STATUTORY INSTRUMENTS

1967 No. 1661 (L. 13)

MAGISTRATES' COURTS

PROCEDURE

The Magistrates' Courts Rules 1967

Made - - - -	*8th November* 1967
Laid before Parliament	*17th November* 1967
Coming into Operation	*1st January* 1968

I, Gerald, Baron Gardiner, Lord High Chancellor of Great Britain, in exercise of the power conferred upon 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:—

Proceedings preliminary to trial on indictment

Restrictions on reports of committal proceedings

1.—(1) A magistrates' court acting as examining justices shall, if the accused is not represented by counsel or a solicitor, before taking depositions of witnesses in accordance with Rule 5 of the principal Rules explain to the accused the restrictions on reports of committal proceedings imposed by section 3 of the Criminal Justice Act 1967(c) and inform him of his right to apply to the court for an order removing those restrictions.

(2) Where a magistrates' court has made an order under section 3(2) of the Criminal Justice Act 1967 removing the restrictions on reports of committal proceedings and has adjourned those proceedings to another day the court shall, at the beginning of the adjourned hearing of those proceedings, state that the order has been made; and any such order shall be entered in the register.

2. After Rule 4 of the principal Rules there shall be inserted the following Rule:—

"*Committal for trial without consideration of evidence*

4A.—(1) This Rule applies to committal proceedings where the accused is represented by counsel or a solicitor and where the court has been informed that all the evidence for the prosecution is in the form of written statements copies of which have been given to the accused.

(2) A magistrates' court enquiring into an offence in committal proceedings to which this Rule applies shall cause the charge to be written down, if this has not already been done, and read to the accused and shall then ascertain whether he wishes to—

(*a*) object to any of the prosecution statements being tendered in evidence;

(*b*) give evidence himself or call witnesses; or

(a) 1949 c. 101. (b) 1952 c. 55. (c) 1967 c. 80.

(*c*) submit that the prosecution statements disclose insufficient evidence to put him on trial by jury for the offence with which he is charged.

(3) If the court is satisfied that the accused or, as the case may be, each of the accused does not wish to take any of the steps mentioned in sub-paragraphs (*a*), (*b*) and (*c*) of the last foregoing paragraph and determines, after receiving any written statements tendered by the prosecution and the defence under section 2 of the Criminal Justice Act 1967, to commit the accused for trial without consideration of the evidence, the court shall proceed in accordance with the next following paragraph and in any other case shall proceed in accordance with Rule 5 of these Rules.

(4) The court shall then say to the accused—

'You will be commited for trial by jury but I must warn you that at that trial you may not be permitted to give evidence of an alibi or to call witnesses in support of an alibi unless you have earlier given particulars of the alibi and of the witnesses. You may give those particulars now to this court or at any time in the next seven days to the solicitor for the prosecution, who is (*giving his name and address*).'

or words to that effect:

Provided that the court shall not be required to give this warning in any case where it appears to the court that, having regard to the nature of the offence with which the accused is charged, it is unnecessary to do so.

(5) Where the court has given to the accused the warning required by the last foregoing paragraph the clerk of the court shall give to him written notice of the provisions of section 11 of the Criminal Justice Act 1967 about giving notice of particulars of alibi to the solicitor for the prosecution and the solicitor's name and address shall be stated in the notice.".

3.—(1) At the beginning of Rule 5 of the principal Rules there shall be inserted the following paragraph:—

"(1) This Rule does not apply to committal proceedings where under section 1 of the Criminal Justice Act 1967 a magistrates' court commits a person for trial without consideration of the evidence.",

and accordingly paragraph (1) of the said Rule 5 shall be renumbered (1A).

(2) For paragraphs (2) and (3) of the said Rule 5 there shall be substituted the following paragraphs:—

"(2) The depositions shall be authenticated by a certificate signed by one of the examining justices.

(3) After the evidence for the prosecution (including any statements tendered under section 2 of the Criminal Justice Act 1967) has been given, the court shall, unless it then decides not to commit for trial, cause the charge to be written down, if this has not already been done, and read to the accused, and shall explain it to him in ordinary language.".

(3) After paragraph (5) of the said Rule 5 there shall be inserted the following paragraphs:—

"(5A) The court shall then say to the accused—

'I must warn you that if this court should commit you for trial you may not be permitted at that trial to give evidence of an alibi or to call witnesses in support of an alibi unless you have earlier given particulars of the alibi and of the witnesses. You may give those particulars now to this court or to the solicitor for the prosecution (*giving his name*

and address) not later than seven days from the end of these committal proceedings.',

or words to that effect and, if it appears to the court that the accused may not understand the meaning of the term 'alibi', the court shall explain this to him:

Provided that the court shall not be required to give this warning in any case where it appears to the court that, having regard to the nature of the offence with which the accused is charged, it is unnecessary to do so.

(5B) Where the court has given to the accused the warning required by the last foregoing paragraph the clerk of the court shall give to him written notice of the provisions of section 11 of the Criminal Justice Act 1967 about giving notice of particulars of alibi to the solicitor for the prosecution and the solicitor's name and address shall be stated in the notice.".

4. For paragraphs (1) and (5) of Rule 6 of the principal Rules there shall be substituted the following paragraphs:—

"(1) A witness order under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965(a) shall be in the prescribed form and—

(*a*) in the case of a witness who has been examined before the examining justices, shall be served on the witness as soon as practicable after his deposition has been signed;

(*b*) in the case of any other witness, shall be served on him as soon as practicable after the accused has been committed for trial.

(5) A notice given under this Rule shall be in writing and signed by one of the justices composing the court or the clerk of the court.

(6) A witness order under section 1 of the Criminal Procedure (Attendance of Witnesses) Act 1965 and a notice given under this Rule shall be served by delivering it to the witness or by leaving it for him with some person at his last known or usual place of abode or by sending it by post in a registered letter or by recorded delivery service addressed to him at his last known place of abode.".

5. Rule 9 of the principal Rules is hereby revoked.

6. For Paragraphs (2) and (3) of Rule 12 of the principal Rules there shall be substituted the following paragraphs:—

"(2) As soon as practicable after the committal of any person for trial, and in any case before the first day of sitting of the court to which he is committed, the clerk of the magistrates' court that committed him shall, subject to the provisions of section 5 of the Prosecution of Offences Act 1879(b) (which relates to the sending of documents and things to the Director of Public Prosecutions), send to the proper officer of the court of trial—

(*a*) the information, if it is in writing;

(*b*) the depositions and written statements tendered in evidence, together with a certificate authenticating the depositions and statements, and any admission of facts made for the purposes of the committal proceedings under section 10 of the Criminal Justice Act 1967 and not withdrawn;

(*c*) all statements made by the accused before the magistrates' court;

(*d*) a written statement of the names, addresses and occupations of the witnesses in respect of whom witness orders have been made;

(a) 1965 c. 69. (b) 1879 c. 22.

(*e*) if the accused is committed for trial on bail, the recognizance of the accused;

(*f*) any recognizance entered into by any person as surety for the accused;

(*g*) a list of the documents and articles produced in evidence before the justices;

(*h*) such of the documents and articles so produced as have been retained by the justices;

(*i*) a certificate showing whether the accused was informed at the committal proceedings of the requirements of section 11 of the Criminal Justice Act 1967 (notice of alibi) and a record of any particulars given by him to the magistrates' court under that section;

(*j*) if the committal was under section 1 of the Criminal Justice Act 1967 (committal for trial without consideration of the evidence), a statement to that effect;

(*k*) if the magistrates' court has made an order under section 3(2) of the Criminal Justice Act 1967 (removal of restrictions on reports of committal proceedings), a statement to that effect.

(3) Paragraph (2) of this Rule shall apply to the committal of a person under section 12(2) or (3) of the Act as if sub-paragraphs (*a*) to (*d*) and (*g*) to (*k*) were omitted.".

Procedure common to committal proceedings and summary trial

Written statements in committal proceedings or summary trial

7.—(1) Written statements to be tendered in evidence under section 2 or 9 of the Criminal Justice Act 1967 shall be in the prescribed form.

(2) When a copy of such a statement is given to or served on any party to the proceedings a copy of the statement and of any exhibit which accompanied it shall be given to the clerk of the magistrates' court as soon as practicable thereafter, and where a copy of any such statement is given or served by or on behalf of the prosecutor, the accused shall be given notice of his right to object to the statement being tendered in evidence.

(3) Where before a magistrates' court enquiring into an offence as examining justices the accused objects to a written statement being tendered in evidence and he has been given a copy of the statement but has not given notice of his intention to object to the statement being tendered in evidence, the court shall, if necessary, adjourn to enable the witness to be called.

(4) Where a written statement to be tendered in evidence under the said section 2 or 9 refers to any document or object as an exhibit, that document or object shall wherever possible be identified by means of a label or other mark of identification signed by the maker of the statement, and before a magistrates' court treats any document or object referred to as an exhibit in such a written statement as an exhibit produced and identified in court by the maker of the statement, the court shall be satisfied that the document or object is sufficiently described in the statement for it to be identified.

(5) If it appears to a magistrates' court that any part of a written statement is inadmissible there shall be written against that part "Treated as inadmissible, J.P., an Examining Justice" if the written statement is tendered in evidence under the said section 2, or "Ruled inadmissible, J.P., Justice of the Peace" if the written statement is tendered in evidence under the said section 9.

(6) Where a written statement is tendered in evidence under the said section 2 or 9 before a magistrates' court the name and address of the maker of the statement shall be read aloud unless the court otherwise directs.

(7) Where under subsection (5) of the said section 2 or subsection (6) of the said section 9 in any proceedings before a magistrates' court any part of a written statement has to be read aloud, or an account has to be given orally of so much of any written statement as is not read aloud, the statement shall be read or the account given by or on behalf of the party which has tendered the statement in evidence.

(8) Written statements tendered in evidence under the said section 2 before a magistrates' court acting as examining justices shall be authenticated by a certificate signed by one of the examining justices.

(9) A written statement tendered in evidence under the said section 2 or 9 before a magistrates' court and not sent to a court of assize or quarter sessions under Rule 12 of the principal Rules shall be preserved for a period of three years by the clerk of the magistrates' court.

Proof by formal admission

8. Where under section 10 of the Criminal Justice Act 1967 a fact is admitted orally in court by or on behalf of the prosecutor or defendant for the purposes of the summary trial of an offence or proceedings before a magistrates' court acting as examining justices the court shall cause the admission to be written down and signed by or on behalf of the party making the admission.

Committals for sentence, etc.

Committals for sentence, etc.

9.—(1) Where a magistrates' court commits an offender to a court of assize or quarter sessions under section 41(2)(*a*), 56(1) or 62(6) of the Criminal Justice Act 1967 after convicting him of an offence, the clerk of the magistrates' court shall send to the proper officer of the court to which the offender is committed—

(*a*) a copy signed by the clerk of the magistrates' court of the minute or memorandum of the conviction entered in the register ;

(*b*) a copy of the note of evidence given at the trial of the offender and the depositions, if any ; and

(*c*) such documents and articles produced in evidence before the court as have been retained by the court.

(2) Without prejudice to the provisions of Rule 20 of the principal Rules (documents to be sent to quarter sessions when committal is under section 28 or 29 of the Act), where a magistrates' court commits an offender to a court of assize or quarter sessions under the Vagrancy Act 1824(**a**), section 8(4) of the Criminal Justice Act 1948(**b**), section 28 or 29 of the Act or section 41(2), 56(1) or 62(6) of the Criminal Justice Act 1967 and the magistrates' court on that occasion imposes, under section 56(8) of the Criminal Justice Act 1967, an interim disqualification for holding or obtaining a licence under Part II of the Road Traffic Act 1960(**c**), the clerk of the magistrates' court shall give notice of the interim disqualification to the proper officer of the court to which the offender is committed.

(**a**) 1824 c. 83. (**b**) 1948 c. 58. (**c**) 1960 c. 16.

(3) Where a magistrates' court commits a person on bail to a court of assize or quarter sessions under any of the enactments mentioned in paragraph (2) of this Rule or under section 6(3)(*b*) or 8(3)(*b*) of the Criminal Justice Act 1948 the clerk of the magistrates' court shall give notice thereof in writing to the governor of the prison to which that person would have been committed if the court had refused him bail.

Probation orders, etc.

10. After Rule 26 of the principal Rules there shall be inserted the following Rules:—

" *Notification of discharge, etc. of probation orders, etc.*

26A.—(1) Where a magistrates' court discharges a probation order which was not made by that court the clerk of the court shall give notice of the discharge to the clerk of the court by which the order was made.

(2) Where a magistrates' court deals with a person under section 6 or 8 of the Criminal Justice Act 1948 in relation to a probation order or order for conditional discharge which was not made by that court the clerk of the court shall give notice of the result of the proceedings to the clerk of the court by which the order was made.

(3) Where a magistrates' court makes an order under section 53 of the Criminal Justice Act 1967 substituting an order for conditional discharge for a probation order which was not made by that court the clerk of the court shall give notice of the substitution to the clerk of the court by which the probation order was made.

Suspended sentences

Reason for passing immediate sentence of imprisonment to be entered in register

26B. Where a magistrates' court passes a sentence of imprisonment for a term of not more than six months in respect of one offence and does not make an order under section 39(1) of the Criminal Justice Act 1967 suspending the sentence the court shall cause to be entered in the register and specified in the warrant of commitment the paragraph of section 39(3) of the Criminal Justice Act 1967 which gives the court jurisdiction to pass the sentence without making such an order.

Reasons for not making order under section 40 of the Criminal Justice Act 1967

26C. Where under section 40 of the Criminal Justice Act 1967 a magistrates' court deals with a person in respect of a suspended sentence otherwise than by making an order under subsection (1) (*a*) of that section, the court shall cause to be entered in the register its reasons for its opinion that it would be unjust to make such an order.

Evidence of conviction to be sent to court of assize or quarter sessions

26D. Where a magistrates' court convicts a person of an offence punishable with imprisonment committed during the operational period of a suspended sentence passed by a court of assize or quarter sessions and gives to the clerk of the court which passed the suspended sentence the notice of the conviction required by section 41(2)(*b*) of the Criminal Justice Act 1967, the magistrates' court shall cause to be sent with the notice—

(*a*) a copy signed by the clerk of the magistrates' court of the minute or memorandum of the conviction entered in the register;

(*b*) a copy of the note of evidence given at the trial of the offender and the depositions, if any ; and

(*c*) such documents and articles produced in evidence before the court as have been retained by the court.".

Enforcement of payment of fines, etc.

11. Paragraph (1) of Rule 37 of the principal Rules (which provides that where a magistrates' court allows time for payment of a fine, etc., or directs payment by instalments or where the offender is absent when the fine is imposed, the clerk shall give the offender notice of the amount of the fine and when it is to be paid) shall also require a notice of fine to be given by the clerk of a magistrates' court where under section 47(3) of the Criminal Justice Act 1967 the court is required to enforce payment of a fine imposed or recognizance forfeited by a court of assize or quarter sessions ; and accordingly at the beginning of that paragraph there shall be added the words " Where under section 47(3) of the Criminal Justice Act 1967 a magistrates' court is required to enforce payment of a fine imposed or recognizance forfeited by a court of assize or quarter sessions or ".

12. Rule 44 of the principal Rules is hereby revoked.

13. For Rule 53 of the principal Rules there shall be substituted the following Rule :—

" *Particulars about fine enforcement to be entered in register*

53.—(1) Where the court on the occasion of convicting an offender of an offence issues a warrant of commitment for a default in paying a sum adjudged to be paid by the conviction or, having power to issue such a warrant, fixes a term of imprisonment under section 65(2) of the Act, the reasons for the court's action shall be entered in the register, or any separate record kept for the purpose of recording particulars of fine enforcement.

(2) There shall be entered in the register, or any such record particulars of any—

(*a*) means inquiry under section 44 of the Criminal Justice Act 1967 ;

(*b*) hearing under subsection (6) of the said section 44 ;

(*c*) allowance of further time for the payment of a sum adjudged to be paid by a conviction ;

(*d*) direction that such a sum shall be paid by instalments ;

(*e*) distress for the enforcement of such a sum ;

(*f*) attachment of earnings order for the enforcement of such a sum ;

(*g*) order under the Act placing a person under supervision pending payment of such a sum ;

(*h*) order under section 44(10) of the Criminal Justice Act 1967 remitting the whole or any part of a fine ;

(*i*) order under section 96(4) of the Magistrates' Courts Act 1952 remitting the whole or any part of any sum enforceable under that section (forfeiture of recognizance) ;

(*j*) authority granted under section 45(3) of the Criminal Justice Act 1967 authorising the taking of proceedings in the High Court or county court for the recovery of any sum adjudged to be paid by a conviction ;

(*k*) transfer of fine order made by the court;

(*l*) order transferring a fine to the court; and

(*m*) order under section 47(3) of the Criminal Justice Act 1967 specifying the court for the purpose of enforcing a fine imposed or a recognizance forfeited by a court of assize or quarter sessions.".

Appeal to quarter sessions

14. In Rule 58 of the principal Rules after paragraph (5) there shall be added the following paragraph:—

"(6) Where a notice of appeal is given in respect of an appeal against conviction by a magistrates' court the clerk of the court shall send with the notice to the clerk of the peace any admission of facts made for the purposes of the summary trial under section 10 of the Criminal Justice Act 1967.".

Warrant

15. For Rule 72 of the principal Rules there shall be substituted the following Rule:—

"72.—(1) Subject to paragraph (2) of this Rule, every warrant under the Act shall be signed by the justice issuing it.

(2) Any warrant of commitment, warrant of distress, warrant under section 109 of the Act (detention in police cells, etc.) and warrant under section 111 of the Act (detention in police station) may be signed by the clerk of the magistrates' court which issued the warrant.".

Proof of service of summons

16. Paragraph (2) of Rule 76 of the principal Rules (which provides that, if the person summoned fails to appear, service of a summons sent by registered post or left for him with some person at his last known or usual place of abode shall not be treated as proved unless it is proved that the summons came to his knowledge) shall not have effect in relation to a summons served on or after 1st January 1968 in respect of a summary offence which is not also an indictable offence; and accordingly at the end of the said paragraph (2) there shall be added the words—

"Provided that this paragraph shall not apply to any summons in respect of a summary offence which is not also an indictable offence.".

Forms

17. In the Magistrates' Courts (Forms) Rules 1952(**a**), as amended(**b**)—

(*a*) for forms 6, 9, 35, 36, 37, 38, 40, 41, 44, 45, 47, 48, 49, 51, 53, 54, 54A, 54B, 55, 56, 61, 95 and 97 there shall be substituted the forms numbered correspondingly in the Schedule to these Rules;

(*b*) after forms 56, 61, 74 and 119 there shall be inserted respectively the forms numbered 56A, 61A, 74A to 74H and 120 to 126 in the said Schedule;

(*c*) forms 46 and 50 shall be omitted.

(**a**) S.I. 1952/2191 (1952 II, p. 1619).
(**b**) The relevant amending instruments are S.I. 1960/1431, 1963/1263, 1964/168 (1960 II, p. 1867; 1963 II, p. 2109; 1964 I, p. 296).

Interpretation, citation and commencement

18.—(1) In these Rules "the Act" means the Magistrates' Courts Act 1952 and "the principal Rules" means the Magistrates' Courts Rules 1952(a), as amended(b).

(2) The Interpretation Act 1889(c) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament.

19. These Rules may be cited as the Magistrates' Courts Rules 1967 and shall come into operation on 1st January 1968.

Dated 8th November 1967.

Gardiner, C.

SCHEDULE

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.]

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Certificate of authentication of depositions and statements of witnesses (C.J. Act 1925, s. 13; M.C. Act 1952, ss. 4, 78; C.J. Act 1967, s. 7; M.C. Rules 1952, r. 5.)

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

Before the Magistrates' Court sitting as Examining Justices at , A.B. 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 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.]

(a) S.I. 1952/2190 (1952 II, p. 1593).

(b) The relevant amending instruments are S.I. 1957/1429, 1961/169, 1965/1602 (1957 I, p. 1349; 1961 I, p. 284; 1965 II, p. 4616).

(c) 1889 c. 63.

[I hereby [further] certify that the (*state number*) statements purporting to be signed by the persons whose names are listed in 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

Schedule 2

Part I

Depositions

Name of Witness	Page no.

Part II

Written Statements

Name of Witness	Page no.

35

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

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

Before the Magistrates' Court sitting at .

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

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

[And in default of payment it is adjudged that the 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.]

36

Commitment to Sessions: borstal case (*M.C. Act* 1952, *s.* 28; *C.J. Act* 1948, *s.* 20; *C.J. Act* 1961, *s.* 1; *M.C. Rules* 1952, *rr.* 71, 72, 74.)

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

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

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

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

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

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

[*or* By order of the Court,

J.C.,
Clerk of the Court.]

37

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

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

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

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

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

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

And it was this day adjudged that the defendant should be committed in custody to Quarter Sessions for sentence in accordance with the provisions of section 29 of the Criminal Justice Act 1948:

You, the said constables, are hereby commanded to convey the defendant to Her Majesty's prison aforesaid and there deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive the defendant into your custody and, 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 himself/herself 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.

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

38

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

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

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

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

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

[† 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*).

* 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.

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

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

40

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

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

To A.B., of .

ADJUDICATION

	£	s.	d.
Fine ...			
Compensation			
Costs ...			
Total ...			

You were this day [*or* on the day of , 19 ,] convicted by [*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.

41

Distress warrant (*M.C. Act* 1952, *ss.* 64, 66; *C.J. Act* 1967, *s.* 47; *M.C. Rules* 1952, *rr.* 37, 43, 72.)

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

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*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 five pounds, the tools and implements of his/her trade); and if the sum stated at the foot of this warrant, together with the reasonable costs and charges of the making and keeping of the said distress, be not paid, then not earlier than the [sixth] day after the making of such distress, unless the defendant consents in writing to an earlier sale, to sell the said goods, and pay the proceeds of the said distress to the clerk of the said Court, and if no such distress can be found, to certify the same to the Court.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

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

44

Commitment on occasion of conviction (*M.C. Act* 1952, *ss.* 64, 107; *C.J. Act* 1967, *s.* 44; *M.C. Rules* 1952, *rr.* 71, 72, 74.)

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

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

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

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

ADJUDICATION

	£	s.	d.
Fine ...			
Compensation			
Costs ...			
Total ...			

Imprisonment in default

PART PAYMENTS RECEIVED

	£	s.	d.
Balance payable			

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, 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*)

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

PAYMENTS RECEIVED BY PERSONS HAVING CUSTODY OF THE DEFENDANT

Date of Receipt	£	s.	d.	Signature

45

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* 1952, *rr.* 37, 71, 72, 74.)

In the [county of . Petty Sessional Division of].
To each and all of the constables of and to the Governor of Her Majesty's prison at .

ADJUDICATION

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

PART PAYMENTS RECEIVED

	£	s.	d.
Balance payable			
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:

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

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, 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 and has not been placed under supervision.

† Delete if defendant has not been placed under supervision.

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

47

Summons to defaulter: fine (*M.C. Act* 1952, *s.* 70; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1952, *r.* 75.)

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

To A.B., of

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

On the day of , 19 , you were adjudged by the Magistrates' Court [*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.

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.

48

Warrant for arrest of defaulter: fine (*M.C. Act* 1952, *s.* 70; *C.J. Act* 1967, *ss.* 44, 47; *M.C. Rules* 1952, *rr.* 72, 73.)

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

To each and all of the constables of .

A.B. (hereinafter called the defendant) was on the day of , 19 , adjudged by the Magistrates' Court [*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 forthwith [*or* on day the day of , 19 , at the hour of in the noon], before the Magistrates' Court sitting at , for inquiry to be made in his/her presence as to his/her means, unless the said sum[s] [*or* balance] be sooner paid.

Dated the day of , 19 .

J.P.,

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

(*Endorsement where bail is allowed*)

It is directed that the defendant on arrest be released on bail on his/her entering into a recognizance in the sum of , with suret in the

sum of [each], for his/her appearance, unless the sum[s] [*or* balance] specified in this warrant be sooner paid, before the Magistrates' Court sitting at , at the hour of in the noon of the next day upon which such Court is open [*or* on the day of , 19].

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

PAYMENTS RECEIVED BY A CONSTABLE HOLDING THIS WARRANT

Date of Receipt	£	s.	d.	Signature

49

Commitment 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* 1952, *rr.* 37, 71, 72, 74.)

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

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

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

A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by [*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:]

PART PAYMENTS RECEIVED SINCE IMPRISONMENT IMPOSED

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

[* 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, 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.

51

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

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

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

Before the Magistrates' Court sitting at .

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

A.B. (hereinafter called the defendant) who appears to the Court to have attained the age of seventeen years and to be under the age of twenty-one years 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, 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

53

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

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

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

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

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

And it is this day 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

54

Transfer of fine order (*M.C. Act* 1952, *s.* 72 ; *C.J. Act* 1967, *s.* 47 ; *M.C. Rules* 1952, *r.* 47.)

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

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

A.B. (hereinafter called the defendant) was this day [*or* on the day of , 19 ,] convicted by [*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.

54A

Transfer of fine order to Scotland (M.C. Act 1952, s. 72A ; C.J. Act 1967, ss. 47, 48 ; M.C. Rules 1952, r. 47.)

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

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

A.B. (hereinafter called the defendant) was this day [*or* on the day of , 19 ,] convicted by [*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.

54B

Further transfer of fine order (M.C. Act 1952, ss. 72(3), 72A, 72B; C.J. Act 1967, s. 47; M.C. Rules 1952, r. 47.)

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

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

A.B. (hereinafter called the defendant) was 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 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 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.

55

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

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

To A.B., of .

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

On the day of , 19 , you were adjudged by the Magistrates' Court [*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.

56

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

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

To A.B., of .

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

You were this day [*or* on the day of , 19 ,] adjudged by the Magistrates' Court [*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.

56A

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.

61

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.]

61A

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.]

74A

Conviction: suspended sentence (*M.C. Act* 1952, *s.* 13; *C.J. Act* 1967, *s.* 39; *M.C. Rules* 1952, *r.* 19.)

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

Before the Magistrates' Court sitting at .

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

And 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.]

74B

Information on commission of further offence during operational period of suspended sentence (C.J. Act 1967, s. 42 ; M.C. Rules 1952, r. 4.)

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

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

A.B. (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.

74C

Summons on commission of further offence during operational period of suspended sentence (C.J. Act 1967, s. 42 ; M.C. Rules 1952, r. 75.)

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

To A.B., of .

Information has this day been laid before me, the undersigned Justice of the Peace, by that you on the day of , 19 , were convicted by 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.

74D

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 1952, rr. 71, 72, 74.)

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

To each and all of the constables of .

Information on oath [*or* affirmation] has this day been laid before me, the undersigned Justice of the Peace, by that A.B. (hereinafter called the defendant) was on the day of , 19 , convicted by 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 , to answer to the said information.

Dated the day of , 19 .

J.P.,

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

(*Endorsement where bail is allowed*)

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

J.P.,

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

74E

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 1952, rr. 71, 72, 74.)

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

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

A.B. (hereinafter called the defendant) has this day been brought before the Magistrates' Court sitting at , on an information alleging that he 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, are hereby commanded to convey the defendant to the said prison and there to deliver him/her to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him/her into your custody and, unless he/she shall have been bailed in the meantime, keep him/her until the next Court of Assize [*or* Quarter Sessions] 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 himself/herself in the sum of , with suret in the sum of [each], to appear before the Court of Assize [*or* Quarter Sessions] above mentioned and that the defendant has [not] entered into his/her recognizance.

J.P.,

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

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

74F

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.]

74G

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* 1952, *rr.* 71, 72, 74.)

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

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

[*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, 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.]

74H

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.]

95

Recognizance : general (*M.C. Act* 1952, *ss.* 7, 14, 26, 89, 91 ; *CJ. Act* 1967, *ss.* 20, 21, 41, 62 ; *M.C. Rules* 1952, *r.* 68.)

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.

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.,

of the Police.]

[Inspector.]

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 first of] the condition[s] endorsed hereon.

(Signed) G.H.
J.K.

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.,

of the Police.]

[Inspector.]

(Endorsement)

Condition[s]

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

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

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

[and, subject to the condition for his/her said appearance, undergoes medical examination by a [*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 term of from the date of this recognizance,]

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

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

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

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

97

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

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

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

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

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

(*Specify condition[s] as in Form* 96)

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.

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

120

Notice to governor of prison of committal on bail to assizes or quarter sessions otherwise than for trial (M.C. Rules 1967, r. 9(3).)

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

To the Governor of Her Majesty's prison at .

The undermentioned person has been committed on bail 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	
Committing court	

Bailed this day of , 19 .

J.C.,

Clerk of the Court.

121

Certificate in respect of alibi warning (C.J. Act 1967, s. 11; M.C. Rules 1952, rr. 4(4), 5(5A), 12(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.

122

Notice to defendant: proof by written statement (C.J. Act 1967, ss. 2, 9; M.C. Rules 1967, r. 7.)

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

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 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.]

* Omit if offence cannot be tried by magistrates' court.

123

Statement of witness
(*C.J. Act* 1967, *ss.* 2, 9 ; *M.C. Rules* 1967, *r.* 7.)

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.

124

List of Exhibits (M.C. Rules 1952, r. 12.)

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].

125

Commitment to higher court: summary offence etc. (*C.J. Act* 1967, *s.* 56; *M.C. Rules* 1952, *rr.* 68, 71, 72, 74.)

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

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

A.B. (hereinafter called the 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, 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, 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 himself/herself in the sum of , with suret in the sum of [each], to appear before the next Court of Assize [*or* Quarter Sessions] for the said [county], and that the defendant has [not] entered into his/her recognizance.

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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Notice of provisions of section 11 *of the Criminal Justice Act* 1967
(*C.J. Act* 1967, *s.* 11 ; *M.C. Rules* 1952, *rr.* 4*A*, 5.)

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

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules make changes in the procedure of magistrates' courts to take account of the provisions of the Criminal Justice Act 1967. Sections 1, 2 and 3 of the Act contain provisions about committal proceedings and Rules 1, 2, 3, 4 and 6 alter the procedure of committal proceedings in the light of these provisions. Rules 2 and 3 also contain provision for the magistrates' court to inform a person committed for trial of the requirements of section 11 of the Act (notice of alibi).

Rule 5 revokes Rule 9 of the Magistrates' Courts Rules 1952 as the requirements of that Rule have been replaced by section 18(7) of the Act. Rule 7 deals with the use of written statements in committal proceedings or summary trials under section 2 or 9 of the Act. Rules 8 and 14 relate to formal admissions under section 10 of the Act. Rule 9 makes procedural provisions about committals to higher courts under various provisions of the Act. Rule 10 deals with a number of procedural matters about suspended sentences and probation orders. Rules 11, 12 and 13 relate to fine enforcement (sections 44 to 50 of the Act). Rule 15 provides for the authentication of certain warrants by the signature of the clerk of the court issuing the warrant: it is not related to the Act but enables warrants relating to provisions of the Act to be signed by clerks. Rule 16 alters the provisions of Rule 76 of the Magistrates' Courts Rules 1952 about proof of service of a summons: this amendment is related to section 24 of the Act.

The Rules also substitute new forms for forms in the Magistrates' Courts (Forms) Rules 1952 and add new forms to those Rules. These changes also arise out of the provisions of the Criminal Justice Act 1967.