STATUTORY INSTRUMENTS

1968 No. 1919 (L.19)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts (Forms) Rules 1968

Made - - - -	*27th November* 1968
Laid before Parliament	*17th December* 1968
Coming into Operation	*1st March* 1969

I, Gerald, Baron Gardiner, 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.—(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 15 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 1968 and shall come into operation on 1st March 1969.

Dated 27th November 1968.

Gardiner, C.

SCHEDULE

FORMS

TABLE OF CONTENTS

CRIMINAL PROCEDURE

FORMS COMMON TO INQUIRY BY EXAMINING JUSTICES AND SUMMARY TRIAL

1. Information.
2. Summons to defendant.
3. Warrant for arrest of defendant in first instance.
4. Commitment on remand.
5. Commitment on further remand of person in custody unable to appear through illness or accident.
6. Order for taking finger-prints and palm-prints of defendant.
7. Warrant for arrest of defendant on failure to surrender to bail.
8. Statement of witness.
9. Notice to defendant: proof by written statement.
10. Warrant for arrest of defendant on failure to appear to summons or issued before return date thereof.

(a) 1949 c. 101. (b) 1952 c. 55.

INQUIRY BY EXAMINING JUSTICES

11. Certificate of authentication of depositions and statements of witnesses and list of witnesses.
12. Statement of accused.
13. Warrant of commitment in custody for trial.
14. Order committing corporation for trial.
15. Notice to governor of prison of person committed on bail for trial.
16. Notice on committal for trial of person subject to transfer direction under s. 73 of Mental Health Act 1959.
17. Witness order.
18. Notice to witness that a witness order is to be treated as a conditional order.
19. Notice directing witness to appear at a court other than that specified in his witness order.
20. Notice to witness subject to conditional witness order that accused has been committed for trial to some other court.
21. Notice to witness that accused has not been committed for trial.
22. Notice requiring attendance of witness subject to conditional witness order.
23. Notice of provisions of s. 11 of Criminal Justice Act 1967.
24. Certificate in respect of alibi warning.
25. List of exhibits.
26. Warrant to arrest person indicted.
27. Warrant of commitment of person indicted.
28. Warrant of commitment of person indicted who is already in custody.

SUMMARY TRIAL

29. Notice to defendant: plea of guilty in absence.
30. Statement of facts.
31. Notice of intention to cite previous convictions.
32. Warrant for arrest of defendant on failure to appear before evidence has been received.
33. Warrant for arrest on failure to appear after evidence has been received where defendant at large otherwise than on bail.
34. Commitment on remand after conviction or for medical examination.
35. Hospital order.
36. Guardianship order.
37. Order of dismissal of information.
38. Order for absolute discharge.
39. Conviction: imprisonment.
40. Conviction: fine.
41. Commitment to Sessions: borstal case.
42. Commitment to Sessions for sentence.
43. Commitment to Sessions for restriction order.
44. Commitment to Sessions for restriction order or sentence.
45. Order of admission to hospital pending restriction order.
46. Commitment: sentence of imprisonment.
47. Commitment to detention centre: offence.
48. Order of return to borstal.

ENFORCEMENT OF FINES

49. Notice of fine.
50. Distress warrant.
51. Return of insufficient distress.
52. Account of charges incurred on distress warrant.
53. Commitment on occasion of conviction.
54. Commitment on occasion subsequent to conviction where imprisonment fixed by magistrates' court at time of conviction.
55. Summons to defaulter: fine.
56. Warrant for arrest of defaulter: fine.
57. Commitment where imprisonment not imposed by magistrates' court on occasion of conviction.

58. Commitment to detention centre: non-payment of fine: defaulter already detained in detention centre.
59. Endorsement on warrant of commitment in default: defaulter in detention centre.
60. Warrant for detention in police cells, etc.
61. Warrant for detention in police station.
62. Transfer of fine order.
63. Transfer of fine order to Scotland.
64. Further transfer of fine order.
65. Notice of transfer of fine order.
66. Notice of order of supervision: fine.
67. Authority for clerk of magistrates' court to enforce payment of fine in High Court or County Court.

PROBATION AND CONDITIONAL DISCHARGE

68. Probation order.
69. Order for conditional discharge.
70. Summons to probationer on application to amend probation order.
71. Order amending probation order.
72. Order discharging probation order.
73. Order substituting conditional discharge for probation.
74. Information for breach of requirement of probation order.
75. Summons for breach of requirement of probation order.
76. Warrant for breach of requirement of probation order.
77. Remand of probationer to Assizes or Sessions on breach of requirement of probation order.
78. Certificate that probationer has failed to comply with requirement of probation order.
79. Order on failure to comply with requirement of probation order.
80. Commitment on failure to comply with requirement of probation order.
81. Information on commission of further offence during probation period or period of conditional discharge.
82. Summons on commission of further offence during probation period or period of conditional discharge.
83. Warrant on commission of further offence during probation period or period of conditional discharge.
84. 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.
85. Order in respect of original offence on commission of further offence during probation period or period of conditional discharge.
86. Commitment on commission of further offence during probation period or period of conditional discharge.

SUSPENDED SENTENCES

87. Conviction: suspended sentence.
88. Information on commission of further offence during operational period of suspended sentence.
89. Summons on commission of further offence during operational period of suspended sentence.
90. Warrant on commission of further offence during operational period of suspended sentence.
91. Commitment to Assizes or Sessions on commission of further offence during operational period of suspended sentence.
92. Order that suspended sentence shall take effect.
93. Commitment on commission of further offence during operational period of suspended sentence.
94. Order varying suspended sentence.

Miscellaneous

95. Commitment to higher court: summary offence, etc.
96. Notice to governor of prison of person committed on bail to higher court otherwise than for trial.
97. Order of removal from approved school to borstal.
98 Interim order on application for removal from approved school to borstal.

CIVIL PROCEDURE

Orders other than Civil Debt

99. Complaint.
100. Summons to defendant.
101. Domestic proceedings: report by probation officer of attempted conciliation.
102. Order of dismissal of complaint.
103. Order on complaint.
104. Summons to defaulter: rate.
105. Warrant for arrest of defaulter: rate.

Civil Debt

106. Complaint: civil debt.
107. Summons to defendant: civil debt.
108. Order: civil debt.
109. Complaint to enforce order: civil debt.
110. Judgment summons.
111. Distress warrant: civil debt.
112. Commitment: civil debt.

Periodical Payments: Variation, etc.

113. Complaint to vary, etc., order for periodical payments.
114. Summons to vary, etc., order for periodical payments.
115. Order varying, etc., order for periodical payments.

RECOGNIZANCES

116. Order of recognizance to keep the peace, etc.
117. Summons to vary sureties, etc.
118. Order varying order for sureties.
119. Recognizance: general.
120. Notice of recognizance to principal and sureties.
121. Recognizance of witness and surety.
122. Notice of recognizance to witness.
123. Certificate of amount and conditions of recognizance.
124. Certificate of ability of surety to pay.
125. Notice of recognizance having been entered into.
126. Notice of enlargement of recognizance.
127. Complaint for forfeiture of recognizance to keep the peace, etc.
128. Summons for forfeiture of recognizance.
129. Notice of forfeiture of recognizance.
130. Distress warrant: forfeited recognizance.
131. Commitment: forfeited recognizance.

GENERAL

132. Summons to witness.
133. Warrant for arrest of witness on failure to appear to summons.
134. Warrant for arrest of witness in first instance.
135. Commitment of witness.

136. Commitment of witness after failure to attend trial or after High Court warrant.
137. Warrant for temporary removal from approved school.
138. Warrant for further removal after temporary removal from approved school.
139. Order to bring up prisoner before expiration of period of remand or in connection with recognizance.
140. Declaration of service.
141. Declaration as to handwriting and seal.
142. Certificate of service.
143. Certificate of service by post.
144. Certificate of clerk of magistrates' court of non-payment of sums adjudged.
145. Declaration as to non-payment of sums adjudged.
146. Register.
147. Extract from register proving proceeding of a magistrates' court.
148. Case stated.

CRIMINAL PROCEDURE

Forms Common to Inquiry by Examining Justices and Summary Trial

1

*Information (*M.C. Act* 1952, *s.* 1 ; *M.C. Rules* 1968, *r.* 1.)

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* 1968, *r.* 81.)

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 [*or state name*] 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.

[*or* This summons was issued by the above named justice of the peace.

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

3

Warrant for arrest of defendant in first instance (M.C. Act 1952, *ss.* 1, 93 ; *C.J. Act* 1967, *s.* 24 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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*) being an offence punishable with imprisonment [*or* being an indictable offence] [*or* and that the address of the defendant is not sufficiently established for a summons to be served on him]:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

4

Commitment on remand (M.C. Act 1952, *ss.* 6, 14, 105 ; *C.J. Act* 1967, *s.* 18 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] at .

[*or* To constable[s] of .]

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

And the court decided to adjourn the hearing and remand the defendant:

You, the said constables [*or* X.Y.], are hereby commanded to convey the defendant, to the said prison [*or* remand centre] and there deliver him/her to the Governor thereof, together with this warrant ; and you, the said Governor, 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.

[*or* You, the said constable[s] are hereby commanded to receive the defendant 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 shall be otherwise ordered in the meantime.]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, 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. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

5

Commitment on further remand of person in custody unable to appear through illness or accident (*M.C. Act* 1952, *s.* 106 ; *C.J. Act* 1967, *s.* 18 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To the Governor of Her Majesty's prison [*or* the remand centre] 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, 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. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

6

Order for taking finger-prints and palm-prints of defendant (*M.C. Act* 1952, *s.* 40 ; *C.J. Act* 1967, *s.* 33.)

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*):

[*or* A.B. (hereinafter called the defendant) appearing before this Court in answer to a summons for (*state shortly particulars of offence*) being an offence punishable with imprisonment:]

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 and palm-prints of the defendant be taken by a constable.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

7

Warrant for arrest of defendant on failure to surrender to bail (*M.C. Act* 1952, *ss.* 93, 97 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 38 [*or* 93] 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 , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

Dated the day of , 19 .

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

8

Statement of witness
(*C.J. Act* 1967, *ss.* 2, 9 ; *M.C. Rules* 1968, *r.* 58.)

STATEMENT OF (*name of witness*)

Age of witness (*if over* 21 *enter* " *over* 21 ")
Occupation of witness

Address

This statement [, consisting of pages each signed by me,] is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the day of , 19 . A.B.

[A.B. being unable to read the above statement I, C.D. of , read it to him before he signed it.

Dated the day of , 19 . C.D.]

NOTE. Wherever possible statements should be on foolscap paper. If statements are typed double spacing should be used. One side only of the paper should be used ; a space should be left at the top of the first page for headings to be entered by the clerk of the court ; and each page should have a wide margin on the left.

9

Notice to defendant: proof by written statement
(C.J. Act 1967, *ss.* 2, 9 ; *M.C. Rules* 1968, *r.* 58.)

To A.B., of .

On the day of , 19 , the Magistrates' Court sitting at will hear evidence relating to the following charge[s] against you.

This offence [*or* these offences] may only be tried before a jury [*or* may be tried before a jury or by the Magistrates' Court] [*or* may be tried by the Magistrates' Court].

Written statements have been made by the witnesses named below and copies of their statements are enclosed. Each of these statements will be tendered in evidence before the magistrates unless you want the witness to give oral evidence. If you want any of these witnesses to give oral evidence you should inform me as soon as possible. If [*you do not do so within 7 days of receiving this notice and the offence[s] is/are tried by the Magistrates' Court you will lose your right to prevent the statement being tendered in evidence and you will be able to require the attendance of the witness only with the leave of the Court. If the offence[s] is/are not tried by the Magistrates' Court this time limit will not apply but if] you have not informed me that you want the witness to attend he will not be present when you appear before the magistrates and delay and expense will be caused if he has then to be called.

[†A [prepaid] reply form [and prepaid envelope] is/are enclosed and it will help to save time and expense if you reply whether or not you wish any of these witnesses to give oral evidence.

If you intend to consult a solicitor about your case you should do so at once and hand this notice and the statements to him so that he may deal with them.]

Names of witnesses whose statements are enclosed—

Address any reply to:—

(Signed) .....

[On behalf of the Prosecutor.]

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* Omit if offence cannot be tried by magistrates' court.
† Omit if documents are sent to defendant's solicitor.

10

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* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

INQUIRY BY EXAMINING JUSTICES

11

Certificate of authentication of depositions and statements of witnesses and list of witnesses (*C.J. Act* 1925, *s.* 13 ; *M.C. Act* 1952, *ss.* 4, 78 ; *C.J. Act* 1967, *s.* 7 ; *M.C. Rules* 1968, *rr.* 4, 10.)

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

Before the Magistrates' Court sitting as Examining Justices at , A.B. having been committed for trial to the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at charged with the offence[s] specified in Schedule 1 hereto.

[I hereby certify that the (*state number*) depositions of the witnesses whose names are listed in Part I of Schedule 2 hereto were taken and sworn before me in the presence and hearing of the said A.B. on the day of , 19 , [and the day of , 19 ,] and that he/she or his/her counsel or solicitor had full opportunity of cross-examining each of the witnesses called for the prosecution.]

[I hereby [further] certify that the (*state number*) statements purporting to be signed by the persons whose names are listed in Part II of Schedule 2 hereto were tendered in evidence under section 2 of the Criminal Justice Act 1967 in the said proceedings.]

Dated the day of , 19 .

J.P.,

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

SCHEDULE 1

(Specify charge(s) on which accused was committed.)

SCHEDULE 2

PART I

Depositions

Name of witness	Address	Occupation	Witness order (*w*) Conditional witness order or direction given that witness order be treated as conditional order(*c*)	If notice given requiring attendance at trial of witness subject to conditional order give date of notice	Page No.

PART II

Written statements

Name of witness	Address	Occupation	Witness order (*w*) Conditional witness order or direction given that witness order be treated as conditional order(*c*)	If notice given requiring attendance at trial of witness subject to conditional order give date of notice	Page No.

12

Statement of accused (*M.C. Rules* 1968, *r.* 4.)

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 or their written statements tendered in evidence:

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

The accused was then addressed by the Court in accordance with Rule 4 of the Magistrates' Courts Rules 1968, 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. Anything you say will be taken down and may be given in evidence at your trial. You should take no notice of any promise or threat which any person may have made to persuade you to say anything."

and asked whether he wished to say anything in answer to the charge.

[*or* The accused, being represented by counsel or a solicitor, was asked whether he wished to say anything in answer to the charge.]

Whereupon the accused said as follows:—[*or* made 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.

13

Warrant of commitment in custody for trial (*M.C. Act* 1952, *ss.* 7, 26; *M.C. Rules* 1968, *rr.* 73, 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] 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 [*or* X.Y.] are hereby commanded to convey the accused to the said prison [*or* remand centre] and there deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the accused may be bailed by recognizance 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. [The accused's recognizance shall be subject to the following [additional] condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

14

Order committing corporation for trial (*M.C. Act* 1952, *s.* 7, *Sch.* 2.)

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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

15

Notice to governor of prison of person committed on bail for trial (M.C. Rules 1968, *r.* 8.)

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

To the Governor of Her Majesty's prison [*or* the remand centre] 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	
Committing Court	

Bailed this day of , 19 .

J.C.,
Clerk of the Court.

16

Notice on committal for trial of person subject to transfer direction under s. 73 *of Mental Health Act* 1959 (*M.C. Rules* 1968, *r.* 9.)

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

To the Governor of Her Majesty's prison at and to the Managers of the Hospital at .

The undermentioned person, being subject to a transfer direction under section 73 of the Mental Health Act 1959, and detained at the above mentioned hospital, was this day committed in custody 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	
Committing Court	

Dated this day of , 19 .

J.C.,
Clerk of the Court.

17

Witness order (*C.P.* (*A. of W.*) *Act* 1965, *s.* 1(1); *M.C. Rules* 1968, *r.* 5(1).)

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

To C.D., of .

You are hereby ordered [if notice is later given to you to that effect]* to attend and give evidence at the trial of A.B. before the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at or, if you are so directed, at such other Court as may be notified to you.

Dated the day of , 19 .

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

NOTE.—Under section 3(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965, a person who disobeys a witness order without just excuse may be punished with imprisonment not exceeding 3 months and a fine.

* Delete unless the order is a conditional order.

18

Notice to witness that a witness order is to be treated as a conditional order (*C.P.* (*A. of W.*) *Act* 1965, *s.* 1(2)(*b*); *M.C. Rules* 1968, *r.* 5(2).)

Whereas you, C.D., of , were on the day of , 19 , ordered to attend 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 at 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 that order be treated as a conditional order:

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 witness to appear at a court other than that specified in his witness order (M.C. Rules 1968, *r.* 5(3).)

Whereas you, C.D., of , were on the day of , 19 , ordered to attend 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 attend at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at .

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 subject to conditional witness order that accused has been committed for trial to some other court (M.C. Rules 1968, *r.* 5(3).)

Whereas you, C.D., of , were on the day of , 19 , ordered to attend, upon notice being given to 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 attend at the first above mentioned Court, but that you may receive notice to attend 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 attend 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 1968, *r.* 5(4).)

Whereas you, C.D., of , were on the day of , 19 , ordered to attend [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 attend 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 subject to conditional witness order (*M.C. Rules* 1968, *r.* 6(1).)

Whereas you, C.D., of , were by a witness order dated the day of , 19 , ordered to attend* upon notice being given to you at the Court specified in the order and there to give evidence at the trial of A.B.:

[*Or* (*where the Court has directed that the witness order be treated as a conditional order 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 at 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 attend at the next Court of Assize [*or* Quarter Sessions] for the [county] of , to be held at , and there to give evidence accordingly.

Dated the day of , 19 .

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

NOTE.—Under section 3(1) of the Criminal Procedure (Attendance of Witnesses) Act 1965, a person who disobeys a witness order without just excuse may be punished with imprisonment not exceeding 3 months and a fine.

23

Notice of provisions of s. 11 *of Criminal Justice Act* 1967 (*C.J. Act* 1967, *s.* 11; *M.C. Rules* 1968, *rr.* 3(5), 4(13).)

PARTICULARS OF ALIBI

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

To A.B., of .

If you wish to raise an alibi defence at your trial you should read this notice carefully and if you intend to consult a solicitor you should show it to him at once.

Section 11 of the Criminal Justice Act 1967 provides that a defendant who is tried before a jury shall not (without the leave of the court) give evidence himself, or call witnesses in support, of an alibi unless he has given particulars of the alibi and of the witnesses as required by that section. To comply with section 11 the defendant must—

1. give notice of the particulars in the magistrates' court (the time for doing this has passed in your case) or *to the solicitor for the prosecution before the end of the period of seven days from the end of the proceedings in the magistrates' court; and*

2. include in the notice particulars of the alibi and the name and address of any witness whom he proposes to call in support of the alibi.

If the defendant is unable to give the name and address of a witness in the notice, he must include in it any information in his possession which might help to find the witness and must take all reasonable steps to enable the name

and address to be discovered. If the name or address of a witness was not included in the notice but the defendant subsequently discovers the name or address or other information which might help to find the witness, he must immediately give notice to the solicitor for the prosecution of the name, address or other information. If the defendant is notified by or on behalf of the prosecutor that a witness has not been traced by the name or at the address given by the defendant, he must forthwith give notice to the solicitor for the prosecution of any information then in his possession or subsequently received by him which might help to find the witness.

Any notice required to be given by the defendant to the solicitor for the prosecution as mentioned above must be in writing and delivered to the solicitor or left at his office or sent in a registered letter or by the recorded delivery service addressed to him at his office.

"Evidence in support of an alibi" means "evidence tending to show that by reason of the presence of the defendant at a particular place or in a particular area at a particular time he was not, or was unlikely to have been, at the place where the offence is alleged to have been committed at the time of its alleged commission".

The name and address of the solicitor for the prosecution in your case is .

J.C.,

Clerk of the Magistrates' Court sitting at .

24

Certificate in respect of alibi warning (*C.J. Act* 1967, *s.* 11; *M.C. Rules* 1968, *rr.* 3(4), 4(9), 10(2)(i).)

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

I hereby certify that A.B. (who on the day of , 19 , was committed by the Magistrates' Court sitting at for trial at the next Court of Assize [*or* Quarter Sessions] for the [county] of) was [not] informed by the Court of the requirements of section 11 of the Criminal Justice Act 1967 and that he gave to the Court no [*or* the following] particulars of an alibi:—

Dated the day of , 19 .

J.C.,

Clerk of the Court.

25

List of exhibits (*M.C. Rules* 1968, *r.* 10(2)(*g*).)

R.v.

Number on exhibit	Short description of exhibit	Produced by prosecution (P) or defence (D)	Name and address of person retaining exhibit where exhibit is not sent to court of trial
1.			
2.			

J.C.,

Clerk to committing Justice[s].

26

Warrant to arrest person indicted (*M.C. Act* 1952, *s.* 12 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

Dated the day of , 19 .

J.P.,

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

27

Warrant of commitment of person indicted (*M.C. Act* 1952, *s.* 12 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] 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 [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] and there deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance 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. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

28

Warrant of commitment of person indicted who is already in custody (*M.C. Act* 1952, *s.* 12 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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 [*or* affirmation] 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 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*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 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. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

SUMMARY TRIAL

29

Notice to defendant: plea of guilty in absence

(*M.C. Act* 1957, *s.* 1(1)(*i*).)

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

To A.B., of .

PLEASE READ THIS NOTICE CAREFULLY

If you admit the offence[s] referred to in the summons[es] served herewith and do not wish to appear before the Court, it is open to you under section 1 of the Magistrates' Courts Act 1957, to inform the Clerk of the Court in writing that you wish to plead guilty to the charge[s] without appearing. If you decide to do this, you should write to the Clerk in time for him to receive your reply at least three days before the date fixed for the hearing in order to avoid the unnecessary attendance of witnesses. In writing to the Clerk you should mention any mitigating circumstances which you wish to have put before the Court. A form which you can use for writing to the Clerk is enclosed.

If you send in a written plea of guilty, the enclosed Statement[s] of Facts and your statement in mitigation will be read out in open Court before the Court decides whether to accept your plea and hear and dispose of the case in your absence. Unless the Court adjourns the case after accepting your plea and before sentencing you (in which case you will be informed of the time and place of the adjourned hearing so that you may appear) the prosecution will not be permitted to make any statement with respect to any facts relating to the offence[s] other than the Statement[s] of Facts.

If you send in a written plea of guilty but the Court decides not to accept the plea, the hearing will be adjourned and you will be informed of the time and place of the adjourned hearing. The case will then be heard as if you had not sent in a written plea of guilty.

* [A notice from the Department of Health and Social Security claiming certain contributions is also served herewith. If, in addition to pleading guilty to the charge[s] referred to in the summons[es], you wish to admit failing to pay the contributions specified in the notice or any of them, it is open to you so to inform the Clerk in writing. If you use the enclosed form to plead guilty, you may use it also to admit failing to pay the contributions specified in the notice.]

If you send in a written plea of guilty you may, if you wish, withdraw it by informing the Clerk of the withdrawal at any time before the hearing.

Neither this notice nor any reply you may send limits your right to appear before the Court at the time fixed for the hearing, either in person or by counsel or a solicitor, and then to plead guilty or not guilty as you may desire; if after sending in a written plea of guilty you do so appear, or if you inform the Clerk before the hearing of the withdrawal of your written plea, the case will be heard as if you had not sent it in. If after sending in a written plea of guilty you wish to appear and plead not guilty you will avoid delay and expense by informing the Clerk immediately of your change of intention: unless you do inform the Clerk in good time there will have to be an adjournment to allow the prosecution to bring their witnesses to Court.

NOTES

1. If you want any more information you may get in touch with the Clerk of the Court.

2. If you intend to consult a solicitor you would be well advised to do so before taking any action in response to this notice.

3. Address any letter to

The Clerk of the Magistrates' Court

(*set out address*)

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* To be inserted only in cases to which it applies.

30

Statement of facts
(*M.C. Act* 1957, *s.* 1(1)(ii).)

To A.B., of (*state age and occupation if known*).

If you inform the Clerk of the Court that you wish to plead guilty to the charge of , set out in the summons served herewith, without appearing before the Court and the Court proceeds to hear and dispose of the case in your absence under section 1 of the Magistrates' Courts Act 1957, the following Statement of Facts will be read out in open Court before the Court decides whether to accept your plea. If your plea of guilty is accepted the Court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the prosecutor with respect to any facts relating to the charge.

Statement of Facts

Signed.....
[On behalf of the Prosecutor.]

31

Notice of intention to cite previous convictions
(*M.C. Act* 1957, *s.* 3.)

To A.B., of .

You are hereby given notice that if, but only if, you are convicted of [any of] the offence[s] of in respect of which you are summoned to appear before the Magistrates' Court on the day of , 19 , the under-mentioned convictions which are recorded against you will be brought to the notice of the Court; and if you are not present in person before the Court, the Court may take account of any such previous conviction as if you had appeared and admitted it.

Date of conviction	Court	Offence	Sentence

Signed.....
[For Chief Constable.]

If you do not intend to appear in person at the hearing and you dispute any of the above convictions, or any of the details in connection with them, you should immediately notify [the Chief Constable of] at (*state address*) so that further inquiries can be made.

Nothing in this notice limits in any way your right to appear in person on the date fixed for the hearing and to dispute any conviction alleged against you.

32

Warrant for arrest of defendant on failure to appear before evidence has been received (M.C. Act 1952, *ss.* 15, 93 ; *C.J. Act* 1967, *s.* 24 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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*) being an offence punishable with imprisonment:

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]:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

33

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 ; *C.J. Act* 1967, *s.* 24 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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*) [being an offence punishable with imprisonment]:

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 [the Court, having convicted the defendant, proposes to impose a disqualification on him]:

[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]:

You are hereby commanded to bring the defendant before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

Dated the day of , 19 .

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

[*or* By order of the Court,
J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

[*or* By order of the Court,
J.C.,
Clerk of the Court.]

34

Commitment on remand after conviction or for medical examination (*M.C. Act* 1952, *ss.* 14(3), 26, 28, 105; *C.J. Act* 1961, *ss.* 4(4), 12(4); *C.I. Act* 1962, *s.* 8(2); *C.J. Act* 1967, *s.* 18; *M.C. Rules* 1968, *rr.* 23, 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] 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] [and] [*or* for the purpose of enabling a notice to be given to the defendant under section 8(1) of the Commonwealth Immigrants Act 1962] [*or* for the purpose of enabling a period of seven days to elapse from the date on which a notice under section 8(1) of the Commonwealth Immigrants Act 1962 had been given to the defendant] [*or* for the purpose of enabling the Secretary of State to make a report on the defendant under section 4(4) [*or* 12(3)] of the Criminal Justice Act 1961]:

[*or* And, the said offence being punishable with imprisonment, the Court, being satisfied that the defendant did the act or made the omission charged 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 [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] and there deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, 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 [*or* by two duly qualified medical practitioners, of whom one is approved for the purposes of section 28 of the Mental Health Act 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders], who shall report thereon to the Court.

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.

[*or* By order of the Court,
J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance, 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 [*or* by two duly qualified medical practitioners, of whom one is approved for the purposes of section 28 of the Mental Health Act 1959,] and for the purpose attend at (*insert name and address of institution or place or name and address of doctor*), [and comply with any directions given to him/her for that purpose by] [and reside there until the expiration of from the date of admission or until earlier discharge.]]

And that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following [additional] condition[s] (*specify*)].

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

[*or* By order of the Court,
J.C.,
Clerk of the Court.]

35

Hospital order (*M.H. Act* 1959, *s.* 60; *M.C. Rules* 1968, *r.* 27.)

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

Before the Magistrates' Court sitting at .

A.B. is this day charged with (*state shortly particulars of offence*), being an offence punishable on summary conviction with imprisonment:

And the Court has convicted A.B. of the said offence [*or* is satisfied that A.B. did the act or made the omission charged]:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section 28 of the Mental Health Act 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said A.B. as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her detention in a hospital for medical treatment and is satisfied that arrangements have been made for his/her admission to the hospital hereinafter specified within twenty-eight days of this date and that the most suitable method of disposing of the case is by means of a hospital order:

It is ordered that the said A.B. be admitted to and detained in (*insert name and address of hospital*):

[And that he/she be conveyed to the said hospital by E.F.]:

[And it is directed that pending admission to the said hospital within the said period of twenty-eight days the said A.B. shall be detained in a place of safety, namely] [and shall be conveyed thither by E.F.].

Dated the day of , 19 .

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

36

Guardianship order (*M.H. Act* 1959, *s.* 60; *M.C. Rules* 1968, *r.* 27.)

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

Before the Magistrates' Court sitting at .

A.B. is this day charged with (*state shortly particulars of offence*), being an offence punishable on summary conviction with imprisonment:

And the Court has convicted A.B. of the said offence [*or* is satisfied that A.B. did the act or made the omission charged]:

And the Court has heard [*or* considered] the [written] evidence of two medical practitioners, namely (*insert names and addresses*), [each] of whom [the first mentioned] is approved for the purposes of section 28 of the Mental Health Act 1959, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the said A.B. as suffering from mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality]:

And the Court is satisfied that he/she is suffering from the following form(s) of mental disorder within the meaning of the Mental Health Act 1959, namely mental illness [*or* psychopathic disorder *or* subnormality *or* severe subnormality], and that the disorder is of a nature or degree which warrants his/her reception into guardianship under that Act and is satisfied that the authority [*or* person] hereinafter specified is willing to receive him/her into guardianship and that the most suitable method of disposing of the case is by means of a guardianship order:

It is ordered that the said A.B. be placed under guardianship of a local health authority, namely the County [Borough] Council [*or* of C.D. being a person approved by a local health authority, namely the County [Borough] Council].

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

37

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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

38

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 [*or* by a first instalment of and subsequent weekly [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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

39

Conviction: imprisonment (*M.C. Act* 1952, *s.* 13; *C.J. Act* 1967, *s.* 39; *M.C. Rules* 1968, *r.* 15.)

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

[†And the Court is not required to suspend this sentence because paragraph of section 39(3) of the Criminal Justice Act 1967 applies:]

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 defendant be imprisoned in the said prison for (*state period*) commencing at the termination of the imprisonment before adjudged, unless the said sum[s] be sooner paid.]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

---

* Delete if defendant appears to have attained the age of 21 years and is not a first offender within the meaning of the First Offenders Act 1958.

† Delete if sentence is for more than 6 months in respect of one offence.

40

Conviction: fine (*M.C. Act* 1952, *s.* 13; *M.C. Rules* 1968, *r.* 15.)

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 defendant be imprisoned in Her Majesty's prison at for (*state period*) unless the said sum[s] be sooner paid.]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

41

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* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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:

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 20 of the Criminal Justice Act 1948:

You, the said constables [*or* X.Y.], are hereby commanded to convey the defendant to the said remand centre [*or* prison] 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, unless he/she shall have been bailed in the meantime, 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance in the sum of , with suret in the sum of [each], to appear before the next Quarter Sessions for the said [county], and that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

42

Commitment to Sessions for sentence (M.C. Act 1952, *s.* 29; *C.J. Act* 1948, *s.* 29; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] at .

A.B. (hereinafter called the defendant) having consented to be tried summarily under section 19 of the Magistrates' Courts Act 1952, [*or*, having been tried summarily under section 18(3) of the Magistrates' Courts Act 1952,] 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 29 of the Criminal Justice Act 1948:

You, the said constables [*or* X.Y.]. are hereby commanded to convey the defendant to the said prison [*or* remand centre] 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, unless he/she shall have been bailed in the meantime, 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance in the sum of , with suret in the sum of [each], to appear before the next Quarter Sessions for the said [county], and that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,
Justice of the Peace for the [county] aforesaid.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

43

Commitment to Sessions for restriction order (*M.H. Act* 1959, *s.* 67(1).)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] 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*), being an offence punishable on summary conviction with imprisonment:

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

And the conditions which, under section 60(1) of the Mental Health Act 1959, are required to be satisfied for the making of a hospital order are satisfied in respect of the defendant:

And it appeared to the Court, having regard to the nature of the offence, the antecedents of the defendant and the risk of his/her committing further offences if set at large, that if a hospital order is made an order restricting the discharge of the defendant should also be made:

And it was this day adjudged that the defendant should be committed in custody to Quarter Sessions under the provisions of section 67(1) of the Mental Health Act 1959, to be dealt with in respect of the offence:

You, the said constables [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] 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 to 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

44

Commitment to Sessions for restriction order or sentence (M.H. Act 1959, s. 67(4).)

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

To each and all of the constables of [*or* To X.Y. 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 conditions which, under section 60(1) of the Mental Health Act 1959, are required to be satisfied for the making of a hospital order are satisfied in respect of the defendant:

And it appeared to the Court, having regard to the nature of the offence, the antecedents of the defendant and the risk of his/her committing further offences if set at large, that if a hospital order is made an order restricting the discharge of the defendant should also be made:

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 unless a hospital order is made in the case of the defendant with an order restricting his/her discharge:

And it was this day adjudged that the defendant should be committed in custody to Quarter Sessions under section 29 of the Magistrates' Courts Act 1952, as modified by section 67(4) of the Mental Health Act 1959, for sentence in accordance with the provisions of section 29 of the Criminal Justice Act 1948:

You, the said constables [*or* X.Y.], 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 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

45

Order of admission to hospital pending restriction order
(M.H. Act 1959, *s.* 68.)

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

To the Managers of the Hospital 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*) being an offence punishable on summary conviction with imprisonment:

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

And the conditions which, under section 60 of the Mental Health Act 1959, are required to be satisfied for the making of a hospital order are satisfied in respect of the defendant:

And it appeared to the Court, having regard to the nature of the offence, the antecedents of the defendant and the risk of his/her committing further offences if set at large, that if a hospital order is made an order restricting his/her discharge should also be made:

And the Court has committed the defendant to Quarter Sessions under section 67(1) of the Mental Health Act 1959, to be dealt with in respect of the offence:

The Court being satisfied that arrangements have been made for the admission of the defendant to the hospital hereinafter specified:

It was this day directed that the defendant be admitted to the Hospital at and be detained there until Quarter Sessions has disposed of the case:

And it was directed that C.D. [*or* you, the said Managers,] should produce the defendant from the said hospital to attend the next Quarter Sessions for the said [county] on the day and at the time to be notified by the Clerk of the Peace.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

46

Commitment: sentence of imprisonment (*M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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*):]

[†And the Court is not required to suspend the sentence because paragraph of section 39(3) of the Criminal Justice Act 1967 applies:]

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

You, the said constables [*or* X.Y.], 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

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* Delete if defendant appears to have attained the age of 21 years and is not a first offender within the meaning of the First Offenders Act 1958.
† Delete if sentence is for more than 6 months in respect of one offence.

47

Commitment to detention centre: offence (*C.J. Act* 1961, *s.* 4; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* to X.Y. of] and to the Warden of the detention centre 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, is this day [*or* was on the day of , 19 ,] [, having consented to be tried summarily,] convicted by the Magistrates' Court sitting at of (*state shortly particulars of offence*), being 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 [*or* X.Y.], 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 months

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

48

Order of return to borstal (*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 [*or* to X.Y. 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:

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 Secretary of State's 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 [*or* X.Y.], 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

ENFORCEMENT OF FINES

49

Notice of fine (*M.C. Rules* 1968, *r.* 38.)

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 [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at , (*state shortly particulars of offence*) and were ordered to pay the sum of 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] [and this Court is required under section 47(3) of the Criminal Justice Act 1967 to enforce payment].

[And the Court of Assize [*or* Quarter Sessions] fixed the term of imprisonment in default as months.]

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*)] [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 Court.

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

* Delete unless magistrates' court on occasion of conviction has, under s. 65(2) of the Magistrates' Courts Act 1952, fixed a term of imprisonment in default and postponed the issue of the warrant of commitment.

50

Distress warrant (*M.C. Act* 1952, *ss.* 64, 66; *C.J. Act* 1967, *s.* 47; *M.C. Rules* 1968, *rr.* 44, 78.)

In the county of . Petty Sessional Division of].

To each and all of the constables of [*or* To X.Y. 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 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 [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 fifty 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

	£	s.	d.
Amount adjudged			
Paid			
Amount to be levied			

51

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.

52

Account of charges incurred on distress warrant (*M.C. Rules* 1968, *r.* 44(10).)

Charges incurred on distress warrant upon the money and goods of dated the day of , 19 .

I, of , being the constable [*or* person] charged with the execution of the said warrant of distress, 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.

53

Commitment on occasion of conviction (M.C. Act 1952, *ss.* 64, 107; *C.J. Act* 1967, *s.* 44; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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			

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—

the said offence is punishable with imprisonment and he/she appeared to the Court to have sufficient means to pay the sum[s] forthwith:

or it appeared to the Court that he/she is unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum[s] to be enforced by other methods:

or he/she is already serving a term of imprisonment:

or the court had on the occasion of this conviction sentenced him/her to immediate imprisonment:

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

You, the said constables [*or* X.Y.], 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*) [to commence at the expiration of the term of imprisonment (*give particulars*)] unless the said sum[s] [*or* balance] be sooner paid.

Dated the day of , 19 .

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(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.

54

Commitment on occasion subsequent to conviction where imprisonment fixed by magistrates' court at time of conviction (M.C. Act 1952, *ss.* 64, 65(2), 67, 71, 107 ; *C.J. Act.* 1967, *s.* 44 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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			

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*), the Court having power to fix the term of imprisonment and postpone the issue of the warrant of commitment for the reason that—

the said offence is punishable with imprisonment and he/she appeared to the Court to have sufficient means to pay the sum[s] forthwith:

or it appeared to the Court that he/she was unlikely to remain long enough at a place of abode in the United Kingdom to enable payment of the sum[s] to be enforced by other methods:

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

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

You, the said constables [*or* X.Y.], are hereby commanded to take the defendant 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 the defendant into your custody and keep him/her for (*state period*) [to commence at the expiration of the term of imprisonment (*give particulars*)] 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*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.

† 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.

55

Summons to defaulter: fine (*M.C. Act* 1952, *s.* 70; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1968, *r.* 81.)

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

[*or* Issued by , Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court.]

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. Cash should not be sent in unregistered envelopes.

56

Warrant for arrest of defaulter: fine (*M.C. Act* 1952, *s.* 70; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. of].

A.B. (hereinafter called the defendant) was on the day of , 19 , adjudged by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] 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 before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

PAYMENTS RECEIVED BY THE PERSON HOLDING THIS WARRANT

Date of Receipt	£	s.	d.	Signature

57

Commitment where imprisonment not imposed by magistrates' court on occasion of conviction (*M.C. Act* 1952, *ss.* 64, 65(2), 67, 71, 107; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

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

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

PART PAYMENTS RECEIVED SINCE IMPRISONMENT IMPOSED

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

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 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 term of imprisonment in default fixed by the said Court of Assize *or* Quarter Sessions was [months]]:

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 [, 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:]

[* 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 has considered or tried all other methods of enforcing payment and it appears to this Court that they are inappropriate or unsuccessful: [*or* And the said offence is punishable with imprisonment and the defendant appears to this Court to have sufficient means to pay the said sum[s] [*or* balance] forthwith:]

[*or* And the defendant being in prison:]

[§ 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 the said distress] be sooner paid:

[And the defendant has since paid in [further] part payment, leaving a balance of now due:]

You, the said constables [*or* X.Y.], are hereby commanded to take the defendant 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 the defendant into your custody and keep him/her for (*state period*) [to commence at the expiration of the term of imprisonment (*give particulars*)], unless the amount outstanding be sooner paid.

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*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.

58

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 [*or* To X.Y. 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 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 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 term of imprisonment in default fixed by the said Court of Assize *or* Quarter Sessions was [months]]:

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 [*or* X.Y.], 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] be sooner paid.

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

59

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 .

60

Warrant for detention in police cells, etc. (*M.C. Act* 1952, *s.* 109; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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.*)

61

Warrant for detention in police station (M.C. Act 1952, s. 111 ; M.C. Rules 1968, rr. 78, 80.)

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 ordered that in default of payment of the said sum[s] the defendant be detained in a police station in accordance with section 111 of the Magistrates' Courts Act 1952:

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 to a convenient police station and to detain him 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 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 to go to his 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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement of payments*)

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

62

Transfer of fine order (*M.C. Act* 1952, *s.* 72 ; *C.J. Act* 1967, *s.* 47 ; *M.C. Rules* 1968, *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 [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] 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 Magistrates' Court for this [Petty Sessional Division] is the court required under section 47(3) of the Criminal Justice Act 1967 to enforce payment of the said sum]:

[And the said Court of Assize *or* Quarter Sessions fixed the term of imprisonment in default as [months]:]

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

[And the time for payment has not yet expired:]

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 72 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

*[Steps taken to recover the sum:—

Other information likely to assist court in enforcing payment:—]

* To be entered on copy sent to the clerk of the court having jurisdiction under the order.

63

Transfer of fine order to Scotland (M.C. Act 1952, s. 72A ; C.J. Act 1967, ss. 47, 48 ; M.C. Rules 1968, 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 [*or* before] the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] 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 Magistrates' Court for this [Petty Sessional Division] is the court required under section 47(3) of the Criminal Justice Act 1967 to enforce payment of the said sum]:

[And the said Court of Assize *or* Quarter Sessions fixed the term of imprisonment in default as [months]:]

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

[And the time for payment has not yet expired:]

And it appears that the defendant is residing at (*state address*) within the jurisdiction of the court of summary jurisdiction in Scotland hereinafter mentioned:

[And no term of imprisonment has been fixed in the event of a future default in paying the sum[s] in question:]

A transfer of fine order is hereby made in pursuance of section 72A of the Magistrates' Courts Act 1952 [as read with section 48 of the Criminal Justice Act 1967], transferring to the Court sitting at the enforcement of payment of the said sum[s] [*or* balance].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

*[Steps taken to recover the sum:—

Other information likely to assist court in enforcing payment:—]

* To be entered on copy sent to the clerk of the court having jurisdiction under the order.

64

Further transfer of fine order (*M.C. Act* 1952, *ss.* 72(3), 72*A*, 72*B*; *C.J. Act* 1967, *s.* 47; *M.C. Rules* 1968, *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 on the day of , 19 , adjudged to pay a fine of [, and for compensation,] [and for costs,] by the Magistrates' Court [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at [*or* the Court at in Scotland [and the Magistrates' Court for the [Petty Sessional Division of in the county of] was the Court required under section 47(3) of the Criminal Justice Act 1967 to enforce payment of the said sum]:

[And the said Court of Assize *or* Quarter Sessions fixed the term of imprisonment in default as [months]:]

By virtue of a transfer of fine order dated the day of , 19 , the enforcement of payment of the said sum[s] has been transferred to a court acting for this petty sessions area:

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

[And the time for payment has not yet expired:]

And it appears that the defendant is residing at (*state address*) in the [Petty Sessional Division] [*or* within the jurisdiction of the court of summary jurisdiction] hereinafter mentioned:

A further transfer of fine order is hereby made in pursuance of section 72(3) [*or* 72A] [as applied by section 72B] of the Magistrates' Courts Act 1952, transferring to a Magistrates' Court acting for the [Petty Sessional Division of in the county of] [*or* to the Court at in Scotland] the enforcement of payment of the said sums[s] [*or* balance].

Dated the day of , 19 .

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

[*or* By order of the Court,

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

*[Steps taken to recover the sum:—

Other information likely to assist court in enforcing payment:—]

* To be entered on copy sent to the clerk of the court having jurisdiction under the order.

65

Notice of transfer of fine order (*M.C. Rules* 1968, *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 [*or* Court of Assize *or* Quarter Sessions for the [county] of] sitting at [*or* by a court of summary jurisdiction in Scotland, namely the Court at ,] to pay the sum[s] shown in the margin hereof [in instalments of] and the said sum[s] [*or* the balance of] remains unpaid:

You are hereby given notice that in consequence of a transfer of fine order made on the day of , 19 , the enforcement of payment 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 [*or* before the day of , 19 ,] 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, 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 Court.

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

66

Notice of order of supervision: fine (*M.C. Rules* 1968, *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 [*or* Court of Assize *or* Quarter Sessions for the [county] of] 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 [and that the said sum[s] [*or* balance] is/are to be paid by weekly [*or* monthly] instalments of , the first instalment to be paid forthwith].

Dated the day of , 19 .

J.C.,
Clerk of the Court.

67

Authority for clerk of magistrates' court to enforce payment of fine in High Court or County Court (C.J. Act 1967, s. 45.)

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

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

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 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 Magistrates' Court for this [Petty Sessional Division] is the court required under section 47(3) of the Criminal Justice Act 1967 to enforce payment of the said sum]:

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

This Court having inquired into the defendant's means hereby authorises the Clerk of the Court to take the undermentioned proceedings in the High Court [County Court] for the recovery of the said sum[s] [*or* balance].

Nature of proceedings:—

Dated the day of , 19 .

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

PROBATION AND CONDITIONAL DISCHARGE

68

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] at (*state address*) 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

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

69

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 years from the date of this order.

[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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

70

Summons to probationer on application to amend probation order (C.J. Act 1948, Sch. 1.)

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.

[*or* Issued by , Justice of the Peace.

J.C.,
Clerk of the Magistrates' Court.]

71

Order amending probation order (C.J. Act 1948, Sch. 1.)

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. now of (*insert present address of probationer*) 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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

72

Order discharging probation order (*C.J. Act* 1948, *Sch.* 1 ; *C.J. Act* 1967, *s.* 54(1).)

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 this Petty Sessions Area:

[And the said probation order does not contain a direction reserving the power of discharge to the Court of Assize [*or* Quarter Sessions]:]

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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

73

Order substituting conditional discharge for probation (*C.J. Act* 1948, *Sch.* 1 ; *C.J. Act* 1967, *s.* 53.)

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 this Petty Sessions Area :

[And the said probation order does not contain a direction reserving the power of discharge to the Court of Assize [*or* Quarter Sessions]:]

Upon the application of the Court hereby makes, in substitution for the said probation order, an order discharging the said A.B. in respect of his original offence, subject to the condition that he commits no offence between the making of this order and the expiration of the said period of years from the date of the said probation order.

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

74

Information for breach of requirement of probation order (C.J. Act 1948, s. 6; M.C. Rules 1968, r. 1.)

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.

75

Summons for breach of requirement of probation order (C.J. Act 1948, s. 6; M.C. Rules 1968, r. 81.)

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

To A.B., of .

Information has this day been laid before me, the undersigned [*or state name*] 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

76

Warrant for breach of requirement of probation order (C.J. Act 1948, s. 6; M.C. Act 1952, s. 93; M.C. Rules 1968, rr. 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 , or a justice of the peace of the petty sessional division in which the court is situate, 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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

77

Remand of probationer to Assizes or Sessions on breach of requirement of probation order (C.J. Act 1948, s. 6; M.C. Rules 1968, rr. 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of], and to the Governor of Her Majesty's prison [*or* the remand centre] 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 [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre], and there to deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, 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 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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance in , with suret in the sum of [each], to appear before the Court of Assize [*or* Quarter Sessions] above mentioned and that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

78

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 out 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.

79

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 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 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 day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

80

Commitment on failure to comply with requirement of probation order (C.J. Act 1948, s. 6; M.C. Rules 1968, rr. 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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.*)

81

Information on commission of further offence during probation period or period of conditional discharge (*C.J. Act* 1948, *s.* 8 ; *M.C. Rules* 1968, *r.* 1.)

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 years 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 on the day of , 19 , during the said period, 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.

82

Summons on commission of further offence during probation period or period of conditional discharge (*C.J. Act* 1948, *s.* 8 ; *M.C. Rules* 1968, *r.* 81.)

In the [county of Petty Sessional Division of].

To A.B., of

Information has this day been laid before me, the undersigned [*or state name*] 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 years 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 on the day of , 19 , during the said period, 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.

[*or* This summons was issued by the above named Justice of the Peace.

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

83

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* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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 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 years 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 on the day of , 19 , during the said period, 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 , or a justice of the peace of the petty sessional division in which the court is situate, 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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

84

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* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] 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 [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] and there to deliver him/her to the Governor thereof, together with this warrant ; and you, the said Governor, 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance 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. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

85

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 years 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 on the day of , 19 , during the said period:

[(*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 on the day of , 19 , during the said period:

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 section 8(7) 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

86

Commitment on commission of further offence during probation period or period of conditional discharge (*C.J. Act* 1948, *s.* 8 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* to X.Y. 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 years 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 on the day of , 19 , during the said period:

[(*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 on the day of , 19 , during the said period:

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 section 8(7) 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.*)

SUSPENDED SENTENCES

87

Conviction: suspended sentence (*M.C. Act*, 1952, *s.* 13; *C.J. Act* 1967, *s.* 39; *M.C. Rules* 1968, *r.* 15.)

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 sentences the defendant to imprisonment for (*state period*):

And it is ordered that the said sentence of imprisonment shall not take effect unless during the period of years from today the defendant commits in Great Britain another offence punishable with imprisonment and thereafter an order is made under section 40 of the Criminal Justice Act 1967 that the sentence shall take effect:

[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].]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

88

Information on commission of further offence during operational period of suspended sentence (*C.J. Act* 1967, *s.* 42; *M.C. Rules* 1968, *r.* 1.)

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

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

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 sentenced him/her to imprisonment for (*state period*) but made an order which [, as subsequently varied by the competent court,] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the day of , 19 , he/she committed in Great Britain another offence punishable with imprisonment:

And 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 (*state shortly particulars of offence*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period, 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.

89

Summons on commission of further offence during operational period of suspended sentence (*C.J. Act* 1967, *s.* 42; *M.C. Rules* 1968, *r.* 81.)

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

To A.B., of .

Information has this day been laid before me, the undersigned [*or state name*] Justice of the Peace, by that you on the day of , 19 , were convicted by the Magistrates' Court sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court sentenced you to imprisonment for (*state period*) but made an order which [, as subsequently varied by the competent court,] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the day of , 19 , you committed in Great Britain another offence punishable with imprisonment:

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 (*state shortly particulars of offence*), being an offence punishable with imprisonment committed by you on the day of , 19 , during the said period, 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 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

90

Warrant on commission of further offence during operational period of suspended sentence (*C.J. Act* 1967, *s.* 42; *M.C. Act* 1952, *s.* 93; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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 the Magistrates' Court sitting at , (*state shortly particulars of offence*), and that on the said date [*or* on the day of , 19 ,] the said Court sentenced the defendant to imprisonment for (*state period*) but made an order which [, as subsequently varied by the competent court,] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the day of , 19 , the defendant committed in Great Britain another offence punishable with imprisonment:

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 (*state shortly particulars of offence*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period, and that the defendant was sentenced [*or* ordered] to :

You are hereby commanded to bring the defendant forthwith before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, 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 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]. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

91

Commitment to Assizes or Sessions on commission of further offence during operational period of suspended sentence (*C.J. Act* 1967, *ss.* 41(2), (3), 42(5); *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] at .

A.B. (hereinafter called the defendant) has this day been brought before the Magistrates' Court sitting at , on an information alleging that he has been convicted of an offence punishable with imprisonment committed

during the operational period of a suspended sentence 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 varied by the competent court]:

[*or* has this day been convicted by the Magistrates' Court sitting at , of an offence punishable with imprisonment, namely (*state shortly particulars of offence*), [and sentenced [*or* ordered] to], and it appears to the Court that the date on which the said offence was committed, namely the day of , 19 , fell within the operational period of a suspended sentence 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 varied by the competent court]:]

And it was this day ordered that the defendant should be committed in custody to the next Court of Assize [*or* Quarter Sessions] for the [county] of in accordance with the provisions of section 42(5) [*or* 41(2)] of the Criminal Justice Act 1967:

You, the said constables [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] and there to deliver him/her to the Governor thereof, together with this warrant; and you, the said Governor, 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] for the [county] of sitting at , and then convey him/her before the said Court 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance in the sum of , with suret in the sum of [each], to appear before the Court of Assize [*or* Quarter Sessions] above mentioned and that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

92

Order that suspended sentence shall take effect (*C.J. Act* 1967, *s.* 40(1)(*a*) *and* (*b*).)

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 sentenced the defendant to imprisonment for (*state period*) but made an order which [, as subsequently varied by the competent court,] provided that the sentence should not take effect unless during

the period beginning on the date of the order and ending on the day of , 19 , he/she committed in Great Britain another offence punishable with imprisonment:

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*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period:

[*or* And the defendant has this day been convicted by the said [*or* first mentioned] Court of (*state shortly particulars of offence*), being an offence punishable with imprisonment and the Court was satisfied that the said offence was committed by him/her on the day of , 19 , during the said period:]

It is ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment of for the original term].

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

93

Commitment on commission of further offence during operational period of suspended sentence (*C.J. Act* 1967, *s.* 40; *C.J. Act* 1961, *s.* 4; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

Before the Magistrates' Court sitting at .

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison at [*or* Warden of the detention centre 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 sentenced the defendant to imprisonment for (*state period*) but made an order which [, as subsequently varied by the competent court,] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the day of , 19 , he/she committed in Great Britain another offence punishable with imprisonment:

And the defendant has this day appeared [*or* been brought] before this 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*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period:

[*or* And the defendant has this day been convicted by this Court of (*state shortly particulars of offence*), being an offence punishable with imprisonment and the Court was satisfied that the said offence was committed by him/her on the day of , 19 , during the said period:]

It is ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment of for the original term:]

[*or* And the defendant appears to the Court to be under the age of twenty-one years, having been born, so far as has been ascertained, on the day of , 19 :

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:

It is ordered that the said suspended sentence take effect [with the substitution of the term of for the original term], and it is directed that the defendant serve the said sentence in the said detention centre:]

You, the said constables [*or* X.Y.] are hereby commanded to convey the defendant to the said prison [*or* detention centre] and there deliver him/her to the Governor [*or* Warden] thereof, together with this warrant; and you, the Governor of the said prison [*or* Warden of the said detention centre], to receive the defendant into your custody and keep him/her for years/months [to commence at the expiration of the term of imprisonment (*give particulars*)].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

94

Order varying suspended sentence (*C.J. Act* 1967, *s.* 40(1)(*c*).)

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 sentenced the defendant to imprisonment for (*state period*) but ordered that the sentence should not take effect unless during the period of years from the date of the order the defendant committed in Great Britain another offence punishable with imprisonment:

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*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period:

[*or* And the defendant has this day been convicted by the said [*or* first mentioned] Court of (*state shortly particulars of offence*), being an offence punishable with imprisonment and the Court was satisfied that the said offence was committed by him/her on the day of , 19 , during the said period:]

It is ordered that the said order suspending the said sentence of imprisonment be varied by substituting for the said period a period expiring years from today.

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

MISCELLANEOUS

95

Commitment to higher court: summary offence, etc. (*C.J. Act* 1967, *s.* 56; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

Before the Magistrates' Court sitting at .

To each and all of the constables of [*or* To X.Y. of] and to the Governor of Her Majesty's prison [*or* the remand centre] at .

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

[*or* A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by this Court [*or* the Magistrates' Court sitting at], (*state shortly particulars of offence*) and on the said date [*or* on the day of , 19 ,] the Court sentenced the defendant to imprisonment for (*state period*) but made an order which [, as subsequently amended by the competent court,] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the day of , 19 , he/she committed in Great Britain another offence punishable with imprisonment:

And [this Court was satisfied that] the defendant was this day [*or* on the day of , 19 ,] convicted by this Court [*or* the Magistrates' Court sitting at] of a further offence, namely, (*state shortly particulars of offence*), being an offence punishable with imprisonment committed by him/her on the day of , 19 , during the said period:]

And this Court has committed the defendant to the next Court of Assize [*or* Quarter Sessions] for the [county] of to be held at under the Vagrancy Act 1824 [*or* section 8(4) of the Criminal Justice Act 1948] [*or* section 28 [*or* 29] of the Magistrates' Courts Act 1952] [*or* section 41(2) [*or* 62(6)] of the Criminal Justice Act 1967]:

And it was this day adjudged that the defendant should be committed in custody under section 56 of the Criminal Justice Act 1967 to the said Court of Assize [*or* Quarter Sessions] to be dealt with in respect of the said offence [*or* suspended sentence]:

You, the said constables [*or* X.Y.], are hereby commanded to convey the defendant to the said prison [*or* remand centre] 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, unless he/she shall have been bailed in the meantime, keep him/her until the next Court of Assize [*or* 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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the defendant may be bailed by recognizance in the sum of , with suret in the sum of [each], to appear before the next Court of Assize [*or* Quarter Sessions] for the said [county], and that the defendant has [not] entered into his/her recognizance. [The defendant's recognizance shall be subject to the following condition[s] (*specify*)].

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

96

Notice to governor of prison of person committed on bail to higher court otherwise than for trial (*M.C. Rules* 1968, *r.* 16(3).)

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

To the Governor of Her Majesty's prison [*or* the remand centre] at .

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

Name, age, address and occupation of person committed	
Enactment under which he/she is committed and brief particulars of offence or other circumstance giving rise to committal	
Committing court	

Bailed this day of , 19 .

J.C.,
Clerk of the Court.

97

Order of removal from approved school to borstal (*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 [*or* To X.Y. 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 [*or* X.Y.], 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.

[*or* By order of the Court,
J.C.,
Clerk of the Court.]

98

Interim order on application for removal from approved school to borstal (*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 [*or* To X.Y. 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 [*or* X.Y.], 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 *or* X.Y.], 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.
[*or* By order of the Court,
J.C.,
Clerk of the Court.]

(*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 *or* X.Y.] 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.
[*or* By order of the Court,
J.C.,
Clerk of the Court.]

CIVIL PROCEDURE

ORDERS OTHER THAN CIVIL DEBT

99

Complaint (*M.C. Act* 1952, *ss.* 43, 44; *M.C. Rules* 1968, *r.* 1.)

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.

100

Summons to defendant (*M.C. Act* 1952, *ss.* 43, 44; *M.C. Rules* 1968, *r.* 81.)

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 [*or state name*] 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

101

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.

102

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 .

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

103

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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

104

Summons to defaulter: rate (*G.R. Act* 1967, *s.* 104; *M.C. Rules* 1968, *r.* 81.)

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 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.

[*or* Issued by , Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court.]

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.

105

Warrant for arrest of defaulter: rate (M.C. Act 1952, *s.* 93 ; *G.R. Act* 1967, *s.* 104 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 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 before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

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 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 THE PERSON HOLDING THIS WARRANT

Date of Receipt	£	s.	d.	Signature

CIVIL DEBT

106

Complaint: civil debt (*M.C. Act* 1952, *s.* 50; *M.C. Rules* 1968, *r.* 1.)

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.

107

Summons to defendant: civil debt (*M.C. Act* 1952, *s.* 43; *M.C. Rules* 1968, *r.* 81.)

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

To A.B., of .

Complaint has this day been made to me, the undersigned [*or state name*] 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

108

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.
[*or* By order of the Court,
J.C.,
Clerk of the Court.]

109

Complaint to enforce order: civil debt (M.C. Act 1952, s. 73; M.C. Rules 1968, r. 1.)

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 outstanding			
	£	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.

110

Judgment summons (*M.C. Act* 1952, *s.* 73; *M.C. Rules* 1968, *rr.* 48, 81.)

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 73 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 outstanding			
	£	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			

111

Distress warrant: civil debt (*M.C. Act* 1952, *s.* 64; *M.C. Rules* 1968, *rr.* 43, 44.)

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

To each and all of the constables of [*or* To X.Y. 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 fifty 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.

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

112

Commitment: civil debt (*M.C. Act* 1952, *ss.* 64, 71, 73, 107 ; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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 [*or* X.Y.], 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

	£	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.

113

Complaint to vary, etc., order for periodical payments (*M.C. Act* 1952, *s.* 53; *M.C. Rules* 1968, *rr.* 1, 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.

114

Summons to vary, etc., order for periodical payments (*M.C. Act* 1952, *ss.* 43, 53; *M.C. Rules* 1968, *rr.* 34, 81.)

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 of the Magistrates' Courts Rules 1968 [*or* it appears to me, the undersigned [*or state name*] 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 this petty sessions area under Rule 34 of the Magistrates' Courts Rules 1968].

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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

115

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 Rules 1968:

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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

RECOGNIZANCES

116

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 period 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.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

117

Summons to vary sureties, etc. (*M.C. Act* 1952, *s.* 94; *M.C. Rules* 1968, *rr.* 70, 81.)

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.

[*or* Issued by , Justice of the Peace.

J.C.,
Clerk of the Magistrates' Court.]

118

Order varying order for sureties (*M.C. Act* 1952, *s.* 94; *M.C. Rules* 1968, *r.* 70.)

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.

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

119

Recognizance : general (*M.C. Act* 1952, *ss.* 7, 14, 26, 89, 91 ; *C.J. Act* 1967, *ss.* 20, 21, 41, 62 ; *M.C. Rules* 1968, *rr.* 69, 72.)

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

Recognizance of principal

I acknowledge that I owe to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against me by due process of law if I fail to comply with any of the conditions endorsed hereon.

(Signed) A.B. of .
Taken 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.,
[Inspector] of the Police.]

Recognizance of surety

I/We acknowledge that I/we owe to our Sovereign Lady the Queen the sum of [each], payment thereof to be enforced [severally] against me/us by due process of law if the above mentioned principal fails to comply with the condition[s] endorsed hereon [other than the condition[s] requiring him to].

(Signed) G.H. of .
J.K. of .

Taken 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.,
[Inspector] 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 [and 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 [*or* two] duly qualified medical practitioner[s] [, of whom one is approved for the purposes of section 28 of the Mental Health Act 1959,] and

for the purpose attends at (*insert name and address of institution or place or name and address of doctor*) and complies with any directions given to him/her for that purpose by [and resides there until the expiration of from the date of admission or until earlier discharge],]

[and, subject to the condition for his/her appearance, (*state any special conditions of bail*),]

[*or* keeps the peace and is of good behaviour towards Her Majesty and all Her liege people, and especially towards for the period 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.

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

120

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 .]

121

Recognizance of witness and surety (*C.P. (A. of W.) Act* 1965, *s.* 5; *M.C. Rules* 1968, *r.* 75.)

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:

C.D. 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 the condition endorsed hereon.

(*Signed*) C.D.
X.Y.

Taken before me this 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.,
Officer in charge of the Police Station.]

(*Endorsement*)

Condition

The condition of this recognizance is that whereas a warrant was issued by to arrest the said C.D. and bring him before the Court of Assize [*or* Quarter Sessions] for the [county] of and the said C.D. having been arrested in pursuance of the warrant was brought before the Magistrates' Court [*or* taken to the Police Station] under section 5 of the Criminal Procedure (Attendance of Witnesses) Act 1965:

If therefore the said C.D. appears at the Court of Assize [*or* Quarter Sessions] for the [county] of at such time as he/she may be directed,

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

122

Notice of recognizance to witness (*C.P. (A. of W.) Act* 1965, *s.* 5; *M.C. Rules* 1968, *r.* 75.)

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

Dated the day of , 19 .

J.C.,
Clerk of the Magistrates' Court sitting at .
[*or* E.F.,
Officer in charge of the Police Station.]

123

Certificate of amount and conditions of recognizance (*M.C. Rules* 1968, *rr.* 72, 73.)

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 the sum of [each], conditioned as follows†

(*Specify conditions*)

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 Court.

† If under s. 21(2) of the Criminal Justice Act 1967 the defendant is not required to find sureties in respect of one or more of the conditions specified this should be indicated.

124

Certificate of ability of surety to pay (*M.C. Rules* 1968, *r.* 73.)

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.

Signature of Surety .....

Dated the day of , 19

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

125

Notice of recognizance having been entered into (*M.C. Rules* 1968, *r.* 73.)

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.,
[Inspector] of the Police.]

126

Notice of enlargement of recognizance (*M.C. Act* 1952, *s.* 106 ; *M.C. Rules* 1968, *r.* 71.)

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 Court.]

127

Complaint for forfeiture of recognizance to keep the peace, etc. (*M.C. Act* 1952, *s.* 96(2) ; *M.C. Rules* 1968, *r.* 1.)

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.

128

Summons for forfeiture of recognizance (*M.C. Act* 1952, *s.* 96; *M.C. Rules* 1968, *r.* 81.)

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

To A.B., of .

[Complaint has this day been made before me, the undersigned [*or state name*] 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

129

Notice of forfeiture of recognizance (*M.C. Act* 1952, *s.* 96; *M.C. Rules* 1968, *r.* 38.)

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 Court.

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

* Delete unless magistrates' court has, under s. 65(2) of the Magistrates' Courts Act 1952, fixed a term of imprisonment in default and postponed the issue of the warrant of commitment.

130

Distress warrant: forfeited recognizance (*M.C. Act* 1952, *ss.* 64, 96 ; *M.C. Rules* 1968, *rr.* 38, 78.)

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

To each and all of the constables of [*or* To X.Y. 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 weekly [*or* monthly] instalments of , 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 fifty 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.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

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

131

Commitment : forfeited recognizance (*M.C. Act* 1952, *s.* 96 ; *M.C. Rules* 1968, *rr.* 38, 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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 weekly [*or* monthly] instalments of , 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

132

Summons to witness (*M.C. Act* 1952, *s.* 77 ; *M.C. Rules* 1968, *r.* 81.)

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 [*or state name*] 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.

[*or* This summons was issued by the above named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at .]

133

Warrant for arrest of witness on failure to appear to summons (*M.C. Act* 1952, *ss.* 77, 93 ; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

(*Endorsement where bail is allowed*)

It is directed that the witness on arrest be released on bail on 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]. [The witness's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

Justice of the Peace for the [county] aforesaid.
[*or* By order of the Court,

J.C.,
Clerk of the Court.]

134

Warrant for arrest of witness in first instance (*M.C. Act* 1952, *ss.* 77, 93; *M.C. Rules* 1968, *rr.* 78, 79.)

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

To each and all of the constables of [*or* To X.Y. 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 before the Magistrates' Court sitting at , or a justice of the peace of the petty sessional division in which the court is situate, forthwith.

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 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]. [The witness's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

135

Commitment of witness (*M.C. Act* 1952, *ss.* 77, 109; *M.C. Rules* 1968, *rr.* 77, 78, 80.)

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

To each and all of the constables of [*or* To X.Y. 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 [*or* X.Y.], 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.
[*or* By order of the Court,

J.C.,

Clerk of the Court.]

136

Commitment of witness after failure to attend trial or after High Court warrant (*C.P.* (*A. of W.*) *Act* 1965, *s.* 5.)

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

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

C.D. (hereinafter called the witness) being required by a witness order/summons under the Criminal Procedure (Attendance of Witnesses) Act 1965 to attend the trial on indictment of A.B. was ordered to be arrested and brought before the Court of Trial by a warrant of Mr. Justice under section 4(1) of that Act dated the day of , 19 , [*or* failed to do so and a warrant for the arrest of the witness was issued under section 4(2) of that Act by the Court of Assize [*or* Quarter Sessions] sitting at on the day of , 19 , [endorsed under section 5(3) of that Act with the opinion of the Court that the evidence of the witness could be dispensed with but that consideration should be given to dealing with him for the disobedience under section 3 thereof]]:

The witness having been brought before this Court in pursuance of section 5(1) of that Act:

You, the said constables [*or* X.Y.], are hereby commanded to convey the witness 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 witness into your custody and to keep the witness in custody until he/she can be brought before the Court of Trial [*or* (*in a case where the warrant was endorsed as mentioned above and the magistrates' court is not satisfied that that Court will be held within 7 days of the committal*) until he/she can be brought before a Judge of the High Court or a Commissioner of Assize.]

Dated the day of , 19 .

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Magistrates' Court sitting at .]

(*Endorsement where bail is allowed*)

The Court hereby certifies that the witness may be bailed by recognizance in the sum of , with suret in the sum of [each], to appear at the Court of Assize [*or* Quarter Sessions] for the [county] of , at such time as he/she may be directed, and that the witness has [not] entered into his/her recognizance. [The witness's recognizance shall be subject to the following condition[s] (*specify*)].

J.P.,

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

137

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 [*or* To X.Y. 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 [*or* X.Y.], 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.

138

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 X.Y. of] 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* X.Y.], 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.

139

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 94 of the Magistrates' Courts Act 1952] [, and may thereupon be released from your custody unless the Court shall otherwise order].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the court,

J.C.,
Clerk of the Court.]

140

Declaration of service (*M.C. Rules* 1968. *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*)

141

Declaration as to handwriting and seal (*M.C. Rules* 1968, *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*)

142

Certificate of service (*M.C. Rules* 1968, *r.* 55.)

(*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 known [*or* usual] place of abode [*or* business]].

Dated the day of , 19 .

X.Y.

143

Certificate of service by post (*M.C. Rules* 1968, *rr.* 55, 82(6).)

(*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 [*or* by the recorded delivery service] 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 known [*or* usual] place of abode [*or* address given by him/her for the purpose of service].

Dated the day of , 19 .

X.Y.

144

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 .

145

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*)

146

Register (*M.C. Rules* 1968, *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.
[*or* Clerk of the Court present during these proceedings.]

* Where separate registers are kept for criminal and civil proceedings these headings will be modified accordingly.

147

Extract from register proving proceeding of a magistrates' court
(*M.C. Rules* 1968, *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 .

148

Case stated (*M.C. Act* 1952, *s.* 87 ; *M.C. Rules* 1968, *rr.* 66, 68.)

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].

* 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.

EXPLANATORY NOTE

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

The Schedule to these Rules prescribes forms for use in magistrates' courts. With few exceptions, the forms are those hitherto contained in a number of statutory instruments now revoked by the Magistrates' Courts Rules 1968. The only substantial change is that certain forms may be signed by a justice's clerk instead of by a justice.