

---

STATUTORY INSTRUMENTS

---

**1992 No. 2069 (L.15)**

**MAGISTRATES' COURTS**

**The Magistrates' Courts (Attendance Centre) Rules 1992**

*Made* - - - - - *27th August 1992*  
*Laid before Parliament* *10th September 1992*  
*Coming into force* - - - *1st October 1992*

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980(1), after consultation with the Rule Committee appointed under that section, hereby makes the following Rules:

**Citation, commencement and interpretation**

1.—(1) These Rules may be cited as the Magistrates' Courts (Attendance Centre) Rules 1992 and shall come into force on 1st October 1992.

(2) In these Rules “relevant order” means an order under section 17 of the Criminal Justice Act 1982(2) ordering a person who has attained the age of 18 to attend at an attendance centre.

**Forms**

2. The forms contained in Schedule 1 or forms to the like effect may be used, with such variation as the circumstances may require, in connection with proceedings in magistrates' courts when a court has made a relevant order.

**Payment of money by person subject to relevant order**

3.—(1) Where a relevant order has been made in default of payment of a sum of money—

- (a) the whole of that sum may be paid to the clerk of the court which made the order (“the clerk”), or
- (b) the whole or, subject to paragraph (2), a part of that sum may be paid to the officer in charge of the attendance centre specified in the order (“the officer in charge”).

(2) The officer in charge may not accept a part payment that would not secure the reduction by one or more complete hours of the period of attendance specified in the order.

---

(1) 1980 c. 43; section 144 was extended by section 145 of that Act and by section 18(2)(b) of the Children and Young Persons Act 1969 (c. 54).  
(2) 1982 c. 48; section 17 was amended by the Criminal Justice Act 1991 (c. 53), s.67(1).

---

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

---

(3) On receiving a payment under paragraph (1) the clerk shall forthwith notify the officer in charge.

(4) The officer in charge shall pay any money received by him under paragraph (1) to the clerk and shall note the receipt of the money in the register maintained at the attendance centre.

**Revocations**

4. The Rules specified in Schedule 2 are revoked to the extent specified.

27th August 1992

*Mackay of Clashfern, C.*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Rule 2

FORMS

1 Attendance centre order : offence (C.J.Act 1982, s. 17.)

..... Magistrates' Court (Code)

Date:

Accused: Age years

Address:

Offence: (particulars and statute)  
The accused was on (date) found guilty of the above offence which is punishable with imprisonment.

The court has been notified that the attendance centre specified herein is available for the reception from the court of persons of the accused's description.

The court is satisfied that the attendance centre is reasonably accessible to the accused having regard to the age of, and the means of access available to, the accused and any other circumstances.

[The court is of the opinion that twelve hours attendance would be inadequate, having regard to all the circumstances.]

Order: That the accused attend at the ..... attendance centre on the first occasion on (date) at (time), and subsequently at such times as shall be fixed by the officer in charge of that centre, until the accused shall have completed a period of attendance of hours.

Justice of the Peace.

[By order of the Court  
Justices' Clerk.]

NOTE: The present address of the attendance centre specified above is .....

2 Attendance centre order: non-payment of sum of money (M.C.Act 1980, s. 81; C.J.Act 1982, s. 17.)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

..... Magistrates' Court (Code)

Date:

Defaulter: Age years

Address:

Offence: (short particulars and statute)

Fine .....	The defaulter was on (date) adjudged to pay the total sum set out in the margin hereof [forthwith] [or (here set out effect of order)] and has made default in payment of [the whole] [the balance set out in the margin].
Compensation .....	
Costs .....	
Total .....	
Part payments .....	
Balance .....	

Decision: The defaulter shall attend at the ..... attendance centre on (date) at (time), and subsequently at such times as shall be fixed by the officer in charge of that centre, until he has completed a period of attendance of hours unless the outstanding sum is sooner paid (but see Note 2 below).

Justice of the Peace.

[By order of the Court Justices' Clerk.]

NOTE 1: The present address of the attendance centre specified above is .....

NOTE 2: Under section 17(13)(b) of the Criminal Justice Act 1982 the period of attendance may be reduced proportionately by payment of part of the outstanding sum.

3Order on failure to comply with attendance centre order or on breach of Attendance Centre Rules (C.J.Act 1982, s. 19.)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

..... Magistrates' Court (Code)

Date:

Accused: Age years

Address:

On (date) the accused was ordered to attend at the ..... attendance centre.

The accused has today [appeared] [been brought] before this court under section 19(1) of the Criminal Justice Act 1982 and the court is satisfied that on (date) the accused [failed without reasonable excuse to attend at that attendance centre in accordance with that order] [while attending at that attendance centre committed a breach of the Attendance Centre Rules 1958 which could not be adequately dealt with under those Rules, namely-

Particulars of breach: ]

Order: That the accused, in respect of his [failure to attend] [breach of the Rules], (insert court's decision).

Justice of the Peace.

[By order of the Court Justices' Clerk.]

4Order varying attendance centre order (C.J.Act 1982, s. 18.)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

..... Magistrates' Court (Code)

Date:

Offender:

Address:

The [Magistrates'] [Crown] Court sitting at ..... on (date) made an attendance centre order specifying the ..... attendance centre.

The [person in respect of whom the attendance centre order has been made] [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 attendance centre specified below is reasonably accessible to that person, having regard to his age and the means of access available to him and any other circumstances.

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

Justice of the Peace.

[By order of the Court  
Justices' Clerk.]

NOTE: The present address of the attendance centre specified above is .....

*5Warrant of Commitment: committal to Crown Court on failure to comply with attendance centre order or on breach of Attendance Centre Rules (C.J.Act 1982, s.19; Bail Act 1976 ss.3, 4; M.C. Rules 1981, rr. 94, 95, 97.)*

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

..... Magistrates' Court (Code)

Date:

Accused: Age years

Address:

Attendance centre order made on:

Attendance centre order made by: Crown Court at .....

Alleged failure to attend in accordance with attendance centre order or alleged breach of attendance centre rules: (short particulars)

Decision: The court, being satisfied that on (date) the accused [failed without reasonable excuse to attend at the centre in accordance with the said order] [while attending at the centre committed a breach of the Attendance Centre Rules 1958 which cannot be adequately dealt with under those Rules], commits the accused to custody until the accused can be brought before the Crown Court at .....

Direction: You, [the constables of Police Force] [AB], 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 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.

[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).

\* Delete if bail is not granted.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

6Certificate of failure to comply with attendance centre order or of breach of Attendance Centre Rules (C.J.Act 1982, s. 19.)

Date:

Accused: Age years

Address:

Attendance centre order made on:

Attendance centre order made by: Crown Court at ..... The accused [has this day appeared] [was this day brought] before this Court under section 19(1) of the Criminal Justice Act 1982 for [failure to attend at the centre in accordance with the said order] [breach while attending at the centre of the Attendance Centre Rules 1958].

Particulars of breach: (State short particulars and any other particulars of the case as may be desirable).

Certificate: It is hereby certified that it has been proved to the satisfaction of this Court that the accused has [failed without reasonable excuse to attend at the attendance centre in accordance with the order] [while attending at the centre committed a breach of the Attendance Centre Rules 1958 which cannot be adequately dealt with under those Rules].

Justice of the Peace.

7Order discharging attendance centre order (C.J.Act 1982, s. 18.)

..... Magistrates' Court (Code)

Date:

Offender:

Address:

The [Magistrates'] [Crown] Court sitting at on (date) made an attendance centre order specifying the ..... attendance centre.

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

Order: That the attendance centre order be discharged [and that for the offence in respect of which that order was made the offender (specify terms of new order)].

Justice of the Peace.

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



SCHEDULE 2

Rule 4

REVOCATIONS

Rules revoked	References	Extent of revocation
The Magistrates' Courts (Attendance Centre) Rules 1958	S.I. <a href="#">1958/1991</a>	The whole Rules
The Magistrates' Courts (Attendance Centre) Rules 1962	S.I. <a href="#">1962/1591</a>	The Whole Rules, so far as still having effect
The Magistrates' Courts (Attendance Centre) (Amendment) Rules 1983	S.I. <a href="#">1983/525</a>	The whole Rules.
The Magistrates' Courts (Criminal Justice Act 1988) (Miscellaneous Amendments) Rules 1988	S.I. <a href="#">1988/2132</a>	Rule 5 and Schedule 3.

**EXPLANATORY NOTE**

*(This note is not part of the Rules)*

These Rules consolidate, with further amendments, the Magistrates' Courts (Attendance Centre) Rules 1958 as amended by the other instruments mentioned in Schedule 2.

The only amendment of substance is the substitution of the age of 18 for the age of 17 in the definition of “relevant order” (rule 2(1)). This change is a consequence of the Criminal Justice Act [1991 \(c. 53\)](#), section 68 (persons aged 17 to be treated as young persons for certain purposes).