

1981 No. 553 (L. 2)

## MAGISTRATES' COURTS

## PROCEDURE

## The Magistrates' Courts (Forms) Rules 1981

<i>Made</i> - - - -	20th March 1981
<i>Laid before Parliament</i>	8th April 1981
<i>Coming into Operation</i>	6th July 1981

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980(a), as extended by section 145 of that Act, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:—

1.—(1) These Rules may be cited as the Magistrates' Courts (Forms) Rules 1981 and shall come into operation on 6th July 1981.

(2) The Rules mentioned in Schedule 1 to these Rules are hereby revoked, but where proceedings were commenced before 6th July 1981 and the old enactments within the meaning of paragraphs 1 and 2(2) of Schedule 8 to the Magistrates' Courts Act 1980 continue to apply by virtue of paragraph 2(1) of the said Schedule 8, the provisions of the Rules so mentioned continue to apply and nothing in these Rules affects those provisions.

2.—(1) The forms contained in Schedule 2 to these Rules or forms to the like effect may be used, with such variation as the circumstances may require, in connection with proceedings in magistrates' courts.

(2) Where a requirement is imposed by or under any Act for the use of a form prescribed by rules made under section 144 of the Magistrates' Courts Act 1980, and an appropriate form is contained in Schedule 1 to these Rules, that form or a form to the like effect shall be used.

Dated 20th March 1981.

*Hailsham of St. Marylebone, C.*

## SCHEDULE 1

Rule 1(2).

## REVOCATIONS

Rules revoked	References
The Magistrates' Courts (Forms) Rules 1968	S.I. 1968/1919.
The Magistrates' Courts (Forms) (Amendment) Rules 1969	S.I. 1969/1710.
The Magistrates' Courts (Forms) (Amendment) Rules 1974	S.I. 1974/444.
The Magistrates' Courts (Forms) (Amendment) Rules 1975	S.I. 1975/127.
The Magistrates' Courts (Forms) (Amendment) (No. 2) Rules 1975	S.I. 1975/301.
The Magistrates' Courts (Forms) (Amendment) Rules 1977	S.I. 1977/1175.
The Magistrates' Courts (Forms) (Amendment) Rules 1978	S.I. 1978/146.
The Magistrates' Courts (Forms) (Amendment) (No. 2) Rules 1978	S.I. 1978/757.
The Magistrates' Courts (Forms) (Amendment) Rules 1979	S.I. 1979/1220.
The Magistrates' Courts (Forms) (Amendment) Rules 1980	S.I. 1980/511.

## SCHEDULE 2

Rule 2.

## FORMS

## TABLE OF CONTENTS

## CRIMINAL PROCEDURE

FORMS COMMON TO INQUIRY BY EXAMINING JUSTICES AND  
SUMMARY TRIAL

1. Information.
2. Summons.
3. Summons to accused to attend adjourned hearing.
4. Warrant of arrest in first instance.
5. Warrant of commitment on remand before conviction.
6. Warrant of commitment on remand to alternate court.
7. Warrant of commitment on remand from alternate court.
8. Warrant of commitment on further remand in custody of person detained under custodial sentence.
9. Warrant of commitment: remittal to another magistrates' court for sentence.
10. Warrant of commitment on further remand in custody of person unable to appear by reason of illness or accident.

11. Order for taking finger-prints and palm-prints of accused person.
12. Warrant of arrest on failure to surrender to bail.
13. Statement of witness.
14. Notice to defendant: proof by written statement.
15. Warrant of arrest issued before return date of summons.

#### INQUIRY BY EXAMINING JUSTICES

16. Certificate to be sent to Crown Court on committal for trial.
17. Statement of accused.
18. Warrant of commitment: committal to Crown Court for trial.
19. Order committing corporation for trial.
20. Notice to governor of prison of persons committed to Crown Court on bail.
21. Notice on committal for trial of a person subject to a transfer direction under section 73 of the Mental Health Act 1959.
22. Witness order.
23. Notice to witness that a witness order is to be treated as a conditional order.
24. Notice of provisions of section 11 of the Criminal Justice Act 1967.
25. List of exhibits.
26. Warrant of commitment of person indicted.

#### SUMMARY TRIAL

27. Notice to defendant: plea of guilty in absence.
28. Statement of facts.
29. Notice of intention to cite previous convictions.
30. Notice of intention to cite previous convictions for offences involving obligatory or discretionary disqualification from driving.
31. Warrant of arrest on failure to appear in answer to summons or at adjourned trial before evidence has been received.
32. Warrant of arrest on failure to appear after evidence has been received where the accused is at large otherwise than on bail.
33. Warrant of arrest on remand after conviction.
34. Warrant of commitment on remand for medical examination.
35. Hospital order.
36. Guardianship order.
37. Order of dismissal of information.
38. Conviction.
39. Warrant of commitment: committal to Crown Court for sentence.
40. Warrant of commitment to Crown Court for restriction order.
41. Warrant of commitment to Crown Court for restriction order or sentence.
42. Order of admission to hospital pending restriction order.
43. Warrant of commitment: sentence of imprisonment.
44. Warrant of commitment to detention centre.
45. Order of return to borstal.

#### ENFORCEMENT OF FINES

46. Notice of fine.
47. Notice of registration of financial penalty enforcement order.
48. Distress warrant.
49. Return of insufficient distress.
50. Account of charges incurred on distress warrant.
51. Warrant of commitment on occasion of conviction.
52. Warrant of commitment on occasion subsequent to conviction.
53. Summons to fine defaulter.
54. Warrant for arrest of fine defaulter.
55. Warrant of commitment to detention centre: non-payment of fine.
56. Endorsement on warrant of commitment in default: defaulter in detention centre.
57. Warrant for detention in police cells.
58. Warrant for detention in police station.
59. Transfer of fine order.
60. Transfer of fine order to Scotland or Northern Ireland.

61. Notice of transfer of fine order.
62. Notice of fine supervision order.
63. Authority for clerk of magistrates' court to enforce payment of fine in High Court or county court.

#### PROBATION AND CONDITIONAL DISCHARGE

64. Probation order.
65. Order for conditional discharge.
66. Summons to probationer on application to amend probation order.
67. Order amending probation order.
68. Order discharging probation order.
69. Order substituting conditional discharge for probation.
70. Information for breach of requirement of probation order.
71. Summons for breach of requirement of probation order.
72. Warrant of arrest for breach of requirement of probation order.
73. Warrant of commitment: committal to Crown Court on breach of requirement of probation order.
74. Certificate that probationer has failed to comply with requirement of probation order.
75. Order on failure to comply with requirement of probation order.
76. Commitment on failure to comply with requirement of probation order.
77. Information on commission of further offence during probation period.
78. Summons on commission of further offence during probation period or period of conditional discharge.
79. Warrant of arrest on commission of further offence during probation period or period of conditional discharge.
80. Warrant of commitment: committal to Crown Court on commission of further offence by probationer or person conditionally discharged.
81. Order in respect of original offence on commission of further offence during probation period.
82. Commitment on commission of further offence during probation period or period of conditional discharge.

#### SUSPENDED SENTENCES

83. Conviction: suspended sentence.
84. Information on commission of further offence during operational period of suspended sentence.
85. Summons on commission of further offence during operational period of suspended sentence.
86. Warrant of arrest on conviction of further offence committed during operational period of suspended sentence.
87. Warrant of commitment: committal to Crown Court on commission of further offence committed during operational period of suspended sentence.
88. Notice to Crown Court of conviction of further offence committed during operational period of suspended sentence.
89. Order that suspended sentence shall take effect.
90. Warrant of commitment putting into effect suspended sentence.
91. Order varying suspended sentence.

#### COMMUNITY SERVICE ORDERS

92. Community service order.
93. Certificate of failure to comply with community service order.
94. Warrant of commitment: revocation of community service order, sentence of imprisonment.
95. Warrant of commitment: committal to Crown Court to be dealt with in respect of community service order.

## MISCELLANEOUS

- 96. Warrant of commitment: committal to Crown Court: summary offence.
- 97. Notice of order to give information of date of birth and sex.

## CIVIL PROCEDURE

## ORDERS OTHER THAN CIVIL DEBT

- 98. Complaint.
- 99. Summons on complaint.
- 100. Order of dismissal of complaint.
- 101. Order on complaint.
- 102. Summons to rate defaulter.
- 103. Warrant for arrest of rate defaulter.

## CIVIL DEBT

- 104. Complaint: civil debt.
- 105. Summons to defendant: civil debt.
- 106. Order: civil debt.
- 107. Complaint to enforce civil debt order.
- 108. Judgment summons.
- 109. Distress warrant: civil debt.
- 110. Commitment: civil debt enforceable by imprisonment.

## PERIODICAL PAYMENTS: VARIATION

- 111. Complaint to vary etc. order for periodical payments.
- 112. Summons to vary etc. order for periodical payments.
- 113. Order varying etc. order for periodical payments.
- 114. Notice to person outside the United Kingdom of complaint for variation etc. of maintenance or custody order.

## RECOGNIZANCES

- 115. Order of recognizance to keep the peace.
- 116. Summons to vary sureties.
- 117. Order varying order for sureties.
- 118. Recognizance (civil cases).
- 119. Recognizance of surety (criminal cases).
- 120. Recognizance: Bail: Appeal to Crown Court.
- 121. Recognizance to prosecute an appeal before the High Court on case stated and for bail pending the appeal.
- 122. Notice of recognizance to principal and sureties (civil cases).
- 123. Notice of recognizance to sureties (criminal cases).
- 124. Recognizance of witness and surety.
- 125. Notice of recognizance to witness and sureties.
- 126. Certificate of amount and conditions of recognizance.
- 127. Certificate of amount and conditions of surety's recognizance and other bail conditions (criminal cases).
- 128. Certificate as to suitability of surety (criminal cases).
- 129. Notice of recognizance having been entered into (civil or criminal cases).
- 130. Notice of compliance with pre-release bail conditions (criminal cases).
- 131. Notice of enlargement of recognizance (civil cases).
- 132. Notice of enlargement of surety's recognizance (criminal cases).
- 133. Notice of forfeiture of recognizance.
- 134. Distress warrant: forfeited recognizance.
- 135. Commitment: forfeited recognizance.

## GENERAL

136. Summons to witness.
137. Warrant for arrest of witness on failure to appear to summons.
138. Warrant for arrest of witness in first instance.
139. Commitment of witness.
140. Commitment of witness after failure to attend trial or after Crown Court warrant.
141. Order to bring up prisoner before expiration of period of remand or in connection with recognizance.
142. Declaration of service.
143. Declaration as to handwriting and seal.
144. Certificate of service.
145. Certificate of service by post.
146. Certificate of clerk of magistrates' court of non-payment of sums adjudged.
147. Declaration as to non-payment of sums adjudged.
148. Register.
149. Record of decision to grant unconditional bail (criminal cases).
150. Record of decision to grant conditional bail (criminal cases).
151. Record of decision to withhold bail (criminal cases).
152. Record of decision to vary conditions of bail or impose conditions on bail granted unconditionally (criminal cases).
153. Record of decision to appoint a different time or place for a person granted bail to surrender to custody (criminal cases).
154. Extract from register proving proceeding of a magistrates' court.
155. Case stated.

CRIMINAL PROCEDURE

FORMS COMMON TO INQUIRY BY EXAMINING JUSTICES AND SUMMARY TRIAL

FORM I

*Information (M.C. Act 1980, s.1; M.C.Rules 1981, r.4)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

Alleged offence: (*short particulars and statute*)

The information of:

Address:

Telephone No.

who [upon oath] states that the accused committed the offence of which particulars are given above.  
Taken [and sworn] before me

Justice of the Peace

[Justices' Clerk]

FORM 2

Summons (M.C. Act 1980, s.1; M.C. Rules 1981, r.98)

.....Magistrates' Court (Code)

Date:

To the accused:

of:

You are hereby summoned to appear on at m. before the Magistrates' Court at to answer to [the following information] [the information of which particulars are given in the Schedule hereto.]

[Alleged Offence: ]

Prosecutor:

Address:

[Date of information: ]

Justice of the Peace

[Justices' Clerk ]

Schedule

Date of information	Alleged offence (particulars and statute)



FORM 3

*Summons to accused to attend adjourned hearing (M.C. Act 1980, s. 26(1); M.C. Rules 1981, r. 98)*

.....Magistrates' Court (*Code*)

Date:

To the accused:

of:

A summons was served on you for hearing on *(date)* by the above court. The court has this day determined that your presence is required for the purposes of the proceedings and has adjourned the hearing for your appearance.

You are hereby summoned to appear on *(date)* at *(time)* before the Magistrates' Court at.....

Justice of the Peace

[*or* By order of the Court  
Clerk of the Court]

FORM 4

*Warrant of arrest in first instance (Bail Act 1976, s. 3; M.C. Act 1980, ss. 1, 13, 14, 117; M.C. Rules 1981, rr. 95,96)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (short particulars and statute)  
Information having been laid before me on [oath] [affirmation] by

.....on

.....  
that the accused committed the above offence

Direction: You, the constables of Police Force, are hereby required to arrest the accused and to bring the accused before the Magistrates' Court at.....immediately [unless the accused is released on bail as directed below].

On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail, subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above Magistrates' Court on .....at .....a.m./p.m.

Justice of the Peace

---

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 25 in respect of any pre-release conditions).

FORM 5

*Warrant of commitment on remand before conviction (Bail Act 1976, ss. 3, 4; M.C. Act 1980, ss. 5, 10, 128; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Alleged offence: (short particulars and statute)

Decision: The hearing is adjourned until (date) at (time) and the accused remanded in custody.

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the accused to [prison] [remand centre] and there deliver the accused to the Governor thereof, together with this warrant; and you the Governor, to receive the accused into your custody and, unless the accused is released on bail or you are otherwise ordered in the meantime, to keep the accused until that date and then convey the accused to the above magistrates' court at that time.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on .....at .....a.m./p.m.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85 in respect of any pre-release conditions).

FORM 6

Warrant of commitment on remand to alternate court (M.C. Act 1980, ss. 5, 10, 18(4), 122, 130; M.C. Rules 1981, rr. 25, 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Alleged offence: (short particulars and statute)

Decision: The above court, having adjourned the hearing and remanded the accused in custody, orders that the accused be brought up for any subsequent remands before ..... Magistrates' Court ("the alternate court").

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the accused to [prison] [remand centre] and there deliver the accused to the Governor thereof, together with this warrant; and you, the Governor, to receive the accused into your custody and, unless the accused is released on bail or you are otherwise ordered in the meantime, to keep the accused until (date) and on that day to convey the accused to the alternate court at (time).

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]



---

SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).



## FORM 8

*Warrant of commitment on further remand in custody of person detained under custodial sentence (M.C. Act 1980, s. 131(3); M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused:

Age:      years

The accused having been committed to custody by the above magistrates' court on (date) under a warrant of commitment and having been remanded in custody until today in respect of the offence(s) set out in the said warrant  
The accused's legal representative having been present at the adjourned hearing and signified the accused's consent to an application for a further remand being heard and determined in the accused's absence  
The accused being already detained under a custodial sentence and not being present at the adjourned hearing

Decision:

The hearing is adjourned until (date) at (time) and the accused is remanded in custody.

Direction:

You, the Governor of [prison] [remand centre] are required to keep the accused until that date and on that day to convey the accused to the above court at that time unless you shall have been ordered otherwise in the meantime.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 9

Warrant of commitment: remittal to another magistrates' court for sentence (M.C. Act 1980, ss. 10, 39, 128; M.C. Rules 1981, rr. 19, 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Offence: (short particulars and statute)

The defendant having been convicted by ..... Magistrates' Court ("the convicting court") of the above offence (being an offence to which section 39 of the Magistrates' Courts Act 1980 applies).

[It appearing to the convicting court that ..... Magistrates' Court ("the other court") has convicted the defendant of another such offence in respect of which the other court has neither passed sentence on the defendant nor committed the defendant to the Crown Court nor dealt with the defendant in any other way

The other court having consented to the defendant's being remitted under the said section 39 to the other court]

[And having been remitted to ..... Magistrates' Court ("the other court") under section 39 of the said Act]

Decision: The trial is adjourned and the defendant remanded in custody. The [convicting] [other] court remits the defendant to the [other] [convicting] court to be dealt with in respect of the above offence.

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you, the Governor, to receive the defendant into your custody and, unless the defendant is released on bail or you are otherwise ordered in the meantime, to keep the defendant until (date) and on that day to convey the defendant to the [convicting] [other] court at (time)

**\*Bail:** After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the [convicting] [other] court on at.....a.m./p.m.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

SCHEDULE I

Conditions to be complied with before release on bail

To provide suret [y] [ies] in the sum of £ [each] to secure the defendant's surrender to custody at the time and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

\*Delete if bail is not granted.

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 10

Warrant of commitment on further remand in custody of person unable to appear by reason of illness or accident (Bail Act 1976, s. 3; M.C. Act 1980, s. 129; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

The accused having been committed to custody by the above magistrates' court on (date) under a warrant of commitment and having been remanded in custody until today in respect of the offence(s) set out in the said warrant

The court being satisfied that by reason of [illness] [accident] the accused is unable to appear personally before the court

Direction: You, the Governor of [prison] [remand centre], are hereby required to keep the accused until (date) unless the accused is released on bail in the meantime, and on that day to convey the accused to the above court at (time) unless you shall have been ordered otherwise in the meantime.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on ..... at..... a.m./p.m.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Delete if bail is not granted.





FORM 12

Warrant of arrest on failure to surrender to bail (Bail Act 1976, s. 7; M.C. Act 1980, s. 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (short particulars and statute)

The accused having been released on bail with a duty to surrender to the custody of the above magistrates' court on this day at (time) and having failed to surrender to custody as required

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto and with a duty to surrender to the custody of the above magistrate's court on .....at..... a.m./p.m.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

\*Delete if bail is not granted.

---

SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).



## FORM 13

*Statement of witness (C.J. Act 1967, s. 9; M.C. Act 1980, s. 102; M.C. Rules 1981, r. 70)*

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.

## FORM 14

*Notice to defendant: proof by written statement (C.J. Act 1967, s. 9; M.C. Act 1980, s. 102; M.C. Rules 1981, r. 70)*

To A.B. of

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

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

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

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

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

Names of witnesses whose statements are enclosed—

Address any reply to:—

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

---

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

FORM 15

Warrant of arrest issued before return date of summons (Bail Act 1976, s. 3; M.C. Act 1980, ss. 1, 13, 14, 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (short particulars and statute)
Information having been laid [on [oath] [affirmation]]
by .....
on .....
that the accused committed the above offence
[The said information having been this day substantiated on
[oath] [affirmation]]

Direction: You, the constables of Police Force,
are hereby required to arrest the accused and to bring the
accused before the above magistrates' court immediately
[unless the accused is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in
Schedule I hereto, the accused shall be released on bail, subject
to the condition(s) specified in Schedule II hereto, and with a
duty to surrender to the custody of the above magistrates'
court on .....at
.....a.m./p.m.

Justice of the Peace

\*Delete if bail is not granted.

---

SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

## INQUIRY BY EXAMINING JUSTICES

## FORM 16

*Certificate to be sent to Crown Court on committal for trial (C.J. Act 1925, s. 13; C.J. Act 1967, ss. 7, 11; M.C. Act 1980, ss. 4, 6, 8, 98; M.C. Rules 1981, rr. 7, 11)*

.....Magistrates' Court (Code)

Date:

Accused:

having been committed for trial [in custody] [on bail] [under section 6(2) of the Magistrates' Courts Act 1980] to the Crown Court at .....charged with the offence(s) specified in Schedule 1 hereto

Depositions:

[I hereby certify that the ..... depositions of the witnesses listed in Part I of Schedule 2 hereto were taken on oath before me\* [in the presence and hearing of the accused] on the date(s) given on the respective depositions,† [and that the accused or counsel or solicitor on behalf of the accused had full opportunity of cross-examining each of the witnesses called for the prosecution ]]

Statements:

[I hereby certify that the ..... statements purporting to be signed by the persons listed in Part II of Schedule 2 hereto were tendered in evidence under section 102 of the Magistrates' Courts Act 1980].

Publicity:

The court made [an] [no] order under section 8(2) of the Magistrates Courts Act 1980.

Alibi:

I hereby certify that the accused was [not] informed of the requirements of section 11 of the Criminal Justice Act 1967 and that he gave to the court [no] [the following] particulars of an alibi:—

Juveniles:

The court gave [a] [no] direction under section 39 of the Children and Young Persons Act 1933

Justice of the Peace

\*Delete if evidence was taken in the absence of the accused.

†Delete if evidence was taken in the absence of the accused and the accused was not represented.

## Schedule 1

## Schedule 2

## Part I

## DEPOSITIONS

Name and address and occupation of witness	Witness order(w) Conditional witness order or direction given that witness order be treated as conditional(c)	Page No.

## Part II

## WRITTEN STATEMENTS

Name and address and occupation of witness	Witness order(w) Conditional witness order or direction given that witness order be treated as conditional(c)	Page No.

## FORM 17

*Statement of accused (M.C. Rules 1981, r. 7)*.....Magistrates' Court (*Code*)**Date:****Accused:****Address:**

being charged with the offence(s) set out in Schedule 1 to the certificate herewith

And the evidence for the prosecution having been given and the charges having been read and explained to the accused [The accused was addressed by the court in accordance with rule 7 of the Magistrates' Courts Rules 1981, and asked whether he wished to say anything in answer to the charge(s)] [The accused, being represented, was asked whether he wished to say anything in answer to the charge(s)]

**Statement:**

Whereupon the accused [said:— ] [made no reply]

[and this statement was read over to the accused who was given an opportunity to sign it]

And the accused was given an opportunity to give evidence and to call witnesses

Taken before me  
Justice of the Peace

FORM 18

*Warrant of commitment: committal to Crown Court for trial (Bail Act 1976, ss. 3, 4; M.C. Act 1980, s. 6; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Alleged offence: (short particulars and statute)

Decision: The accused is committed for trial at the Crown Court at .....in respect of the above offence.

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the accused to [prison][remand centre] and there deliver the accused to the Governor thereof, together with this warrant; and you the Governor, to receive into your custody and, unless the accused is released on bail in the meantime, to keep the accused until the accused is delivered in due course of law.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.



## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 19

*Order committing corporation for trial (M.C. Act 1980, ss. 6, 46, Sch. 3)*

.....Magistrates' Court (*Code*)

Date:

Accused corporation:

Registered office:

Alleged offence: (*short particulars and statute*)

The accused corporation was today charged before the above court with the above offence and the court having inquired into the offence and determined to commit the accused corporation for trial at the Crown Court at

Order: You, (*name*), as prosecutor are hereby empowered to prefer a bill of indictment in respect of the offence at the Crown Court.

Justice of the Peace

[*or* By order of the Court  
Clerk of the Court]

## FORM 20

*Notice to governor of prison of persons committed to the Crown Court on bail (M.C. Rules 1981, rr. 9, 17)*

.....Magistrates' Court (*Code*)

Persons committed by this Court on.....on bail to the  
Crown Court at .....

Name and Age	Whether committed for trial or sentence, and Act and section under which so committed	Brief description of offence, conviction or other reason for committal

Justices' Clerk

To the Governor HM Prison/Remand Centre.....

FORM 21

*Notice on committal for trial of a person subject to transfer direction under section 73 of the Mental Health Act 1959 (M.C. Rules 1981, r. 10)*

.....Magistrates' Court (Code)

Date:

To the Governor: [prison]

Address:

To the Managers: [hospital]

Address:

Notice: The accused, named below, who is subject to a transfer direction under section 73 of the Mental Health Act 1959 and is detained at the above hospital, was today committed in custody for trial at the Crown Court at

Accused: Age: years

Address:

Alleged offence: (short particulars and statute)

Clerk of the Court

FORM 22

*Witness order (C.P. (A. of W.) Act 1965, s.1(1); M.C.Rules 1981, r. 8)*

.....Magistrates' Court (*Code*)

Date:

To :  
(*Witness*)

Address:

Order:                   That \* [if notice is later given to you to that effect ] you attend  
and give evidence at the trial of (*accused*) at the Crown Court  
at

Justice of the Peace  
[By order of the Court  
Justices' Clerk]

NOTE: Failure to comply with this order may render you liable to imprisonment for 3 months or a fine. You will be notified of the date and time at which you are to attend by the appropriate officer of the Crown Court, to whom any enquiry should be addressed.

---

\*Delete unless the order is a conditional order.

FORM 23

Notice to witness that a witness order is to be treated as a conditional order (C.P. (A. of W.) Act 1965, s. 1(2)(b); M.C. Rules 1981, r. 8(2))

.....Magistrates' Court (Code)

Date:

To:  
(Witness)

Address:

On (date) you were ordered to attend and give evidence at the trial of [A.B.] at the Crown Court at.....  
The Examining Justices have [since committed [A.B.] for trial at the Crown Court at.....and have] directed that that order be treated as a conditional order:

Notice: TAKE NOTICE that you are NOT required to attend the court of trial unless you subsequently receive notice directing you to attend.

Justice of the Peace  
[Clerk of the Court]

## FORM 24

*Notice of provisions of s. 11 of Criminal Justice Act 1967 (C.J. Act 1967, s. 11; M.C. Rules 1981, rr. 6 (5), 7 (13))*

## PARTICULARS OF ALIBI

In the [county of \_\_\_\_\_] Petty Sessional Division of \_\_\_\_\_].  
To A.B., of \_\_\_\_\_

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

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

1. give notice of the particulars in the magistrates' court (the time for doing this has passed in your case) or to the solicitor for the prosecution before the end of the period of 7 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 \_\_\_\_\_

Clerk of the Magistrates' Court sitting at \_\_\_\_\_

## FORM 25

*List of exhibits (M.C. Rules 1981, r. 11(2)(g))*

R.v.

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

Clerk to committing Justice [s]



## FORM 26

*Warrant of commitment of person indicted (Courts Act 1971, s. 13(7); M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused: Age: years

appearing by warrant issued by the Crown Court at  
.....under section 13(2) of  
the Courts Act 1971.

Offence: *(short particulars and statute)*

Decision: The accused is committed for trial at the Crown Court at  
..... in respect of the above offence.

Direction: You [the constables of Police Force]  
[A.B.] are hereby required to convey the accused  
to [prison] [remand centre] and there  
deliver the accused to the Governor thereof, together with this  
warrant; and you the Governor to receive into your custody  
and, unless the accused is released on bail in the meantime, to  
keep the accused until the accused is delivered in due course of  
law.

\*Bail: After complying with the condition [s] specified in Schedule I  
hereto, the accused shall be released on bail subject to the  
conditions specified in Schedule II hereto, and with a duty to  
surrender to the custody of the Crown Court on such day and at  
such time and place as may be notified to the accused by the  
appropriate officer of that court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

SCHEDULE I

Conditions to be complied with before release on bail

To provide suret [y] [ies] in the sum of £  
[each] to secure the accused's surrender to custody at the time  
and place appointed

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate.

## SUMMARY TRIAL

## FORM 27

*Notice to defendant: plea of guilty in absence (M.C. Act 1980, s. 12(1)(a))*

In the [county of \_\_\_\_\_] Petty Sessional Division of \_\_\_\_\_].  
To A.B., of \_\_\_\_\_

## PLEASE READ THIS NOTICE CAREFULLY

If you admit the offence [s] referred to in the summons [es] served herewith and do not wish to appear before the Court, it is open to you under section 12 of the Magistrates' Courts Act 1980, to inform the Clerk of the Court in writing that you wish to plead guilty to the charge [s] without appearing. If you decide to do this, you should write to the Clerk in time for him to receive your reply at least 3 days before the date fixed for the hearing in order to avoid the unnecessary attendance of witnesses. In writing to the Clerk you should mention any mitigating circumstances which you wish to have put before the Court.

[If you write as mentioned, you are required to include a statement of your date of birth and sex.]\* A form which you can use for writing to the clerk is enclosed.

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

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

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

\*[A notice from the vehicle licensing authority is also served herewith. This notice states that in the event of your being convicted it will be alleged that an order falls to be made requiring you to pay the amount specified in the notice (being the amount calculated to be the duty payable in respect of the period during which the vehicle was unlicensed). If you send in a written plea of guilty, you may nevertheless include in it a statement that the amount so specified is inappropriate (e.g. because you were not the keeper of the vehicle for the whole of the period during which the vehicle was unlicensed or because the vehicle was not kept or used on a public road during the whole of that period). If you do not include a statement that the amount is inappropriate, the Court will proceed on the assumption that the amount is correctly calculated. If you do not include such a statement and you decide to appear in person and dispute the amount, you should arrange to have at Court any witnesses or documents which may help you to prove that the amount is inappropriate.].

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

---

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

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

NOTES:

1. If you want any more information you may get in touch with the Clerk of the Court.
2. If you intend to consult a solicitor you would be well advised to do so before taking any action in response to this notice.

3. Address any letter to  
The Clerk of the (set out address) Magistrates' Court

FORM 28

*Statement of facts (M.C. Act 1980, s. 12(1) (b))*

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

If you inform the Clerk of the Court that you wish to plead guilty to the charge of , set out in the summons served herewith, without appearing before the Court and the Court proceeds to hear and dispose of the case in your absence under section 12 of the Magistrates' Courts Act 1980, the following Statement of Facts will be read out in open Court before the Court decides whether to accept your plea. If your plea of guilty is accepted the Court will not, unless it adjourns the case after convicting you and before sentencing you, permit any other statement to be made by or on behalf of the prosecutor with respect to any facts relating to the charge.

*Statement of Facts*

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

FORM 29

*Notice of intention to cite previous convictions (M.C. Act 1980, s. 104)*

To A.B., of

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

Date of conviction	Court	Offence	Sentence

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

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

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

FORM 30

*Notice of intention to cite previous convictions for offences involving obligatory or discretionary disqualification from driving (R.T. Act 1972, s. 182(2A)(c)).*

To A.B. of

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

Date of conviction	Court	Offence	Sentence

Signed .....  
[For Chief Constable]

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

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

Dated

FORM 31

Warrant of arrest on failure to appear in answer to summons or at adjourned trial before evidence has been received (Bail Act 1976, s. 3; M.C. Act 1980, ss. 1, 11, 13, 14, 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (short particulars and statute)

The accused having this day failed to appear [in answer to a summons issued on (date) and duly served in respect of the above offence] [at the time fixed for the adjourned trial of the information charging the above offence], no evidence having been received

Direction: You, the constables of Police Force, are hereby required to arrest the accused and to bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on ..... at ..... a.m./p.m.

Justice of the Peace
[or By order of the Court
Clerk of the Court]

\*Delete if bail not granted.



## SCHEDULE I

Conditions to be complied with before release on bail

To provide                                  suret [y ] [ies] in the sum of £  
[each ] to secure the accused's surrender to custody at the time  
and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 32

Warrant of arrest on failure to appear after evidence has been received where the accused is at large otherwise than on bail (Bail Act 1976, s. 3; M.C. Act 1980, ss. 1, 11, 13, 14, 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (short particulars and statute)

The accused having this day failed to appear before the above court [in answer to a summons issued on..... and duly served in respect of the above offence] [at the time fixed for the adjourned trial of the information charging the above offence, the accused having previously appeared to answer to that information].

[Evidence having been received] [the accused having been convicted], the court [considers it undesirable by reason of the gravity of the offence to continue the trial in the absence of the accused] [proposes to impose a disqualification on the accused].

Direction: You, the constables of Police Force, are hereby required to arrest the accused and bring the accused before the above magistrates' court immediately [unless the accused is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the accused shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on ..... at .....a.m./p.m.

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £  
[each ] to secure the accused's surrender to custody at the time  
and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule 1 directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 33

Warrant of commitment on remand after conviction (C.J. Act 1961, ss. 4(4), 12; Immigration Act 1971, s. 6(2); Bail Act 1976, ss. 3, 4; M.C. Act 1980, ss. 10(3), 128; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Offence: (short particulars and statute)

The defendant having been convicted of the above offence

Decision: The hearing is adjourned until (date) at (time) and the defendant remanded in custody [to enable enquiries to be made] [to determine the most suitable method of dealing with the case] [to enable the Secretary of State to make a report on the defendant under section 4(4) [12(3)] of the Criminal Justice Act 1961] [to enable a notice to be given to the defendant under section 6(2) of the Immigration Act 1971] [to enable a period of seven days to elapse from the date on which notice under section 6(2) of the Immigration Act 1971 was given to the defendant].

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you the Governor to receive the defendant into your custody and, unless the defendant is released on bail or you are otherwise ordered in the meantime, to keep the defendant until that date and then convey the defendant to the above magistrates' court at that time.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on .....at..... a.m./p.m.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret[y][ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 34

Warrant of commitment on remand for medical examination (Bail Act 1976, ss. 3, 4; M.C. Act 1980, ss. 10, 30, 128; M.C. Rules 1981, rr. 24, 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence: (short particulars and statute)

Decision: Hearing adjourned until (date) at (time) and the accused remanded in custody under [section 10] [section 30] of the Magistrates' Courts Act 1980 to enable a medical examination and report to be made.

Direction: You [the constables of Police Force] [A.B.] are hereby required to carry the accused to [prison] [remand centre] and there deliver the accused to the Governor thereof, together with this warrant; and you, the Governor to receive the accused into your custody and, unless the accused is released on bail or you are otherwise advised in the meantime, to keep the accused until that date and then convey the accused to the above magistrates' court at that time. [And you the Governor are hereby requested to arrange an inquiry into the accused's [physical] [and] [mental] condition by [a] [two] duly qualified medical practitioner [s] who shall report thereon to the court].

\*Bail: After complying with the condition [s] specified in Schedule I hereto the accused shall be released on bail subject to the condition [s] specified in Schedule II hereto and with a duty to surrender to the custody of the above magistrates' court on (date) at m.

Justice of the Peace
[or By order of the Court
Justices' Clerk]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed

\*

## SCHEDULE II

Conditions to be complied with after release on bail

To undergo medical examination by [a][two] duly qualified medical practitioner[s]. To attend [at (*name hospital or other place*)] [or (*name medical practitioner [s]*)] for the purpose of such a medical examination

\*

---

\*Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 35

Hospital order (M.H. Act 1959, s. 60; M.C. Rules 1981, r. 31)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence: (short particulars and statute)

The court [having [today] [on.....] convicted the accused of the above offence which is punishable on summary conviction with imprisonment] [being satisfied that the accused did the act or made the omission alleged above]

And the court being satisfied, having [heard] [considered] the [written] evidence of two medical practitioners namely (insert names and addresses), complying with the provisions of section 62 of the Mental Health Act 1959, that the accused is suffering from [mental illness] [psychopathic disorder] [subnormality] [severe subnormality] which [is] [are] [a] form [s] of mental disorder [s] within the meaning of the Mental Health Act 1959:

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

And the court is satisfied that arrangements have been made for the accused's admission to the hospital named below within 28 days of this date.

Order: It is ordered that the accused be admitted to and detained in (name and address of hospital) [and that the accused be conveyed to that hospital by [A.B.]].

[And it is directed that pending admission to the hospital within the stated period of 28 days the accused be detained at a place of safety namely ] [and shall be conveyed there by [C.D.]]

Justice of the Peace

[or By order of the Court Clerk of the Court]



## FORM 36

*Guardianship order (M.H. Act 1959, s. 60; M.C. Rules 1981, r. 31)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

Offence: (*short particulars and statute*)

The court [having [today] [on.....] convicted the accused of the above offence which is punishable on summary conviction with imprisonment] [is satisfied that the accused did the act or made the omission alleged above].

And the court being satisfied, having [heard] [considered the [written] evidence of two medical practitioners namely (*insert names and addresses*), complying with the provisions of section 62 of the Mental Health Act 1959, that the accused is suffering from [mental illness] [psychopathic disorder] [subnormality] [severe subnormality] which [is] [an] [a] form[s] of mental disorder[s] within the meaning of the Mental Health Act 1959:

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

And the court is satisfied that the [authority] [person] specified below is willing to receive the accused into guardianship:

Order: It is ordered that the accused be placed under the guardianship of [ social services authority] [A.B. being a person approved by social services authority].

Justice of the Peace

[By order of the Court  
Clerk of the Court]

FORM 37

*Order of dismissal of information (M.C. Act 1980, s. 9)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

Alleged offence:        (*short particulars and statute*)

†Decision:                The information be dismissed.

Justice of the Peace

[*or* By order of the Court  
Clerk of the Court]

---

†Add details of any order as to costs.

FORM 38

*Conviction (M.C. Act 1980, s. 9; M.C. Rules 1981, r. 16)*.....Magistrates' Court (*Code*)

Date of decision:

Accused: Age:      years

Address:

Offence:                   (*short particulars and statute*)

The accused [having consented to be tried summarily] was convicted of the above offence.

\* [The court is of opinion that no method of dealing with the accused other than a sentence of imprisonment is appropriate because (*state reason*)]

†Decision:

By order of the Court

Justices' Clerk

---

\*Delete if accused has attained the age of 21 years and has previously been sentenced to imprisonment.

†There should here be included details of any order as to costs or compensation.

FORM 39

*Warrant of commitment: committal to Crown Court for sentence (C.J. Act 1961, s. 1; C.J. Act 1967, s. 62; Bail Act 1976, s. 3; M.C. Act 1980, ss. 37, 38; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Offence: (short particulars and statute)

Decision: The defendant is committed in custody to the Crown Court at for sentence in accordance with the provisions of section [20 of the Criminal Justice Act 1948] [42 of the Powers of Criminal Courts Act 1973].

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you the Governor to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the defendant's surrender to custody at the time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 40

Warrant of commitment to Crown Court for restriction order (M.H. Act 1959, s. 67(1))

.....Magistrates' Court (Code)

Date:

Accused: Age: Years

Address:

Offence: (short particulars and statute)

The accused was today [or on (date)] convicted of the above offence which is punishable on summary conviction with imprisonment:

And:

- 1. It appearing to the court that on the day of the accused's conviction the accused was not less than fourteen years of age:
- 2. The conditions which, under section 60(1) of the Mental Health Act 1959, are required to be satisfied for the making of a hospital order are satisfied in respect of the accused:
- 3. It appearing to the court, having regard to the nature of the offence, the antecedents of the accused, and the risk of the accused's committing further offences if set at large, that if a hospital order is made an order restricting the discharge of the accused should also be made:

Decision: It was decided that the accused be committed in custody to the Crown Court at under the provisions of section 67(1) of the Mental Health Act 1959, to be dealt with in respect of the offence.

Direction: You [the constables of Police Force] [A.B.] are hereby required to convey the accused to [prison] [remand centre] and there deliver the accused to the Governor thereof, together with this warrant; and you the Governor to receive the accused into your custody and to keep the accused until the accused is delivered in due course of law.

Justice of the Peace

[or By order of the Court Clerk of the Court]

Warrant of commitment to Crown Court for restriction order or sentence (M.H. Act 1959, s. 67(4))

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

The accused was today [on (date) ] convicted of the above offence:

And:

- 1. It appearing to the court that on the day of the accused's conviction the accused was not less than 17 years of age:
- 2. The conditions which, under section 60(1) of the Mental Health Act 1959 are required to be satisfied for the making of a hospital order are satisfied in respect of the accused:
- 3. It appearing to the court, having regard to the nature of the offence, the antecedents of the accused and the risk of the accused committing further offences if set at large, that if a hospital order is made an order restricting the discharge of the accused should also be made:
- 4. The court, on obtaining information as to the character and antecedents of the accused, was of the opinion that they were such that greater punishment should be inflicted in respect of the offence than the court had power to inflict unless a hospital order is made in the case of the accused with an order restricting the accused's discharge:

Decision: It was decided that the accused be committed in custody to the Crown Court at under section 38 of the Magistrates' Courts Act 1980, as modified by section 67(4) of the Mental Health Act 1959, for sentence in accordance with the provisions of Section 42 of the Powers of Criminal Courts Act 1973.

Direction: You [the constables of Police Force] [A.B.] are hereby required to convey the accused to [prison] [remand centre] and to deliver the accused to the Governor thereof, together with this warrant; and you the Governor to receive the accused into your custody and to keep the accused until the accused is delivered in due course of law.

Justice of the Peace

[or By order of the Court Clerk of the Court]

FORM 42

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

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

Decision: The court [today] [on.....] convicted the accused, of the above offence which is punishable on summary conviction with imprisonment:

And

- 1. It appearing to the court that on the day of the accused's conviction the accused was not less than 14 years of age:
2. The conditions which, under section 60 of the Mental Health Act 1959, are required to be satisfied for the making of a hospital order are satisfied in respect of the accused:
3. It appearing to the Court, having regard to the nature of the offence, the antecedents of the accused and the risk of the accused committing further offences if set at large, that if a hospital order is made an order restricting the accused's discharge should also be made:
4. The Court has committed the accused to the Crown Court at under section 67(1) of the Mental Health Act 1959 to be dealt with in respect of the offence:

Direction: The Court being satisfied that arrangements have been made for the admission of the accused to the Hospital.

It was today directed that the accused be admitted to that hospital and detained there until the Crown Court at has disposed of the case:

And it was directed that [A.B.] [the managers of the hospital] should produce the accused from the above hospital to attend the Crown Court at on the day and at the time to be notified by the appropriate officer of the Crown Court.

Justice of the Peace

[or By order of the Court Clerk of the Court]



FORM 43

Warrant of commitment: sentence of imprisonment (P.C.C. Act 1973, s. 19 (3); M.C. Act 1980, s. 132; M.C. Rules 1981, rr. 94, 95, 97).

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

The accused was on convicted of the above offence \* [and the court is of opinion that no method of dealing with him other than a sentence of imprisonment is appropriate because (state reason)].

Decision: That the accused be imprisoned for (state period).

Direction: You, [the constables of Police Force] [A.B.] are hereby required to convey the accused to prison and there deliver the accused to the Governor thereof, together with this warrant; and you the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace

[or By order of the Court Justices' Clerk]

\*Delete if accused has attained the age of 21 years and has previously been sentenced to imprisonment.

FORM 44

Warrant of commitment to detention centre (C.J. Act 1961, s. 4; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

Decision: That the accused be detained in a detention centre for the period of months.

Direction: You, [the constables of Police Force] [A.B.] are hereby required to convey the accused to the detention centre at and there deliver the accused to the Warden thereof, together with this warrant; and you, the Warden, to receive into your custody and keep the accused for the said period.

Justice of the Peace

[or By order of the Court Justices' Clerk]

FORM 45

Order of return to borstal (C.J. Act 1961, s. 12; M.C. Act 1980, s. 4(4))

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

The accused was [today] [on (date)] convicted of the above offence which is punishable on summary conviction in the case of an adult with imprisonment: And the accused having been sentenced previously to borstal training [is under supervision after the accused's release from a borstal institution] [being detained or liable to be detained in a borstal institution]:

Order: The Court has considered the Secretary of State's report on the accused's response to the training already undergone and orders that the accused be returned to a borstal institution:

Direction: You [the Constables of Police Force] [A.B.] are hereby required to convey the accused to prison and there deliver the accused to the Governor thereof, together with this order; and you the Governor to receive the accused into your custody and keep the accused until the accused is duly transferred to a borstal institution to be detained there in accordance with section 12(2) of the Criminal Justice Act 1961.

Justice of the Peace

[or By order of the Court Clerk of the Court]

## ENFORCEMENT OF FINES

## FORM 46

## Notice of fine (M.C. Rules 1981, r. 46)

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border-top: 1px solid black; border-right: 1px solid black; width: 40px; height: 40px; margin-bottom: 10px;"></div> <div style="border-top: 1px solid black; border-right: 1px solid black; width: 40px; height: 40px;"></div> </div> <div style="border-top: 1px solid black; border-right: 1px solid black; width: 40px; height: 40px; margin-top: 10px;"></div> <div style="border-top: 1px solid black; border-right: 1px solid black; width: 40px; height: 40px;"></div>	.....Magistrates' Court (Code)			
	Date .....			
	Case No. ....			
	Convicted on ..... (date)..... by the [.....Magistrates' Court] [Crown Court at.....]			
	Driving Licence No. ....]			
Offence(s)	Fine	Compensation	Costs	Total
	£	£	£	£

You have been ordered to pay the sums shown above [by (date)] [by weekly/monthly instalments of £ the first instalment to be paid by (date)]

Payment may be made personally at the address shown below on (days) between (time) and (time), or—

By post to the address shown below. Crossed cheques and postal orders should be made payable to the "Justices' Clerk". Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped.

Payment to: The Justices' Clerk

(Address)

(Telephone No.        )

Failure to pay in accordance with the above directions may result in a distress warrant being issued against you or a warrant for your arrest unless you have been granted further time for payment; application for further time for payment may be made in writing to the Justices' Clerk stating the grounds for the application.

NOTE: This notice should be sent with any payment or application

FORM 47

Notice of registration of financial penalty enforcement order (Army Act 1955, s. 133A; Air Force Act 1955, s. 133A; Naval Discipline Act 1957, s. 128F; M.C. Rules, 1981, r. 47)

<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p>_____</p> <p style="text-align: center;">(as parent/guardian</p> <p>of _____)</p> </div>	<p>.....Magistrates' Court</p> <hr/> <p>Date .....</p> <hr/> <p>Convicted on.....(date).....</p> <p>by the .....</p>				
Offence(s)	Sum certified as outstanding				
	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; text-align: center; padding: 5px;">Fine £</td> <td style="width: 25%; text-align: center; padding: 5px;">Stoppages £</td> <td style="width: 25%; text-align: center; padding: 5px;">Compen- sation £</td> <td style="width: 25%; text-align: center; padding: 5px;">Total £</td> </tr> </table>	Fine £	Stoppages £	Compen- sation £	Total £
Fine £	Stoppages £	Compen- sation £	Total £		

You are hereby given notice that a financial penalty enforcement order made against you on.....by .....has been registered in this Court.

Payment of the outstanding amount shown above should be made either in person at the address shown below on ( ) between.....or sent by post to the address shown below. Cheques and postal orders should be crossed and made payable to The Justices' Clerk. Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped.

The address of the Court is:

The.....Magistrates' Court

.....

.....

Correspondence should be addressed to the Justices' Clerk.

In the event of your failure to pay the sum due a distress warrant may be issued against you or you may be required to appear or be arrested and brought before the Court for an inquiry into your means. Application for further time for payment may be made in writing to the Justices' Clerk at the above address stating the grounds of the application.

[NOTE: This notice should be sent with any payment or on application.]

Justices' Clerk.

FORM 48

*Distress warrant (P.C.C. Act 1973, ss. 31, 32; M.C. Act 1980, ss. 76, 78; M.C. Rules 1981, rr. 54, 95)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence	Fine	Compensation	Costs	Total
	£	£	£	£

Total amount still outstanding; was on [date] at..... [Crown Court] [Magistrates' Court] ordered to pay the sums specified above in accordance with the terms of the notice of fine served on the accused and default has been made in payment and the following sum is still outstanding: [insert amount]

Direction: You [the Constables of Police Force] [X.Y.] are hereby required immediately to make distress of the money and goods of the accused (except the clothing and bedding of the accused and the accused's family, and to the value of fifty pounds, the tools and implements of the accused's trade); and if the amount shown above as still outstanding, together with the costs and charges of taking and keeping the distress, are not paid, then not earlier than the sixth day after the making of the distress, unless the accused consents in writing to an earlier sale, to sell the goods and pay the proceeds of the distress to the Clerk of the.....Magistrates' Court, and if [no] [insufficient] distress can be found, to certify the same to that Magistrates' Court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

1570

MAGISTRATES' COURTS

---

FORM 49

*Return of insufficient distress (M.C. Act 1980, s. 76(2))*

(Endorsement)

Date:

I [A.B. of (address) ] [Constable of the Police Force]  
hereby certify that I have made diligent search for the money and goods of the accused  
and that I can find [no] [insufficient] money or goods of the accused upon which the  
sum specified in this warrant can be levied.

A.B.

## FORM 50

*Account of charges incurred on distress warrant (M.C. Rules 1981, r. 54(10))*

Date:

Accused:

Address:

Charges incurred on distress warrant dated (date)  
upon the money and goods of the accused.

I [A.B. of (address) ] being the [constable]  
[person] charged with the execution of the above warrant of  
distress, hereby declare that the following is a true account of  
the costs and charges incurred in respect of the execution of the  
warrant:

	£	p
Total		

A.B.



## FORM 51

Warrant of commitment on occasion of conviction (P.C.C. Act 1973, s. 19(2); M.C. Act 1980, ss. 76, 82, 132; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

Ordered to pay: £ fine  
£ compensation  
£ costs

Imprisonment in  
default of payment:  
To take effect  
forthwith because: (state reason)

\* [This court is of opinion that no method of dealing with the accused in respect of his default other than a sentence of imprisonment is appropriate because (state reason)].

Direction: You [the constables of Police Force]  
[the authorised persons for ] [A.B.] are hereby  
required to convey the accused to prison  
and there deliver the accused to the Governor thereof together  
with this warrant; and you the Governor to receive into your  
custody and keep the accused for that period [to commence at  
the end of the term of imprisonment (give particulars)] unless  
the amount remaining due be sooner paid.

Justice of the Peace

[or By order of the Court  
Justices' Clerk]

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

FORM 52

Warrant of commitment on occasion subsequent to conviction (P.C.C. Act 1973, ss. 19(2), 31; M.C. Act 1980, ss. 76, 77(2), 79, 82, 88, 132; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Convicted on:

by the: [.....Magistrates' Court] [Crown Court at.....]

Offence: (short particulars and statute)

Amount outstanding when imprisonment imposed: £

Imprisonment in default of payment: days

Imposed on:

by the: [.....Magistrates' Court] [Crown Court at.....]

\* [[This court has considered or tried all other methods of enforcing payment and it appears to this court that they are inappropriate or unsuccessful] [The said offence is punishable with imprisonment and the accused appears to this court to have sufficient means to pay the amount remaining due] [The accused is already serving a term of imprisonment]]

† [This court is of the opinion that no method of dealing with the accused in respect of his default other than a sentence of imprisonment is appropriate because (state reason)]

‡ [This court is satisfied that it is undesirable/impracticable to place the accused under supervision because (state grounds)]

\*Delete if a term of imprisonment has been fixed on a previous occasion.
†Delete if the accused appears to have attained the age of 21 years.
‡Delete if the accused appears to have attained the age of 21 years or has been placed under supervision.

Amount remaining  
due: £

Period to be served: days

Direction: You [the constables of Police Force]  
[the authorised persons for ] [A.B.] are hereby  
required to convey the accused to prison  
and there deliver the accused to the Governor thereof,  
together with this warrant; and you the Governor to receive  
into your custody and keep the accused for the said period of  
[to commence at the end of the term of imprison-  
ment (*give particulars*)] unless the amount remaining due be  
sooner paid.

Justice of the Peace

[or By order of the Court  
Justices' Clerk]

FORM 53

Summons to fine defaulter (P.C.C. Act 1973, ss. 31, 32; M.C. Act 1980, ss. 82, 83; M.C. Rules 1981, r. 98)

.....Magistrates' Court (Code)

Date:

To the accused:

Address:

Convicted on:

by the : [.....Magistrates' Court] [Crown Court at.....]

Offence: (short particulars and statute)

Ordered to pay: £ fine
£ compensation
£ costs
Total £
Payments made £
Amounts still outstanding: £

You have failed to pay the amount shown above as still outstanding. You are therefore hereby summoned to appear before the .....Magistrates' Court on .....at .....m, unless the above amount has been paid in full beforehand, for inquiry to be made as to your means.

Justice of the Peace
[Justices' Clerk]

NOTE: The purpose 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 you do not pay the outstanding amount in full and fail to appear in person in answer to this summons, you will render yourself liable to arrest without further notice.

## FORM 54

*Warrant for arrest of fine defaulter (P.C.C. Act 1973, s. 31; M.C. Act 1980, ss. 82, 83; M.C. Rules 1981, rr. 95, 96)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Date penalty imposed:

by the: [ .....Magistrates' Court] [Crown Court  
at.....]

Total amount still  
outstanding: £

Direction: You [the constables of Police Force]  
[the authorised persons for ] [A.B.] are hereby  
required to arrest the accused and bring him before the Magis-  
trates' Court at immediately.

\*Bail On arrest the accused shall be released on bail on entering into  
a recognizance in the sum of £ for the accused's appear-  
ance before the last mentioned Magistrates' Court at m.  
on (date) unless the amount outstanding be sooner  
paid.

Justice of the Peace

\*Delete if bail is not allowed and amend as appropriate where sureties are required or conditions imposed.

FORM 55

Warrant of commitment to detention centre: non-payment of fine (C.J. Act 1961, s.5)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Convicted on:

by the: [.....Magistrates' Court]
[Crown Court at .....] ]

Offence: (short particulars and statute)

\*[Ordered to pay: £ (Total of fine, compensation and costs)]

\*[Amount outstanding when imprisonment imposed: £ ]

Imprisonment in default of payment: days

Imposed on:

by the: [.....Magistrates' Court]
[Crown Court at .....] ]
[This court is satisfied that it is undesirable/impracticable to place the accused under supervision because (state grounds)].
The accused is at present detained in a detention centre under a previous sentence or warrant.

\*Delete whichever is inappropriate.

1578

MAGISTRATES' COURTS

---

Amount remaining  
due: £

Period of detention:

Direction: You [the constables of Police Force]  
[the authorised persons for ] [A.B.] are  
hereby required to convey the accused to the detention centre  
at and there deliver the accused to the Warden  
thereof, together with this warrant; and you the Warden, to  
receive into your custody and keep the accused for the said  
period of unless the amount remaining due be  
sooner paid.

Justice of the peace

[or By order of the Court  
Justices' Clerk]

FORM 56

*Endorsement on warrant of commitment in default: defaulter in detention centre (CJ. Act 1961, s. 5(6))*

It has been made to appear to me that the above named accused is at present detained in the detention centre at [ ]. Accordingly I amend this warrant committing the accused to prison by substituting that detention centre for the prison named [and by reducing the term of imprisonment specified in this warrant to 6 months].

Justice of the Peace

Date:



## FORM 57

*Warrant for detention in police cells etc. (M.C. Act 1980, s. 134; M.C. Rules 1981, rr. 94, 95, 97)*

(Note) The normal form of warrant of commitment on occasion subsequent to conviction shall be used (Form 52) except that the Direction shall be amended to read as follows:

Direction:                    You [the Constables of                    Police Force ]  
   [the authorised persons for                    ] [A.B.]  
   are hereby required to convey the accused to (*name of place*)  
   and there deliver the accused to the Police Officer in charge  
   together with this warrant; and you the Police Officer in charge  
   to receive into your custody and keep the accused for the said  
   period of                    days unless the amount remaining due be  
   sooner paid.

FORM 58

Warrant for detention in police station (M.C. Act 1980, s. 136; M.C. Rules 1981, rr. 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

Convicted on:

by the: .....Magistrates' Court

Ordered to pay: £ (Total of fine, compensation and costs)

Amount still outstanding: £

Direction: The accused having made default in payment of the amount shown above as still outstanding:

You the constables of Police Force are required to arrest the accused, unless the amount outstanding be sooner paid, and convey the accused to a police station and you the officer in charge of that station to detain the accused there until 8 a.m. on the day following that on which the accused is arrested between midnight and 8 a.m. until 8 a.m. on the day on which the accused is arrested provided that you the officer in charge of the police station may release the accused at any time between 4 a.m. and 8 a.m. if you think it expedient to do so in order to enable the accused to go to work or for any other reason appearing to you to be sufficient.

Justice of the Peace

[or By order of the Court Clerk of the Court]

FORM 59

Transfer of fine order (P.C.C. Act 1973, ss. 31, 32; M.C. Act 1980, s. 89; M.C. Rules 1981, r. 57)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Convicted on:

by the: [.....Magistrates' Court] [Crown Court at .....

Total amount ordered to pay: £ (including fines, costs and compensation)

Terms of payment:

Amount still outstanding: £

+ [Imprisonment fixed by the Crown Court in default of payment: days]

Order: This court being the court required to enforce payment of the amount shown above as still outstanding and it appears that the accused is residing at in the petty sessions area of (name area) a transfer of fine order is hereby made under section 89 of the Magistrates' Courts Act 1980 transferring to a magistrates' court acting for that petty sessions area to the clerk of that court, all the functions under Part II of that Act in respect of the amount shown above as still outstanding.

Justice of the Peace

+Applies to Crown Court fines only.

Justices' Clerk

This order should be accompanied by a statement of the offence and of the steps, if any, taken to recover the sum together with any other available information which the clerk making the order thinks is likely to assist the receiving court.

FORM 60

*Transfer of fine order to Scotland or Northern Ireland (P.C.C. Act 1973, ss. 31, 32; M.C. Act 1980, s. 90; M.C. Rules 1981, r. 57)*

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Convicted on:

by the: [.....Magistrates' Court ]  
[Crown Court at.....]

Total amount ordered to pay: £ (including fines, costs and compensation)

Terms of payment:

Amount still outstanding: £

\* [Imprisonment fixed by the Crown Court in default of payment]

Order: This court being the court required to enforce payment of the amount shown above as still outstanding and it appearing that the accused is residing at (state address) within the jurisdiction of the court of summary jurisdiction in Scotland or Northern Ireland named below a transfer of fine order is hereby made under section 90 of the Magistrates' Courts Act 1980 transferring to the court of summary jurisdiction at (state name and address of court) the enforcement of payment of the amount shown above as still outstanding.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Applies to Crown Court fines only.

This order should be accompanied by a statement of the offence and of the steps, if any, taken to recover the sum together with any other available information which the clerk making the order thinks is likely to assist the receiving court.

## FORM 61

*Notice of transfer of fine order (M.C. Rules 1981, r. 57)*

.....Magistrates' Court (*Code*)

Date:

To the Accused:

Address:

On (*date*) at [.....Magistrates' Court] [the Crown Court at .....] [a court of summary jurisdiction in [Scotland] [Northern Ireland], namely .....] you were ordered to pay the following amounts:

Fine: £

Compensation: £

Costs: £

Amount still outstanding: £

Notice:

You are hereby given notice that in consequence of a transfer of fine order made on (*date*) the enforcement of payment of the amount still outstanding has now become a matter for the Magistrates' Court.

Payment of the amount outstanding should now be made to the court named below, [immediately] [before (*date*)].

If you are unable to pay you should at once make an application for [further] time to be granted by letter addressed to me setting out fully the grounds of your application.

Payment may be made personally at the address shown below on (*days*) between (*time*) and (*time*),

or—

by post to the address shown below. Crossed cheques and postal orders should be made payable to the "Justices' Clerk". Cash should not be sent in unregistered envelopes. Any communication sent by post must be properly stamped.

Payment to: The Justices' Clerk  
(Name and Address of Court)

(Telephone No. )

Justices' Clerk.

FORM 62

Notice of fine supervision order (M.C. Rules 1981, r. 56)

.....Magistrates' Court (Code)

Date:

To the Accused:

Address:

On [date] at [.....Magistrates' Court] [the  
Crown Court at .....] [you were ordered  
to pay the following amounts:

Fine: £

Compensation: £

Costs: £

Amount still  
outstanding: £

Notice:

You are hereby given notice that you were [today] [on  
(date) ] by order of this Court, placed under the  
supervision of [name and address] until you have paid the  
amount shown above as still outstanding or a further order be  
made.

[Payment is to be made by [weekly] [monthly] instalments of  
, the first instalment to be paid immediately].

Justices' Clerk.

## FORM 63

*Authority for clerk of magistrates' court to enforce payment of fine in High Court or County Court (M.C. Act 1980, s. 87)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Convicted on:

by the: [Magistrates' Court] [Crown Court at ]

Offence: *(short particulars and statute)*

Ordered to pay: £ fine  
£ compensation  
£ costs

[This court being the court required under section 32(1) of the Powers of Criminal Courts Act 1973 to enforce payment of the sum shown above:

And] The accused having made default in payment of the amount remaining due:

Amount remaining due: £

This court having inquired into the accused'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 amount remaining due.

Nature of proceedings:

Justice of the Peace.

PROBATION AND CONDITIONAL DISCHARGE

FORM 64

Probation order (P.C. C. Act 1973, s. 2)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

Offence: (short particulars and statute)

The court has explained to the accused the effect of this order and that if the accused fails to comply therewith or commits another offence the accused will be liable to be sentenced for the offence in respect of which this order is made.

Decision: That the accused who [resides] [will reside] in the petty sessions area of.....shall for.....years be under the supervision of a probation officer appointed for or assigned to that petty sessions area and shall for that period comply with the requirements which are specified in the Schedule hereto.

Justice of the Peace

[or By order of the Court Justices' Clerk]

Schedule

- \*1. The accused shall be of good behaviour and lead an industrious life.
- 2. The accused shall inform the probation officer immediately of any change of address or employment.
- 3. The accused shall comply with the instructions of the probation officer as to reporting to the officer and as to receiving visits from the probation officer at home.
- 4. (Any special requirements).

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



FORM 65

Order for conditional discharge (P.C.C. Act 1973, s. 7)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence: (short particulars and statute)

The accused was [today] [on ] convicted of the above offence and the court, being of the opinion, having regard to the circumstances including the nature of the offence and the character of the accused, that it is inexpedient to inflict punishment and that a probation order is not appropriate:

Order: That the accused be discharged subject to the condition that the accused commits no offence during the period of years from the date of this order.

[ ]+

Justice of the Peace

[or By order of the Court Clerk of the Court]

+Add details of any order as to costs or compensation.

FORM 66

*Summons to probationer on application to amend probation order (P.C.C. Act 1973, Sch. 1)*

.....Magistrates' Court (*Code*)

Date:

To:

Address:

You are hereby summoned to appear on \_\_\_\_\_ at \_\_\_\_\_ m.  
before the Magistrates' Court at .....for the  
hearing of an application by .....  
to amend the probation order made in your case on  
(*date*) by [the..... Magistrates'  
Court] [the Crown Court at.....].

Justice of the Peace  
[Justices' Clerk]

FORM 67

*Order amending probation order (P.C.C. Act 1973, Sch. 1)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

Probation order  
made on:

Probation order  
made by:

Duration of  
Probation order:

Supervising court:

Order:

Upon the application of  
this court hereby amends the above probation order as follows:  
(*Set out details of amendment*)

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

FORM 68

*Order discharging probation order (P.C.C. Act 1973, Sch. 1)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Probation order  
made on:

Probation order  
made by:

Duration of  
Probation order:

Supervising court:

Order:                   There being no direction reserving the power of discharge to  
the Crown Court:

Upon the application of  
this court hereby discharges the above order.

Justice of the Peace  
[or By order of the Court  
Clerk of the Court]

FORM 69

*Order substituting conditional discharge for probation (P.C.C. Act 1973, s. 11)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

Probation order  
made on:

Probation order  
made by:

Duration of  
probation order:

Supervising court:

Order: There being no direction reserving the power of discharge to the Crown Court:

Upon the application of ..... this court now makes, in place of the probation order, an order discharging the accused subject to the condition that the accused commits no offence between the making of this order and the expiration of the period of (*state period*) specified in the probation order.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 70

*Information for breach of requirement of probation order (P.C.C. Act 1973, s. 6; M.C. Rules 1981, r. 4)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Probation order  
made on:

Probation order  
made by:

Duration of order:

Supervising court:

The information of:

Address:

Telephone No.

who [upon oath] states that the accused is in breach of a requirement of the above probation order in that:

Alleged failure  
to comply with  
requirement:

Taken [and sworn] before me,

Justice of the Peace

[Justices' Clerk]

FORM 71

*Summons for breach of requirement of probation order (P.C.C. Act 1973, s. 6; M.C. Rules 1981, r. 98)*

.....Magistrates' Court (Code)

Date:

To the accused:

of:

Probation order  
made on:

Probation Order  
made by:

Duration of order:

Supervising court:

You are hereby summoned to appear on.....  
at.....a.m./p.m. before the .....  
Magistrates' Court to answer to the following information  
which alleges that you are in breach of a requirement of the  
above probation order.

Alleged failure  
to comply with  
requirement:

Information laid by:

Address:

Justice of the Peace

[Justices' Clerk]

FORM 72

Warrant of arrest for breach of requirement of probation order (P.C.C. Act 1973, s. 6; Bail Act 1976, s. 3; M.C. Act 1980, s. 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

Probation order made on:

Probation order made by:

Duration of order:

Supervising court:

Alleged failure to comply with requirement:

(short particulars)

Information on [oath] [affirmation] having this day been laid before me by that the defendant is in breach of the above requirement.

Direction:

You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the above magistrates' court immediately [unless the defendant is released on bail as directed below].

\*Bail:

On arrest, after complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the above magistrates' court on ..... at.....a.m./p.m.

Justice of the Peace

\*Delete if bail is not granted.



## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret[y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 73

*Warrant of commitment: committal to Crown Court on breach of requirement of probation order (P.C.C. Act 1973, s. 6; Bail Act 1976, ss. 3, 4; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Defendant:

Age: years

Address:

Probation order made on:

Probation order made by:

Crown Court at .....

Alleged failure to comply with requirement:

*(short particulars)*

Decision:

The court, being satisfied that the defendant failed to comply with the above requirement, commits the defendant to custody until the defendant can be brought before the Crown Court at .....

Direction:

You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you the Governor, to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

\*Bail:

After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret[y][ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 74

*Certificate that probationer has failed to comply with requirement of probation order (P.C.C. Act 1973, s. 6(5))*

.....Magistrates' Court (Code)

Date:

To the Crown Court at:

Accused:

Address:

Probation order made on:

Probation order made by:

Duration of probation order:

Supervising Court:

The accused has today [appeared] [been brought] before this magistrates' court charged with having failed to comply with the following requirement(s) of the above probation order.

Requirement(s) contravened:

*(state short particulars)*

Certificate:

It is hereby certified that the accused has failed to comply with the above requirement(s) in that: *(state particulars of failure(s) certified and the circumstances)*.

Justice of the Peace

Order on failure to comply with requirements of probation order (P.C.C. Act 1973, s. 6)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence: (short particulars and statute)

Probation Order made on:

Probation Order made by:

Duration of Probation Order:

Supervising Court:

Requirement(s) contravened:

The accused has today [appeared] [been brought] before the Magistrates' Court at..... and the court was satisfied that the accused had failed to comply with the above requirement(s) in that:

Failure to comply with requirement(s): (state short particulars)

Order: It is therefore ordered that the accused, in respect of his failure to comply with the requirement (insert particulars of court's decision).

Justice of the Peace

[or By order of the Court Clerk of the Court]

FORM 76

*Commitment on failure to comply with requirement of probation order (P.C.C. Act 1973, s. 6; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Offence: *(short particulars and statute)*

Probation Order  
made on:

Probation Order  
made by:

Duration of  
Probation Order:

Supervising Court:

Requirement(s)  
contravened:

The accused has today [appeared] [been brought before] the  
Magistrates' Court at.....  
and the court was satisfied that the accused had failed to  
comply with the above requirement(s) in that:

Failure to comply  
with requirement: *(short particulars)*

Decision: The court decided that:

Direction: *(Here follows the appropriate form of commitment contained in  
this Schedule)*

## FORM 77

*Information on commission of further offence during probation period or period of conditional discharge (P.C.C. Act 1973, s. 8; M.C. Rules 1981, r. 4)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Original offence: (short particulars and statute)

Order: [probation] [conditional discharge]

Order made on:

Order made by: [ Crown Court at Magistrates' Court ]

Duration of Order:

Supervising Court:  
(if applicable)

Details of amendment  
of order (if applicable):

Further offence: (short particulars and statute)

The information of:

Address:

Telephone No:

who [upon oath] states that the accused is subject to the above [probation order] [order of conditional discharge] and has been convicted of the further offence, of which particulars are set out above, which was committed during the [probation period] [period of conditional discharge].

Taken [and sworn] before me.

Justice of the Peace  
[Justices' Clerk]

FORM 78

*Summons on commission of further offence during probation period or period of conditional discharge (P.C.C. Act 1973, s. 8; M.C. Rules 1981, r. 98)*

.....Magistrates' Court (Code)

Date:

To the accused:

of:

Original offence: *(short particulars and statute)*

Order: [probation] [conditional discharge]

Order made on:

Order made by:

Duration of Order:

Supervising Court:  
(if applicable)

You are hereby summoned to appear on \_\_\_\_\_ at \_\_\_\_\_ m.  
before the Magistrates' Court at \_\_\_\_\_  
to answer to the following information:

Information:

That you are subject to the above [probation order] [order of conditional discharge] and have been convicted of the further offence of which particulars are set out below, which you committed during the [probation period] [period of conditional discharge].

Date and place of further conviction:

Further offence: *(short particulars and statute)*

Information laid by:

Address:

Date of Information:

Justice of the Peace  
[Justices' Clerk]



## FORM 79

*Warrant of arrest on commission of further offence during probation period or period of conditional discharge (P.C.C. Act 1973, s. 8; Bail Act 1976, s. 3; M.C. Act 1980, s. 117; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

Original offence: *(short particulars and statute)*

Order: [Probation] [Conditional discharge]

Order made on:

Order made by:

Duration of order:

Supervising court  
(if applicable):

Date and place of  
further conviction:

Further offence: *(short particulars and statute)*

Information on [oath] [affirmation] having this day been laid before me by that the defendant is subject to the above [probation order] [order of conditional discharge] and has been convicted of the further offence of which short particulars are set out above, being an offence committed during the [probation period] [period of conditional discharge].

Direction: You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the [ Magistrates' Court] [Crown Court at ] immediately [unless the defendant is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of Magistrates' Court on..... at.....a.m./p.m.

Justice of the Peace

\*Delete if bail is not granted.

SCHEDULE I

Conditions to be complied with before release on bail

To provide                    suret [y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

## FORM 80

*Warrant of commitment: committal to Crown Court on commission of further offence by probationer or person conditionally discharged (P.C.C. Act 1973, s. 8; Bail Act 1976, s. 3; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Original offence: *(short particulars and statute)*

Order: [Probation] [Conditional discharge]

Order made on:

Order made by: The Crown Court at

Further offence: *(short particulars and statute)*

Decision: The court, having convicted the defendant of the further offence set out above, being an offence committed during the currency of the above [probation order] [order for conditional discharge], commits the defendant to custody until the defendant can be brought before the Crown Court at .....

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you the Governor, to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that Court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

---

SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

## FORM 81

*Order in respect of original offence on commission of further offence during probation period or period of conditional discharge (P.C.C. Act 1973, s. 8)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Original offence: *(short particulars and statute)*

Order: [probation] [conditional discharge]

Order made on:

Order made by:

Duration of order:

Supervising Court:  
(if applicable)

Further offence: *(short particulars and statute)*

This court has convicted the accused of the above further offence and was satisfied that the offence was committed during the above [probation period] [period of conditional discharge] [and the court was satisfied that the consent of the [court by which the above order was made] [supervising court] had in accordance with the provisions of section 8(9) of the Powers of Criminal Courts Act 1973 been duly given.]

Decision: That the accused for the offence in respect of which the above order was made, *(insert particulars of court decision)*

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 82

*Commitment on commission of further offence during probation period or period of conditional discharge (P.C.C. Act 1973, s. 8; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Original offence: *(short particulars and statute)*

Order: [probation] [conditional discharge]

Order made on:

Order made by:

Duration of order:

Supervising Court:  
(if applicable)

Further offence: *(short particulars and statute)*

This court has convicted the accused of the above further offence and was satisfied that the offence was committed during the above [probation period] [period of conditional discharge] [and the court was satisfied that the consent of the [court by which the above order was made] [supervising court] had, in accordance with the provisions of section 8(9) of the Powers of Criminal Courts Act 1973, been duly given.]

Decision: That the accused, for the offence in respect of which the above order was made, *(insert particulars of court decision)*

Direction: *(Here follows the appropriate form of commitment contained in this Schedule)*

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

## SUSPENDED SENTENCES

## FORM 83

*Conviction: suspended sentence (P.C.C. Act 1973, s. 22; M.C. Act 1980, s. 9; M.C. Rules 1981, r. 16)*

.....Magistrates' Court (Code)

Date of decision:

Accused:

Age:        years

Address:

Offence:                    (*short particulars and statute*)

The accused was convicted of the above offence.

\*Decision:

The court sentenced the accused to imprisonment for (*state period*) and ordered that the sentence of imprisonment shall not take effect unless during the period of        years from the date of the present conviction the accused commits in Great Britain another offence punishable with imprisonment and, subsequently, an order is made under section 23(1) of the Powers of Criminal Courts Act 1973 that the sentence shall take effect.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*There should be added here details of any order as to costs or compensation and information as to whether the suspended sentence is concurrent or consecutive to any immediate custodial sentence imposed on the same occasion.

FORM 84

Information on commission of further offence during operational period of suspended sentence (P.C.C. Act 1973, s. 25; M.C. Rules 1981, r. 4)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Original offence: (short particulars and statute)

Suspended sentence: On (date) the accused was sentenced by the Magistrates' Court to imprisonment for (state period) suspended for a period of (state period of suspension).

Date and place of further conviction: [ Magistrates' Court ] [ Crown Court ] at

Further offence: (short particulars and statute)

The information of:

Address:

Telephone No:

who [upon oath] states that the accused is subject to the above suspended sentence and has been convicted of the further offence, of which particulars are set out above, committed during the operational period of the suspended sentence.

Taken [and sworn] before me.

Justice of the Peace [Justices' Clerk]



FORM 85

Summons on commission of further offence during operational period of suspended sentence (P.C.C. Act 1973, s. 25; M.C. Rules 1981, r. 98)

.....Magistrates' Court (Code)

Date:

To the accused:

of:

Original offence: (short particulars and statute)

Suspended sentence: On (date) you were sentenced by the Magistrates' Court to imprisonment for (state period) suspended for a period of (state period of suspension).

You are hereby summoned to appear on (date) at m. before the Magistrates' Court at to answer to the following information:

Information: That you are subject to the above suspended sentence and have been convicted of the further offence set out below which you committed during the operational period of the suspended sentence.

Further offence: (short particulars and statute)

Date and place of conviction: | Magistrates' Court | Crown Court | at

Information laid by:

Address:

Date of Information:

Justice of the Peace | Justices' Clerk |

FORM 86

Warrant of arrest on conviction of further offence committed during operational period of suspended sentence (P.C.C. Act 1973, s. 25; Bail Act 1976, s. 3; M.C. Act 1980, s. 117; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

Original offence: (short particulars and statute)

Suspended sentence: On (date) the defendant was sentenced by the above court to imprisonment for (state period) suspended for a period of .....

Date and place of further conviction:

Further offence: (short particulars and statute)

Information on [oath] [affirmation] having this day been laid before me by that the defendant is subject to the above suspended sentence and has been convicted of the further offence of which short particulars are set out above, being an offence committed during the operational period of the suspended sentence.

Direction: You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before the Magistrates' Court immediately [unless the defendant is released on bail as directed below].

\*Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Magistrates' Court on ..... at.....a.m./p.m.

Justice of the Peace

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                    suret [y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

## FORM 87

*Warrant of commitment: committal to Crown Court on commission of further offence committed during operational period of suspended sentence (P.C.C. Act 1973, s. 24(2); Bail Act 1976, s. 3; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Original offence: (short particulars and statute)

Suspended sentence: On (date) the defendant was sentenced by the Crown Court at ..... to imprisonment for (state period), suspended for a period of .....

Further offence: (short particulars and statute)

Decision: The court, having convicted the defendant of the further offence set out above, being an offence committed during the operational period of the above suspended sentence, commits the defendant to custody until the defendant can be brought before the Crown Court at .....

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you the Governor, to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

\*Bail: After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide                      suret [y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 88

*Notice to Crown Court of conviction of further offence committed during operational period of suspended sentence (P.C.C. Act 1973, s. 24(2))*

.....Magistrates' Court (Code)

Date:

To the Crown Court at

Accused:

Address:

Original offence:       *(short particulars and statute)*

Suspended sentence:   On   *(date)*   the accused was sentenced by the Crown Court at ..... to imprisonment for   *(state period)*,   suspended for a period of *(state period of suspension)*.

This court has [today] [on   *(date)* ] convicted the accused of the further offence set out below, being an offence committed during the operational period of the suspended sentence.

Further offence:       *(short particulars and statute)* and the court has sentenced the accused as follows:—

Sentence for further offence:       *(state particulars)*

Justices' Clerk

FORM 89

Order that suspended sentence shall take effect (P.C.C. Act 1973, s. 23)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

was on (date) at Magistrates' Court sentenced to imprisonment for (state period), in respect of the following offence:

Original offence: (short particulars and statute)

And that sentence of imprisonment was suspended for (state period of suspension).

And the accused was [today] [on (date)] convicted by [this] [the] court of a further offence punishable with imprisonment which was committed during the operational period of the suspended sentence namely—

Further offence: (short particulars and statute)

Date of further offence:

Decision: That the suspended sentence take effect [with the substitution of a term of (state period)] [and it is directed that the accused serve that sentence in the detention centre at ]

[And that the suspended sentence take effect [immediately] [at the end of the term of imprisonment (state particulars)]]

Justice of the Peace

[or By order of the Court Clerk of the Court]

FORM 90

Warrant of commitment putting into effect suspended sentence (C.J. Act 1961, s. 4; P.C.C. Act 1973, s. 23; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused: Age: years

Address:

was on (date) at Magistrates' Court sentenced to imprisonment for months in respect of the following offence:—

Original offence: (short particulars and statute)

And that sentence of imprisonment has been suspended for years. And the accused [has today been] [was on ] convicted by [this] court of a further offence punishable with imprisonment committed during the operational period of the suspended sentence, namely—

Further offence: (short particulars and statute)

Date of further offence:

Decision: That the suspended sentence take effect [with the substitution of a term of months imprisonment for the original term] [and it is directed that the accused serve that sentence in the detention centre at ].

Direction:

You [the constables of Police Force] [A.B.] are hereby required to convey the accused to [prison] [that detention centre] and there deliver the accused to the [Governor] [Warden] thereof, together with this warrant; and you the [Governor] [Warden] to receive into your custody and keep the accused for [to commence at the end of the term of imprisonment (give particulars)]

Justice of the Peace

[or By order of the Court Justices' Clerk]



## FORM 91

*Order varying suspended sentence (P.C.C. Act 1973, s. 23)*

.....Magistrates' Court (*Code*)

Date:

Accused:

Address:

was on (*date*) at Magistrates' Court  
sentenced to imprisonment for (*state period*) in  
respect of the following offence:

Original offence: (*short particulars and statute*)

And that sentence of imprisonment was suspended  
for years.

And the accused was [today] [on (*date*)] convicted  
by [this] [the] court of a further  
offence punishable with imprisonment committed during the  
operational period of the suspended sentence namely—

Further offence: (*short particulars and statute*)

Date of further  
offence:

Order:

That the order suspending the above sentence of imprison-  
ment be varied by substituting for the period of suspension  
specified in that order a period expiring years from  
[today] [the date of the present conviction].

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

COMMUNITY SERVICE ORDERS

FORM 92

Community service order (P.C.C. Act 1973, s. 14)

.....Magistrates' Court (Code)

Date:

Accused:

Age:    years

Address:

Offence:

(short particulars and statute)

On                    the accused was convicted of the above offence. The court, having considered a probation officer's report, is satisfied that the accused is a suitable person to perform work under a community service order.

The court has explained to the accused the purpose and effect of this order, and in particular the requirements of the order as specified in section 15 of the Powers of Criminal Courts Act 1973 and that if the accused fails to comply with any of the requirements of the order the court may impose a fine not exceeding £50 or may revoke the order and deal with the accused for the above offence in any manner in which he could have been dealt with for that offence by the court if the order had not been made. The court also explained to the accused that on the application of himself or a relevant officer, the court may revoke the order and deal with the accused for the above offence in any manner in which he could have been dealt with for that offence by the court if the order had not been made.

The accused has consented to the making of this community service order.

Decision:

That the accused, who [resides] [will reside] in the petty sessions area of.....shall during the period of 12 months beginning with the date of this order be required to perform unpaid work for an aggregate of.....hours and shall for the duration of this order comply with the requirements which are specified in the Schedule hereto [and the court directs that such hours of work shall be [concurrent with] [additional to] the hours specified in [a] community service order[s] made on.....for.....hours' work [respectively]].

[And that the accused pay £            compensation and £ costs forthwith (or as appropriate).

Justice of the Peace

[or By order of the Court Justices' Clerk ]

## Schedule

- (a) The accused shall report to the relevant officer and subsequently from time to time notify him of any change of address;
- (b) The accused shall perform for the number of hours specified in the order such work at such times as he may be instructed by the relevant officer.

FORM 93

Certificate of failure to comply with community service order (P.C.C. Act 1973, s. 16(4))

.....Magistrates' Court (Code)

To the Crown Court at

Date:

Accused: Age: years

Address:

The accused [has this day appeared] [was this day brought] before this court for failure to comply with the following requirement(s) of section 15 of the Powers of Criminal Courts Act 1973 namely ..... [[and] [in that] he has failed satisfactorily to perform the work which he has been instructed to do [in respect of a community service order made on by the Crown Court at ] [and subsequently amended by the Magistrates' Court].

It is hereby certified that it has been proved to the satisfaction of this court that the accused has failed without reasonable excuse to comply with [that] [those] requirement[s] [and that he has failed satisfactorily to perform the work which he has been instructed to do].

Justice of the Peace

[or By order of the Court Justices' Clerk]

FORM 94

Warrant of commitment: revocation of community service order, sentence of imprisonment (P.C.C. Act 1973, ss. 16(3), 17(2), 19, 20, 21; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Accused:

Age: years

Address:

Offence:

The accused was on at [this] [.....] Magistrates' Court convicted of the above offence and made the subject of a community service order for.....hours.

[The accused [has this day appeared] [was this day brought] before this court and the court is satisfied that the accused has failed without reasonable excuse to comply with the following requirement [s] of section 15 of the Powers of Criminal Courts Act 1973, namely ....., [and] [in that] he has failed satisfactorily to perform the work which he has been instructed to do].

[On the application to this court of.....heard today it appears to the court that, having regard to circumstances which have arisen since the order was made, it would be in the interests of justice that the order should be revoked and that the accused should be dealt with for the above offence in some other manner in which he could have been dealt with for that offence by [this] [.....] Magistrates' Court,] and the court is of opinion that no method of dealing with him other than a sentence of imprisonment is appropriate because (state reasons)

Decision:

That the community service order be revoked and that the accused be imprisoned for in respect of the above offence.

Direction:

You, [the constables of .....Police Force] [A.B.] are hereby required to convey the accused to.....Prison and there deliver him to the Governor thereof, together with this warrant; and you, the Governor, to receive into your custody and keep the accused for the said period.

Justice of the Peace

[By order of the Court Justices' Clerk]

FORM 95

Warrant of commitment: committal to Crown Court to be dealt with in respect of community service order (P.C.C. Act 1973, ss. 16(3)(b), 17(2)(b); Bail Act 1976, ss. 3, 4; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

Offence: (short particulars and statute)

Decision: The defendant is committed in custody to the Crown Court at to be dealt with in accordance with the provisions of section [16(5)] [17(3)] of the Powers of Criminal Courts Act 1973 [for failure without reasonable excuse to comply with the terms of a community service order made by the Crown Court on ] [because this court is of the opinion, having heard an application by [the defendant] [the relevant officer] and having regard to circumstances which have arisen since a community service order was made in respect of the defendant by the Crown Court on , that it would be in the interests of justice that the order should be revoked or that the defendant should be dealt with in some other manner for the offence in respect of which the order was made].

Direction: You, [the constables of Police Force ], [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof together with this warrant; and you, the Governor, to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Delete if bail is not granted.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y] [ies] in the sum of £ [each] to secure the defendant's surrender to custody at the time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

MISCELLANEOUS

FORM 96

Warrant of commitment: committal to Crown Court: summary offence (C.J. Act 1967, s. 56; Bail Act 1976, s. 3; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Defendant: Age: years

Address:

The defendant has today [been convicted by this court of (short particulars and statute)] [appeared before this court to be dealt with in respect of a suspended sentence of months imprisonment imposed by court on following conviction on by court of (particulars including date)] and has been committed by this court to the Crown Court under [the Vagrancy Act 1824] [section 62(6) of the Criminal Justice Act 1967] [section 8(6)/24(2) of the Powers of Criminal Courts Act 1973] [section 37/38 of the Magistrates' Courts Act 1980].

Decision:

The defendant is committed in custody to the Crown Court at under section 56 of the Criminal Justice Act 1967 to be dealt with in respect of the said [offence] [suspended sentence].

Direction:

You, [the constables of Police Force] [A.B.], are hereby required to convey the defendant to [prison] [remand centre] and there deliver the defendant to the Governor thereof, together with this warrant; and you, the Governor, to receive the defendant into your custody and, unless the defendant is released on bail in the meantime, to keep the defendant until the defendant is delivered in due course of law.

\*Bail:

After complying with the condition(s) specified in Schedule I hereto, the defendant shall be released on bail subject to the condition(s) specified in Schedule II hereto, and with a duty to surrender to the custody of the Crown Court at the time and place for the time being appointed by that court.

Justice of the Peace

[or By order of the Court Clerk of the Court]

\*Delete if bail is not granted.



## SCHEDULE I

Conditions to be complied with before release on bail

To provide                    suret [y] [ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 97

*Notice of order to give information of date of birth and sex (R.T. Act 1972, s. 104; M.C. Rules 1981, r. 108)*

.....Magistrates' Court (*Code*)

Date:

To:

of:

Offence: *(short particulars and statute)*

Take notice that this court having [today] convicted you of the above offence [and imposed an interim disqualification for holding or obtaining a driving licence], ordered that you inform the court in writing of your [date of birth] [and] [sex].

Failure to provide this information will render you liable to a fine not exceeding £50.

Clerk of the Court

CIVIL PROCEDURE

ORDERS OTHER THAN CIVIL DEBT

FORM 98

*Complaint (M.C. Act 1980, ss. 51, 52; M.C. Rules 1981, r. 4)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

Matter of complaint: (*short particulars and statute*)

The complaint of:

Address:

Telephone No.

who [upon oath] states that the defendant was responsible for the matter of complaint of which particulars are given above.

Taken [and sworn] before me

Justice of the Peace  
[Justices' Clerk]

FORM 99

*Summons on complaint (M.C. Act 1980, ss. 51, 52; M.C. Rules 1981, r. 98)*

.....Magistrates' Court (*Code*)

Date:

To the defendant:

Address:

You are hereby summoned to appear on (date) at  
m. before the Magistrates' Court at  
to answer to the following complaint

Matter of Complaint: (*short particulars and statute*)

The complainant is:

Address:

Date of complaint:

Justice of the Peace

[Justices' Clerk]

FORM 100

*Order of dismissal of complaint (M.C. Act 1980, s. 53)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

Complainant:

Address:

Matter of complaint:

Order:                   that the complaint be dismissed [and that the complainant pay  
to the defendant costs of £           [forthwith] [by weekly/  
monthly instalments of £           ] [not later than           ].

Justice of the Peace

[or By order of the Court  
[Justices' Clerk]

FORM 101

*Order on complaint (M.C. Act 1980, s. 53)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

On the complaint of

Complainant:

Address:

that

Matter of Complaint: (*short particulars and statute*)

it is adjudged that the complaint is true and it is ordered that

Order:

Costs:

And it is ordered that the defendant pay costs of £            to the complainant [forthwith] [by weekly/monthly instalments of £            ] [not later than            ].

Justice of the Peace

[By order of the Court  
[Justices' Clerk]

FORM 102

Summons to rate defaulter (G.R. Act 1967, s. 104; M.C. Rules 1981, r. 98)

.....Magistrates' Court (Code)

Date:

To the Defendant:

Address:

You are hereby summoned to appear, unless the sum specified below be sooner paid, before the Magistrates' Court at (date) at (time) m. for inquiry as to your conduct and means in relation to the non-payment of rates and costs as follows:—

Rate arrears and costs: £

Rate period:

Payable to:

.....Council that Council having applied for a warrant for your committal to prison for default in payment of that sum.

Justice of the Peace

[Justices' Clerk]

NOTE: If the arrears and costs outstanding are paid to..... before the date of hearing you need not attend the court.

If the arrears and costs are not paid and you fail to attend the court a warrant may be issued for your arrest.

FORM 103

Warrant for arrest of rate defaulter (G.R. Act 1967, s. 104; M.C. Act 1980, s. 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

is required to appear before the Magistrates' Court for inquiry as to the defendant's conduct and means in relation to the non-payment of rates and costs as follows:—

Rates arrears and costs:

£ costs  
£

Rate period:

Payable to:

.....Council and that Council has applied for a warrant for the committal of the defendant to prison for default in payment of that sum.

Direction:

You the constables of.....Police Force are hereby required to arrest the defendant and bring him before the Magistrates' Court immediately unless the arrears and costs are sooner paid.

\*Bail:

On arrest the defendant shall be released on bail on entering into a recognizance in the sum of £ for the defendant's appearance before the above-mentioned magistrates' court on (date) unless the arrears and costs are sooner paid.

Justice of the Peace

\*Delete if bail is not granted.



CIVIL DEBT

FORM 104

*Complaint: civil debt (M.C. Act 1980, s. 58; M.C. Rules 1981, r. 4)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

Matter of complaint: (*state grounds of complaint*)

The complaint of:

Address:

Telephone No.

who [upon oath] states that the defendant was responsible for the matter of complaint of which particulars are given above and claims from the defendant the following sum which is recoverable summarily as a civil debt.

Debt:

£

Taken [and sworn] before me

Justice of the Peace

[Justices' Clerk]

FORM 105

*Summons to defendant: civil debt (M.C. Act 1980, s. 51; M.C. Rules 1981, r. 98)*

.....Magistrates' Court (*Code*)

Date:

To the defendant:

of:

You are hereby summoned to appear, unless the sum specified below be sooner paid, before the Magistrates' Court on (*date*) at      m. to answer to the following complaint

Matter of complaint:

(*state grounds of complaint*)

and that you have failed to pay the following sums which are recoverable summarily as a civil debt.

Debt:                      £

Costs:                    £

Complainant:

Address:

Date of complaint:

Justice of the Peace  
[Justices' Clerk]

FORM 106

*Order: civil debt (M.C. Act 1980, s. 58)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

On the complaint of

Complainant:

Address:

that

Matter of  
complaint:

*(state grounds of complaint)*

it is adjudged that the complaint is true and it is ordered:

Order:

that the defendant pay to the complainant the sum of [ being an amount recoverable summarily as a civil debt and ] for costs.

Payment is to be made [by weekly/monthly instalments of the first instalment to be paid] [immediately] [not later than (*date*)].

[And it is ordered that in default of payment the sum due be levied by distress and sale of the goods of the defendant].

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 107

Complaint to enforce civil debt order (M.C. Act 1980, s. 96; M.C. Rules 1981, r. 4)

.....Magistrates' Court (Code)

Date:

Debtor:

Address:

The complaint of:

Address:

Telephone No.

Who [upon oath] states that on (date) the debtor was ordered by the [.....Magistrates' Court] [Crown Court at .....] to pay the complainant the following sum [s]

Sum [s] ordered to be paid:

£

Costs:

£ to be paid

and the debtor has made default in payment.

Amount paid:

Total amount outstanding:

Amount of default:

Taken [and sworn] before me

Justice of the Peace

[Justices' Clerk]

## FORM 108

*Judgment summons (M.C. Act 1980, s. 96; M.C. Rules 1981, rr. 58, 98)*

.....Magistrates' Court (Code)

Date:

To:

of:

Matter of complaint: that on (*date*) at [ .....Magistrates' Court] [the Crown Court at .....] you were ordered to pay to the complainant the sum shown below and that you have made default in payment of that sum.

Complainant:

Amount ordered to be paid: £

Costs: £

Amount paid: £

Amount still outstanding: £

Amount of default:

You are hereby summoned to appear on (*date*) at ..... m. before the .....Magistrates' Court to answer to the above complaint and for inquiry to be made as to the means you have had since the order for payment was made to pay the sum or any instalment of it, and to show cause why you should not be committed to prison in accordance with section 96 of the Magistrates' Courts Act 1980, in default of payment.

Justice of the Peace  
[Justices' Clerk]

FORM 109

*Distress warrant: civil debt (M.C. Act 1980, s. 76; M.C. Rules 1981, rr. 53, 54)*

.....Magistrates' Court (*Code*)

Date:

Debtor:

Address:

Amount ordered  
to be paid:

£  
being money recoverable summarily as a civil debt

Costs:

£

The debtor was on (*date*) at [.....  
Magistrates' Court] [the Crown Court at .....]  
ordered to pay the sums specified above [by weekly/monthly  
instalments of £ , the first instalment to be paid]  
[immediately] [by .....]:

The debtor has been served with a copy of a minute of the  
order and default has been made in payment:

Total amount  
still outstanding:

£

Direction:

*(there shall follow the form of direction for the making of  
distress as in Form 48 in this Schedule)*

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

## FORM 110

*Commitment: civil debt enforceable by imprisonment (M.C. Act 1980, ss. 76, 88, 96, 132; M.C. Rules 1981, rr. 94, 95, 97)*

.....Magistrates' Court (Code)

Date:

Debtor:

Address:

Was on (*date*) by the [Crown] [Magistrates'] Court at .....ordered to pay the sum [s] shown below

£

£ costs

of which there is still outstanding the sum of

Amounts still outstanding:

£

The court is satisfied that the debtor [has] [has had since the date of the above order] the means to pay the sum [now] due and [refuses or neglects] [has refused or neglected] to pay the sum.

[It appears that [no] [insufficient] distress could be found upon which to levy the sum due]

Decision:

that the debtor be [committed to prison] [detained in police custody] for:

unless the amount outstanding together with the costs are sooner paid.

Direction:

You [the constables of Police Force] [A.B.] are hereby required to take the debtor and convey him to [ prison] [ ] and there deliver the debtor to the [Governor] [Police officer in charge] thereof; and you the [Governor] [Police officer in charge] to receive the debtor into your custody and keep the debtor for (*state period*) from the debtor's arrest under this order or until the debtor be sooner discharged in due course of law.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

PERIODICAL PAYMENTS: VARIATION, ETC.

FORM 111

Complaint to vary etc. order for periodical payments (M.C. Act 1980, s. 60; M.C. Rules 1981, rr. 4, 41)

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

The complaint of

Address:

Telephone No.

Who states [upon oath] that by an order made on (date) under (state statute) by the ..... Magistrates' Court the defendant was ordered (state shortly terms of the original order and of any subsequent order)

and the complainant now applies [for the order to be [revived] [revoked] [varied by ] ] [for the [suspension] [revival] of (state particular provision of order) of the order] on the ground that:

Ground of application:

Taken [and sworn] before me.

Justice of the Peace

[Justices' Clerk]



FORM 112

Summons to vary etc. order for periodical payments (M.C. Act 1980, ss. 51, 60; M.C. Rules 1981, rr. 41, 98)

.....Magistrates' Court (Code)

Date:

To the Defendant:

Address:

You are hereby summoned to appear on (date) at m. before the .....Magistrates' Court to answer the complaint of

Complainant:

Address:

Who states [upon oath] that by an order made on (date of order) (state statute) by the .....Magistrates' Court you were ordered (state shortly terms of the original order and of any subsequent order) and who now appliés [for the order to be [revived] [revoked] [varied by]] [for the [suspension] [revival] of (state particular provision of the order) of the order] on the ground that:

Ground of application:

Justice of the Peace

[Justices' Clerk]

FORM 113

*Order varying etc. order for periodical payments (M.C. Act 1980, s. 60)*

Date: .....Magistrates' Court (Code)

Defendant:

Address:

Complainant:

Address:

Matter of complaint: That by an order made on (date) under (state statute) by the .....Magistrates' Court the defendant was ordered (state shortly terms of the original order and of any subsequent order)

[and that the order be [revoked] [revived] [varied by] ]

[and that (state particular provision of the order) of the order be [suspended] [revived]] on the ground that:

Grounds of application:

Order: [That the above order be [revoked] [revived] [varied as follows] ]

[That the above provision of the order be [suspended] [revived]]

Justice of the Peace

[or By order of the Court Clerk of the Court]

## FORM 114

*Notice to person outside the United Kingdom of complaint for variation etc. of maintenance or custody order (M.O. (R.E.) Act 1972, s. 41(2A); D.P.M.C. Act 1978, s. 24(2); M.C. Rules 1981, r. 106)*

.....Magistrates' Court (Code)

Date:

To the respondent:

I (*name*) have made an application dated (*date*) to the Magistrates' Court at .....under [section [9] [10] [11] [126] of the Guardianship of Minors Act 1971] [section [20] [21] of the Domestic Proceedings and Magistrates' Courts Act 1978] [section 60 of the Magistrates' Courts Act 1980] for the [matrimonial] [affiliation] [guardianship] order made by the court on (*date*) to be [revoked] [revived] [varied as follows:—  
].

The application will be heard by that court on (*date*) at (*time*).

You may appear in person or be represented by a barrister or solicitor at the hearing. If you do neither, the court may, if it thinks it reasonable, proceed with the case in your absence.

At the hearing I intend to satisfy the court that there is reason to believe that during the period of six months immediately preceding the making of the application you were continuously outside the United Kingdom or were not in the United Kingdom on more than 30 days. If the court is satisfied of this, it may, if it thinks it reasonable, after having regard to any communication in writing from you to the court make the order for which the application is made.

If you wish to make any written communication, you should do so by letter addressed to the Clerk of the ..... Magistrates' Court at (*address*) so that it will reach him before the hearing.

(Signed)

RECOGNIZANCES

FORM 115

*Order of recognizance to keep the peace etc. (M.C. Act 1980, s. 115)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

Complainant:

Address:

Complaint: *(short particulars and statute)*

Decision:

\*Order: That the defendant enter immediately, into a recognizance of £ with suret [y] [ies] of £ [each] to [keep the peace] [be of good behaviour], particularly towards the complainant, for the period of (*state period*) from the date of this order.

That in default of such recognizance [s] being entered into, the defendant be conveyed to .....Prison and there be detained for (*state period*) unless the defendant sooner comply with this order.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*Add details of order as to costs

FORM 116

*Summons to vary sureties (M.C. Act 1980, s. 118; M.C. Rules 1981, rr. 83, 98)*

.....Magistrates' Court (Code)

Date:

To:

Address:

Application having been made to that effect, you are hereby summoned to appear on *(date)* at *(time)* before the Magistrates' Court at ..... to show cause why the order made on *(date)* by the said court requiring the applicant to find suret should not be varied or otherwise dealt with.

The applicant is:

Address:

Date of application:

Justice of the Peace

[Justices' Clerk]

FORM 117

*Order varying order for sureties (M.C. Act 1980, s. 118; M.C. Rules 1981, r. 83)*

.....Magistrates' Court (*Code*)

Date:

Applicant:

Address:

The applicant having, under a warrant of commitment dated (*date*) issued by this court, been committed to prison for default in finding suret in the sum of £ [each]:

And application having been made to that effect:

Order:

It is ordered that the amount in which the applicant's suret [is] [are] to be bound be reduced to [or that the obligation of the applicant to find [a] suret be dispensed with].

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 118

Recognizance (civil cases) (M.C. Act 1980, ss. 114, 115; M.C. Rules 1981, rr. 82, 86)

.....Magistrates' Court (Code)

Date:

Principal:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if I fail to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition specified below.

Signature ..... £

Taken before me

Justice of the Peace

[Clerk of the Court]

[Inspector of

Police Force]

[Governor of

Prison/Remand Centre]

CONDITION

The principal shall appear before the  
at on  
a.m./p.m.

court  
at

FORM 119

Recognizance of surety (criminal cases) (Bail Act 1976, ss. 3, 8; M.C. Act 1980, s. 120)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the accused fails to surrender to [the custody of the court at ..... on .....at ..... a.m./p.m.] [custody at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned].

Signature ..... £

Taken before me

Justice of the Peace  
[Clerk of the Court]

[Inspector of

Police Force]

[Governor of

Prison/Remand Centre]



FORM 120

Recognizance: Bail; Appeal to Crown Court (M.C. Act 1980, s. 113)

.....Magistrates' Court (Code)

Date:

Principal:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if I fail to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the conditions specified below.

Signature ..... £

Taken before me

Justice of the Peace

[Clerk of the Court]

[Inspector of

Police Force]

[Governor of

Prison/Remand Centre]

CONDITION

The principal shall appear at the Crown Court at ..... at such time as the principal may be directed for the hearing of the principal's appeal. This recognizance shall then be void but otherwise shall remain in full force.

Magistrates' Court .....

Offence/order and date .....

Decision subject to appeal

FORM 121

*Recognizance to prosecute an appeal before the High Court on case stated and for bail pending the appeal (M.C. Act 1980, s. 114)*

*(The form of recognizance is the same as that for Form 118)*

CONDITIONS

The principal shall prosecute without delay the principal's appeal to the High Court from the following decision.

Magistrates' Court .....

Offence/order and date .....

Decision subject to appeal.

and shall submit to the judgment of the High Court and pay such costs as may be awarded by the High Court [and, unless the decision appealed against is reversed, appear before the above Magistrates' Court within ten days after the judgment is given\*]. This recognizance shall then be void but otherwise shall remain in force.

\*Delete if the principal is not to be released on bail.

FORM 122

*Notice of recognizance to principal and sureties (civil cases)*

.....Magistrates' Court (Code)

Date:

Principal: £

Address:

Suret [y][ies]: £

Address:

Nature of hearing:

Time and place  
of hearing:

Bail has been granted by the above court for the principal's appearance at the above hearing.

You are [each] bound in the amount set opposite your name for [your appearance] [the appearance of the principal] at the appointed time and place. The said sum(s) may be declared forfeit if [you] [the principal] fail(s) to appear.

Justice of the Peace

[Clerk of the Court]

FORM 123

*Notice of recognizance to sureties (criminal cases)*

.....*Magistrates' Court (Code)*

Date:

Accused:

Address:

Alleged offence:

Suret [y] [ies]:           £

Address [es]:

Appointed time  
and place:

Bail has been granted by the above court for the accused's surrender to custody at the above time and place. You are [each] bound in the amount set opposite your name, to secure the accused's surrender at that time and place and the said sum(s) may be declared forfeit if the accused fails to surrender.

Justice of the Peace

[Clerk of the Court]

FORM 124

Recognizance of witness and surety (Courts Act 1971, s. 13; M.C. Rules 1981, r. 89)

.....Magistrates' Court (Code)

Date:

Principal:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if I fail to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition specified below.

Signature ..... £

Surety:

Address:

I acknowledge my obligation to pay the court the sum specified opposite my signature if the principal fails to comply with the condition specified below.

Signature ..... £

Taken before me

[Clerk of the ..... Justice of the Peace  
Magistrates' Court]

[Officer in charge of the ..... Police Station]

CONDITION

Whereas a warrant was issued by .....  
to arrest the principal and bring the principal before the Crown  
Court at .....and the principal having been  
arrested in pursuance of the warrant was brought before the  
.....Magistrates' Court [taken to the  
.....Police Station] under section 13 of the  
Courts Act 1971:

The principal shall appear at the Crown Court at the time and  
place appointed by the Crown Court.

FORM 125

*Notice of recognizance to witness and sureties (Courts Act 1971, s. 13; M.C. Rules 1981, r. 89)*

.....Magistrates' Court (Code)

Date:

Principal: £

Address:

Suret [y][ies]: £

Address:

Nature of hearing:

Time and place  
of hearing:

The Crown Court at  
to attend at such time as shall be notified.

Bail has been granted by the above court for the principal's  
appearance at the above hearing at the Crown Court.

You are [each] bound in the amount set opposite your name  
for [your appearance] [the appearance of the principal] at the  
appointed time and place. The said sum [s] may be declared  
forfeit if [you] [the principal] fail[s] to appear.

Justice of the Peace

[Clerk of the Court]

FORM 126

*Certificate of amount and conditions of recognizance (civil cases) (M.C. Rules 1981, rr. 86, 87)*

.....Magistrates' Court (*Code*)

Date:

Principal:

Complaint:

I hereby certify that the above court has granted the principal bail in the sum of £ [with suret [y][ies] in the sum of £ ] and has committed the principal to custody at [prison] [remand centre] until the recognizance(s) [is] [are] entered into. Bail is conditioned for the principal's appearance at the court at on ..... at ..... a.m./p.m.

Clerk of the Court

FORM 127

*Certificate of amount and conditions of surety's recognizance and other bail conditions (criminal cases) (Bail Act 1976, ss. 3, 8; M.C. Rules 1981, r. 86)*

.....Magistrates' Court (Code)

Date:

Accused:

Alleged offence:

I hereby certify that the above court has granted the accused bail, subject to the condition(s) specified in Schedules I and II hereto and with a duty to surrender to the custody of the court at .....a.m./p.m. on .....at

Clerk of the Court.

SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed.

†

SCHEDULE II

Conditions to be complied with after release on bail

†

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).



FORM 128

*Certificate as to suitability of surety (criminal cases) (Bail Act 1976, s. 8; M.C. Rules 1981, rr. 86, 87)*

.....Magistrates' Court (*Code*)

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

Accused:

Surety:

Address of  
surety:

Surety's  
recognizance:                   £.....

Signature of Surety

.....

The accused being in custody under a warrant of (*date*) issued by (*court*), I hereby certify that the bearer of this certificate, being the person named above as surety and whose signature is in the margin hereof, has satisfied [me] [the ..... Magistrates' Court] that (s)he is an acceptable surety for the accused.

Clerk of the Court

FORM 129

*Notice of recognizance having been entered into (civil or criminal cases) (M.C. Rules 1981, r. 87)*

.....Magistrates' Court (*Code*)

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

[Principal]:

[Accused]:

The [principal] [accused] being in custody under a warrant of (*date*) issued by (*court*) , I hereby give notice that the suret [y] [ies] referred to in the said warrant [has] [have] duly entered into a recognizance of £ [each] before [the Magistrates' Court] [me].

Justice of the Peace

[Clerk of the Court]

[Inspector of

Police Force]

FORM 130

Notice of compliance with pre-release bail conditions (criminal cases) (Bail Act 1976, s. 3; M.C. Rules 1981, r. 87)

.....Magistrates' Court (Code)

To the Governor of Her Majesty's [Prison] [Remand Centre] at

Date:

Accused:

The accused being in custody under a warrant of (date) issued by (court), I hereby give notice that the following requirement(s), to be complied with before release on bail, [has] [have] been duly complied with:—

†

Signature .....

Designation .....

†Insert condition(s) as appropriate (including directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).

FORM 131

*Notice of enlargement of recognizance (civil cases) (M.C. Act 1980, s. 129; M.C. Rules 1981, r. 84)*

.....Magistrates' Court (*Code*)

Principal: £

Address:

Suret[y][ies]: £

Address[es]:

Date:

Take notice that this court has this day enlarged the recognizance(s) entered into by you on .....  
Unless the principal appears at the above court on .....  
at ..... a.m./p.m. the said sums may be declared forfeit.

Justice of the Peace

[Clerk of the Court]

FORM 132

Notice of enlargement of surety's recognizance (criminal cases) (M.C. Act 1980, ss. 43, 129; M.C. Rules 1981, r. 84)

.....Magistrates' Court (Code)

Date:

Accused:

Address:

Suret[y][ies]: £

Address[es]:

Take notice that this court has today enlarged the recognizance(s) entered into by you on .  
You are bound to secure the accused's surrender to [the custody of the court at , on .....at ..... a.m./p.m.] [custody at every time and place to which during the course of the proceedings the hearing may from time to time be adjourned].

Justice of the Peace

[Clerk of the Court]

## FORM 133

*Notice of forfeiture of recognizance (M.C. Act 1980, s. 120; M.C. Rules 1981, r. 46)*

.....Magistrates' Court (*Code*)

Date:

Address:

Take notice that [on the complaint of \_\_\_\_\_ ]  
this Court has [today] [on \_\_\_\_\_ ] determined  
that the recognizance entered into by you on (*date*) be for-  
feited.

You have been ordered to pay the following sum(s) [by  
weekly/monthly instalments of £ \_\_\_\_\_ the first instalment to  
be paid] [immediately] [by (*date*)]

Recognizance: £

Costs  
(if applicable):

£  
Payment may be made personally at the address shown below  
on (*days*) between (*time*) and (*time*) or—  
By post to the address shown below. Crossed cheques and  
postal orders should be made payable to the "Justices' Clerk."  
Cash should not be sent in unregistered envelopes. Any com-  
munications sent by post must be properly stamped.

Payment to: The Justices' Clerk  
(Address)  
(Telephone No. \_\_\_\_\_ )

Failure to pay in accordance with the above directions may result in a distress warrant being issued against you or a warrant for your arrest unless you have been granted further time for payment; application for further time for payment may be made in writing to the Justices' Clerk stating the grounds for the application.

Justices' Clerk

## FORM 134

*Distress warrant: forfeited recognizance (M.C. Act 1980, ss. 76, 120; M.C. Rules 1981, rr. 46, 95)*

.....Magistrates' Court (Code)

Date:

Defendant:

Address:

Date of order:

Amount of  
recognizance:           £

Duration of  
recognizance:

Condition of  
recognizance:           *(state condition breached)*

Decision:               That the defendant broke the above condition of the recognizance and that the recognizance should be forfeited.

Order:                 The defendant should pay £

Costs:                 £  
Notice of the forfeiture having been served on the defendant and default in the following amount having been made in payment:

Amount still  
outstanding:           £

Direction:           *(Here follows the direction to make distress as prescribed in Form 48 of this Schedule (warrant of distress for non-payment of fine))*

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

FORM 135

*Commitment: forfeited recognizance (M.C. Act 1980, s. 120; M.C. Rules 1981, rr. 46, 94, 95, 97)*

.....Magistrates' Court (*Code*)

Date:

Defendant:

Address:

Date of order:

Amount of  
recognizance:           £

Duration of  
recognizance:

Condition of  
recognizance:           (*state condition breached*)

Decision:               That the defendant on (*date*) broke the above condition of the  
recognizance and that the recognizance should be forfeited.

Order:                 The defendant should pay £

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

Justice of the Peace

[*or* By order of the Court  
Clerk of the Court]



GENERAL

FORM 136

*Summons to witness (M.C. Act 1980, s. 97; M.C. Rules 1981, r. 98)*

.....Magistrates' Court (Code)

Date:

To:

of:

You are hereby summoned to appear on (*date*) at (*time*) before the ..... Magistrates' Court to [give evidence] [and] [produce the document[s] or thing [s] specified in the Schedule hereto] at the hearing of the following case:

[Informant:]

[Complainant:]

against

Defendant:

for

[Alleged offence:]

[Complaint:]

Justice of the Peace

[Justices' Clerk]

---

SCHEDULE OF DOCUMENTS OR THINGS  
TO BE PRODUCED

FORM 137

Warrant for arrest of witness on failure to appear to summons (M.C. Act 1980, ss. 97, 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Witness:

Address:

The witness having been summoned to appear before this court on (date) at (time) to [give evidence] [and] [produce the document [s] or thing [s] specified in the Schedule to the summons] at the hearing of the following case:

[Informant:]

[Complainant:]

against

Defendant:

for

[Alleged offence:]

[Complaint:]

And the witness having failed to answer the summons.

Direction:

You [the constables of Police Force] [A.B.] are hereby required to arrest the witness and bring the witness before the .....Magistrates' Court [immediately] [on (date) at (time)] [unless the witness is released on bail as directed below] .

\*Bail: On arrest the witness shall be released on bail on entering into a recognizance in the sum of £            with suret[y] [ies] in the sum of £            [each] for the witness's appearance before the above magistrates' court on *(date)* at *(time)*.

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

---

\*Delete if bail is not granted

FORM 138

Warrant for arrest of witness in first instance (M.C. Act 1980, ss. 97, 117; M.C. Rules 1981, rr. 95, 96)

.....Magistrates' Court (Code)

Date:

Witness:

Address:

The witness is required to appear before this court to [give evidence] [and] [produce the document[s] or thing[s] specified in the Schedule hereto] at the hearing of the following case:

Informant:

against

Accused:

for

Alleged offence:

And I am satisfied by evidence on oath that the witness will not voluntarily attend and that it is probable that a summons would not procure the attendance of the witness:

Direction:

You [the constables of Police Force] [A.B.] are hereby required to arrest the witness and bring the witness before the.....Magistrates' Court [immediately] [on (date) at (time)] [unless the witness is released on bail as directed below]

\*Bail:

On arrest the witness shall be released on bail on entering into a recognizance in the sum of £ with suret[y][ies] in the sum of £ [each] for the witness's appearance before the above magistrates' court on (date) at (time).

Justice of the Peace

\*Delete if bail is not granted

SCHEDULE OF DOCUMENTS OR THINGS TO BE PRODUCED

FORM 139

Commitment of witness (M.C. Act 1980, ss. 97, 134; M.C. Rules 1981, rr. 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Witness:

Address:

The witness having today [appeared] [been brought] before the.....Magistrates' Court as a witness on the hearing of an [information] [complaint] against

Defendant:

has refused without just cause [to be sworn] [to affirm] [to give evidence] [to produce the document[s] or thing[s] specified in the Schedule hereto]

Decision:

That the witness be detained in custody for a period of days.

Direction:

You [the constables of Police Force] [A.B.] are hereby required to convey the witness to [.....prison] [ ] and there deliver the witness to [the Governor thereof] [the police officer in charge] and you [the Governor] [the police officer in charge] to receive the witness into your custody, and keep the witness for days unless in the meantime the witness consents [to give evidence] [to produce the required document[s] or thing[s]].

Justice of the Peace

[or By order of the court Clerk of the Court]

SCHEDULE OF DOCUMENTS OR THINGS TO BE PRODUCED

FORM 140

Warrant of commitment of witness after failure to attend trial or after Crown Court warrant (Courts Act 1971, s. 13(7); M.C. Rules 1981, 94, 95, 97)

.....Magistrates' Court (Code)

Date:

Witness:

Address:

The witness has been brought before this court having been arrested under a warrant issued by [Mr. Justice .....] [the Crown Court at.....] under [ [s. 4(1)] [s. 4(2)] of the Criminal Procedure (Attendance of Witnesses) Act 1965] to secure the attendance of the witness before the Crown Court at ..... under the provisions of section 13(7) of the Courts Act 1971.

Decision:

The witness is committed in custody to the Crown Court at:

Direction:

You [the constables of.....Police Force] [A.B.] are hereby required to convey the witness to.....[prison] [remand centre] and there deliver the witness to the Governor thereof, together with this warrant; and you the Governor to receive the witness into your custody and, unless the witness is released on bail in the meantime, to keep the witness until the witness is delivered in due course of law.

\*Bail:

The witness shall be released on bail on entering into recognizance in the sum of £ with suret [y] [ies] in the sum of £ [each] for the witness's appearance before the Crown Court at..... [on (date) at (time)] [on such day and at such time and place as may be notified to the witness by the appropriate officer of that court]

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

\*Delete if bail is not granted.

FORM 141

*Order to bring up prisoner before expiration of period of remand or in connection with recognizance (M.C. Act 1980, ss. 115, 118, 128)*

.....Magistrates' Court (*Code*)

[To the Governor of [prison] [remand centre]]

[To the Police officer in charge of ]

Prisoner's name:

This prisoner was committed to your custody under a warrant of commitment dated (*date*) [on remand until (*date*) ] [*or state other circumstances of commitment*]

Direction:

You are hereby required to bring the prisoner before the.....Magistrates' Court on (*date*) at (*time*) to be further dealt with according to law [*or state other reason for requiring attendance*].

Justice of the Peace

[or By order of the Court  
Clerk of the Court]

## FORM 143

*Declaration as to handwriting and seal (M.C. Rules 1981, r. 67)*

I, X.Y., of \_\_\_\_\_, hereby solemnly declare that  
the signature \_\_\_\_\_ to the document now produced and  
shown to me, and marked A, is in the handwriting of \_\_\_\_\_  
of \_\_\_\_\_ [and that the seal on the said document is the seal  
of \_\_\_\_\_ ].

X.Y.

Declared before me the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

J.P.,

Justice of the Peace for the [county] of \_\_\_\_\_  
(Or other description)



## FORM 142

*Declaration of service (M.C. Rules 1981, r. 67)*

I, X.Y., of \_\_\_\_\_, hereby solemnly declare that I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, serve A.B., of \_\_\_\_\_, with the summons (*or other document, as the case may be*), of which a true copy is now shown to me and marked A, by delivering the said summons to him/her [*or by leaving the said summons for him/her with \_\_\_\_\_ at \_\_\_\_\_, being the said A.B.'s last known [or usual] place of abode*].

X.Y.

Declared before me the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

J.P.,  
Justice of the Peace for the [county] of \_\_\_\_\_  
(*Or other description*)

## FORM 144

*Certificate of service (M.C. Rules 1981, r. 67)**(Endorsement)*

I, X.Y., of \_\_\_\_\_, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, I served A.B., of \_\_\_\_\_, with the summons (*or other documents, as the case may be*), of which this is a true copy, by delivering the said summons to him/her personally [together with the sum of \_\_\_\_\_ for costs and expenses] [*or and that I tendered to him/her the sum of \_\_\_\_\_ for costs and expenses*].

[*or by leaving the said summons for him/her [ , together with the sum of \_\_\_\_\_ for costs and expenses,] with \_\_\_\_\_ at \_\_\_\_\_ being the said A.B.'s last known [or usual] place of abode [or business]*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

X.Y.

## FORM 145

*Certificate of service by post (M.C. Rules 1981, rr, 67, 99(6))*

**(Endorsement)**

I, X.Y., of \_\_\_\_\_, hereby certify that I served A.B. with the summons (*or other documents, as the case may be*), of which this is a true copy, by sending the said summons by post [*or by the recorded delivery service*] to him/her in a prepaid [registered] letter posted by me at the Post Office situate at \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and addressed to A.B. at \_\_\_\_\_, being his/her last known [*or usual*] place of abode [*or address given by him/her for the purpose of service*].

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

X.Y.

FORM 146

*Certificate of clerk of magistrates' court of non-payment of sums adjudged (M.C. Act 1980, s. 99)*

.....Magistrates' Court (Code)

Date:

I hereby certify that the payments due to me on behalf of [C.D.] from [A.B.] under an order made by the.....Magistrates' Court on (date) under the (state the Act under which the order was made) have not been made to me in full and that there is now in arrear the sum of £ in respect of [periodical payments] [instalments] due up to and including (date)

Justices' Clerk

## FORM 147

*Declaration as to non-payment of sums adjudged (M.C. Act 1981, s. 99)*

I, G.L., of \_\_\_\_\_, do solemnly and sincerely declare that the payments due to me from A.B., under an order made by the Magistrates' Court sitting at \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, under (*state the Act under which the order was made*) have not been made to me in full, and that there is now in arrear the sum of \_\_\_\_\_ [in respect of periodical payments [or instalments] due up to and including the day of \_\_\_\_\_, 19\_\_\_\_].

And I make this solemn declaration, conscientiously believing the same to be true, by virtue of the provisions of the Statutory Declarations Act 1835.

G.L.

Declared at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me,

J.P.,  
Justice of the Peace for the [county] of \_\_\_\_\_  
(*Or other description*)

FORM 148

Register (M.C. Rules 1981, r. 66)

In the [county of \_\_\_\_\_] Petty Sessional Division of \_\_\_\_\_ ].  
 Register of the \_\_\_\_\_ Magistrates' Court sitting at \_\_\_\_\_  
 The \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

*Number (1)	Name of informant or complainant (2)	Name of defendant. Age, if known (3)	Nature of offence or matter of complaint (4)	Date of offence or matter of complaint (5)	Plea or consent to order (6)	Minute of adjudication (7)	Time allowed for payment and instalments (8)

(Signature).....  
 Justice of the Peace for the [county] of \_\_\_\_\_  
 A Justice adjudicating.  
 [or Clerk of the Court present during these proceedings.]

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

FORM 149

*Record of decision to grant unconditional bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1981, rr. 66, 90)*

.....Magistrates' Court (Code)

Date:

Accused:

Date of birth:

Alleged offence [s]: *(short particulars and statute)*

Decision: The accused is granted bail with a duty to surrender to the custody of [ ..... Magistrates' Court on ..... at ..... a.m./p.m. ] [the Crown Court at the time and place for the time being appointed by that court].

Signature.....  
Justice of the Peace

[Clerk of the Court present during these proceedings]

FORM 150

Record of decision to grant conditional bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1981, rr. 66, 90)

.....Magistrates' Court (Code)

Date:

Accused:

Date of birth:

Alleged offence [s]: (short particulars and statute)

Decision: The accused is granted bail, with a duty to surrender to the custody of [ Magistrates' Court on ..... at ..... a.m./p.m. ] [the Crown Court at the time and place for the time being appointed by that court], the bail being subject to the following conditions:

Conditions: Conditions to be complied with before release on bail  
To provide suret [y][ies] in the sum of £ [each] to secure the accused's surrender to custody at the time and place appointed.

†

Conditions to be compiled with after release on bail

†

\*Reasons: The above conditions were imposed on the grant of bail for the following reason(s):

Signature .....  
Justice of the Peace

[Clerk of the Court present during these proceedings]

\*Delete if section 4 of the Bail Act 1976 does not apply.  
†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981, r. 85, in respect of any pre-release conditions).



## FORM 151

*Record of decision to withhold bail (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1981, rr. 66, 90)*

.....Magistrates' Court (Code)

Date:

Accused:

Date of birth:

Alleged offence[s]: *(short particulars and statute)*

Decision:

The court, having found that the exception(s) to the right to bail specified in the first column of the Schedule hereto applies (apply) for the reason(s) specified in the second column of the said Schedule, withholds bail.

The accused is [remanded in] [committed to] custody for appearance before [ ..... Magistrates' Court on .....at.....a.m./p.m. ] [the Crown Court at the time and place for the time being appointed by that court].

Signature .....  
Justice of the Peace

[Clerk of the Court present during these proceedings]

## SCHEDULE

Exception(s) to right to bail (Include relevant Part and paragraph number(s) of Schedule I to Bail Act 1976)	Reason(s) for applying the exception(s) specified in first column

FORM 152

Record of decision to vary conditions of bail or impose conditions on bail granted unconditionally (criminal cases) (Bail Act 1976, s. 5; M.C. Rules 1981, rr. 66, 90)

.....Magistrates' Court (Code)

Date:

Accused:

Date of birth:

Alleged offence [s]: (short particulars and statute)

The accused having been granted bail by the above magistrates' court on (date) with a duty to surrender to the custody of [ Magistrates' Court on.....at .....a.m./p.m. ] [the Crown Court at the time and place for the time being appointed by that court], [and the said bail being subject to conditions].

Application having been made by..... under section 3(8) of the Bail Act 1976 for [variation] [imposition] of bail conditions.

Decision: The condition(s) to be complied with by the accused in respect of the said bail shall now be as specified in Schedules I and II hereto.

\*Reasons: The conditions of bail were [varied] [imposed] for the following reason(s):

Signature .....  
Justice of the Peace

[Clerk of the Court present during these proceedings]

\*Delete if section 4 of the Bail Act 1976 does not apply.

## SCHEDULE I

Conditions to be complied with before release on bail

To provide suret[y][ies] in the sum of £  
[each] to secure the defendant's surrender to custody at the  
time and place appointed.

†

## SCHEDULE II

Conditions to be complied with after release on bail

†

---

†Insert condition(s) as appropriate (including in Schedule I directions under M.C. Rules 1981,  
r. 85, in respect of any pre-release conditions).

FORM 153

*Record of decision to appoint a different time or place for a person granted bail to surrender to custody (criminal cases) (Bail Act 1976, s. 5; M.C. Act 1980, s. 43; M.C. Rules 1981, r. 66)*

.....Magistrates' Court (Code)

Date:

Accused:

Bail granted on: (date)

Bail granted by: [ Force ] Magistrates' Court [ Police

Time originally appointed for surrender: at.....a.m./p.m. on .....

Decision: The accused is now under a duty to surrender to the custody of the [above] [ ] Magistrates' Court on .....at.....a.m./p.m.

Signature .....  
Justice of the Peace

[Clerk of the Court present during these proceedings]

## FORM 154

*Extract from register proving proceeding of a magistrates' court (M.C. Rules 1981, r. 68)*

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

Memorandum of a conviction [or order] (or other proceeding) entered in the Register of the Magistrates' Court sitting at , the day of , 19 .

Name of informant or of complainant	Name of defendant Age, if known	Nature of offence or matter of complaint	Date of offence or matter of complaint	Plea or consent to order	Minute of adjudication	Time allowed for payment and instalments

I certify the above extract to be a true copy.

Clerk of the said Magistrates' Court

Dated the day of , 19 .

## FORM 155

*Case stated (M.C. Act 1980, s. 111; M.C. Rules 1981, rr. 78, 81)*

In the High Court of Justice  
Queen's Bench Division  
Between A.B.,

Appellant

C.D.,

and

Respondent.

Case stated by Justices for the [county of \_\_\_\_\_], acting in and for  
the Petty Sessional Division of \_\_\_\_\_, in respect of their  
adjudication as a Magistrates' Court sitting at \_\_\_\_\_.

## CASE

1. On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, an information [or complaint] was preferred by the appellant [or respondent] against the respondent [or appellant] that he/she (*state shortly particulars of information or complaint and refer to any relevant statutes*).

2. We heard the said information [or complaint] on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and found the following facts:—(*set out in separate lettered paragraphs*).

\*[The following is a short statement of the evidence:—(*set out so as to show relevant evidence given by each witness*)].

†3. It was contended by the appellant that

†4. It was contended by the respondent that

5. We were referred to the following cases

6. We were of opinion that (*state grounds of decision*) and accordingly (*state decision including any sentence or order*).

## QUESTION

7. The question for the opinion of the High Court is

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

E.F.,  
G.H.,

Justices of the Peace for the [county] aforesaid [on behalf of all the Justices adjudicating].

\*Insert only if the opinion of the High Court is sought whether there was evidence upon which the Magistrates' Court could come to its decision.

†Only a brief summary should be given.

## EXPLANATORY NOTE

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

These Rules consolidate, with amendments, the Rules specified in Schedule 1 to these Rules and prescribe the forms to be used in connection with proceedings in magistrates' courts. These forms are set out in Schedule 2 to these Rules.

Some obsolete forms which were prescribed in the Magistrates' Courts (Forms) Rules 1968 ("the 1968 Rules") have been omitted from Schedule 2. These forms are—

*Number of Form  
in Schedule to  
the 1968 Rules*

*Subject matter of form*

26.	Warrant to arrest person indicted.
28.	Warrant of commitment of person indicted who is already in custody.
97.	Order of removal from approved school to borstal.
98.	Interim order on application for removal from approved school to borstal.
101.	Domestic proceedings: report by probation officer of attempted conciliation.
124.	Certificate of ability of surety to pay.
137.	Warrant for temporary removal from approved school.
138.	Warrant for further removal after temporary removal from approved school.

Three other forms which were prescribed in the 1968 Rules have also been omitted in these Rules, namely, forms numbered 64 (Further transfer of fine order), 127 (Complaint for forfeiture of recognizance to keep the peace) and 128 (Summons for forfeiture of recognizance). Instead, certain forms prescribed in Schedule 2 to these Rules, namely, forms numbered 59 (Transfer of fine order), 60 (Transfer of fine order to Scotland or Northern Ireland), 98 (Complaint) and 2 (Summons), respectively, may be used with appropriate amendments.

Four forms, which were prescribed in the Schedule to the 1968 Rules, have been omitted from Schedule 2 to these Rules, namely forms numbered 115A (Notice of courts' powers under sections 16 and 18(1) of the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22)), 115B (Family protection order), 115C (Power of arrest attached to order made under section 16 of the Domestic Proceedings and Magistrates' Courts Act 1978) and 115D (Endorsement of expedited order). These forms are now set out in the Schedule to the Magistrates' Courts (Matrimonial Proceedings) Rules 1980 (S.I. 1980/1582).

Four new forms have been added in Schedule 2 to these Rules, namely, forms numbered 88 (Notice to Crown Court of conviction of further offence committed during operational period of suspended sentence), 114 (Notice to person outside the United Kingdom of complaint for variation etc. of maintenance or custody order), 120 (Recognizance: Bail: Appeal to Crown Court) and 121 (Recognizance to prosecute an appeal before the High Court on case stated and for bail pending the appeal).

Digitized by Google

SI 1981/553  
ISBN 0-11-016553-5



780110 165530