19 , adjudged by the Magistrates' Court sitting at , that the said recognizance should be forfeited and that he/she should pay the said sum [*or* the sum of] [, and the further sum of for costs,] [by instalments of for every days, the first instalment of] the said sum[s] to be paid forthwith [*or* on the day of , 19]:

And notice of the said forfeiture having been served on the defendant and default having been made in payment:

You are hereby commanded forthwith to make distress of the money and goods of the said A.B. (except the wearing apparel and bedding of him/her and his/her family, and, to the value of five pounds, the tools and implements of his/her trade); and if the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the said A.B. consents in writing to an earlier sale, to sell the said goods, and pay the proceeds of the said distress to the Clerk of the said Court, and if no such distress can be found, to certify the same to the Court.

Dated the . day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

	£	s.	d.
Amount due under adjudication			
Paid			
Remaining due			
Cost of issuing this warrant			
Amount to be levied			

105

Commitment : forfeited recognizance (M.C. Act, 1952, s. 96 ; M.C. Rules, 1952, rr. 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .

A.B. was by his/her recognizance entered into on the day of , 19 , bound in the sum of :

And the condition of the said recognizance having been broken, it was on the day of , 19 , adjudged by the Magistrates' Court sitting at , that the said recognizance should be forfeited and that he/she should pay the said sum [*or* the sum of] [, and the further sum of for costs,] [by instalments of for every days, the first instalment of] the said sum[s] to be paid forthwith [*or* on the day of , 19]:

(Here follow the appropriate form of commitment for non-payment of fine substituting for any reference to conviction or fine a reference to the adjudication forfeiting the recognizance).

GENERAL

106

Summons to witness (*M.C. Act*, 1952, *s.* 77 ; *M.C. Rules*, 1952, *r.* 75.)

In the [county of . Petty Sessional Division of].

To E.F., of .

Information [*or* complaint] has been laid [*or* made] by that A.B. (*state shortly particulars of offence or complaint*):

And I, the undersigned Justice of the Peace, being satisfied that you are likely to be able to [give material evidence] [and] [produce the undermentioned document[s] or thing[s] likely to be material evidence] therein and that you will not voluntarily attend for that purpose:

You are therefore hereby summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to [give evidence therein] [and] [produce the following document[s] or thing[s]:—].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

107

Warrant for arrest of witness on failure to appear to summons (*M.C. Act*, 1952, *ss.* 77, 93 ; *M.C. Rules*, 1952, *rr.* 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

E.F. (hereinafter called the witness) was summoned to appear on day the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , on the hearing of an information [*or* complaint] against A.B., to [give evidence therein] [and] [produce the following document[s] or thing[s]:—].

And the witness has failed to attend in answer to the said summons and it appears to the Court that there is no just excuse for the failure:

And it is proved to the satisfaction of the Court by evidence on oath [*or* affirmation] that the witness is likely to be able to [give material evidence] [and] produce the document[s] or thing[s] aforesaid] on the said hearing, and [and it is further proved by declaration [*or* certificate]] that he/she has been duly served with the said summons and has been paid [*or* had tendered to him/her] a reasonable sum for his/her costs and expenses in that behalf.

You are hereby commanded to bring the witness forthwith [*or* on day the day of , 19 , at the hour of in the noon], before the Magistrates' Court sitting at , to [give evidence in the said matter] [and] [produce the document[s] or thing[s] aforesaid].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

(*Endorsement where bail is allowed*)

It is directed that the witness on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance for the purpose above mentioned before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which such Court is open [*or* on the day of , 19].

J.P.,
Justice of the Peace for the [county] aforesaid.

108

Warrant for arrest of witness in first instance (M.C. Act, 1952, ss. 77, 93; M.C. Rules, 1952, rr. 72, 73.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of .

Information has been laid by that A.B. (*state shortly particulars of offence*):

And I, the undersigned Justice of the Peace, being satisfied by evidence on oath [*or* affirmation] that E.F. (hereinafter called the witness) is likely to be able to [give material evidence therein] [and] [produce the undermentioned document[s] or thing[s] likely to be material evidence therein,] and that he/she will not voluntarily attend for that purpose and that it is probable that a summons would not procure his/her attendance:

You are hereby commanded to bring the witness forthwith [*or* on day the day of , 19 , at the hour of in the noon], before the Magistrates' Court sitting at , to [give evidence in the said matter] [and] [produce the following document[s] or thing[s]:—].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.

(*Endorsement where bail is allowed*)

It is directed that the witness on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the sum of [each], for his/her appearance for the purpose above mentioned before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which the court is open [*or* on the day of , 19].

J.P.,
Justice of the Peace for the [county] first above mentioned.

109

Commitment of witness (M.C. Act, 1952, ss. 77, 109; M.C. Rules, 1952, rr. 71, 72, 74.)

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at [*or* to the Police Officer in charge of].

E.F. (hereinafter called the witness) having this day appeared [*or* been brought] before the Magistrates' Court sitting at , as a witness on the hearing of an information [*or* complaint] against A.B., refused without just excuse to be sworn [*or* to affirm] [*or* to give evidence] [*or* to produce the following document[s] or thing[s]:—].

You the said constables are hereby commanded to take the witness and convey him/her to the said prison [*or*], and there deliver him/her to the Governor thereof [*or* Police Officer in charge], together with this warrant; and you, the Governor of the said prison [*or* the Police Officer in charge of the said] to receive the witness into your custody, and keep him/her for (*state period*), unless he/she in the meantime consents to give evidence [*or* to produce the document[s] or thing[s] aforesaid].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.

110

Order to bring up prisoner before expiration of period of remand or in connection with recognizance (M.C. Act, 1952, ss. 91, 94, 105.)

In the [county of . Petty Sessional Division of].

To the Governor of Her Majesty's prison at [*or* to the Police Officer in charge of].

A.B. was committed to your custody under a warrant of commitment dated the day of , 19 , on remand until the day of , 19 , [*or (state other circumstances of commitment)*]:

[And it appears expedient to continue the hearing of the charge against the said A.B. before the expiration of the period of remand:]

You are hereby ordered to bring the said A.B. on the day of , 19 , at the hour of in the noon, before the Magistrates' Court sitting at , to be further dealt with according to law [*or* that he/she may enter into a recognizance with suret conditioned to keep the peace] [*or* that he/she may make an application under section ninety-four of the Magistrates' Courts Act, 1952] [, and may thereupon be released from your custody unless the Court shall otherwise order].

Dated the day of , 1952.

J.P.,
Justice of the Peace for the [county] aforesaid.

111

Declaration of service (M.C. Rules, 1952, r. 55.)

I, X.Y., of , hereby solemnly declare that I did on the day of , 19 , serve A.B., of , with the summons (*or other document, as the case may be*), of which a true copy is now shown to me and marked A, by delivering the said summons to him/her [*or* by leaving the said summons for him/her with at , being the said A.B.'s last [*or* usual] place of abode].

X.Y.

Declared before me the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
(*Or other description*)

112

Declaration as to handwriting and seal (M.C. Rules, r. 55.)

I, X.Y., of , hereby solemnly declare that the signature to the document now produced and shown to me, and marked A, is in the handwriting of of [and that the seal on the said document is the seal of].

X.Y.

Declared before me the day of , 19 .

J.P.,
Justice of the Peace for the [county] of .
(*Or other description*)

113

Certificate of service (*M.C. Rules*, 1952, *r.* 55 (2).)

(*Endorsement*)

I, X.Y., of , hereby certify that on the day of , 19 , I served A.B., of , with the summons (*or other documents, as the case may be*), of which this is a true copy, by delivering the said summons to him/her personally [together with the sum of for costs and expenses] [*or* and that I tendered to him/her the sum of for costs and expenses].

[*or* by leaving the said summons for him/her [, together with the sum of for costs and expenses,] with at being the said A.B.'s last [*or* usual] place of abode].

Dated the day of , 19 .

X.Y.

114

Certificate of service by post (*M.C. Rules*, 1952, *r.* 55 (2).)

(*Endorsement*)

I, X.Y., of , hereby certify that I served A.B. with the summons (*or other document, as the case may be*), of which this is a true copy, by sending the said summons by post to him/her in a prepaid [registered] letter posted by me at the Post Office situate at at o'clock in the noon on the day of , 19 , and addressed to A.B. at , being his/her last [*or* usual] place of abode.

Dated the day of , 19 .

X.Y.

115

Certificate of clerk of magistrates' court of non-payment of sums adjudged (*M.C. Act*, 1952, *s.* 79.)

I hereby certify that the payments due to me, on behalf of C.D., from A.B. under an order made by the Magistrates' Court sitting at , on the day of , 19 , under the (*state the Act under which the order was made*) have not been made to me in full, and that there is now in arrear the sum of [in respect of periodical payments [*or* instalments] due up to and including the day of , 19].

Dated the day of , 19 .

J.C.,

Clerk of the Magistrates' Court sitting at .

116

Declaration as to non-payment of sums adjudged (*M.C. Act*, 1952, *s.* 79.)

I, G.L., of , do solemnly and sincerely declare that the payments due to me from A.B., under an order made by the Magistrates' Court sitting at , on the day of , 19 , under (*state the Act under which the order was made*) have not been made to me in full, and that there is now in arrear the sum of [in respect of periodical payments [*or* instalments] due up to and including the day of , 19].

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the provisions of the Statutory Declarations Act, 1835.

G.L.

Declared at , the day of , 19 , before me,

J.P.,

Justice of the Peace for the [county] of

(*Or other description*)

117

Register (*M.C. Rules*, 1952, *r.* 54.)

In the [county of . Petty Sessional Division of].
Register of the Magistrates' Court sitting at .
The day of , 19 .

*Number (1)	Name of informant or complainant (2)	Name of defendant. Age, if known (3)	Nature of offence or matter of complaint (4)	Date of offence or matter of complaint (5)	Plea or consent to order (6)	Minute of adjudication (7)	Time allowed for payment and instalments (8)

(*Signature*).....
Justice of the Peace for the [county] of .
A Justice adjudicating.

* Where separate registers are kept for criminal and civil proceedings these headings will be modified accordingly.

118

Extract from register proving proceeding of a magistrates' court (*M.C. Rules*, 1952, *r.* 56.)

In the [county of . Petty Sessional Division of].
Memorandum of a conviction [*or* order] (*or other proceeding*) entered in the Register of the Magistrates Court sitting at , the day of , 19 .

Name of informant or of complainant	Name of defendant. Age, if known	Nature of offence or matter of complaint	Date of offence or matter of complaint	Plea or consent to order	Minute of adjudication	Time allowed for payment and instalments

I certify the above extract to be a true copy.

J.C.,
Clerk of the said Magistrates' Court.

Dated the day of , 19 .

119

Case stated (M.C. Act, 1952, s. 87 ; M.C. Rules, 1952, rr. 62, 64.)

In the High Court of Justice
Queen's Bench Division

Between A.B., Appellant

and

C.D., Respondent.

Case stated by Justices for the [county of , acting in and for the Petty Sessional Division of], in respect of their adjudication as a Magistrates' Court sitting at .

CASE

1. On the day of , 19 , an information [*or* complaint] was preferred by the appellant [*or* respondent] against the respondent [*or* appellant] that he/she (*state shortly particulars of information or complaint and refer to any relevant statutes*).

2. We heard the said information [*or* complaint] on the day of , 19 , and found the following facts:—(*set out in separate lettered paragraphs*)

*[The following is a short statement of the evidence:—(*set out so as to show relevant evidence given by each witness*)]

†3. It was contended by the appellant that

†4. It was contended by the respondent that

5. We were referred to the following cases

6. We were of opinion that (*state grounds of decision*) and accordingly (*state decision including any sentence or order*)

QUESTION

7. The question for the opinion of the High Court is

Dated the day of , 19 .

E.F.,

G.H.,

Justices of the Peace for the [county] aforesaid [on behalf of all the Justices adjudicating].

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* Insert only if the opinion of the High Court is sought whether there was evidence upon which the Magistrates' Court could come to its decision.

† Only a brief summary should be given.