
STATUTORY INSTRUMENTS

1997 No. 2421 (L.38)

**MAGISTRATES' COURTS
PROCEDURE**

**The Magistrates' Courts (Forms)
(Amendment) (No. 2) Rules 1997**

Made - - - - - *7th October 1997*
Laid before Parliament *10th October 1997*
Coming into force - - - *1st November 1997*

The Lord Chancellor, in exercise of the power conferred upon him by section 144 of the Magistrates' Courts Act 1980(1), and 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 (Forms) (Amendment) (No. 2) Rules 1997 and shall come into force on 1st November 1997.
2. In these Rules any reference to a form is a reference to a form contained in Schedule 2 to the Magistrates' Courts (Forms) Rules 1981(2).
3. Nothing in these Rules shall affect proceedings in relation to an offence committed before 1st October 1997.
4. In forms 43 (Warrant of commitment: sentence of imprisonment) and 44 (Warrant of commitment: sentence of detention in young offender institution), for the words "[proposed a community sentence which requires the consent of the offender and the accused refused to give that consent]." there shall be substituted the following words "[proposed a community sentence including a requirement as to treatment of the offender for his [mental condition etc.] [drug or alcohol dependency] and the accused failed to express his willingness to comply with that requirement]."
5. In forms 92 (Probation order) and 92A (Probation order: accused resident in Scotland or Northern Ireland), for the words "The accused has expressed his willingness to comply with the requirements of this order." there shall be substituted the following words "[The accused has expressed his willingness to comply with the requirements in this order as to treatment for his [mental condition etc.] [drug or alcohol dependency].]"
6. In forms 92C (Community service order) and 92D (Community service order: accused resident in Scotland or Northern Ireland), the words "The accused has consented to the making of this community service order." shall be omitted.

(1) 1980 c. 43; as extended by section 145 of that Act.
(2) S.I.1981/553.

7. In forms 92F (Combination order) and 92G (Combination order: accused resident in Scotland), for the words “The accused has consented to the making of this combination order and has expressed willingness to comply with its requirements.” there shall be substituted the following words “[The accused has expressed his willingness to comply with the requirements in this order as to treatment for his [mental condition etc.] [drug or alcohol dependency].]”.

8. In form 92Q (Warrant of commitment: revocation of probation, community service or combination order and re-sentence of imprisonment or detention in young offender institution), for the words “[proposed a community sentence which requires the consent of the offender], [and the accused refused to give that consent] [but assumes the accused to have refused to give his consent on account of his wilful and persistent failure to comply with the requirements of the order]” there shall be substituted the following words “[proposed a community sentence including a requirement as to treatment of the offender for his [mental condition etc.] [drug or alcohol dependency] and the accused failed to express his willingness to comply with that requirement] [is imposing a custodial sentence on the accused on account of his wilful and persistent failure to comply with the requirements of the order].”.

Dated 7th October 1997

Irving of Lairg, C.

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Magistrates' Courts (Forms) Rules 1981 to take account of the changes effected by and consequential upon section 38 of the Crime (Sentences) Act 1997, which came into force on 1st October 1997. Section 38 removes the requirements for the accused to consent to the making of various community sentences and, in most cases, to indicate his willingness to comply with the requirements of such sentences. These Rules accordingly amend certain forms used in relation in criminal proceedings as a consequence of these changes. These Rules do not affect proceedings in relation to offences committed before 1st October 1997.