1962 No. 1592 (L. 15)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) Rules 1962

Made - - - -	*25th July* 1962
Laid before Parliament	1*st August* 1962
Coming into Operation	1*st October* 1962

I, The Right Honourable Reginald Edward, Baron Dilhorne, Lord High Chancellor of Great Britain, in exercise of the power conferred on me by section 15 of the Justices of the Peace Act 1949(a), as extended by section 122 of the Magistrates' Courts Act 1952(b), do hereby, after consultation with the Rule Committee appointed under the said section 15, make the following Rules:—

1. The forms contained in the Schedule to these Rules or forms to the like effect may be used in magistrates' courts, with such variation as the circumstances may require, in connection with proceedings to which section 12, 15, 16 or 17 of the Criminal Justice Act 1961(c) applies.

2. These Rules may be cited as the Magistrates' Courts (Forms) Rules 1962 and shall come into operation on 1st October 1962.

Dated 25th July 1962.

Dilhorne, C.

SCHEDULE

FORMS

1

Order of return to borstal institution (*C.J. Act* 1961, *s.* 12.)

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

Before the Magistrates' [*or* Juvenile] Court sitting at .

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 (*state shortly particulars of offence*), which offence is punishable on summary conviction in the case of an adult with imprisonment:

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) 9 & 10 Eliz. 2. c. 39.

And the defendant having been sentenced to borstal training is under supervision after his/her release from a borstal institution [*or* and, having become unlawfully at large from a borstal institution, has not returned or been returned thereto]:

[The Court having considered the Prison Commissioners' report on his/her response to the training already undergone:]

It is ordered that the defendant for his/her offence be returned to a borstal institution:

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 order; and you, the Governor of the said prison, to receive the defendant into your custody and keep him/her until he/she shall be duly transferred to one of Her Majesty's borstal institutions there to be detained in accordance with section 12 (2) of the Criminal Justice Act 1961.

Dated the day of , 19 .

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

2

Warrant for temporary removal from approved school (*C.J. Act* 1961, *s.* 15 (1).)

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

To each and all of the constables of .

[And to the Managers of the approved school at .]

[And to the Governor of the remand centre at .]

[And to the Superintendent of the remand home at .]

[And to the Officer in charge of the police station at .]

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 (not being one of the Managers of the approved school at) by , on behalf of the Managers of the said approved school, that A.B. (hereinafter called the defendant) who is detained in that school is unruly or subversive there:

And it appears to me that the defendant has attained the age of fifteen years, having been born, so far as has been ascertained, on the day of , 19 :

And it appears to me that the defendant is so seriously unruly [and] [*or* subversive] that it is necessary for maintaining the discipline of the school that he/she should forthwith be removed therefrom pending inquiry as to the best means of dealing with him/her:

[And I have been informed that arrangements have been made for the reception of the defendant in (*state name of institution*):]

You, the said constables, are hereby commanded to convey the defendant to the approved school [*or* remand centre *or* remand home] at , and there deliver him/her to the Managers [*or* Governor *or* Superintendent] thereof together with this warrant; and you, the Managers [*or* Governor *or* Superintendent], to receive him/her into your custody and keep him/her for a period of twenty-eight days unless sooner dealt with according to law [*or* the

police station at and there deliver him/her to the Officer in charge of the said police station together with this warrant; and you, the said Officer, to receive him/her into your custody and keep him/her for a period of forty-eight hours unless sooner dealt with according to law pending his/her further removal pursuant to an endorsement of this warrant]:

And if at the expiration of the said period of twenty-eight days [*or* forty-eight hours], the defendant has not been otherwise dealt with according to law, you, the Managers [*or* Governor *or* Superintendent of the last-mentioned institution *or* Officer in charge of the said police station] are further commanded to arrange for the conveyance of the defendant forthwith to the approved school at (*insert name of approved school from which defendant was removed*).

Dated the day of , 19 .

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

(*Endorsement after removal to police station*)

I have been informed that arrangements have been made for the reception of the defendant in (*state name of institution*):

You, the said constables, are hereby commanded to convey the defendant to the approved school [*or* remand centre *or* remand home] at and there deliver him/her to the Managers [*or* Governor *or* Superintendent] thereof together with this warrant and endorsement:

And you, the Managers [*or* Governor *or* Superintendent] to receive him/her into your custody and keep him/her for a period of twenty-eight days unless sooner dealt with according to law:

And if at the expiration of the said period of twenty-eight days the defendant has not been otherwise dealt with according to law, you, the Managers [*or* Governor *or* Superintendent] are further commanded to arrange for the conveyance of the defendant forthwith to the approved school at (*insert name of school from which defendant was removed*).

Dated the day of , 19 .

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

3

Warrant for further removal after temporary removal from approved school (*C.J. Act* 1961, *s.* 15 (4).)

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

To each and all of the constables of [*or* to (*insert name of person* (*if any*) *ordered to remove defendant*)] and to the Managers of the approved school [*or* Governor of the remand centre *or* Superintendent of the remand home] at

A.B. (hereinafter called the defendant) has been removed from the approved school at to the approved school [*or* remand centre *or* remand home] at in pursuance of a warrant under section 15 (1) of the Criminal Justice Act 1961:

And I have been informed that arrangements have been made for the reception of the defendant in (*state name of institution*):

You, the said constables [*or* you (*insert name of person ordered to remove defendant*)], are hereby commanded to convey the defendant to the approved school [*or* remand centre *or* remand home] at and there deliver him/her to the Managers [*or* Governor *or* Superintendent] thereof together with this warrant; and you, the Managers [*or* Governor *or* Superintendent], to receive him/her into your custody and keep him/her for the remainder of the period of twenty-eight days commencing with the day of , 19 , unless sooner dealt with according to law:

And if at the expiration of the said period of twenty-eight days the defendant has not been otherwise dealt with according to law, you the Managers [*or* Governor *or* Superintendent] are further commanded to arrange for the conveyance of the defendant forthwith to the approved school at (*insert name of approved school from which defendant was first removed*).

Dated the day of , 19 .

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

4

Order of removal from approved school to borstal institution
(*C.J. Act* 1961, *s.* 16 (2).)

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

Before the Magistrates' [*or* Juvenile] Court sitting at .

To each and all of the constables of ,
and to the Governor of the borstal institution at :

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of fifteen years [and to be under the age of seventeen years], having been born, so far as has been ascertained, on the day of , 19 , has, with the consent of the Secretary of State, been brought before the Court by the Managers of the approved school at , where the defendant is detained as an offender within the meaning of section 16 (5) of the Criminal Justice Act 1961:

The Court, having regard to the defendant's conduct while in that school [and] [*or* in the approved school], is satisfied that his/her continued detention in an approved school would be ineffective for the purposes of his/her own reformation [and] [*or* would be detrimental to the training or welfare of other persons therein] and is of opinion that it is in his/her interests that he/she should receive training in a borstal institution:

It is ordered that the defendant be removed to the borstal institution at

You, the said constables, are hereby commanded to convey the defendant to the said borstal institution and there deliver him/her to the Governor thereof, together with this order; and you, the Governor of the said borstal institution, to receive the defendant into your custody and keep him/her in accordance with the provisions of section 16 (3) of the Criminal Justice Act 1961.

Dated the day of , 19 .

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

5

Interim order on application for removal from approved school to borstal institution (C.J. Act 1961, s. 17 (2).)

In the [county of Petty Sessional Division of].

Before the Magistrates' [*or* Juvenile] Court sitting at

[To each and all of the constables of :]

To the Managers of the approved school [*or* Governor of the remand centre *or* Superintendent of the remand home] at .

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of fifteen years [and to be under the age of seventeen years], having been born, so far as has been ascertained, on the day of , 19 , has, with the consent of the Secretary of State, been brought before the Court by the Managers of the approved school at , where the defendant is detained as an offender within the meaning of section 16 (5) of the Criminal Justice Act 1961:

The Court not being in a position to decide whether to make an order under the said section 16 in his/her case:

[And the Court having been informed that arrangements have been made for the reception of the defendant in (*state name of institution*):]

[You, the Managers of the said approved school [*or* Governor of the said remand centre *or* Superintendent of the said remand home] at are hereby commanded to detain the defendant for a period of [twenty-one] days from the day of , 19 , unless sooner dealt with according to law:]

[You, the said constables, are hereby commanded to convey the defendant to the approved school [*or* remand centre *or* remand home] at , and there deliver him/her to the Managers [*or* Governor *or* Superintendent] thereof together with this order:

And you, the Managers [*or* Governor *or* Superintendent] of the said approved school [*or* remand centre *or* remand home] to receive him/her into your custody and keep him/her for a period of [twenty-one] days from the day of , 19 , unless sooner dealt with according to law:]

[You, the said constables, are hereby commanded to convey the defendant to the police station at and there deliver him/her to the Officer in charge of the said police station together with this order; and you, the said Officer, to receive him/her into your custody and keep him/her for a period of forty-eight hours unless sooner dealt with according to law, pending his/her further removal pursuant to an endorsement of this order:]

And unless otherwise sooner ordered you, the said constables [*or* Managers *or* Governor *or* Superintendent], are further commanded to convey [*or* to arrange for the conveyance of] the defendant on the 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 for variation and extension of interim order*)

The Court has been informed that arrangements have been made for the reception of the defendant in (*state name of institution*):

[And the Court is still not in a position to decide whether to make an order under section 16 of the Criminal Justice Act 1961 in his/her case:]

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

[You, the said constables, are hereby commanded to convey the defendant to the approved school [*or* remand centre *or* remand home] at , and there deliver him/her to the Managers [*or* Governor *or* Superintendent] thereof together with this order and endorsement:]

And you, the Managers [*or* Governor *or* Superintendent] are commanded to [receive the defendant into your custody and] keep the defendant until the day of , 19 , unless sooner dealt with according to law; and unless otherwise sooner ordered you, the said constables [*or* Managers *or* Governor *or Superintendent*] are further commanded to convey [*or* to arrange for the conveyance of] the defendant on that day 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.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

These Rules prescribe forms for use in magistrates' courts on the reconviction of a person sentenced to borstal training and on application for the removal of a person from an approved school or for his transfer from there to a borstal institution.