
STATUTORY INSTRUMENTS

1983 No. 526 (L. 8)**MAGISTRATES' COURTS****The Magistrates' Courts (Children and Young Persons)
(Amendment) Rules 1983**

Made - - - - - *29th March 1983*

Laid before Parliament *12th April 1983*

Coming into Operation *24th May 1983*

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. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1983 and shall come into operation on 24th May 1983.
2. The Magistrates' Courts (Children and Young Persons) Rules 1970(b) shall have effect subject to the amendments specified in the Schedule to these Rules.

Hailsham of St. Marylebone, C.

Dated 29th March 1983.

(a) 1980 c.43.

(b) S.I. 1970/1792, amended by S.I. 1976/1769, 1978/869.

SCHEDULE

Rule 2

PART I

AMENDMENTS TO THE MAGISTRATES' COURTS
(CHILDREN AND YOUNG PERSONS) RULES 1970

1. In paragraph (1) of Rule 13, there shall be inserted after sub-paragraph (a) the following sub-paragraph—
 - “(aa) regulations made under sections 21A(2) and 39 of the Child Care Act 1980(a) (authority to retain child in secure accommodation);”
2. In paragraph (2) of Rule 14, there shall be inserted after the words “Act of 1969” the words “and regulations made under sections 21A(2) and 39 of the Child Care Act 1980”.
3. In paragraph (1) of Rule 15, there shall be inserted after the words “Act of 1969” the words “or section 21A(4) of the Child Care Act 1980”.
4. In Schedule 2 —
 - (a) Form 29 shall be amended by omitting the word “indictable”;
 - (b) Forms 30 and 47 shall be amended by omitting the words “class or” in each form;
 - (c) Forms 33 and 50 shall be omitted;
 - (d) for the forms numbered 32, 35 and 49 there shall be substituted respectively the forms numbered in like manner in Part II of this Schedule; and
 - (e) the forms numbered 30B, 32A, 35A, 36A, 36B, 50A, 50B, 50C, 50D, 50E and 50F in the said Part II shall be inserted in numerical order.

(a) 1980 c.5; section 21A was inserted by section 25 of the Criminal Justice Act 1982 (c. 48); section 39 was amended by the Criminal Justice Act 1982, Schedule 14, paragraph 46.

PART II

FORMS TO BE INSERTED OR SUBSTITUTED IN SCHEDULE 2
TO THE MAGISTRATES' COURTS
(CHILDREN AND YOUNG PERSONS) RULES 1970

30B

Order varying attendance centre order (C.J. Act 1982, s. 18)

.....Juvenile Court (*Code*)

Date:

Offender:

Address:

The [Juvenile] [Crown] Court sitting at on (*date*), made an attendance centre order specifying theattendance centre.

The [offender] [officer in charge of the aforesaid attendance centre] has applied for the variation of the said attendance centre order.

The Court is satisfied that the offender proposes to change or has changed his residence and is satisfied that the attendance centre specified below is reasonably accessible to the offender at his new residence, having regard to the age of, and the means of access available to, the offender and any other circumstances.

Order: That the attendance centre order be varied by substituting for the attendance centre specified therein theattendance centre.

Justice of the Peace.

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

NOTE: The present address of the attendance centre substituted by this Order is

Detention Centre Order; offence
(C.J. Act 1982, ss. 1, 2, 4)

..... Juvenile Court (*Code*)

Date:

Accused: Age: years

Address:

Offence: *(short particulars and statute)*

The accused was [today] [on (*date*)] found guilty of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court is, for the following reason, of the opinion that no method of dealing with him other than a detention centre order is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified](*state reason*).

[The court considered that it was unnecessary to obtain a social inquiry report because (*state reason*).]

Decision: That the accused be subject to a detention centre order for (*state period*).

Direction: You, [the constables of Police Force] [A.B.], are hereby required to convey the accused to detention centre 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
Clerk of the Court.]

32A

Youth Custody sentence: offence
(C.J. Act 1982, ss. 1, 2, 6)

..... Juvenile Court (Code)

Date:

Accused:

Age: years

Address:

Offence:

(short particulars and statute)

The accused was [today] [on (*date*)] found guilty of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court is, for the following reason, of the opinion that no method of dealing with him other than a youth custody sentence is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified] (*state reason*).

[The court considered that it was unnecessary to obtain a social inquiry report because (*state reason*).]

*[The court passed a sentence of youth custody on the accused because it considered that his detention in a detention centre would be unsuitable because of his mental condition.]

Decision:

That the accused serve a term of youth custody for (*state period*).

Direction:

You, [the constables of Police Force] [A.B.], are hereby required to convey the accused to youth custody centre/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
Clerk of the Court.]

Care order: criminal proceedings
(C. & Y.P. Act 1969, ss. 7(7) and (7A), 20)

..... Juvenile Court (Code)

Date:

Defendant:

Age: years

Address:

Offence:

(short particulars and statute)

To each and all the constables of and to the council
of the non-metropolitan county/metropolitan district of

The defendant, who is believed to have been born on
, was [today] [on (date)] found guilty of the
above offence which is punishable in the case of an adult with
imprisonment:

And the court is of opinion that a care order is appropriate
because of the seriousness of the offence and that the defendant is
in need of care or control which he is unlikely to receive unless
the court makes a care order:

It is hereby ordered that the defendant be committed to the care
of the said council in whose area it appears that [the defendant
resides] [the offence was committed, it not appearing that the
defendant resides in the area of any local authority in England
and Wales]:

And you the said constables are hereby required, unless the
defendant is forthwith received into the care of a person
authorised by, and acting on behalf of, the said council, to deliver
the defendant, together with this order, into the care of a person
authorised and acting as aforesaid.

Justice of the Peace.

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

35A

Care order: charge and control condition
(C. & Y.P. Act 1969, ss. 7 (7), 20, 20A)

..... Juvenile Court (Code)

Date:

Defendant:

Age: years

Address:

Offence:

(short particulars and statute)

To the council of the non-metropolitan county/metropolitan district of

The juvenile court on (date) made a care order, by virtue of [section 1(3) of the Children and Young Persons Act 1969, being of the opinion that the condition mentioned in subsection (2)(f) of that section was satisfied] [section 7(7) of the Children and Young Persons Act 1969], committing the defendant to the care of the said council.

The defendant was on (date) found guilty of the above offence which is punishable in the case of an adult with imprisonment.

And the court is of opinion that it is appropriate because of the seriousness of the offence to add to the care order a condition as to the charge and control of the defendant, and that no other method of dealing with the defendant is appropriate:

And the court has explained to the defendant the purpose and effect of this condition.

Order:

There is hereby added to the order committing the defendant to the care of the said council a condition under section 20A of the Children and Young Persons Act 1969 that the power conferred by section 21(2) of the Child Care Act 1980 shall for (specify period) not be exercisable [except to allow the defendant to be under the charge and control of (specify parent, guardian, relative or friend)].

Justice of the Peace.

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

36A

*Order authorising the use or further use of secure accommodation
(Child Care Act 1980, s. 21A)*

..... Juvenile Court (*Code*)

Date:

Relevant infant:

Age: years

Address:

The relevant infant is in the care of the..... Council.

[On (*date*), on an application of [this] [.....] Juvenile Court determined that in the case of the relevant infant the criteria set out in section 21A of the Child Care Act 1980 or in regulations made under sections 21A and 39 of that Act were satisfied and made an order authorising the retention of the relevant infant in secure accommodation for a maximum period of]

On the [further] application of the court has determined that [it remains the case that] the relevant infant [has a history of absconding and is likely to abscond from accommodation other than that provided for the purpose of restricting liberty, and that if he absconds it is likely that his physical, mental or moral welfare will be at risk] [is likely to injure himself or other persons if he is kept in accommodation other than that provided for the purpose of restricting liberty] [has been committed to the care of the said council under section 23 of the Children and Young Persons Act 1969, [that he has been charged with or convicted of an offence imprisonable in the case of a person aged 21 or over for 14 years or more] [that he has been charged with or convicted of an offence of violence, or has been previously convicted of such an offence], that either he is likely to abscond from accommodation other than that provided for the purpose of restricting liberty or he is likely to injure himself or other people if he is kept in any other description of accommodation and that in either case all other descriptions of accommodation are inappropriate].

Order:

The relevant infant may by virtue of this authorisation be retained in secure accommodation during a [further] period of beginning with the date of this order.

Justice of the Peace.

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

36B

*Interim order authorising the use of secure accommodation
(Child Care Act 1980, s. 21A)*

..... Juvenile Court (*Code*)

Date:

Relevant infant:

Age: years

Address:

The relevant infant is in the care of the.....
Council.

On the application offor an order authorising the keeping of the relevant infant in secure accommodation, the court is not in a position to determine whether in the case of the said infant the criteria set out in section 21A of the Child Care Act 1980 or in regulations made under sections 21A and 39 of that Act are satisfied.

Order:

The said application is hereby adjourned. The applicant shall bring the relevant infant before the above court on at am/pm or at such earlier time as the court may require. During the period of this adjournment the relevant infant may by virtue of this authorisation be kept in secure accommodation.

Justice of the Peace.

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

*Custodial sentence on failure to comply with requirement of supervision order
(C. & Y.P. Act 1969, ss. 15(2) and (4), 16)*

..... [Juvenile] [Magistrates'] Court (*Code*)

Date:

Supervised person:

Age: years

Address:

Supervision order
made on:

by the: Juvenile Court

[varied on:

by the: Juvenile Court]

Local authority area:

Petty sessions area:

for the time being named in that supervision order.

Supervisor:

[..... Council] [a probation officer appointed for, or
assigned to, that petty sessions area].

On the application of the supervisor the court is satisfied that the
supervised person has failed to comply with the following
requirement(s) of the supervision order.

Requirement(s) of
supervision order
contravened:

The court is, for the following reason, of the opinion that no
method of dealing with the supervised person other than a
custodial sentence is appropriate [because it appears to the court
that he is unable or unwilling to respond to non-custodial
penalties] [because a custodial sentence is necessary for the
protection of the public] [because the offence was so serious that
a non-custodial sentence cannot be justified] (*state reason*).

[The court considered that it was unnecessary to obtain a social
inquiry report because (*state reason*).]

*[The court passed a sentence of youth custody on the supervised
person because it considered that his detention in a detention
centre would be unsuitable because of his mental condition.]

Decision:

That the said supervision order [varied as aforesaid] be
discharged and that the supervised person, in respect of the said
failure, be [subject to a detention centre order] [sentenced to a
youth custody sentence] for (*state period*).

Direction:

You, [the constables of Police Force] [A.B.], are
hereby required to convey the above-named offender to
..... [Detention Centre] [Youth Custody Centre]
[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 offender for the said period.

Justice of the Peace.

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

*Delete unless appropriate.

COMMUNITY SERVICE ORDERS

50A

Community service order (P.C.C. Act 1973, s. 14).....Juvenile 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] [a report of a social worker of a local authority social services department], 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 £200 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 onfor.....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
Clerk of the Court.]

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.

50B

Community service order: accused resident in Scotland (P.C.C. Act 1973, ss. 14, 17A, 17C)

.....Juvenile 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] [a report of a social worker of a local authority social services department] is satisfied that the accused is a suitable person to perform work under a community service order.

The court is satisfied that the accused resides, or will be residing when the order comes into force, in Scotland.

The court has explained to the accused in ordinary language the requirements of the legislation relating to community service orders which has effect in Scotland, the powers of the court in Scotland under that legislation and the power of the above juvenile court in respect of the order.

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

Decision:

That the accused, who [resides] [will reside] in the locality 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]].

The locality in Scotland in which the accused resides or will be residing when the order comes into force will be.....and the court requires the regional or islands council in whose area the locality is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

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

Justice of the Peace.

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

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.

50C

*Order amending community service order: accused resident in Scotland
(P.C.C. Act 1973, ss. 14, 17A, 17C)*

..... Juvenile Court (Code)

Date:

Accused: Age: years

Address:

Community service
order made on:Community service
order made by:Number of hours of
order:

Supervising court:

The court is satisfied that the accused proposes to reside or is residing in Scotland.

The court has explained to the accused in ordinary language the requirements of the legislation relating to community service orders which has effect in Scotland, the powers of the court in Scotland under that legislation and the powers of the above juvenile court in respect of the order.

Order:

The court amends the above order by specifying that the unpaid work required to be performed under the order be performed under the arrangements that exist in Scotland for the performance of such work under community service orders.

The locality in Scotland in which the accused resides or will be residing when the amendment to the above order comes into force will be and the court requires the regional or islands council in whose area the locality is situated to appoint or assign an officer who will discharge in respect of the order the functions in respect of community service orders conferred on the local authority officer by the Community Service by Offenders (Scotland) Act 1978.

Justice of the Peace.

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

50D

Warrant of commitment: revocation of community service order, custodial sentence (P.C.C. Act 1973, ss. 16(3), 17(2); C.J. Act 1982, ss. 1, 2, 4, 6; M.C. Rules 1981, rr. 94, 95, 97)
..... Juvenile Court (Code)

Date:

Accused: Age: years

Address:

Offence:

The accused was on at [this] [] Juvenile 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] [] Juvenile Court,] and the court is, for the following reason, of the opinion that no method of dealing with him other than a custodial sentence is appropriate [because it appears to the court that he is unable or unwilling to respond to non-custodial penalties] [because a custodial sentence is necessary for the protection of the public] [because the offence was so serious that a non-custodial sentence cannot be justified] (state reason).

[The court considered that it was unnecessary to obtain a social inquiry report because (state reason) .]

*[The court passed a sentence of youth custody on the accused because it considered that his detention in a detention centre would be unsuitable because of his mental condition.]

Decision: That the community service order be revoked and that the accused be [subject to a detention centre order] [sentenced to a youth custody sentence] for (state period) in respect of the above offence.

Direction: You, [the constables of Police Force] [A.B.] are hereby required to convey the accused to [Detention Centre] [Youth Custody Centre] [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.

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

* Delete unless appropriate.

50E

Community Service: Requirement to appear before sentencing court (Community Service by Offenders (Scotland) Act 1978, s. 6B(6); C.J. Act 1982, Sch. 13, para. 9(6))

..... Juvenile Court (Code)

Date:

To the accused:

of:

Offence: *(short particulars and statute)*

Date of order:

Order made by: Court

It appears to this court [that you have failed to comply with the following requirement(s) of the legislation applicable to the order to which you are subject:

]
[that it would be in the interests of justice to revoke the order to which you are subject] [and to deal with you for the offence in respect of which the order was made]. You are hereby required to appear before court on
at am/pm.

Justice of the Peace.

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

50F

Community Service: Warrant of arrest of offender required to appear before sentencing court (P.C.C. Act 1973, s. 17C(7))

..... Juvenile Court (Code)

Date:

Defendant:

Address:

Offence: *(short particulars and statute)*

Date of order:

Order made by: Court

The defendant having this day failed to appear before the above court in accordance with a requirement imposed under section 17C(6) of the Powers of Criminal Courts Act 1973:

Direction: You, the constables of Police Force, are hereby required to arrest the defendant and bring the defendant before this 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 juvenile court on at am/pm.

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

*

EXPLANATORY NOTE

(This Note is not part of the Rules.)

These Rules amend the Magistrates' Courts (Children and Young Persons) Rules 1970 to take account of Part I and section 68 of the Criminal Justice Act 1982, which come into force on 24th May 1983 (S.I. 1983/182). They apply Part III of the 1970 Rules to applications for authority to retain children in care in secure accommodation in accordance with section 21A of the Child Care Act 1980, inserted by section 25 of the 1982 Act, and prescribe forms for use in connection with such applications (new Forms 36A and 36B). They amend existing forms prescribed for use in juvenile courts and delete obsolete ones to reflect the abolition of the sentences of borstal training and imprisonment for offenders aged under 21 and the introduction of the youth custody sentence, together with general restrictions on custodial sentences, in sections 1 to 10 of the 1982 Act, as well as the criteria for making care orders in section 23. They prescribe forms for use where the court varies an attendance centre order upon the change of residence of the offender under section 18 (new Form 30B); where the court adds a condition as to the charge and control of an offender in care under section 20A of the Children and Young Persons Act 1969 (c. 54) inserted by section 22 (new Form 35A); and in connection with community service orders which, under section 68 and Schedule 12, may be made in respect of offenders aged 16 (new Forms 50A, 50B, 50C, 50D, 50E and 50F). The Rules also make minor amendments to existing forms prescribed for use in connection with attendance centre orders and compensation orders.

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

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