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STATUTORY INSTRUMENTS

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**1988 No. 2132 (L.27)**

**MAGISTRATES' COURTS**

**PROCEDURE**

**The Magistrates' Courts (Criminal Justice Act 1988) (Miscellaneous Amendments) Rules 1988**

*Made - - - - 2nd December 1988*

*Laid before Parliament 13th December 1988*

*Coming into force - - 5th January 1989*

The Lord Chancellor, in exercise of the power conferred on him by section 144 of the Magistrates' Courts Act 1980<sup>(1)</sup>, 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 (Criminal Justice Act 1988) (Miscellaneous Amendments) Rules 1988 and shall come into force on 5th January 1989.

**The Magistrates' Courts Rules 1981**

2. The Magistrates' Courts Rules 1981<sup>(2)</sup> shall be amended as follows:—

(a) After rule 52 there shall be inserted the following rule:

*“Review of terms of postponement of warrant of commitment*

(52A) An application under section 77(5) of the Magistrates' Courts Act 1980<sup>(3)</sup> may be made in writing or in person and where under that subsection a justice of the peace refers such an application to the court, notice of the time and place fixed under section 77(6) for the hearing of the application may be deemed to have been given if it is sent by registered post or the recorded delivery service addressed to the applicant at his last known address, notwithstanding that the notice is returned as undelivered or is for any other reason not received by the applicant.”;

(b) Paragraph (5) of rule 55 shall cease to have effect;

(c) At the end of paragraph (2) of rule 65 there shall be inserted the following:

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<sup>(1)</sup> 1980 c. 43.

<sup>(2)</sup> S.I. 1981/552, amended by S.I. 1982/245, 1983/523, 1984/1552, 1985/1944, 1986/1332.

<sup>(3)</sup> Section 77(2)–(8) were inserted by section 61 of the Criminal Justice Act 1988 (c. 33).

- “(o) reference by a justice of the peace of an application under section 77(5) of the Act of 1980 for a review of the terms on which a warrant of commitment is postponed;
- (p) order under section 77(3) of the Act of 1980 varying the time for which or the conditions subject to which a warrant of commitment is postponed.”;
- (d) After paragraph (10) of rule 66 there shall be inserted the following paragraph:
  - “(10A) Where a court is required under section 35(1) of the Powers of Criminal Courts Act 1973<sup>(4)</sup> to give reasons for not making a compensation order the court shall cause the reasons given to be entered in the register.”;
- (e) In rule 90, after the words “subsection (6A) of that section” there shall be inserted the words “and any record of reasons required by paragraph 9A of Schedule 1 to that Act”;
- (f) For rule 94 there shall be substituted: “A justice of the peace shall not commit any person to a prison, young offender institution or a remand centre, or to detention at a police station under section 128(7) of the Act of 1980, or to customs detention under section 152 of the Criminal Justice Act 1988<sup>(5)</sup> except by warrant of commitment.”;
- (g) In paragraph (1) of rule 97, after the words “A warrant of commitment” there shall be inserted the words “, other than a warrant committing a person to customs detention under section 152 of the Criminal Justice Act 1988,”;
- (h) After paragraph (1) of rule 97, there shall be inserted the following paragraph:
  - “(1A) A warrant issued by a justice of the peace committing a person to customs detention under section 152 of the Criminal Justice Act 1988—
    - (a) shall name or otherwise describe the person committed;
    - (b) shall contain a statement of the offence with which the person committed is charged;
    - (c) shall be directed to the officers of Her Majesty’s Customs and Excise and shall require those officers to keep the person committed in their custody, unless in the meantime he be otherwise delivered in due course of law, for a period (not exceeding 192 hours) specified in the warrant.”;
- (i) In paragraph (2) of rule 97, after the words “A warrant of commitment” there shall be inserted the words “, other than a warrant committing a person to customs detention under section 152 of the Criminal Justice Act 1988,”.

### **The Magistrates' Courts (Forms) Rules 1981**

- 3. Schedule 2 to the Magistrates' Courts (Forms) Rules 1981<sup>(6)</sup> shall be amended as follows:—
  - (a) after the form numbered 5 there shall be inserted the form numbered 5A in Schedule 1 to these Rules;
  - (b) the forms numbered 44 and 94A shall be omitted;
  - (c) for the forms numbered 44A and 94B there shall be substituted the forms numbered 44 and 94A in Schedule 1 to these Rules;
  - (d) in the forms numbered 51 and 52 for the words “[detention centre] [youth custody centre]” there shall be substituted the words “[young offender institution]” and the words “[youth custody]” shall be omitted;

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<sup>(4)</sup> 1973 c. 62; section 35(1) was amended by section 104 of the Criminal Justice Act 1988.

<sup>(5)</sup> 1988 c. 33.

<sup>(6)</sup> S.I. 1981/553, amended by S.I. 1982/246, 1983/542, 1984/1542, 1985/1945, 1986/1333.

- (e) after the form numbered 53 there shall be inserted the forms numbered 53A and 53B in Schedule 1 to these Rules;
- (f) in the forms numbered 89 and 90 the words “[and it is directed that the accused serve that sentence in the detention centre at ]” shall be omitted;
- (g) in the form numbered 90 the words “[that detention centre]” and the word “[Warden]”, in both places where it occurs, shall be omitted;
- (h) after the form numbered 150 there shall be inserted the form numbered 150A in Schedule 1 to these Rules.

### **The Magistrates' Courts (Children and Young Persons) Rules 1988**

4. Schedule 2 to the Magistrates' Courts (Children and Young Persons) Rules 1988(7) shall be amended as follows:–

- (a) in the form numbered 34 after the words “(state briefly particulars of the offence)” there shall be inserted the words “[or found to have failed to comply with a requirement of a supervision order/community service order, namely (state briefly particulars of breach)]”;
- (b) for the forms numbered 39, 42, 62, 68 and 72 there shall be substituted the forms numbered in like manner in Schedule 2 to these Rules;
- (c) the form numbered 41 shall be omitted;
- (d) in the form numbered 45 after the words “[section 7(7) of the Children and Young Persons Act 1969]” there shall be inserted the words “[section 15(1) of the Children and Young Persons Act 1969, the supervision order for which the care order was substituted having been made under section 7(7) of that Act and the offence in respect of which the supervision order was made being punishable with imprisonment in the case of a person over 21]”;
- (e) in the form numbered 63, after the number “12” in both places where it appears there shall be inserted the following– “or 12B”;
- (f) in the form numbered 64 after the number “12” in both places where it appears there shall be inserted the following– “, 12A, 12B or 12C”;
- (g) in the form numbered 65 after the number “12” there shall be inserted the following– “, 12A, 12B, 12C”;
- (h) in the form numbered 67 after the number “12” there shall be inserted the following– “, 12A, 12B, 12C,” and after the words “supervised person” in the last place where they occur there shall be inserted the words “[C.D., being the parent/guardian of the supervised person]”;
- (i) after the form numbered 67 there shall be inserted the form numbered 67A in Schedule 2 to these Rules.

### **The Magistrates' Courts (Attendance Centre) Rules 1958**

5. In the Schedule to the Magistrates' Courts (Attendance Centre) Rules 1958(8), for the form numbered 5 there shall be substituted the form numbered in like manner in Schedule 3 to these Rules.

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(7) S.I. 1988/913.

(8) S.I. 1958/1991, amended by S.I. 1962/1591, 1983/525.

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Dated 2nd December 1988

*Mackay of Clashfern, C.*

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SCHEDULE 1

Rule 3

MAGISTRATES' COURTS (FORMS) RULES 1981

FORM 5A Warrant: Commitment on remand to Customs Detention (Bail Act 1976, s. 4; M.C. Act 1980, ss. 5, 10, 18; C.J. Act 1988, s. 152)

.....Magistrates' Court (Code)

Date and Time

Accused: Age: years\*

Address:

Alleged Offence: (short particulars and statute)

Decision: The hearing is adjourned until [date] at [time] and the accused remanded to customs detention.

Direction: You, the officers of H.M. Customs and Excise are directed to keep the accused in your custody, unless the accused is released on bail or you are otherwise ordered in the meantime, for a period not exceeding (specify number not greater than 192) hours from the time this warrant is issued and on the (date of adjourned hearing) to convey the accused to the above magistrates' court at (time).\*\*

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

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\* not less than 17 years.

\*\* not later than the time of the expiry of the number of hours specified.

FORM 44 Warrant of commitment: sentence of detention in young offender institution (C.J. Act 1982, ss. 1, 1A, 2; 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' Courts (Code)

Date:

Accused:

Date of Birth

Address:

Offence:

*(short particulars and statute)*

The accused was on ..... convicted of the above offence, which is punishable with imprisonment in the case of a person aged 21 or over, and the court is satisfied—

(a) that the circumstances, including the nature and the gravity of the offence, were such that if the accused were aged 21 or over the court would pass a sentence of imprisonment; and

(b) that the offender qualifies for a custodial sentence on the ground that [he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them] [only a custodial sentence would be adequate to protect the public from serious harm from him] [the offence was so serious that a non-custodial sentence for it cannot be justified], because *(state reason)*.

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

Decision:

That the accused serve a term of detention in a young offender institution of *(state period)*.

Direction:

You, [the constables of ..... Police Force] [A.B.] are hereby required to convey the accused to ..... young offender institution/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]

FORM 53A Notice of Hearing: Review of Postponed Committal Order (P.C.C. Act 1973, ss. 31, 32; M.C. Act 1980 s. 77(6))

**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:

To:

Address:

Ref:

**PLEASE READ THIS NOTICE CAREFULLY**

On ..... the court [postponed the issue of (a) warrant(s) of commitment] [changed the terms on which a warrant of commitment was postponed] in your case for the enforcement of the sum(s) referred to overleaf and set the following terms:-

You have made an application stating that due to a change in your circumstances you are unable to continue making payments at the above rate.

TAKE NOTICE that on ..... (date), at ..... (time), this Magistrates' Court, sitting at ..... (location), will consider your application for the matter to be reviewed.

**YOU SHOULD ATTEND AT THAT HEARING BRINGING WITH YOU FULL DETAILS OF YOUR CHANGE IN CIRCUMSTANCES.**

If you do not attend, the court may proceed in your absence.

Justices' Clerk

<i>Convicted on</i>	<i>Sum(s) ordered</i>	<i>Date imprisonment fixed</i>	<i>Imprisonment in default</i>	<i>Sum(s) remaining due</i>	<i>Period of imprisonment to be served</i>

TOTAL SUM OUTSTANDING: £

TOTAL PERIOD OF IMPRISONMENT TO BE SERVED:

DAYS

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.....Magistrates' Court (Code)

Date:

To:

Address:

Ref:

**PLEASE READ THIS NOTICE CAREFULLY**

The court required you to pay the sum(s) referred to overleaf.  
**YOU HAVE FAILED** to pay as required.

TAKE NOTICE that on ..... (date), at ..... (time), this Magistrates' Court, sitting at ..... (location), will hold a hearing to consider whether to issue a warrant committing you to prison unless you pay the outstanding sum, because ..... (reasons).

You may attend the above hearing either in person or by means of a legal representative and make representations to the Court. If you are unable to attend, you may send written representation to me which will be placed before the Court at the hearing. A form is enclosed for this purpose.

Justices' Clerk

NOTE: Payments should be sent to the CLERK TO THE JUSTICES, .....  
Magistrates' Court. Cash should not be sent in unregistered envelopes. Cheques, money orders and postal orders should be crossed and made payable to the "CLERK TO THE JUSTICES, .....".

THE ORIGINAL NOTICE OF FINE, COSTS OR COMPENSATION SERVED UPON YOU SHOULD BE PRODUCED WHEN PAYMENT IS MADE OR IF PAYMENT IS MADE BY POST IT SHOULD BE SENT WITH YOUR REMITTANCE.

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### SCHEDULE

<i>Convicted on</i>	<i>Sum(s) ordered</i>	<i>Terms of payment</i>	<i>Sum(s) remaining due</i>	<i>Period of imprisonment to be served in default</i>

TO: The Clerk to the Justices  
..... Magistrates' Court  
.....  
.....  
.....

*[The page contains faint horizontal scan artifacts.]*

Note: This form should be delivered or sent by post to:-

The Clerk to the Justices

Magistrates' Court

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.....Magistrates' Court (Code)

Date:

Accused:

Date of Birth

Address:

Offence:

(short particulars and statute)

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 ..... 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 satisfied—

(a) that the circumstances, including the nature and the gravity of the offence, were such that if the accused were aged 21 or over the court would pass a sentence of imprisonment; and

(b) that the offender qualifies for a custodial sentence on the ground that because [he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them] [only a custodial sentence would be adequate to protect the public from serious harm from him] [the offence was so serious that a non-custodial sentence for it cannot be justified], because (*state reason*)

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

Decision:

That the accused serve a term of detention in a young offender institution of (*state period*)

Direction:

You, [the constables of ..... Police Force] [A.B.], are hereby required to convey the accused to.....young offender institution/prison and there deliver the accused to the Governor, 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]

FORM 150ARecord of decision to grant bail (Serious Criminal Cases)(Bail Act 1976, s. 5, Schedule 1; M.C. Rules 1981, rr. 66, 90)

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.....Magistrates' Court (Code)

Date:

Accused:

Address:

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.....am/pm] [the Crown Court at the time and place for the time being appointed by that Court], the bail being subject to the conditions set out below. The Court heard representations as to whether the exceptions to the right to bail in paragraph 2 of Schedule (to the Bail Act) 1976 were satisfied, but decided that it should grant bail for the following reasons.

Reasons: The Court stated that the reasons for its decision were that:#

\*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 complied 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]

# Insert reason(s) as required by paragraph 9A, Part 1, Schedule 1, to the Bail Act 1976 (Criminal Justice Act 1988 s.145).

\* Delete if unconditional.

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

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

## SCHEDULE 2

Rule 4

### THE MAGISTRATES' COURTS (CHILDREN AND YOUNG PERSONS) RULES 1988.

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

..... Juvenile Court (Code)

Date:

Offender:

Address:

The [Juvenile] [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 person in respect of whom the attendance  
centre order has been made proposes to change or has changed his  
residence and is satisfied that the attendance centre specified below is  
reasonably accessible to that person at his new residence, 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  
[or By order of the Court  
Clerk of the Court.]

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

.....

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

..... Juvenile Court (Code)

Date:

Defendant:

Age:      years

Address:

Offence:

*(short particulars and statute)*

The defendant was on *(date)* found guilty of the above offence.

It appears to the court that the defendant resides/will reside in the non-metropolitan county/metropolitan district of                      and in the                      petty sessions area.

Decision:

The defendant is placed under the supervision of [the council of [the said county/district] [the non-metropolitan county/metropolitan district of                      ] who have agreed to be designated as the supervisor] [a probation officer appointed for or assigned to the said petty sessions area] ("the supervisor") for the period of beginning with the date of this order.

[And the defendant shall comply, so long as this order is in force, with the requirement(s) specified in the Schedule hereto.]

[The court hereby certifies that it was stated in open court that it is making this order instead of a custodial sentence, being satisfied that [the defendant has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to any non-custodial penalty other than a supervision order including requirement (    ) in the Schedule hereto] [only a supervision order including requirement (    ) in the Schedule hereto or a custodial sentence would be adequate to protect the public from serious harm from the defendant] [the offence for which the defendant has been found guilty was so serious that a non-custodial sentence for it other than a supervision order including requirement (    ) in the Schedule hereto could not be justified] because *(here state reasons why the court is so satisfied).*]

Justice of the Peace

[or By order of the Court

Clerk of the Court.]

## SCHEDULE

Any requirement(s) imposed by the court should be listed here. These should be in the terms of section 12, 12A, 12B or 12C of the Children and Young Persons Act 1969, or Rule 43 of the Magistrates' Courts (Children and Young Persons) Rules 1988 as appropriate.

## 67A

*Community service order on failure to comply with requirement of supervision order(C. & Y. P. Act 1969, ss. 15 (2A), (4) and (4A), 16; P.C.C. Act 1973, s. 14)*

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

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

Date:

Supervised person: Age: years

Address:

Supervision order  
made 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 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 supervised person 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 supervised person fails to comply with any of the requirements of the order the court may impose a fine not exceeding £400 or may revoke the order and deal with the supervised person for the offence for which the supervision order was made 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 supervised person that on the application of himself or a relevant officer, the court may revoke the order and deal with the supervised person for the offence for which the supervision order was made 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 supervised person has consented to the making of this community service order.

Decision:

That the said supervision order [varied as aforesaid] be discharged and that the supervised person, 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]].

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

#### SCHEDULE

- (a) The supervised person shall report to the relevant officer and subsequently from time to time notify him of any change of address.
- (b) The supervised person 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.

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## 68

*Custodial sentence on failure to comply with requirement of supervision order(C. & Y. P. Act 1969, ss. 12D, 15(2), (4), (4A), (4C), 16)*

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

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

Date:

Supervised person:

Date of Birth

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 supervision order including the requirement having been imposed in place of a custodial sentence, the court is satisfied—

(a) that the circumstances, including the nature and the gravity of the offence, were such that if the accused were aged 21 or over the court would pass a sentence of imprisonment, and

(b) that the offender qualifies for a custodial sentence on the ground that [he has a history of failure to respond to non-custodial penalties and is unable or unwilling to respond to them] [only a custodial sentence would be adequate to protect the public from serious harm from him] [the offence was so serious that a non-custodial sentence for it cannot be justified], because (*state reason*).

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

Decision:

That the said supervision order [varied as aforesaid] be discharged and that the supervised person, in respect of the said failure, serve a term of detention in a young offender institution for (*state period*).

Direction:

You, [the constables of.....Police Force] [A.B.], are hereby required to convey the above-named offender to.....Young Offender Institution 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.]

*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, 1A, 2, 6; M.C. Rules 1981, rr. 94, 95, 97)

SCHEDULE 3

Rule 5

THE MAGISTRATES' COURTS (ATTENDANCE CENTRE) RULES 1958

5

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

.....Magistrates' Court (Code)

Date:

Offender:                      Age:      years

Address:

The [Crown] [Magistrates'] 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 person in respect of whom the attendance centre order has been made proposes to change or has changed his residence and is satisfied that the attendance centre specified below is reasonably accessible to that person at his new residence, having regard to the age of, and the means of access available to him and any other circumstances.

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

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**EXPLANATORY NOTE**

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

These Rules amend the Magistrates' Courts Rules 1981, the Magistrates' Courts (Forms) Rules 1981, the Magistrates' Courts (Children and Young Persons) Rules 1988 and the Magistrates' Courts (Attendance Centre) Rules 1958, pursuant to certain provisions of the Criminal Justice Act 1988 (the 1988 Act).

Rule 2 makes provision in the Magistrates' Courts Rules 1981 for the service of notices and recording of decisions in relation to the provisions about fine default in section 61 of the 1988 Act and reasons for not making a compensation order as required under section 104 of the Act. It also makes provision for the issue of warrants of commitment to customs detention pursuant to section 152 of the 1988 Act, and rule 3(a) and Schedule 1 provide a new form for such warrants.

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Rule 3(b), (c) and (d) and the associated forms in Schedule 1, make provision in the Magistrates' Courts (Forms) Rules 1981 to reflect in the relevant forms for warrants of commitment the introduction in section 123 of the 1988 Act of the sentence of detention in a young offender institution to replace youth custody sentences and detention centre orders.

Rule 3(e) and the associated forms in Schedule 1 provide new forms for notices to fine defaulters pursuant to section 61 of the Criminal Justice Act 1988, which provides that a fine defaulter may apply to a magistrates' court which has postponed the issue of a warrant of commitment in default of payment for the terms of postponement to be varied, and that a magistrates' court may not issue a warrant of commitment for fine default in the absence of the defaulter without first serving notice on him.

Rule 3(f) and the associated form in Schedule 1 provides a new form in the Magistrates' Courts (Forms) Rules 1981 for recording the reasons for granting bail in proceedings for the serious offences set out in section 153 of the Criminal Justice Act 1988.

Rule 4 and the associated forms in Schedule 2 amend the Magistrates' Courts (Children and Young Persons) Rules 1988 to reflect the new sentence of detention in a young offender institution and miscellaneous amendments affecting the powers of magistrates' courts to attach a charge and control condition to care orders, to impose a fine and to deal with a breach of a supervision order or community service order by a young offender made by section 127 of and Schedules 10 and 15 to the Criminal Justice Act 1988.

Rule 5 and the associated form in Schedule 3 substitutes a new form for form 5 of the Magistrates' Courts (Attendance Centre) Rules 1958 to reflect the substitution by Schedule 10 to the Criminal Justice Act 1988 of references to the person in respect of whom an attendance centre order has been made for references to an offender in section 18 of the Criminal Justice Act 1982.

Sections 123, 127 and 128 of, and Schedules 8 and 10 to, the Criminal Justice Act 1988 came into force on 1st October 1988 (S.I. [1988/1408](#)). Sections 61, 152 and 153 come into force on 5th January 1989 (S.I. [1988/2073](#)).