STATUTORY INSTRUMENTS

1963 No. 1263 (L. 11)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) Rules 1963

Made - - - -	17*th July* 1963
Laid before Parliament	24*th July* 1963
Coming into Operation	1*st August* 1963

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. For forms 36, 39 and 51 in the Schedule to the Magistrates' Courts (Forms) Rules 1952(c), as amended(d), there shall be substituted the forms numbered 36, 39, 51 and 51A in the Schedule to these Rules.

2. These Rules may be cited as the Magistrates' Courts (Forms) Rules 1963 and shall come into operation on 1st August 1963.

Dated 17th July 1963.

Dilhorne, C.

SCHEDULE

FORMS TO BE SUBSTITUTED IN THE MAGISTRATES' COURTS (FORMS) RULES 1952

36

Commitment to Sessions: borstal case (*M.C. Act* 1952, *s.* 28; *C.J. Act* 1948, *s.* 20; *C.J. Act* 1961, *s.* 1; *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 the remand centre at [*or* 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 fifteen and under twenty-one years of age:

(a) 12, 13 & 14 Geo. 6. c. 101. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
(c) S.I. 1952/2191 (1952 II, p. 1619). (d) There are no relevant amending instruments.

And the Court is of opinion, having regard to the circumstances of the offence and taking into account the defendant's character and previous conduct, that it is expedient that he/she should be detained for training for not less than six months [and, he/she being then under seventeen years of age, that no other method of dealing with him/her is appropriate]:

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 the said remand centre [*or* Her Majesty's prison aforesaid] and there deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, to receive the defendant into your custody and keep him/her until the next 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.

39

Commitment to detention centre: offence (*C.J. Act* 1961, *s.* 4; *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 the statutory restrictions upon the imprisonment of young offenders have 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 defendant being a person who is serving/has served a sentence of imprisonment of not less than six months [*or* of borstal training], the Court finds that there are special circumstances which warrant the making of this order in his/her case and has considered a report in respect of the defendant by or on behalf of the Secretary of State:]

[And the maximum term of imprisonment for which the Court could (or could but for any such restriction) pass sentence in his/her case exceeds three months:]

It is ordered that the defendant be detained in the detention centre aforesaid for [three] months:

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 end keep him/her for months.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

51

Commitment to detention centre: non-payment of fine: defaulter already detained in detention centre (*C.J. Act* 1961, *s.* 6.)

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 ...			

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 the defendant is at present detained in a detention centre under a previous sentence or warrant:

It is ordered that the defendant be detained in the detention centre at for (*state period*) unless the said sum[s] [*or* balance] be sooner paid:

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 the said 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

51A

Endorsement on warrant of commitment in default: defaulter in detention centre (C.J. Act 1961, s. 6(3).)

It has been made to appear to me that the aforementioned defendant is at present detained in the detention centre at . Accordingly I amend this warrant committing him/her to prison by substituting that detention centre for the prison named [and by reducing the term of imprisonment specified therein to six months].

Dated the day of , 19 .

J.P.,

Justice of the Peace for .

EXPLANATORY NOTE

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

These Rules provide for the revision of the prescribed forms of commitment for borstal sentence and commitment to detention centres to take account of the coming into force on 1st August 1963 of the amendments relating to these matters made in sections 1 and 4 to 6 of the Criminal Justice Act 1961 (9 & 10 Eliz. 2. c. 39).