
STATUTORY INSTRUMENTS

1988 No. 913 (L.12)

MAGISTRATES' COURTS

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

<i>Made</i>	- - - -	<i>23rd May 1988</i>
<i>Laid before Parliament</i>		<i>8th June 1988</i>
<i>Coming into force</i>	- -	<i>1st August 1988</i>

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:—

PART I
GENERAL

Citation and commencement.

1. These Rules may be cited as the Magistrates' Courts (Children and Young Persons) Rules 1988 and shall come into force on 1st August 1988.

Interpretation.

2.—(1) Subject to rule 29 of these Rules, in these Rules the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the Act of 1933” means the Children and Young Persons Act 1933(2);

“the Act of 1963” means the Children and Young Persons Act 1963(3);

“the Act of 1969” means the Children and Young Persons Act 1969(4);

(1) 1980 c. 43; section 144 was extended by section 145 of that Act; by sections 18(2)(b), 32B (inserted by the Children Act 1975 (c. 72), section 64) and 32C (inserted by the Children and Young Persons (Amendment) Act 1986 (c. 28), section 3) of the Children and Young Persons Act 1969 (c. 54); by sections 7 and 12F of the Child Care Act 1980 (c. 5), the latter section inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 1, paragraph 1; and by the Children and Young Persons (Amendment) Act 1986, section 4.

(2) 1933 c. 12.

(3) 1963 c. 37.

(4) 1969 c. 54.

“the Act of 1980” means the Child Care Act 1980⁽⁵⁾;

“the Act of 1986” means the Children and Young Persons (Amendment) Act 1986⁽⁶⁾;

“child” means a person under the age of fourteen;

“court” means a juvenile court except that in Part VII it means a magistrates' court, whether a juvenile court or not;

“register” means the separate register kept for the juvenile court pursuant to rule 37 of these Rules;

“young person” means a person who has attained the age of fourteen and is under the age of seventeen.

(2) In these Rules, unless the context otherwise requires, any reference to a rule, Part or Schedule shall be construed as a reference to a rule contained in these Rules, a Part thereof or a Schedule thereto, and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule.

Revocations and savings etc.

3.—(1) Subject to paragraph (3), the Rules specified in Schedule 1 are hereby revoked.

(2) Subject to paragraph (3), the provisions of the Magistrates' Courts Rules 1981⁽⁷⁾ shall have effect subject to these Rules.

(3) Nothing in these Rules shall apply in connection with any proceedings begun before the coming into force thereof.

PART II

JUVENILE OFFENDERS

Application of Part II.

4. This Part shall apply in the case of a child or young person brought before a court charged with an offence except that only rules 5 and 8(2) shall apply where the court is inquiring into the offence as examining justices.

Assistance in conducting defence.

5.—(1) The court shall, except in any case where the child or young person is legally represented, allow his parent or guardian to assist him in conducting his defence, including the cross-examination of witnesses for the prosecution.

(2) Where the parent or guardian cannot be found or cannot in the opinion of the court reasonably be required to attend, the court may allow any relative or other responsible person to take the place of the parent or guardian for the purposes of this Part.

Duty of court to explain charge in simple language.

6. The court shall explain to the child or young person the substance of the charge in simple language suitable to his age and understanding.

(5) 1980 c. 5.

(6) 1986 c. 28.

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

Duty of court to take plea of child or young person.

7. The court shall then ask the child or young person whether he pleads guilty or not guilty to the charge.

Evidence in support of charge and cross-examination.

8.—(1) If the child or young person does not plead guilty the court shall hear the evidence of the witnesses in support of the charge. At the close of the evidence-in-chief of each witness the witness may be cross-examined by or on behalf of the child or young person.

(2) If in any case where the child or young person is not legally represented or assisted in his defence as provided by rule 5, the child or young person, instead of asking questions by way of cross-examination, makes assertions, the court shall then put to the witness such questions as it thinks necessary on behalf of the child or young person and may for this purpose question the child or young person in order to bring out or clear up any point arising out of any such assertions.

Evidence for defence.

9. If it appears to the court that *prima facie* case is made out, the child or young person shall, if he is not legally represented, be told that he may give evidence or address the court, and the evidence of any witnesses shall be heard.

Procedure after finding of guilt.

10.—(1) Where a child or young person is found guilty of an offence, whether after a plea of guilty or otherwise—

- (a) he and his parent or guardian, if present, shall be given an opportunity of making a statement;
- (b) the court shall take into consideration such information as to the general conduct, home surroundings, school record and medical history of the child or young person as may be necessary to enable it to deal with the case in his best interests and, in particular, shall take into consideration such information as aforesaid which is provided in pursuance of section 9 of the Act of 1969;
- (c) if such information as aforesaid is not fully available, the court shall consider the desirability of remanding the child or young person for such inquiry as may be necessary;
- (d) any written report of a probation officer, local authority, local education authority, educational establishment or registered medical practitioner may be received and considered by the court without being read aloud; and
- (e) if the court considers it necessary in the interests of the child or young person, it may require him or his parent or guardian, if present, to withdraw from the court.

(2) The court shall arrange for copies of any written report before the court to be made available to:

- (a) the legal representative, if any, of the child or young person;
- (b) any parent or guardian of the child or young person who is present at the hearing; and
- (c) the child or young person, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to the age and understanding of the child or young person or undesirable to do so having regard to serious harm which might thereby be suffered by him.

(3) In any case in which the child or young person is not legally represented and where a report which has not been made available to him in accordance with a direction under paragraph (2)(c)

has been considered without being read aloud in pursuance of paragraph (1)(d) or where the child or young person, his parent or guardian has been required to withdraw from the court in pursuance of paragraph (1)(e), then—

- (a) the child or young person shall be told the substance of any part of the information given to the court bearing on his character or conduct which the court considers to be material to the manner in which the case should be dealt with unless it appears to it impracticable so to do having regard to his age and understanding; and
- (b) the parent or guardian of the child or young person, if present, shall be told the substance of any part of such information which the court considers to be material as aforesaid and which has reference to the character or conduct of the parent or guardian or to the character, conduct, home surroundings or health of the child or young person;

and if such a person, having been told the substance of any part of such information, desires to produce further evidence with reference thereto, the court, if it thinks the further evidence would be material, shall adjourn the proceedings for the production thereof and shall, if necessary in the case of a report, require the attendance at the adjourned hearing of the person who made the report.

Duty of court to explain manner in which it proposes to deal with case and effect of order.

11.—(1) Before finally disposing of the case or before remitting the case to another court in pursuance of section 56 of the Act of 1933, the court shall inform the child or young person and his parent or guardian, if present, or any person assisting him in his defence, of the manner in which it proposes to deal with the case and allow any of those persons so informed to make representations: Provided that the child or young person shall not be informed as aforesaid if the court considers it undesirable so to do.

(2) On making any order, the court shall explain to the child or young person the general nature and effect of the order unless, in the case of an order requiring his parent or guardian to enter into a recognisance, it appears to it undesirable so to do.

Notice to be given where remand is extended in absence of child or young person.

12. Where a child or young person has been remanded, and the period of remand is extended in his absence in accordance with section 48 of the Act of 1933, notice shall be given to him and his sureties (if any) of the date at which he will be required to appear before the court.

PART III

CARE PROCEEDINGS AND PROCEEDINGS RELATING TO CARE OR SUPERVISION ORDERS

Application and interpretation of Part III.

13.—(1) This Part shall apply in connection with proceedings in a court in the case of any person in relation to whom proceedings are brought or proposed to be brought under—

- (a) any of the following provisions of the Act of 1969, namely:—
 - (i) section 1 (care proceedings),
 - (ii) section 15 (variation and discharge of supervision orders),
 - (iii) section 21 (variation and discharge of care orders);

- (b) section 72 or 73 of the Social Work (Scotland) Act 1968⁽⁸⁾ (persons subject to supervision requirements or orders moving from or to Scotland);
- (c) section 189 or 390 of the Criminal Procedure (Scotland) Act 1975⁽⁹⁾ (young person subject to Scottish probation order resident in England or Wales); or
- (d) regulations made under sections 21A and 39 of the Act of 1980⁽¹⁰⁾ (authority to retain child in secure accommodation),

except that rules 14, 20(2), 24 and 25 shall not apply in connection with proceedings under the enactments mentioned in sub-paragraphs (b) and (c) above, rules 14(3)(c) and (d) and 25 shall not apply in connection with proceedings of the kind mentioned in paragraph (d), and rule 26 shall apply only in connection with proceedings of that kind.

(2) In this Part of the Rules the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“the applicant” means the person by whom proceedings are brought or proposed to be brought;

“the appropriate local authority” means—

- (a) in relation to proceedings under section 1 of the Act of 1969, the local authority to whom notice of the proceedings falls to be given under section 2(3) of that Act,
- (b) in relation to proceedings under section 15 of the Act of 1969, the local authority whose area is named in the supervision order in pursuance of section 18(2)(a) of that Act, and
- (c) in relation to proceedings under section 21 of the Act of 1969, the local authority to whose care the relevant infant is committed by the care order;

“guardian” (except where it is used in the expression “guardian *ad litem*”) has the same meaning as in section 70(1) and (2) of the Act of 1969;

“the offence condition” means the condition set out in section 1(2)(f) of the Act of 1969;

“the relevant infant” means a person in relation to whom proceedings are brought or proposed to be brought as mentioned in paragraph (1);

“reside” has the meaning assigned to it by section 70(1) of the Act of 1969;

“the respondent” means the relevant infant except that—

- (a) in relation to proceedings under section 15 of the Act of 1969 in which the relevant infant is the applicant it means the supervisor of the relevant infant, and
- (b) in relation to proceedings under section 21 of the Act of 1969 in which the relevant infant is the applicant it means the local authority to whose care the relevant infant is committed.

Notice by person proposing to bring care etc. proceedings.

14.—(1) An applicant proposing to bring proceedings shall send a notice to the clerk of the court specifying the grounds for the proceedings and the names and addresses of the persons to whom a copy of the notice is sent in pursuance of paragraph (2).

(2) Without prejudice to section 2(3) and 34(2) of the Act of 1969 and regulations made under sections 21A and 39 of the Act of 1980, the applicant shall—

- (a) send to each of the persons mentioned in paragraph (3) a copy of the said notice, and
- (b) notify each of those persons of the date, time and place appointed for the hearing unless a summons is issued for the purpose of securing his attendance thereat.

⁽⁸⁾ 1968 c. 49; sections 72 and 73 were amended by the Act of 1969, Schedule 5, paragraphs 58 and 59 and Schedule 6.

⁽⁹⁾ 1975 c. 21.

⁽¹⁰⁾ 1980 c. 5; section 21A was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 2, paragraph 50 and section 39 was amended by the Criminal Justice Act 1982 (c. 48), Schedule 14, paragraph 46 and the Health and Social Services and Social Security Adjudications Act 1983, Schedule 10, Part I.

(3) The persons referred to in paragraph (2) are the following persons other than the person who is the applicant—

- (a) the relevant infant, unless it appears to the applicant inappropriate to notify him in pursuance of paragraph (2), having regard to his age and understanding;
- (b) the parent or guardian of the relevant infant if the whereabouts of such parent or guardian is known to the applicant or can readily be ascertained by him;
- (c) any grandparent of the relevant infant if the whereabouts of such grandparent is known to the applicant or can readily be ascertained by him;
- (d) any foster parent or other person with whom the relevant infant has had his home for a period of, or periods amounting in total to, not less than 42 days, ending not more than six months before the date of the application, if the whereabouts of such a person is known to the applicant or can readily be ascertained by him;
- (e) the appropriate local authority;
- (f) where the proceedings are care proceedings brought under section 1 of the Act of 1969 and notice thereof falls to be given to a probation officer in pursuance of section 34(2) of the Act of 1969, that probation officer, and
- (g) where the proceedings are for the variation or discharge of a supervision order which names a person other than the appropriate authority as the supervisor, that supervisor.

(4) In the case of an application to which this paragraph applies there shall be sent with the copy of the notice required by paragraph (2) to be sent to the respondent a notice stating that he should inform the clerk of the court as soon as practicable and not later than 14 days after the receipt of the notice whether or not he intends to oppose the application.

(5) Paragraph (4) applies to—

- (a) an application under section 15(1) of the Act of 1969 for the discharge of a relevant supervision order or a supervision order made under section 21(2) of that Act on the discharge of a relevant care order; and
- (b) an application under section 21(2) of that Act for the discharge of a relevant care order or a care order made under section 15(1) of that Act on the discharge of a relevant supervision order.

In this paragraph “relevant care order” means a care order made under section 1 of the Act of 1969 and “relevant supervision order” means a supervision order made under that section.

Notice to parent or guardian of party status.

15. In any proceedings in which an order under section 32A of the Act of 1969 (conflict of interest between parent and child or young person) is made the court shall cause to be sent to the parent or guardian in respect of whom the order is made and to every other party to the proceedings notice that the order has been so made and of its effect under section 32A(4A)(**11**) of the Act of 1969.

Appointment and duties of guardian *ad litem*.

16.—(1) In any proceedings to which an order under section 32A(1) of the Act of 1969 relates (not being an order under section 32A(2)) the court shall appoint a guardian *ad litem* of the relevant infant for the purposes of the proceedings if it appears to the court that it is in his interests to do so.

(2) An appointment of a guardian *ad litem* under this rule or section 32B(1) of the Act of 1969 shall be made by order and the person to be appointed shall be selected from a panel established by

(11) Subsection (4A) was inserted by the Act of 1986, section 3(1).

regulations under section 103 of the Children Act 1975⁽¹²⁾ except that the person appointed shall not—

- (a) be a member, officer or servant of a local authority or authorised person (within the meaning of section 1 of the Act of 1969) which is a party to the proceedings; or
- (b) be, or at any time have been, a member, officer or servant of a local authority or voluntary organisation (within the meaning of section 87(1) of the Act of 1980) who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the relevant infant; or
- (c) be a serving probation officer (except that a probation officer who has not in that capacity been previously concerned with the relevant infant or his family and who is employed part-time may, when not engaged in his duties as a probation officer, act as a *guardianad litem*).

(3) Where the court has appointed a *guardianad litem* under this rule or section 32B(1) of the Act of 1969, and it appears to the court desirable that some other person should act as *guardianad litem* in substitution for the person appointed earlier, the court shall, by order, revoke the earlier appointment and make a new appointment.

(4) The powers of the court to appoint a *guardianad litem* under this rule or section 32B(1) of the Act of 1969 and to give directions concerning legal representation of the infant in accordance with paragraph (6)(c) or concerning any other matter in accordance with paragraph (6)(e) shall also be exercisable, before the hearing of the application to which the proceedings relate, by a single justice or by the justices' clerk; and where the power to appoint a *guardianad litem* is so exercised, the single justice or the justices' clerk shall on the same occasion consider whether the infant should be legally represented and may direct that the *guardianad litem* so appointed is to instruct a solicitor to represent the infant.

(5) The court shall cause notice of an order appointing a *guardianad litem* to be given to the *guardianad litem*, the applicant and the persons to whom notice of the proceedings has been given under rule 14(2).

(6) The *guardianad litem* appointed under this rule or section 32B(1) of the Act of 1969, with a view to safeguarding the interests of the relevant infant before the court shall—

- (a) so far as it is reasonably practicable, investigate all circumstances relevant to the proceedings and for that purpose shall interview such persons, inspect such records and obtain such professional assistance as the *guardianad litem* thinks appropriate;
- (b) regard as the first and paramount consideration the need to safeguard and promote the infant's best interests until he achieves adulthood, and shall take into account the wishes and feelings of the infant, having regard to his age and understanding, and shall ensure that those wishes and feelings are made known to the court;
- (c) except where a solicitor has been instructed to represent the infant before the appointment of the *guardianad litem* or a direction has been given in accordance with paragraph (4) of this rule that a solicitor be instructed, obtain the views of the court as to whether the infant should be legally represented and, unless the court otherwise directs, instruct a solicitor to represent the infant;
- (d) consider how the case should be presented on behalf of the infant, acting in conjunction with the solicitor in a case in which one has been instructed (whether by the *guardianad litem* or otherwise) to represent the infant; and shall, in such a case, instruct the solicitor (unless the solicitor considers, having taken into account the views of the *guardianad litem*, that the infant wishes to give instructions which conflict with those of the *guardianad litem*

(12) 1975 c. 72; section 103 was amended by the Act of 1980, Schedule 5, paragraph 37 and the Health and Social Services and Social Security Adjudications Act 1983, Schedule 1, Part II, paragraph 4 and Schedule 2, paragraph 28; the relevant regulations are S.I. 1983/1908.

and that he is able, having regard to his age and understanding, to give such instructions on his own behalf);

- (e) seek the views of the court in any case where difficulties arise in relation to the performance of his duties;
- (f) as soon as practicable make a report in writing to the court for the purposes of rule 25(3)(a);
- (g) perform such other duties as the court may direct.

(7) When the court has finally disposed of the case the guardian *ad litem* shall consider, acting in conjunction with the solicitor in a case in which the infant is legally represented, whether it would be in the infant's best interests to appeal to the Crown Court and, if it is considered that it would be, he shall ensure that notice of appeal is given on behalf of the infant (unless the solicitor, in a case in which the infant is legally represented, considers, having taken into account the views of the guardian *ad litem*, that the infant wishes to give instructions which conflict with those of the guardian *ad litem* and that he is able, having regard to his age and understanding, to give such instructions on his own behalf).

Applications by grandparents to be parties to proceedings.

17.—(1) Where in any such proceedings as are mentioned in section 32A(1) of the Act of 1969 a grandparent of the relevant infant makes an application under section 32C of that Act, the circumstances in which the court may give leave for that grandparent to be made a party to the proceedings are those in which the court is satisfied that—

- (a) the grandparent, before the commencement of the proceedings, had a substantial involvement in the infant's upbringing at any time during the infant's lifetime; and
- (b) making the grandparent a party to the proceedings is likely to be in the interests of the welfare of the relevant infant.

(2) The power of the court to give leave for a grandparent to be made a party to the proceedings shall also be exercisable before the hearing of the proceedings, and shall be so exercisable also by the justices' clerk.

Rights of parents and guardians.

18. Without prejudice to the provisions of section 32A(4A) of the Act of 1969 or to any other provision of these Rules which provides for a parent or guardian to take part in proceedings, the relevant infant's parent or guardian shall be entitled:

- (a) to meet any allegations made against him in the course of the proceedings by cross-examining any witness and calling or giving evidence (and shall call or give evidence at the conclusion of the evidence for the respondent and the evidence, if any, for the applicant in rebuttal but before either the respondent or the applicant addresses the court under rule 14(4) or (5) of the Magistrates' Courts Rules 1981(13) as applied by rule 20(3) of these Rules); and
- (b) to make representations to the court, and shall do so at any such stage after the conclusion of the evidence in the hearing as the court considers appropriate.

Rights of other persons.

19.—(1) Without prejudice to any other provision of these Rules which provides for a parent, guardian or grandparent to take part in proceedings, any person to whom this paragraph applies shall

be entitled to make representations to the court, and shall do so at any such stage after the conclusion of the evidence in the hearing as the court considers appropriate.

- (2) The preceding paragraph applies to:
 - (a) any person who is required to be given notice of the proceedings by virtue of rule 14(3)(d) of these Rules; and
 - (b) any other person who is not a party to the proceedings and who satisfies the court that both of the criteria specified in the next following paragraph are met.
- (3) The criteria mentioned in the preceding paragraph are—
 - (a) that the person in question has demonstrated an interest in the infant's welfare which has been maintained until the commencement of the proceedings;
 - (b) that the representations of that person are likely to be of relevance to the proceedings and to the welfare of the relevant infant.

Adjournment of proceedings and procedure at hearing.

20.—(1) The court may, at any time, whether before or after the beginning of the hearing, adjourn the hearing, and, when so doing, may either fix the date, time and place at which the hearing is to be resumed or, unless it makes an interim order in respect of the relevant infant in pursuance of section 2(10) or 16(4) of the Act of 1969 or section 21A(4) of the Act of 1980, leave the date, time and place to be determined later by the court; but the hearing shall not be resumed at that date, time and place unless the court is satisfied that the applicant, the respondent, any other party to the proceedings and any person to whom rule 19(1) applies have had adequate notice thereof.

(2) Subject to the provisions of the Act of 1969, sections 56, 57 and 123 of the Magistrates' Courts Act 1980(**14**) (non-appearance of parties and defects in process) shall apply to the proceedings as if they were by way of complaint and as if any references therein to the complainant, to the defendant and to the defence were, respectively, references to the applicant, to the respondent or any other party to the proceedings and to his case.

(3) Subject to the provisions of the next following paragraph, rules 14 and 16(1) of the Magistrates' Courts Rules 1981 (order of evidence and speeches and form of order) shall apply to the proceedings as if they were by way of complaint and as if any references therein to the complainant, to the defendant and to the defence were, respectively, references to the applicant, to the respondent and to his case.

(4) In any case in which there is any party other than the applicant and the respondent, by virtue of an order made under section 32A or 32C of the Act of 1969, the relevant infant shall be entitled to cross-examine witnesses and to address the court after any parent or grandparent, and any parent shall cross-examine witnesses or address the court after any grandparent, except that the court may permit cross-examination or hear the parties in a different order, which it shall state at the beginning of the hearing, if, after hearing any representations of the parties as to the order in which the hearing should proceed, it appears to it that to do so would better serve the interests of justice in the circumstances of the case.

(5) Where the proceedings are brought under section 1 of the Act of 1969 and it is alleged that the offence condition is satisfied then, in relation to any written statement tendered in evidence under section 9 of the Criminal Justice Act 1967(**15**) to substantiate or refute that allegation, rule 70 of the Magistrates' Courts Rules 1981 shall apply as if any references therein to the prosecutor and to the accused were, respectively, references to the applicant and to the relevant infant.

(14) 1980 c. 43.

(15) 1967 c. 80; section 9 was amended by the Courts Act 1971 (c. 23), Schedule 8, Part II, paragraph 49 and, prospectively, by the Act of 1969, Schedule 5, paragraph 55.

Duty of court to explain nature of proceedings; evidence and order of speeches.

21.—(1) Except where the relevant infant is the applicant or where, by virtue of any enactment, the court may proceed in his absence, before proceeding with the hearing the court shall inform him of the general nature both of the proceedings and of the grounds on which they are brought, in terms suitable to his age and understanding, or if by reason of his age and understanding or his absence it is impracticable so to do, shall so inform any parent or guardian of his present at the hearing.

(2) Where the proceedings are brought under section 1 of the Act of 1969 and it is alleged that the offence condition is satisfied, then, unless the case falls to be remitted to another court in pursuance of section 2(11) of the Act of 1969 and it does not appear to the court appropriate to determine under section 3(5) of that Act whether the offence condition is satisfied before remitting the case—

- (a) the court shall explain to the relevant infant the substance of the alleged offence in simple language suitable to his age and understanding and ask him whether or not he admits to being guilty of that offence and, before considering any other matter relevant to the proceedings, shall consider and determine whether or not the offence condition is satisfied;
- (b) in relation to the proceedings by way of such consideration rules 8 and 9 shall apply subject to any necessary modifications and, in particular, as if any reference therein to the charge were a reference to the allegation;
- (c) in relation to proceedings by way of such consideration rules 20(2), 23(2) and 24 of these Rules shall not apply but rule 13 of the Magistrates' Courts Rules 1981 (order of evidence and speeches) shall apply to the proceedings as if they were criminal proceedings to which that rule applies and as if any references therein to the accused, to the defence, to the prosecutor and to the prosecution were, respectively, references to the relevant infant, to his case, to the applicant and to his case, and
- (d) on determining whether or not the offence condition is satisfied, the court shall inform the relevant infant of their finding.

(3) Where a guardian *ad litem* has been appointed, he shall be given an opportunity, if he is able to give evidence relevant to the applicant's case (whether or not he has already been called as a witness), to give such evidence at the conclusion of the evidence for the applicant and respondent, but before any evidence or representations are heard in accordance with rule 18 or 19 of these Rules.

Conduct of case on behalf of relevant infant.

22.—(1) Except where—

- (a) the relevant infant or his parent or guardian is legally represented, or
- (b) the proceedings are brought under section 1 of the Act of 1969 in pursuance of a request made by his parent or guardian for the purposes of section 3(1) of the Act of 1963 or in pursuance of an order thereunder, or
- (c) the court has under section 32A of the Act of 1969 ordered that in relation to the proceedings his parent or guardian is not to be treated as representing the relevant infant or as otherwise authorised to act on his behalf,

the court shall, unless the relevant infant otherwise requests, allow his parent or guardian to conduct the case on his behalf, subject however to the provisions of rule 23(2).

(2) If the court thinks it appropriate to do so it may, unless the relevant infant otherwise requests or a guardian *ad litem* has been appointed, allow a relative of his or some other responsible person to conduct the case on his behalf.

Power of court to hear evidence in absence of relevant infant and to require parent or guardian to withdraw.

23.—(1) Where, in the case of proceedings under section 1 of the Act of 1969, the ground on which the proceedings are brought or, in the case of any proceedings, the evidence likely to be given, is such that in the opinion of the court it is in the interests of the relevant infant that the whole, or any part, of the evidence should not be given in his presence, then, unless the relevant infant is conducting his own case, the court may hear the whole or part of the evidence, as it thinks appropriate, in his absence:

Provided that evidence relating to the character or conduct of the relevant infant (including, in the case of proceedings under section 1 of the Act of 1969, evidence that the offence condition is satisfied) shall be heard in his presence.

(2) Subject to rule 21(2)(c), if the court is satisfied that in the special circumstances it is appropriate so to do, it may require a parent, guardian or grandparent of the relevant infant or any other person entitled to make representations by virtue of rule 19 to withdraw from the court while the relevant infant gives evidence or makes a statement: Provided that the court shall inform the person so excluded of the substance of any allegations made against him by the relevant infant.

Duty of court to explain procedure to relevant infant at end of applicant's case.

24. Subject to rule 21(2)(c), if it appears to the court after hearing the evidence in support of the applicant's case that he has made out *prima facie* case it shall tell the relevant infant or the person conducting the case on his behalf under rule 22 that he may give evidence or make a statement and call witnesses.

Consideration of reports.

25.—(1) The court shall arrange for copies of any written report of a guardian *ad litem*, probation officer, local authority, local education authority, educational establishment or registered medical practitioner before the court to be made available, so far as practicable before the hearing, to:

- (a) the applicant;
- (b) the appropriate local authority, where it is not the applicant;
- (c) the legal representative, if any, of the relevant infant;
- (d) the parent or guardian of the relevant infant (whether or not he is a party to the proceedings by virtue of an order under section 32A of the Act of 1969);
- (e) the guardian *ad litem* of the relevant infant;
- (f) the relevant infant, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to the age and understanding of the infant or undesirable to do so having regard to serious harm which might thereby be suffered by him; and
- (g) any other person who is a party to the proceedings.

(2) Copies of any such report may, if the court considers it desirable to do so, be shown to any person who is required to be given notice of the proceedings in pursuance of rule 14(3)(d) of these Rules and to any other person who is entitled to make representations to the court by virtue of rule 19(1) of these Rules.

(3) Where the court is satisfied that the applicant's case has been proved—

- (a) where a guardian *ad litem* has been appointed, the court shall take into consideration his written report to the court; and the guardian *ad litem* shall in addition be entitled to make oral representations to the court;

- (b) the court shall take into consideration such information as to the relevant infant's general conduct, home surroundings, school record and medical history as may be necessary to enable it to deal with the case in his best interests and, in particular, shall take into consideration such information as aforesaid which is provided in pursuance of section 9 of the Act of 1969;
 - (c) if such information as aforesaid is not fully available, the court shall consider the desirability of adjourning the case for such inquiry as may be necessary;
 - (d) any written report of a guardian *ad litem*, probation officer, local authority, local education authority, educational establishment or registered medical practitioner may be received and considered by the court without being read aloud; and
 - (e) if the court considers it necessary in the interests of the relevant infant, it may require him or his parent or guardian, if present, to withdraw from the court.
- (4) In any case in which the relevant infant is not legally represented and where a report which has not been made available to him in accordance with a direction under paragraph (1)(f) has been considered without being read aloud in pursuance of paragraph (3)(d) or where the relevant infant, his parent or guardian has been required to withdraw from the court in pursuance of paragraph (3)(e), then—
- (a) the relevant infant shall be told the substance of any part of the information given to the court bearing on his character or conduct which the court considers to be material to the manner in which the case should be dealt with unless it appears to it impracticable so to do having regard to his age and understanding, and
 - (b) the relevant infant's parent or guardian, if present, shall be told the substance of any part of such information which the court considers to be material as aforesaid and which has reference to his character or conduct or to the character, conduct, home surroundings or health of the relevant infant;

and, if such a person, having been told the substance of any part of such information desires to produce further evidence with reference thereto, the court, if it thinks the further evidence would be material, shall adjourn the proceedings for the production thereof and shall, if necessary in the case of a report, require the attendance at the adjourned hearing of the person who made the report.

Consideration of reports: secure accommodation proceedings.

26.—(1) This rule applies only in connection with proceedings brought under regulations made under sections 21A and 39 of the Act of 1980.

(2) The court shall arrange for copies of any written report before the court to be made available, so far as practicable before the hearing, to:

- (a) the applicant;
- (b) the legal representative, if any, of the relevant infant;
- (c) the parent or guardian of the relevant infant;
- (d) the relevant infant, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to the age and understanding of the infant or undesirable to do so having regard to serious harm which might thereby be suffered by him;

and copies of such a report may, if the court considers it desirable to do so, be shown to any person who is required to be given notice of the proceedings in pursuance of rule 14(3)(d) of these Rules.

(3) In any case in which the court has determined that the relevant criteria are satisfied, the court shall, for the purpose of determining the maximum period of authorisation to be specified in the

order, take into consideration such information as it considers necessary for that purpose, including such information which is provided in pursuance of section 9 of the Act of 1969.

(4) Any written report may be received and considered by the court without being read aloud.

Duty of court to explain manner in which it proposes to deal with case and effect of order.

27.—(1) Before finally disposing of the case or before remitting the case to another court in pursuance of section 2(11) of the Act of 1969, the court shall in simple language inform the relevant infant, any person conducting the case on his behalf, and his parent or guardian, if present, of the manner in which it proposes to deal with the case and allow any of those persons so informed to make representations:

Provided that the relevant infant shall not be informed as aforesaid if the court considers it undesirable or, having regard to his age and understanding, impracticable so to inform him.

(2) On making any order, the court shall in simple language suitable to his age and understanding explain to the relevant infant the general nature and effect of the order unless it appears to it impracticable so to do having regard to his age and understanding or, in the case of an order requiring his parent or guardian to enter into a recognizance, it appears to it undesirable so to do; and shall in any case give such an explanation to the relevant infant’s parent or guardian, if present.

Leave of court for withdrawal of discharge applications.

28. In any case in which the power to apply under section 21(2) of the Act of 1969 for the discharge of a care order has been exercised on behalf of the relevant infant by his parent or guardian, that application may be withdrawn otherwise than by that parent or guardian only with the leave of the court; and the court shall not grant such leave unless, after considering the grounds for the application for withdrawal and after hearing any representations which that parent or guardian may wish to make and any evidence which he may wish to adduce, it considers that it would be inappropriate for it to discharge the order.

PART IV

PROCEEDINGS IN RELATION TO ACCESS TO CHILDREN IN CARE AND RESOLUTIONS CONCERNING PARENTAL RIGHTS AND DUTIES

Application and interpretation of Part IV.

29.—(1) This Part shall apply in connection with proceedings in a court under Part 1A of the Act of 1980⁽¹⁶⁾ (access to children in care) and under section 3(6)⁽¹⁷⁾ or 5(4) of that Act (objection to resolution vesting parental rights and duties in a local authority or voluntary organisation), except that rule 33 shall apply only in connection with proceedings under the said section 3(6) or 5(4).

(2) In this Part of the Rules the expressions “child”, “guardian” (except where it is used in the expression “guardianad litem”), “local authority” and “voluntary organisation” have the meanings assigned to them by section 87(1) of the said Act; the expression “parent” has the meaning assigned to it by section 87(1) of the said Act, except that in proceedings under section 3(6) or 5(4) of the said Act it includes a person having custody of a child by an order of a court where section 8(2) of the

⁽¹⁶⁾ 1980 c. 5; Part 1A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 1, Part I, paragraph 1.

⁽¹⁷⁾ Section 3(6) applies also to a resolution under section 64 of the Child Care Act 1980, by virtue of section 67 thereof.

said Act applies; and the expression “custodian” means a person in whom legal custody of a child is vested by an order under section 33 of the Children Act 1975(18).

Notice of complaint.

30.—(1) A local authority or voluntary organisation which is a party to any proceedings in a court to which this Part of the Rules applies shall send a notice specifying the time and place fixed for the hearing of the complaint to any other person who is a parent of the child to whom the proceedings relate and who lives apart from the parent who is the complainant or defendant (unless a summons is issued for the purpose of securing his attendance thereat) or who is a foster parent or other person with whom the child has had his home for a period of, or periods amounting in total to, not less than 42 days, ending not more than six months before the date of the complaint, if the whereabouts of such a person is known to the local authority or voluntary organisation; and a parent who is the complainant in any such proceedings shall send a notice specifying the time and place fixed for the hearing of the complaint to any other parent of the child who lives apart from him if the whereabouts of such other parent is known to him.

(2) A local authority which is a party to proceedings in a court under Part 1A of the Act of 1980 shall send a notice specifying the time and place fixed for the hearing of the complaint to any person other than the complainant (and other than a person to whom a notice is required to be sent under paragraph (1)) who is a parent, guardian or custodian of the child, if his whereabouts is known to the local authority.

(3) If a parent, guardian or custodian of the child who is required to be given notice in accordance with paragraph (1) or (2) appears at the hearing he shall be entitled to meet any allegations made against him in the course of the proceedings by cross-examining any witness and calling or giving evidence; and any person who is required to be given such a notice shall be entitled to make representations to the court at the conclusion of the evidence for the complainant (including any evidence in rebuttal of evidence for the defence) and the evidence, if any, for the defence but before any address by the defendant or complainant under rule 14(4) or (5) of the Magistrates' Courts Rules 1981(19).

Appointment and duties of guardian *ad litem*.

31.—(1) In any proceedings under section 3(6) or 5(4) of the Act of 1980 in which the court makes the child a party to the proceedings, the court shall appoint a guardian *ad litem* of the child for the purposes of the proceedings unless the court is satisfied that to do so is not necessary for safeguarding the interests of the child.

(2) An appointment of a guardian *ad litem* under section 7 or 12F(3) of the Act of 1980 shall be made by order and the person to be appointed shall be selected from a panel established by regulations under section 103 of the Children Act 1975(20) except that the person appointed shall not—

- (a) be a member, officer or servant of a local authority or voluntary organisation which is a party to the proceedings; or
- (b) be, or at any time have been, a member, officer or servant of a local authority or voluntary organisation who has been directly concerned in that capacity in arrangements relating to the care, accommodation or welfare of the child; or

(18) 1975 c. 72.

(19) S.I. 1981/552.

(20) 1975 c. 72; section 103 was amended by the Act of 1980, Schedule 5, paragraph 37 and the Health and Social Services and Social Security Adjudications Act 1983, Schedule 1, paragraph 4 and Schedule 2, paragraph 28; the relevant regulations are S.I. 1983/1908.

(c) be a serving probation officer (except that a probation officer who has not in that capacity been previously concerned with the child or his family and who is employed part-time may, when not engaged in his duties as a probation officer, act as a *guardianad litem*).

(3) Where the court has appointed a *guardianad litem* under the said section 7 or 12F(3) and it appears to the court desirable that some other person should act as *guardianad litem* in substitution for the person appointed earlier the court shall, by order, revoke the earlier appointment and make a new appointment.

(4) The powers of the court to appoint a *guardianad litem* under the said section 7 or 12F(3) and to give directions concerning legal representation of the child in accordance with paragraph (6)(c) or concerning any other matter in accordance with paragraph (6)(e) shall also be exercisable, before the hearing of the complaint, by a single justice or by the justices' clerk; and where the power to appoint a *guardianad litem* is so exercised, the single justice or the justices' clerk shall on the same occasion consider whether the child should be legally represented and may direct that the *guardianad litem* so appointed is to instruct a solicitor to represent the child.

(5) The court shall cause notice of an order appointing a *guardianad litem* to be given to the *guardianad litem*, the complainant, the defendant, the child to whom the proceedings relate and any other person to whom notice of the hearing has been given under rule 30(1).

(6) The *guardianad litem* appointed under the said section 7 or 12F(3) with a view to safeguarding the interests of the child before the court shall—

- (a) so far as it is reasonably practicable, investigate all circumstances relevant to the proceedings and for that purpose shall interview such persons, inspect such records and obtain such professional assistance as the *guardianad litem* thinks appropriate;
- (b) regard as the first and paramount consideration the need to safeguard and promote the child's best interests until he achieves adulthood, and shall take into account the wishes and feelings of the child, having regard to his age and understanding, and shall ensure that those wishes and feelings are made known to the court;
- (c) except where a solicitor has been instructed to represent the child before the appointment of the *guardianad litem* or a direction has been given in accordance with paragraph (4) that a solicitor be instructed, obtain the views of the court as to whether the child should be legally represented and, unless the court otherwise directs, instruct a solicitor to represent the child;
- (d) consider how the case should be presented on behalf of the child, acting in conjunction with the solicitor in a case in which one has been instructed (whether by the *guardianad litem* or otherwise) to represent the child; and shall, in such a case, instruct the solicitor (unless the solicitor considers, having taken into account the views of the *guardianad litem*, that the child wishes to give instructions which conflict with those of the *guardianad litem* and that he is able, having regard to his age and understanding, to give instructions on his own behalf);
- (e) seek the views of the court in any case where difficulties arise in relation to the performance of his duties;
- (f) as soon as practicable make a report in writing to the court;
- (g) perform such other duties as the court may direct.

(7) When the court has concluded the hearing of the complaint the *guardianad litem* shall consider, acting in conjunction with the solicitor in a case in which the child is legally represented, whether it would be in the child's best interests to appeal to the High Court and, if he considers that it would be, he shall ensure that notice of appeal is given on behalf of the child (unless the solicitor, in a case in which the child is legally represented, considers, having taken into account the views of the *guardianad litem*, that the child wishes to give instructions which conflict with those of the

guardianad litem and that he is able, having regard to his age and understanding, to give such instructions on his own behalf).

Evidence of guardianad litem.

32. Where a guardianad litem has been appointed, the court shall take into consideration his written report to the court; and the guardianad litem shall in addition (whether or not he has already been called as a witness) be given an opportunity to give oral evidence at the conclusion of the evidence, if any, for the child and to make oral representations to the court.

Rights of persons other than parties.

33.—(1) Without prejudice to any other provision of these Rules which provides for a parent or other person to take part in proceedings, any person to whom this paragraph applies shall be entitled, in any proceedings under section 3(6) or 5(4) of the Act of 1980, to make representations to the court, and shall do so at such stage after the conclusion of the evidence in the hearing as the court considers appropriate.

(2) The preceding paragraph applies to:

- (a) any person who is required to be given notice of the proceedings by virtue of rule 30(1); and
- (b) any other person who is not a party to the proceedings and who satisfies the court that both of the criteria specified in the next following paragraph are met.

(3) The criteria mentioned in the preceding paragraph are—

- (a) that the person in question has demonstrated an interest in the welfare of the child to whom the proceedings relate which has been maintained until the commencement of the proceedings; and
- (b) that the representations of that person are likely to be of relevance to the proceedings and to the welfare of the child in question.

Evidence and procedure generally.

34.—(1) The court shall arrange for copies of any written report, including any such report of a guardianad litem or local authority, before the court to be made available, so far as practicable before the hearing, to:

- (a) any parent, guardian or custodian of the child to whom the proceedings relate who is a party to the proceedings;
- (b) the legal representative, if any, of the child;
- (c) the child to whom the proceedings relate, except where the court otherwise directs on the ground that it appears to it impracticable to disclose the report having regard to the age and understanding of the child or undesirable to do so having regard to serious harm which might thereby be suffered by him;
- (d) the guardianad litem of the child; and
- (e) the local authority.

(2) Copies of any such report may, if the court considers it desirable to do so, be shown to any person who is required to be given notice of the proceedings in pursuance of rule 30(1) or (2).

(3) Any written report may be received and considered by the court without being read aloud.

(4) Where, in pursuance of the preceding paragraph, a report has been considered without it being read aloud, then the child shall, if he is not legally represented and a copy of the report has not been made available to him, be told the substance of any part of the information given to the court bearing

on his character or conduct unless it appears to the court impracticable so to do having regard to his understanding, and if, having been told the substance of any part of such information, he desires to produce further evidence with reference thereto, the court, if it thinks the further evidence would be material, shall adjourn the proceedings for the production thereof.

Power of the court to hear evidence in absence of child, etc.

35.—(1) Where the court has made the child a party to the proceedings and he is present at the hearing and the evidence likely to be given is such that in the opinion of the court it is in the interests of the child that the whole, or any part, of the evidence should not be given in his presence then, unless the child is conducting his own case, the court may hear the whole or part of the evidence, as it thinks appropriate in his absence:

Provided that evidence relating to the character or conduct of the child shall be heard in his presence.

(2) If the court is satisfied that in the special circumstances it is appropriate so to do, it may require a parent, guardian or custodian of the child to withdraw from the court while the child gives evidence or makes a statement:

Provided that the court shall inform the person so excluded of the substance of any allegations made against him by the child.

PART V

PROCEEDINGS UNDER SECTION 3 OF THE CHILDREN AND YOUNG PERSONS ACT 1963

Notice of complaint and restrictions on adjudicating justice.

36.—(1) A parent or guardian who applies by complaint to a juvenile court under section 3 of the Act of 1963 after the failure or refusal of the local authority to bring a person before the court, shall send a notice specifying the time and place fixed for the hearing of the complaint to any other person who, being a parent of that child or young person, lives apart from the applicant and if any such person appears at the hearing he shall be entitled to be heard.

(2) A justice who sits as a member of a juvenile court which hears such a complaint as aforesaid shall not sit as a member of the court before which that child or young person appears or is brought as a result of an order directed to the local authority in respect of him under the said section 3.

PART VI

REGISTER

Register of proceedings in juvenile court.

37. Such part of the register kept in pursuance of rules made under the Magistrates' Courts Act 1980(21) as relates to proceedings in a juvenile court shall be kept in a separate book.

PART VII

MISCELLANEOUS

Service of contribution orders etc.

38. A contribution order, an order attaching an affiliation order or an arrears order made on a parent or other person liable to make contributions in respect of, or to maintain, a child or young person, may be served by any constable or officer of a local authority by delivering a copy of the order to the person on whom it is made, or by leaving the same at the person's last known or usual place of abode with some other person for him, or by sending the same by registered post or by recorded delivery service to him at his last known or usual place of abode.

Notice of order made under section 49 of the Child Care Act 1980.

39. Where an order is made under section 49(1) of the Act of 1980 in respect of an affiliation order, payments under which have been ordered to be made to a collecting officer, notice of the making of the order shall be given by the clerk of the court to the collecting officer, either personally or by written notice sent or delivered to his address by post or otherwise.

Issue of summons or warrant to enforce attendance of parent or guardian.

40. Where a child or young person is charged with an offence, or is for any other reason brought before a court, a summons or warrant may be issued by a court to enforce the attendance of a parent or guardian under section 34 of the Act of 1933, in the same manner as if an information were laid upon which a summons or warrant could be issued against a defendant under the Magistrates' Courts Act 1980 and a summons to the child or young person may include a summons to the parent or guardian to enforce his attendance for the said purpose.

Payment of money by person subject to attendance centre order.

41.—(1) Where a person under the age of seventeen is ordered, under section 17 of the Criminal Justice Act 1982(22), to attend at an attendance centre in default of payment of a sum of money, payment may thereafter be made—

- (a) of the whole of the said sum, to the clerk of the court which made the order; or
- (b) of the whole or, subject to paragraph (2), any part of the said sum, to the officer in charge of the attendance centre specified in the order.

(2) The officer mentioned in paragraph (1)(b) shall not be required to accept a payment of part of the said sum unless it is an amount required to secure a reduction of one complete hour, or some multiple thereof, in the period of attendance specified in the order.

(3) The clerk of the court shall, on receiving a payment under paragraph (1), forthwith notify the officer mentioned in paragraph (1)(b).

(4) The officer mentioned in paragraph (1)(b) shall pay any money received by him under that paragraph to the clerk of the court which made the order and shall note the receipt of the money in the register kept at the attendance centre.

Form of warrant where young person is committed to remand centre or prison.

42. Where a young person is committed to a remand centre under section 22(5) or section 23(2) of the Act of 1969 or is committed to a prison under the said section 23(2), the court shall include in

(22) 1982 c. 48.

the order of committal a certificate that the young person is of so unruly a character that he cannot safely be committed to the care of a local authority.

Forms.

43.—(1) The forms in Schedule 2, or forms to the like effect, may be used with such variation as the circumstances may require, and may be so used in lieu of forms contained in the Schedule to the Magistrates' Courts (Forms) Rules 1981(23).

(2) For the purpose of facilitating the performance by supervisors of their functions under section 14 of the Act of 1969 of advising, assisting and befriending persons subject to supervision orders the following additional requirements to be complied with by the person subject to the order are prescribed for the purpose of inclusion (if the court considers it appropriate) in supervision orders, that is to say—

- (a) in the case of a supervision order made under section 7(7) of the Act of 1969 or a supervision order made on the occasion of the discharge of a care order made under that subsection, either or both of the requirements set out in paragraph 3(a), and
 - (b) in the case of any other supervision order, one or more of the requirements set out in paragraph (3)(a) and (b).
- (3) The requirements mentioned in paragraph (2) are—
- (a) “That he/she shall inform the supervisor at once of any change of his/her residence or employment”;
“That he/she shall keep in touch with the supervisor in accordance with such instructions as may from time to time be given by the supervisor and, in particular, that he/she shall, if the supervisor so requires, receive visits from the supervisor at his/her home”; and
 - (b) “That he/she shall be medically examined in accordance with arrangements made by the supervisor.”.

23rd May 1988

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 3(1)

REVOCATIONS

Rules revoked	References
The Magistrates' Courts (Children and Young Persons) Rules 1970	S.I. 1970/1792
The Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1976	S.I. 1976/1769
The Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1978	S.I. 1978/869
The Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1983	S.I. 1983/526
The Magistrates' Courts (Children and Young Persons) (Amendment) (No. 2) Rules 1983	S.I. 1983/1793
The Magistrates' Courts (Children and Young Persons) (Amendment) Rules 1984	S.I. 1984/567

SCHEDULE 2

Rule 43

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Summons: offence
(M.C. Act 1980, s. 1; C. & Y.P. Act 1933, s. 34.)

In the [county of _____] Petty Sessional Division of _____].
To A.B. (hereinafter called the defendant) [and E.F. his/her parent/guardian]
of _____.

Information has this day been laid before [me, the undersigned] [*or state name*] [Justice of the Peace] [Clerk to the Justices] by C.D. that you the defendant, who are believed to be a child/young person, on the _____ day of _____, 19____, at _____ in the [county] aforesaid [or of _____] (*state briefly particulars of offence*):

[And information has further been laid by C.D. that you E.F. are the parent [or guardian] of the defendant.]

You are therefore hereby summoned [each of you] to appear on _____ day the _____ day of _____, 19____, at the hour of _____ in the _____ noon before the [Juvenile] [Magistrates'] Court sitting at _____ to answer to the said information.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[*or* This summons was issued by the above-named justice of the peace.

J.C.,

Clerk of the Magistrates' Court sitting at _____.]

[*or* J.C.,

Clerk to the Justices for the Petty

Sessional Division aforesaid.]

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

*Summons for attendance of parent or guardian of child or young person: offence
(C. & Y.P. Act 1933, s. 34.)*

In the [county of _____] Petty Sessional Division of _____].
To C.D. of _____.

A.B., who is believed to be a child/young person, of whom you are stated to be the parent/guardian, is charged for that he/she on the _____ day of _____, 19____, at _____ in the [county] aforesaid [or of _____], (state briefly particulars of offence):

You are therefore hereby summoned to appear before the [Juvenile] [Magistrates'] Court sitting at _____ on _____ day, the _____ day of _____, 19____, at the hour of _____ in the noon and during all the stages of the proceedings.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or This summons was issued by the above-named justice of the peace.

J.C.,

Clerk of the Magistrates' Court sitting at _____.]

[or J.C.,

Clerk to the Justices for the Petty

Sessional Division aforesaid.]

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

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

..... Juvenile/Magistrates' Court (Code)

Date:

Accused:

Address:

Alleged offence: (particulars and statute)
Information having been laid before me on [oath] [affirmation] by on that the accused committed the offence of which particulars are given above.

Direction: You, the constables of Police Force, are hereby required to arrest the accused, who is believed to be a child or young person, and to bring the accused before the above court immediately [unless the accused is released 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 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).

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

4

*Summons: care proceedings and proceedings in respect of supervision order
(C. & Y.P. Act 1969, ss. 2(4), 16(2); C. & Y.P. Act 1933, s. 34.)*

In the [county of _____] Petty Sessional Division of _____].
To A.B. (hereinafter called the relevant infant) [and E.F. his/her parent/guardian] of _____.

[The council of the county/district/borough of _____]
[C.D. a constable/an authorised person] [C.D. the relevant infant’s supervisor] having given notice that the relevant infant is to be brought before the court under section [1] [15] of the Children and Young Persons Act 1969 on grounds specified in the notice:

And application having been duly made in that behalf to [me the undersigned] [*or state name*] [Justice of the Peace] [Clerk to the Justices]:

You are hereby summoned [each of you] to appear on _____ day, the _____ day of _____, 19____, at the hour of _____ in the _____ noon before the Juvenile Court sitting at _____ to attend proceedings brought in pursuance of the said notice.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[*or* This summons was issued by the above-named justice of the peace.

J.C.,

Clerk of the Magistrates’ Court sitting at _____.]

[*or* J.C.,

Clerk to the Justices for the Petty

Sessional Division aforesaid.]

5

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

*Summons for attendance of parent or guardian of child or young person: care proceedings and proceedings in respect of supervision order
(C. & Y.P. Act 1933, s. 34.)*

In the [county of _____] . Petty Sessional Division of _____].
To E.F. being a parent/guardian of A.B. (hereinafter called the relevant infant), who is believed to be a child/young person, of _____ .

[The council of the county/district/borough of _____].
[C.D. a constable/an authorised person] [C.D. the relevant infant's supervisor] having given notice that the relevant infant is to be brought before the court under section [1] [15] of the Children and Young Persons Act 1969 on grounds specified in the notice:

And application having been duly made in that behalf to [me the undersigned] [or state name] [Justice of the Peace] [Clerk to the Justices]:

You are hereby summoned to appear on _____ day, the _____ day of _____, 19____, at the hour of _____ in the _____ noon before the Juvenile Court sitting at _____ to attend proceedings brought in pursuance of the said notice.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or This summons was issued by the above-named justice of the peace.

J.C.,

Clerk of the Magistrates' Court sitting at _____.]

[or J.C.,

Clerk to the Justices for the Petty

Sessional Division aforesaid.]

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

Warrant of arrest: care proceedings and proceedings in respect of supervision order
(C. & Y.P. Act 1969, ss. 2(4), 16(2); M.C. Act 1980, s. 55(3) and (4).)

In the [county of . Petty Sessional Division of].
[Before the [Juvenile] [Magistrates'] Court sitting at]

To each and all the constables of
[The council of the county/district/borough of]
[C.D. a constable/an authorised person] [C.D. the supervisor of the relevant infant hereinafter mentioned] having given notice that A.B. of (hereinafter called the relevant infant) is to be brought before the court under section [1] [15] of the Children and Young Persons Act 1969 on grounds specified in the notice:

[And the relevant infant having been summoned to appear on day, the day of , 19 , at the hour of in the noon before the [Juvenile] [Magistrates'] Court sitting at to attend proceedings brought in pursuance of the said notice:]

[And I, the undersigned Justice of the Peace, being satisfied by evidence on oath/affirmation that the said summons cannot be served:]

[And the Court being satisfied by evidence on oath/affirmation that the relevant infant having failed to attend in answer to the said summons was served therewith within what appears to them to be a reasonable time before the hearing/adjourned hearing:]

[And the Court being satisfied by evidence on oath/affirmation that the relevant infant having on a previous occasion attended proceedings brought in pursuance of the said notice has failed to attend the adjourned hearing thereof and has had adequate notice of the time and place of the adjourned hearing:]

You are hereby commanded to bring the relevant infant before the [Juvenile] [Magistrates'] Court sitting at or a justice of the peace immediately or, in any case, within seventy-two hours [unless the relevant infant is released on bail as directed below].

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.
[or By order of the Court,
J.C.,
Clerk of the Court.]

(Endorsement where bail is granted)

Bail: On arrest, after complying with the condition(s) specified in Schedule I hereto, the relevant infant 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 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 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.

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

7

Notice of care proceedings
(C. & Y.P. Act 1969, s. 1; M.C. (C. & Y.P.) Rules 1988, r. 14.)

To the Clerk of the Juvenile Court sitting at

Take notice that A.B. of (hereinafter called the relevant infant), who is believed to be a child/young person, is to be brought before the Court under section 1 of the Children and Young Persons Act 1969 on the grounds hereinafter mentioned.

It is alleged that the following condition is satisfied with respect to the relevant infant, that is to say, (specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph (f), the offence).

It is further alleged that the relevant infant is in need of care or control which he is unlikely to receive unless an order is made under the said section 1.

In pursuance of Rule 14 of the Magistrates' Courts (Children and Young Persons) Rules 1988, a copy of this notice is being sent to each of the following persons, that is to say, to:—

Dated the day of , 19 .

C.D.,

[On behalf of the council of the
county/district/borough of].
[A constable].
[An authorised person].

8

Notice of Appointment of Guardian ad litem.
(C. & Y.P. Act 1969, s. 32B; M.C. (C. & Y.P.) Rules 1988, r. 16(5).)

Date:

Name of child or young person
(hereinafter called the infant).

Address:

Take notice that
of
has been appointed guardian *ad litem* of the above named infant in proceedings which are in the list for hearing at this juvenile court on
at a.m./p.m.

In pursuance of rule 16(5) of the Magistrates' Courts (Children and Young Persons) Rules 1988 notice of the appointment is being sent to each of the following persons:—

J.C.,

Clerk of the Court.

Address of Court:

Telephone number:

9

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

*Notice of Order Depriving Parent or Guardian of Right to Represent Child or Young Person
(C. & Y.P. Act 1969, s. 32A; M.C. (C. & Y.P.) Rules 1988, r. 15.)*

Date:
Name:
Address:

Take notice that it appears to the court that in the proceedings concerning the child/young person named.....
(hereinafter called the infant) of whom you are a parent/guardian, which are in the list for hearing at this juvenile court on
at a.m./p.m. there is or may be a conflict on relevant matters between your interests and those of the said infant. Accordingly the court has ordered that in relation to the proceedings you are not to be treated as representing the infant or as otherwise authorised to act on his behalf. By virtue of the court's order you have been made a party to the proceedings and have a right to take part in them on your own behalf.

J.C.,
Clerk of the Court.

Address of Court:
Telephone number:

10

*Application by grandparent to be party to care proceedings
(C. & Y.P. Act 1969, s. 32C; M.C. (C. & Y.P.) Rules 1988, r. 17.)*

To the Clerk of the Juvenile Court sitting at

Date:
Name of child or young person
(hereinafter called the infant):
Date notified for the hearing of proceedings/application:
Name of applicant:
Address of applicant:

Take notice that the above-named applicant, being a grandparent of the infant who is [to be brought before the Court in care proceedings under section 1 of the Children and Young Persons Act 1969] [the subject of a [supervision] [care] order made under section [1] [21(2)] [15(1)] of the Children and Young Persons Act 1969 in respect of which an application for its discharge is to be heard] on the above-mentioned date, wishes to apply for leave to be made a party to those proceedings.

The applicant states that he/she is able to satisfy both of the necessary criteria, as follows—

1. He/she has, before the commencement of the said proceedings had a substantial involvement in the infant's upbringing at any time during his lifetime in the following manner (*specify details*) ; and
2. He/she states that making him/her a party to the proceedings is likely to be in the interests of the welfare of the infant for the following reasons (*specify reasons*).

11

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

*Notice to parent under rule 36
(C. & Y.P. Act 1963, s. 3; M.C. (C. & Y.P.) Rules 1988, r. 36.)*

To C.B. of

Take notice that I have complained to the Juvenile Court sitting at
for an order against the council of the county/district/borough of
directing them to bring A.B. before the court on the ground that I am unable to control him/her.

The complaint will be heard by the Court on day, the day of , 19 ,
at the hour of in the noon.

You may if you wish speak to the Court about him/her before the Court reaches a decision
upon the complaint.

(Signed) B.B.

12

*Authority to remove to a place of safety
(C. & Y.P. Act 1969, s. 28(1).)*

In the [county of . Petty Sessional Division of].
C.D. of (hereinafter called the applicant) has this day applied under section
28(1) of the Children and Young Persons Act 1969 for authority to detain and take to a place of
safety A.B. of , a child or young person (hereinafter called the relevant infant):

And I, the undersigned Justice of the Peace, am satisfied that the applicant has reasonable
cause to believe (*specify belief in terms of section 28(1)(a), (b) or (c)*) and hereby grant the said
application:

And the relevant infant may be detained in a place of safety by virtue of this authorisation for
a period of days beginning with the date hereof.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

13

*Warrant to search for or remove a child or young person
(C. & Y.P. Act 1933, s. 40; C. & Y.P. Act 1963, s. 23(1).)*

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

To each and all the constables of

Information on oath [*or affirmation*] has this day been laid before me, the undersigned Justice of
the Peace, by C.D. of , a person acting in the interests of a child or young person,
namely (*insert name and address or other identifying particulars*) (hereinafter called the relevant
infant) that there is reasonable cause to suspect (*specify in the terms of section 40(1)(a) or (b) of
the Children and Young Persons Act 1933*):

[You are hereby authorised to search for the relevant infant and, if it is found that (*specify in
the terms of section 40(1)*), to take him to a place of safety:]

[You are hereby authorised to remove the relevant infant with or without search to a place of
safety:]

[And for the purposes hereof you are hereby authorised to enter (*specify house etc.*):]

[It is hereby directed that when executing this warrant you shall not be accompanied by the
said C.D./shall be accompanied by a duly qualified medical practitioner:]

And the relevant infant may be detained in a place of safety by virtue of this warrant until he
can be brought before a juvenile court, except that the relevant infant shall not be so detained
for a period exceeding days.

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] aforesaid.

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

14

*Information for Search Warrant under Section 32 of the Children and Young Persons Act 1969
(C. & Y.P. Act 1969, s. 32.)*

..... Magistrates' Court (Code)

Date:

The information of:

Address:

Telephone number

who upon oath states that he has reasonable grounds for believing that
a child/young person to whom section 32 of the Children and Young Persons Act 1969 as
amended applies, is absent from the place where he is required to be, and that the said
child/young person is in the premises at
And who applies for a warrant to search the said premises.

Taken and sworn before me.

Justice of the Peace.

15

*Warrant to Search for Child or Young Person to Whom Section 32 of the Children and Young
Persons Act 1969 Applies
(C. & Y.P. Act 1969, s. 32.)*

..... Magistrates' Court (Code)

To each and all of the Constables of

Date:

The information of:

Address:

who upon oath states that he has reasonable grounds for believing that
a child/young person to whom section 32 of the Children and Young Persons Act 1969
applies, is absent from the place where he is required to be, and that the said child/young
person is in the premises at

You are hereby authorised to enter and search the said premises and if the said child/young
person is found, to arrest him without warrant under the authority of the said section 32
and conduct him to the premises where he should be or to such other premises as may be
directed.

Justice of the Peace.

16

*Information for Search Warrant under Section 67 of the Children Act 1975
(C. Act 1975, s. 67.)*

..... Magistrates' Court (Code)

Date:

The information of:

Telephone number

an officer of the local authority
who upon oath states that he has reasonable grounds for believing that
a child within the meaning of the Children Act 1975 and to whom section 67 of that Act
applies who is in the care of the said local authority is absent from the place where he is
required to be, and that the said child is in the premises at
And who applies for a warrant to search the said premises.

Taken and sworn before me.

Justice of the Peace.

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

17

*Warrant to Search for Child to whom Section 67 of the Children Act 1975 applies
(C. Act 1975, s. 67.)*

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

To an officer of the
local authority.

Date:

The information of:

an officer of the said local authority

who upon oath states that he has reasonable grounds for believing that
a child within the meaning of the Children Act 1975 and to whom section 67 of that Act
applies who is in the care of the said local authority is absent from the place where he is
required to be, and that the said child is in the premises at

You are hereby authorised to enter and search the said premises and if the said child is
found, to place him in such accommodation as the said local authority may provide.

Justice of the Peace.

18

*Order for removal of foster child or protected child to a place of safety
(A. Act 1958, s. 43; C. & Y.P. Act 1963, s. 23(1); F.C. Act 1980, s. 12.)*

In the [county of] Petty Sessional Division of
[Before the Juvenile Court sitting at].

To each and all the constables of [and to C.D. of
....., a person authorised to visit foster/protected children].

[Complaint having this day been made by the council of the county/district/borough of]
[Application having this day been duly made to me, the undersigned Justice of the Peace, by C.D.
of , a person authorised to visit foster/protected children], on the ground that
A.B. of a foster/protected child (hereinafter called the child) is (*state briefly
grounds of complaint or application*):

[Proof having been given that there is imminent danger to the health or well-being of the child:]

It is hereby ordered that the child [and all other foster children kept at (*specify premises*)] be
removed to a place of safety:

And the child [and any other foster child so removed] may be detained in a place of safety by
virtue of this order until restored to a parent, relative or guardian or until other arrangements
can be made, except that the child [and any other foster child so removed] shall not be so detained
for a period exceeding days.

Dated the day of , 19 ..

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,

Clerk of the Court.]

19

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

*Warrant of commitment to care of local authority: remand on adjournment
(M.C. Act 1980, ss. 5, 10, 128; C. & Y.P. Act 1969, ss. 20, 23.)*

In the [county of _____] Petty Sessional Division of _____].
Before the [Juvenile] [Magistrates'] Court sitting at _____
To each and all the constables of _____ and to the council of the county/district/
borough of _____

A.B. of _____ (hereinafter called the defendant), who is believed to have been born
on _____, appeared this day before the Court charged with (*state briefly particulars
of offence*):

And the Court decided to adjourn the hearing and remand the defendant:

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], and that the said council
shall, unless he/she is released on bail in the meantime, keep the defendant in their care, until the
day of _____, 19____, and on that day the said council shall convey the defendant at the hour
of _____ in the _____ noon before the [Juvenile] [Magistrates'] Court sitting at _____
to be further dealt with according to law unless otherwise ordered in the meantime:

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 warrant, into the care of a person authorised and acting as aforesaid.

Dated the _____ day of _____, 19____.

J.P.,
Justice of the Peace for the [county] first above mentioned.
[or By order of the Court,
J.C.,
Clerk of the Court.]

(Endorsement where bail is granted to be as in Form 23.)

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

*Warrant of commitment to remand centre or prison: remand on adjournment
(M.C. Act 1980, ss. 5, 10, 128; C. & Y.P. Act 1969, s. 23.)*

In the [county of _____] Petty Sessional Division of _____].
Before the [Juvenile] [Magistrates'] Court sitting at _____
To each and all the constables of _____ and to the Governor of the remand
centre/Her Majesty's prison at _____.

A.B. of _____ (hereinafter called the defendant), who is believed to have been born
on _____, appeared this day before the Court charged with (*state briefly particulars
of offence*):

And the Court decided to adjourn the hearing and remand the defendant:

It is hereby certified that the defendant is of so unruly a character that he/she cannot safely be
committed to the care of a local authority:

[The Court having been notified by the Secretary of State that the said remand centre is available
for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who
shall receive and keep the defendant in his custody (unless released on bail in the meantime) until
the _____ day of _____, 19____, and on that day the said Governor shall convey the defendant
at the hour of _____ in the _____ noon before the [Juvenile] [Magistrates'] Court sitting at
_____ to be further dealt with according to law unless otherwise ordered in the meantime:

And you the said constables are hereby required to deliver the defendant, together with this
warrant, into the custody of the said Governor.

Dated the _____ day of _____, 19____.

J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the Court,

J.C.,
Clerk of the Court.]
(*Endorsement where bail is granted to be as in Form 23.*)

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

*Warrant of commitment to care of local authority: remand for enquiries
(M.C. Act 1980, ss. 10, 30, 128; C. & Y.P. Act 1969, ss. 20, 23.)*

In the [county of _____] . Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____

To each and all the constables of _____ and to the council of the county/district/borough of _____

A.B. of _____ (hereinafter called the defendant), who is believed to have been born on _____, appeared this day before the Court charged with (*state briefly particulars of offence*):

The Court, having found the defendant guilty of the said offence, decided to adjourn the hearing and remand the defendant for the purpose of [enabling enquiries to be made] [and] [of determining the most suitable method of dealing with the case]:

[or The Court, being satisfied that the defendant did the act/made the omission charged but, being of the opinion that an inquiry ought to be made into the defendant's [physical] [and] [mental] condition before the method of dealing with the case was determined, decided to adjourn the hearing and remand the defendant:]

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] and that the said council shall, unless he/she is released on bail in the meantime, keep the defendant in their care until the _____ day of _____, 19____, and on that day the said council shall convey the defendant at the hour of _____ in the _____ noon before the Juvenile Court sitting at _____ to be further dealt with according to law unless otherwise ordered in the meantime:

[And the said council are hereby requested to arrange for such an inquiry as aforesaid to be made by a duly qualified medical practitioner [or by two duly qualified medical practitioners of whom one is approved for the purposes of section 12 of the Mental Health Act 1983 by a local health authority as having special experience in the diagnosis or treatment of mental disorders], who shall report the result of such inquiry to the Court:]

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 warrant, into the care of a person authorised and acting as aforesaid.

Dated the _____ day of _____, 19____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,
Clerk of the Court.]

(Endorsement where bail is granted to be as in Form 23.)

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

*Warrant of commitment to remand centre or prison: remand for enquiries
(M.C. Act 1980, ss. 10, 30, 128; C. & Y.P. Act 1969, s. 23.)*

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____

To each and all the constables of _____ and to the Governor of
the remand centre/Her Majesty's prison at _____

A.B. of _____ (hereinafter called the defendant), who is believed to have been born
on _____, appeared this day before the Court charged with (*state briefly particulars
of offence*):

The Court, having found the defendant guilty of the said offence, decided to adjourn the hearing
and remand the defendant for the purpose of [enabling enquiries to be made] [and] [of determining
the most suitable method of dealing with the case]:

[*or* The Court, being satisfied that the defendant did the act/made the omission charged but,
being of the opinion that an inquiry ought to be made into the defendant's [physical] [and] [mental]
condition before the method of dealing with the case was determined, decided to adjourn the
hearing and remand the defendant:]

It is hereby certified that the defendant is of so unruly a character that he/she cannot safely be
committed to the care of a local authority:

[The Court having been notified by the Secretary of State that the said remand centre is available
for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who
shall receive and keep the defendant in his custody (unless released on bail in the meantime) until
the _____ day of _____, 19____, and on that day the said Governor shall convey the defendant
at the hour of _____ in the _____ noon before the Juvenile Court sitting at _____
to be further dealt with according to law unless otherwise ordered in the meantime:

[And you, the said Governor, are hereby requested to arrange for such an inquiry as aforesaid
to be made by a duly qualified medical practitioner [*or* by two duly qualified medical practitioners
of whom one is approved for the purposes of section 12 of the Mental Health Act 1983 by a local
health authority as having special experience in the diagnosis or treatment of mental disorders],
who shall report the result of such inquiry to the Court:]

And you the said constables are hereby required to deliver the defendant, together with this
warrant, into the custody of the said Governor.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] aforesaid.

[*or* By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is granted to be as in Form 23.*)

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

Endorsement of warrant of commitment where bail is granted

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 court on at a.m./p.m.] [the Crown Court on such day and at such time and place as may be notified to the defendant by the appropriate officer of that Court].

Dated the day of , 19 .

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).

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

Warrant of commitment to remand centre or prison in substitution for commitment to care of local authority

(C. & Y.P. Act 1969, s. 23(2), (3).)

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

Date:

Accused:

Age

years

Address:

[Alleged] offence:

(particulars and statute)

Certification:

The accused, having been [charged with] [found guilty] of the above offence and [remanded] [committed for trial/sentence], was on (*date*) committed to the care of the Council by the [Juvenile] [Magistrates'] Court.

On the application of the said council it is hereby certified that the accused is of so unruly a character that he cannot safely remain committed to the care of a local authority.

Direction:

[The court has been notified by the Secretary of State that the remand centre is available for the reception from the court of persons of the accused's class or description.]

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 then convey the accused to [Juvenile] [Magistrates'] Court at (*time*)] [to keep the accused until the accused be delivered in due course of law]. [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.]

J.P.,

Justice of the Peace

[By order of the Court

J.C.,

Justices' Clerk]

(Endorsement where bail is granted to be as in Form 23.)

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

Order for extended remand
(C. & Y.P. Act 1933, s. 48(3); C. & Y.P. Act 1969, s. 23.)

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____ .
To [the council of the county/district/borough of _____]
[each and all the constables of _____ and the Governor of the remand centre/Her
Majesty's prison at _____].

A.B. (hereinafter called the defendant) having been committed to the care/custody of the said council/Governor under a warrant of commitment dated the _____ day of _____, 19 _____, and the Court having deemed it expedient to extend the period of the defendant's remand:

It is hereby ordered that unless the defendant is released on bail in the meantime the defendant remain committed to the care/custody of the said council/Governor until the _____ day of _____, 19 _____, and on the said day the said council/the said constables shall convey the defendant at the hour of _____ in the _____ noon before the Juvenile Court sitting at _____ to be further dealt with according to law, unless otherwise ordered in the meantime.

Dated the _____ day of _____, 19 _____.

J.P.,
Justice of the Peace for the [county] first above mentioned.
[or By order of the Court,
J.C.,
Clerk of the Court.]
(Endorsement where bail is granted to be as in form 23.)

26

Notice of extended remand

To A.B. (hereinafter called the defendant) of _____ and to
C.D. of _____ and to E.F. of _____
(suret[y][ies] for the defendant).

Take notice that you, the defendant, were remanded by the Juvenile Court sitting at _____ to appear before the said Court on the _____ day of _____, 19 _____, and that the Juvenile Court sitting at _____ has this day in your absence remanded you, the defendant, to appear before the Juvenile Court sitting at _____ on _____ day the _____ day of _____, 19 _____, at the hour of _____ in the _____ noon.

Dated the _____ day of _____, 19 _____.

J.C.,
Clerk of the Juvenile Court sitting at _____

27

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

*Interim care order: proceedings in respect of supervision order
(C. & Y.P. Act 1969, ss. 16(4), 20, 22.)*

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

Before the Juvenile Court sitting at _____

To each and all the constables of _____ and to the council of the county/district/
borough of _____

A.B. of _____ (hereinafter called the relevant infant) who is believed to have been
born on _____, was this day [or was on the _____ day of _____, 19 ____] on an
application under section 15(1) of the Children and Young Persons Act 1969, brought before the
Court under [a warrant issued under section 16(2)] [an interim care order made under section
16(3)] of that Act:

[The Court considers that it is likely to exercise its powers under the said section 15(1) to make
an order in respect of the relevant infant but seeks information which it considers is unlikely to
be obtained unless an interim care order is made:]

And the relevant infant [being present] [not being present, the Court is satisfied that the relevant
infant is under the age of five/cannot be present by reason of illness/accident]:

It is hereby ordered (*continue as in form 27*).

29

*Interim care order by justice following arrest on warrant
(C. & Y.P. Act 1969, ss. 2(5), 16(3), 20, 22.)*

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

To each and all the constables of _____ and to the council of the county/district/
borough of _____

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been
born on _____, is detained in pursuance of a warrant issued in pursuance of section
[2(4)] [16(2)] of the Children and Young Persons Act 1969:

In pursuance of the said warrant the relevant infant was this day brought before me, the
undersigned Justice of the Peace.

It is hereby ordered (*continue as in Form 27*).

J.P.,

Justice of the Peace for the [county] first above mentioned.

30

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

Interim care order following detention in place of safety
(C. & Y.P. Act 1933, s. 40; A. Act 1958, s. 43; C. & Y.P. Act 1963, s. 23;
C. & Y.P. Act 1969, ss. 20,22,28; F.C. Act 1980, s. 12.)

In the [county of _____] . Petty Sessional Division of _____].
[Before the Juvenile Court sitting at _____.]

To each and all the constables of _____ and to the council of the county/district/
borough of _____

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been
born on _____, is detained in pursuance of [section 40 of the Childen and Young
Persons Act 1933] [section 43 of the Adoption Act 1958] [section 28 of the Children and Young
Persons Act 1969] [section 12 of the Foster Children Act 1980]:

Application has been duly made to [the Court] [me, the undersigned Justice of the Peace,] for
an interim care order in respect of the relevant infant:

And the relevant infant [being present] [not being present, the Court is/I am satisfied that the
relevant infant is under the age of five/cannot be present by reason of illness/accident]:

It is hereby ordered (*continue as in Form 27*).

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Further interim order
(C. & Y.P. Act 1969, s. 22.)

In the [county of _____] . Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____

To each and all the constables of _____ and to the council of the county/district/
borough of _____

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been
born on _____, was committed to the care of a local authority by an interim care
order made on the _____ day of _____, 19____, and the said order has not yet expired:

And the relevant infant [being present] [not being present, the Court is satisfied that the relevant
infant is under the age of five/cannot be present by reason of illness/accident]:

It is hereby ordered (*continue as in Form 27*).

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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.

*Warrant of commitment to care of local authority: committal for trial
(C. & Y.P. Act 1969, ss. 20, 23.)*

In the [county of _____] Petty Sessional Division of _____].
Before the [Juvenile] [Magistrates'] Court sitting at _____.

To each and all the constables of _____ and to the council of the county/district/
borough of _____.

A.B. of _____ (hereinafter called the defendant), who is believed to have been born
on _____, having been charged this day before the Court sitting as Examining Justices
with *(state briefly particulars of offence)*:

And the Court after inquiring into the said offence having committed the defendant for trial
at the Crown Court at _____:

It is hereby ordered that the defendant be committed to the care of the said council, in whose
area it appears [the accused resides] [the offence was committed], and that the said council shall,
unless he/she is released on bail in the meantime, keep the defendant in their care until the
defendant is delivered in due course of law:

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 warrant, into the care of a person authorised and acting as aforesaid.

Dated the _____ day of _____, 19 _____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,
Clerk of the Court.]

(Endorsement where bail is granted to be as in Form 23.)

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

Warrant of commitment to remand centre or prison: committal for trial
(M.C. Act 1980, ss. 6, 128; C. & Y.P. Act 1969, s. 23.)

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

Before the [Juvenile] [Magistrates'] Court sitting at _____.

To each and all the constables of _____ and to the Governor of the remand centre/Her Majesty's prison at _____.

A.B. of _____ (hereinafter called the defendant), who is believed to have been born on _____, having been charged this day before the Court sitting as Examining Justices with (*state briefly particulars of offence*):

And the Court after inquiring into the said offence having committed the defendant for trial at the Crown Court at _____:

It is hereby certified that the defendant is of so unruly a character that he/she cannot safely be committed to the care of a local authority:

[The Court having been notified by the Secretary of State that the said remand centre is available for the reception from the Court of persons of the defendant's class or description:]

It is hereby ordered that the defendant be committed to the custody of the said Governor who shall receive and keep the defendant in his custody [, unless released on bail in the meantime.] until the defendant is delivered in due course of law.

And you the said constables are hereby required to deliver the defendant, together with this warrant, into the custody of the said Governor.

Dated the _____ day of _____, 19 _____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,

Clerk of the Court.]

(*Endorsement where bail is granted to be as in Form 23.*)

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

*Notice of fine etc.: criminal proceedings
(M.C. Rules 1981, r. 46.)*

In the [county of _____] Petty Sessional Division of _____].
 Before the [Juvenile] [Magistrates'] Court sitting at _____].
 To A.B. of _____.

ADJUDICATION		
Fine		
Compensation ..		
Costs		
Total		

C.D. of _____, who is believed to have been born on _____, was this day [or on the _____ day of _____, 19 ____] found guilty of an offence, namely, (*state briefly particulars of the offence*), and you, being the parent/guardian of the said C.D. were ordered to pay the sum of _____, as shown in the margin hereof the sum to be paid forthwith [or on or before the _____ day of _____, 19 ____] [or by weekly [or monthly] instalments of _____, the first instalment to be paid on or before the _____ day of _____, 19 ____]. Payment should be made either by post to me, the Clerk of the Court at (*insert address*) or made personally at (*insert the address and also days and hours when payment can be made*). Failure to pay forthwith [or on or before the appointed day[s]] will render you liable to [*imprisonment for (*state period*)] [arrest] or your money and goods liable to distraint without further notice [, unless you have applied for and been granted before that day further time for payment. Application for the grant of further time may be made either in person to the Court or by letter addressed to me, the Clerk of the Court at (*insert address*) and stating fully the grounds on which the application is made].

Dated the _____ day of _____, 19 ____.

J.P.,
 Clerk of the Court.

NOTE. Any communication sent by post must be properly stamped. Cash should not be sent in unregistered envelopes.

*Delete unless magistrates' court on occasion of conviction has, under section 77(2) of the Magistrates' Courts Act 1980, fixed a term of imprisonment in default and postponed the issue of the warrant of commitment.

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

*Offence condition finding: care proceedings
(C. & Y.P. Act 1969, s. 1; M.C. (C. & Y.P.) Rules 1988 r. 21(2).)*

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____.

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been born on _____, was this day [or was on the _____ day of _____, 19 ____] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And it was alleged that the following condition was satisfied with respect to the relevant infant, that is to say, that he/she was guilty of an offence, namely, (*state briefly particulars of offence*):

It is hereby adjudged that the relevant infant is [not] guilty of the said offence.

Dated the _____ day of _____, 19 ____.

J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the Court,
J.C.,
Clerk of the Court.]

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*Compensation order: care proceedings
(C. & Y.P. Act 1969, s. 3(6).)*

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

Date:
Relevant infant: _____ Age _____ years
Address:
Offence: (*particulars and statute*)

The relevant infant was on (*date*) brought before the court under section 1 of the Children and Young Persons Act 1969 and the court was of the opinion that the following condition was satisfied with respect to the relevant infant, that is to say, that he was guilty of the offence specified above.

Order: That [the relevant infant] [A.B. of (address), a parent/guardian of the relevant infant,] pay the sum of
Amount: £ _____ as compensation for personal injury/loss/damage
Person compensated: suffered by
Terms of payment: the said sum to be paid [forthwith] [by weekly/monthly instalments of _____] [not later than _____] to the clerk to the justices at the address given below.

J.P.,
Justice of the Peace
[By order of the Court
J.C.,
Justices' Clerk]

Address of court office:—

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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.

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

..... Juvenile Court (Code)

Date:
Accused:
Address:
Offence:

Age years

(particulars and statute)

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

The court has been notified by the Secretary of State 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 [excessive, having regard to [the accused's age] [the following circumstances:—

] the accused being under fourteen years of age.]
[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.

J.P.,
Justice of the Peace
[By order of the Court
J.C.,
Justices' Clerk]

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

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

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

..... Juvenile 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 the accused has completed a period of attendance of hours unless the outstanding sum is sooner paid (but see Note 2 below).

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

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.

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

*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 the attendance
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 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

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

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

..... Juvenile 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 said attendance centre order be revoked and that for the offence in respect of which that order was made the accused (*specify terms of new order*).

J.P.,
Justice of the Peace
[By order of the Court
J.C.,
Justices' Clerk]

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

Hospital order: care proceedings
(C. & Y.P. Act 1969, s. 1(3); M.H. Act 1983, s. 40.)

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____.

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been born on _____, was this day [or was on the _____ day of _____, 19 ____] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And the Court is satisfied that the following condition is satisfied with respect to the relevant infant, that is to say, (*specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph (f), the offence*) and also that he is in need of care or control which he is unlikely to receive unless an order under the said section is made in respect of him:

And the Court has heard [or considered] the [written] evidence of two medical practitioners (*insert names and addresses*), [each] of whom [the first-mentioned] is approved, for the purposes of section 12 of the Mental Health Act 1983, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the relevant infant as suffering from mental illness [or psychopathic disorder or mental impairment or severe mental impairment]:

And the Court is satisfied that the relevant infant is suffering from the following forms of mental disorder within the meaning of the said Act of 1983, namely, mental illness [or psychopathic disorder or mental impairment or severe mental impairment] and that the disorder is of a nature or degree which warrants the relevant infant's detention in a hospital for mental treatment and is satisfied that arrangements have been made for the relevant infant's admission to the hospital hereinafter specified within twenty-eight days of this date and that the most suitable method of disposing of the case is by means of a hospital order:

It is hereby ordered that the relevant infant be admitted to and detained in (*insert name and address of hospital*):

[And that the relevant infant be conveyed to the said hospital by E.F.:]

[And it is directed that pending admission to the said hospital the relevant infant shall be detained in a place of safety, namely, _____] [and shall be conveyed there by E.F.].

Dated the _____ day of _____, 19 ____.

J.P.,
Justice of the Peace for the [county] aforesaid.

[or By order of the Court,
J.C.,
Clerk of the Court.]

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

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

..... Juvenile Court (Code)

Date:
Defendant:
Address:
Offence:

Age years

(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.]

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

Care order: care proceedings
(C. & Y.P. Act 1969, ss. 1(3), 20.)

In the [county of . Petty Sessional Division of].
Before the Juvenile Court sitting at .

To each and all the constables of . and to the council of the county/district/
borough of .

A.B. of . (hereinafter called the relevant infant), who is believed to have been
born on ., was this day [or was on the . day of ., 19 .] brought
before the Court under section 1 of the Children and Young Persons Act 1969:

And the Court is satisfied that the following condition is satisfied with respect to the relevant
infant, that is to say, (*specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph
(f), the offence*) and also that he is in need of care or control which he is unlikely to receive unless
an order under the said section is made in respect of him:

It is hereby ordered that the relevant infant be committed to the care of the said council in
whose area it appears that [the relevant infant resides] [circumstances in consequence of which
this order is made arose, it not appearing that the relevant infant resides in the area of any local
authority in England or Wales]:

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

Dated the . day of ., 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,

Clerk of the Court.]

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

*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] [accommodated by] theCouncil in pursuance of (*specify enactment*).

[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.]

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

*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] [accommodated by] theCouncil in pursuance of (*specify enactment*).

On the application of for 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 a.m./p.m. 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.]

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

Care order made on discharge of supervision order
(C. & Y.P. Act 1969, ss. 15(1), 20.)

In the [county of . Petty Sessional Division of].
Before the Juvenile Court sitting at
To each and all the constables of and to the council of the county/district/
borough of

The Juvenile Court sitting at on the day of , 19 , made a
supervision order within the meaning of the Children and Young Persons Act 1969 in respect of
A.B. of (hereinafter called the supervised person) who is believed to have been
born on :

[The said supervision order was varied by an order made by the Juvenile Court sitting
at on the day of , 19 :]

The said supervision order [as so varied] names the county/district/borough of
and the petty sessional area as the areas in which it appears the supervised
person resides or will reside and places him under the supervision of [the council of the said
county/district/borough] [a probation officer appointed for, or assigned to, the said petty sessional
area] (hereinafter called the supervisor) and, unless previously discharged, ceases to have effect
on (specify the date):

[The supervised person] [E.F. a parent/guardian of the supervised person on his behalf] [The
supervisor] has applied for the discharge of the said supervision order:]

And the Court is satisfied that the supervised person is unlikely to receive the care and control
that he needs unless this order is made:

It is hereby ordered that the said supervision order be discharged but that the supervised person
be committed to the care of the council first above mentioned in whose area it appears that [the
supervised person resides] [circumstances in consequence of which this order is made arose, it not
appearing that the supervised person resides in the area of any local authority in England or
Wales]:

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

Dated the day of , 19 .

J.P.,
Justice of the Peace for the [county] first above mentioned.
[or By order of the Court,

J.C.,
Clerk of the Court.]

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

*Order of recognizance to keep proper care, etc.: criminal proceedings
(C. & Y.P. Act 1969, s. 7(7).)*

In the [county of _____] Petty Sessional Division of _____].
Before the [Juvenile] [Magistrates'] Court sitting at _____.
A.B. of _____ (hereinafter called the defendant), who is believed to have been born on _____, is this day [or was on the _____ day of _____, 19 ____] found guilty of an offence, namely, (*state briefly particulars of offence*):
It is hereby ordered that E.F. of _____, a parent/guardian of the defendant who has consented to the making of this order, do forthwith enter into a recognizance in the sum of _____ to take proper care of, and exercise proper control over, the defendant [for the period of _____] [until the defendant attains the age of eighteen].
Dated the _____ day of _____, 19 ____.

_____, J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the Court,
_____, J.C.,
Clerk of the Court.]

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

*Notice to surety of recognizance to secure compliance with bail condition: criminal proceedings
(Bail Act 1976 s. 3(7).)*

..... Juvenile/Magistrates' Court (Code)

Date:

Accused: Age years

Address:

Alleged offence:

Surety: £

Address:

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, subject to the condition(s) specified in the Schedule hereto to be complied with after release on bail.

You, being a parent/guardian of the accused and having consented to the making of this order, are bound in the amount set opposite your name to secure that the accused complies with the said condition(s).

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

SCHEDULE

Condition(s) to be complied with after release on bail

†

†Insert condition(s) as appropriate.

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

*Order of recognizance to keep proper care, etc.: care proceedings
(C. & Y.P. Act 1969, s. 1(3).)*

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____.

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been born on _____, was this day [or was on the _____ day of _____, 19 ____] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And the Court is satisfied that the following condition is satisfied with respect to the relevant infant, that is to say, (*specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph (f), the offence*) and also that he is in need of care or control which he is unlikely to receive unless an order under the said section is made in respect of him:

It is hereby ordered that E.F. of _____, a parent/guardian of the relevant infant who has consented to the making of this order, do forthwith enter into a recognizance in the sum of _____ to take proper care of, and exercise proper control over, the relevant infant [for a period of _____]
[until the relevant infant attains the age of eighteen].

Dated the _____ day of _____, 19 ____.

J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the Court,

J.C.,
Clerk of the Court.]

53

*Order of recognizance to keep the peace, etc.: care proceedings
(C. & Y.P. Act 1969, s. 3(7).)*

In the [county of _____] Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____.

A.B. of _____, a young person who is believed to have been born on _____, was this day [or was on the _____ day of _____, 19 ____] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And the Court is satisfied that the following condition is satisfied with respect to the said young person, that is to say, he is guilty of an offence, namely, (*state briefly particulars of offence*) and also that he is in need of care or control which he is unlikely to receive unless an order under the said section is made in respect of him:

It is ordered that the said young person, who has consented to the making of this order, do forthwith enter into a recognizance in the sum of £ _____ to [keep the peace] [and] [be of good behaviour] for the period of _____ from the date of this order.

Dated the _____ day of _____, 19 ____.

J.P.,
Justice of the Peace for the [county] aforesaid.
[or By order of the Court,

J.C.,
Clerk of the Court.]

54

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

Notice of payment to be made by parent or guardian of defaulter under 17
(M.C. Act 1980, s. 81.)

..... Juvenile Court (Code)

Date:

Defaulter: Age years

Address:

Parent/guardian:

Address if different
from above:

Offence: (short particulars and statute)

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

You, the parent/guardian of the defaulter have been ordered to pay the sum outstanding instead of the defaulter [forthwith] [or (here set out method of payment)].

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.

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

*Order extending or discharging care order
(C. & Y.P. Act 1969, s. 21.)*

In the [county of _____] Petty Sessional Division of _____].
 Before the Juvenile Court sitting at _____
 The Juvenile Court sitting at _____ on the _____ day of _____, 19____, made a
 care order in respect of A.B. of _____ (hereinafter called the relevant infant), who is
 believed to have been born on _____ :
 The said order commits the relevant infant to the care of the council of the county/district/
 borough of _____ :
 [The said order, unless extended or discharged, would, in pursuance of section 20(3)(b) of the
 Children and Young Persons Act 1969, cease to have effect when the relevant infant attains the
 age of eighteen years:
 The relevant infant is accommodated in a community home/a home provided by the Secretary
 of State and it appears to the Court that by reason of his/her mental condition or behaviour it
 is in his/her/the public interest for him/her to continue to be so accommodated after attaining
 the age of eighteen years:]
 [The said council] [The relevant infant] [E.F., a parent or guardian of the relevant infant on
 his/her behalf] has applied for the [extension] [discharge] of the said order:
 It is hereby ordered that the said order shall [continue in force until the relevant infant attains
 the age of nineteen years] [be discharged].
 Dated the _____ day of _____, 19____.

J.P.,
 Justice of the Peace for the [county] first above mentioned.
 [or By order the Court,
 J.C.,
 Clerk of the Court.]

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

*Guardianship order: care proceedings
(C. & Y.P. Act 1969, s. 1(3); M.H. Act 1983, s. 40.)*

In the [county of _____] . Petty Sessional Division of _____].
Before the Juvenile Court sitting at _____

A.B. of _____ (hereinafter called the relevant infant), who is believed to have been born on _____, was this day [or] was on the _____ day of _____, 19 ____] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And the Court is satisfied that the following condition is satisfied with respect to the relevant infant, that is to say, (*specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph (f), the offence*) and also that he is in need of care or control which he is unlikely to receive unless an order under the said sections is made in respect of him:

And the Court has heard [or considered] the [written] evidence of two medical practitioners (*insert names and addresses*), [each] of whom [the first-mentioned] is approved, for the purposes of section 12 of the Mental Health Act 1983, by a local health authority as having special experience in the diagnosis or treatment of mental disorders, and each of the said practitioners has described the relevant infant as suffering from mental illness [or psychopathic disorder or mental impairment or severe mental impairment]:

And the Court is satisfied that the relevant infant is suffering from the following forms of mental disorder within the meaning of the said Act of 1983, namely, mental illness [or psychopathic disorder or mental impairment or severe mental impairment] and that the disorder is of a nature or degree which warrants the relevant infant's reception into guardianship under that Act and is satisfied that the authority [or person] hereinafter specified is willing to receive the relevant infant into guardianship and that the most suitable method of disposing of the case is by means of a guardianship order:

It is hereby ordered that the relevant infant be placed under the guardianship of a local health authority, namely, the council of the county/district/borough of _____ [or of C.D., being a person approved by a local health authority, namely, the council of the county/district/borough of _____].

Dated the _____ day of _____, 19 ____ .

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,

Clerk of the Court.]

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

Access order
(M.C. Act 1980, s. 53; Child Care Act 1980, s. 12C.)

..... Juvenile Court (Code)

Date:

Name of child:

On the complaint of

Complainant:

Address:

made under section 12C of the Child Care Act 1980 that the
Council, to whose care the child is committed, has terminated arrangements for
access to the child by the complainant or refused to make such arrangements and
that an access order should be made, it is adjudged that the complaint is true and
it is ordered that

Order: the said Council is hereby required to allow the complainant, being the child's
[parent] [guardian] [custodian], access to the child [subject to the following
condition[s]:]

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

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

Order varying or discharging access order
(M.C. Act 1980, s. 53; Child Care Act 1980, s. 12D.)

..... Juvenile Court (Code)

Date:

Name of child:

On (date) [this] [.....] Juvenile Court made an access order requiring the..... Council to allow access to the child by (specify parent, guardian or custodian).

On the complaint of

Complainant:

Address:

made under section 12D of the Child Care Act 1980 for the variation or discharge of the said order it is adjudged that the complaint is true and it is ordered

Order: The said order is hereby [discharged] [varied as follows:]

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

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

*Emergency order suspending access order
(Child Care Act 1980, s. 12E.)*

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

Date:

Name of child:

On (*date*) the Juvenile Court made an access order requiring the Council to allow access to the child by (*specify parent, guardian or custodian*).

Application having been made by I am satisfied that continued access to the child by in accordance with the terms of the said access order will put the child's welfare seriously at risk:

Order: The operation of the said access order is hereby suspended for a period of days beginning with the date of this order.

Justice of the Peace.

NOTE: If during the above-mentioned period for which the said access order is suspended the above-named Council make an application to a juvenile court for variation or discharge of that access order, the operation of the said access order will be further suspended until the date on which such application to vary or discharge the access order is determined or abandoned.

61

*Requirement to give notice of complaint
(M.C. (C. & Y.P.) Rules 1988, r. 30.)*

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

Date:

To:

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

Take notice that, [being a party to the proceedings begun by] [having made] the complaint of which particulars are given above, you are required to send a notice specifying the time and place fixed for the hearing of the said complaint to any person whose whereabouts is known to you who is—

- (a) a parent of the child to whom the proceedings relate who is not a party to the proceedings and who lives apart from [the parent who is such a party] [you] [; or
- (b) a foster parent or other person with whom the said child has had his home for a period of not less than 42 days ending not more than 6 months before (*date of complaint*)].

Clerk of the Court.

62

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

Supervision order: criminal proceedings
(C. & Y.P. Act 1969, ss. 7(7), 11, 12, 13, 17, 18; M.C. (C. & Y.P.) Rules 1988, r. 43.)

..... 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.]

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 of the Children and Young Persons Act 1969, or Rule 43 of the Magistrates' Courts (Children and Young Persons) Rules 1988 as appropriate.

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

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

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

65

Order varying or discharging supervision order
(C. & Y.P. Act 1969, ss. 15, 16.)

In the [county of _____] Petty Sessional Division of _____].
Before the [Juvenile] [Magistrates'] Court sitting at _____.

The Juvenile Court sitting at _____ on the _____ day of _____, 19____, made a supervision order within the meaning of the Children and Young Persons Act 1969 in respect of A.B. of _____ (hereinafter called the supervised person), who is believed to have been born on _____:

[The said supervision order was varied by an order made by the Juvenile Court sitting at _____ on the _____ day of _____, 19____:]

The said supervision order [as so varied] names the county/district/borough of _____ and the _____ petty sessional area as the areas in which it appears the supervised person resides or will reside and places him under the supervision of [the council of the said county/district/ borough [the council of the county/district/borough of _____] [a probation officer appointed for, or assigned to, the said petty sessional area] and, unless previously discharged, ceases to have effect on (specify the date).

The said supervision order [as so varied] in pursuance of sections 12 and 18(2) of the said Act of 1969 contains certain requirements including the following requirement[s] (specify requirement[s] proposed to be varied):]

[The supervised person] [E.F. a parent/guardian of the supervised person on his behalf] [The supervisor] has applied for the [variation] [discharge] of the said supervision order:

[The supervisor has referred to the court a report from a medical practitioner in pursuance of section 15(5) of the said Act of 1969 proposing that a mental health treatment requirement should be [cancelled] [varied] for the following reasons (specify in the terms of section 15 (5)):]

It is hereby ordered that the said supervision order [varied as aforesaid] shall be [discharged] [varied/further varied as follows:— _____].

Dated _____ day of _____, 19____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,
Clerk of the Court.]

66

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

*Attendance centre order on failure to comply with requirements of supervision order
(C. & Y.P. Act 1969, ss. 15(2), (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 has been notified by the Secretary of State that the attendance centre specified herein is available for the reception from the court of persons of the supervised person's description.

The court is satisfied that the attendance centre is reasonably accessible to the supervised person, having regard to the age of, and the means of access available to, the supervised person 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 supervision order be discharged/varied as follows:— [AND] that the supervised person 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 supervised person shall have completed a period of attendance of hours.

J.P.,
Justice of the Peace.
[By order of the Court

J.C.,
Justices' Clerk.]

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

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

67

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

In the [county of _____] Petty Sessional Division of _____].
Before the [Magistrates'] [Juvenile] Court sitting at _____.

The Juvenile Court sitting at _____ on the _____ day of _____, 19____, made a supervision order within the meaning of the Children and Young Persons Act 1969 in respect of A.B. of _____ (hereinafter called the supervised person), who is believed to have been born on _____ :

The said supervision order was not made by virtue of section 1 of the said Act or on the discharge of a care order:

[The said supervision order was varied by an order made by the Juvenile Court sitting at _____ on the _____ day of _____, 19____:]

The said supervision order [as so varied] names the county/district/ borough of _____ and the _____ petty sessional area as the areas in which it appears the supervised person resides or will reside and places him/her under the supervision of [the council of the said county/district/ borough] [the council of the county/district/ borough of _____] [a probation officer appointed for, or assigned to, the said petty sessional area] (hereinafter called the supervisor):

The said supervision order [as so varied] in pursuance of sections 12 and 18(2) of the said Act of 1969 contains certain requirements including the following requirement[s] (*specify requirement[s] contravened or proposed to be varied*).

On the application of the supervisor the Court is satisfied that the supervised person has failed to comply with the [said] [_____ mentioned] requirement[s]:

(It is hereby ordered that the said supervision order [varied as aforesaid] shall be [discharged] [varied/further varied as follows:— _____:]

[It is [further] ordered that the supervised person, in respect of the said failure, shall pay a fine of _____ [by weekly/monthly instalments of _____, the first instalment of] the said sum to be paid [forthwith] [not later than the _____ day of _____, 19____].

Dated the _____ day of _____, 19____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court.

J.C.,
Clerk of the Court.]

68

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

*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.

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

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Order varying or discharging access order
(M.C. Act 1980, s. 53; Child Care Act 1980, s. 12D.)

..... Juvenile Court (Code)

Date:

Name of child:

On (date) [this] [.....] Juvenile Court made an access order requiring the.....
Council to allow access to the child by (specify parent, guardian or custodian).

On the complaint of

Complainant:

Address:

made under section 12D of the Child Care Act 1980 for the variation or discharge
of the said order it is adjudged that the complaint is true and it is ordered

Order: The said order is hereby [discharged] [varied as follows:]

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

70

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

*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, and that provision can be made for the accused to perform work under a community service order in the area in which the accused is, or will be residing.

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 changes 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.

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

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 considers 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.

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

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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 a.m./p.m.

Justice of the Peace.

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

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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.

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 a.m./p.m.

Justice of the Peace.

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 Magistrates' Courts Rules 1981, r. 85 in respect of any pre-release conditions.

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*Remittal order: criminal proceedings
(C. & Y.P. Act 1933, s. 56; C. & Y.P. Act 1969, s. 7(8).)*

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

Before the Magistrates' Court sitting at _____

A.B. (hereinafter called the defendant) of _____ has this day been found guilty by the said Court of (*state the offence*):

The defendant is a child [*or young person*] who is believed to have been born on the _____ day of _____, 19 _____ :

It is hereby ordered that the case be remitted to the Juvenile Court sitting at _____ acting for the same place as the Court [*or for the place where the defendant resides*]:

And it is directed that the defendant be committed to _____ and brought before the said juvenile court on (*date*) _____ at (*time*) _____ [*unless released on bail in the meantime*].

Dated the _____ day of _____, 19 _____ .

J.P.,

Justice of the peace for the [county] aforesaid.

[*or By order of the Court.*

J.C.,

Clerk of the Court.]

(*Endorsement where bail is granted to be as in Form 23.*)

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Remittal order on joint trial: criminal proceedings
(M.C. Act 1980, s. 29.)

..... Magistrates' Court (Code)

Date:

Accused: Age years

Address:

Offence: (short particulars and statute)

The accused [appeared] [was brought] before the above court on (date) on an information jointly charging him and one or more other persons aged at least seventeen years ("the older accused") and pleaded not guilty. [The court has proceeded to the summary trial of the information in the case of the accused and the older accused, the older accused having pleaded guilty.]

[The court has proceeded to inquire into the information as examining justices in the case of the older accused and has [committed for trial] [discharged] the older accused and has proceeded to the summary trial of the information in the case of the accused.]

Decision: The accused is remitted for trial to the juvenile court being a court acting for the same place as the above court [or for the place where the accused habitually resides].

The accused is committed to until brought before the said juvenile court on (date) at (time) [unless released on bail 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 said juvenile court on (date) 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

†

* 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).

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*Remittal order: care proceedings
(C. & Y.P. Act 1969, s. 2(11).)*

In the [county of . Petty Sessional Division of].
Before the Juvenile Court sitting at .

A.B. of (hereinafter called the relevant infant), who is believed to have been born on , was this day [or was on the day of , 19 ,] brought before the Court under section 1 of the Children and Young Persons Act 1969:

And it was alleged that the following condition was satisfied with respect to the relevant infant, that is to say, (*specify in the terms of section 1(2)(a) to (f) identifying, in the case of paragraph (f), the offence*):

[It is hereby adjudged that the relevant infant is guilty of the said offence:]

It appearing to the court that the relevant infant resides in the county/district/ borough of and in the petty sessional area, it is hereby directed that the relevant infant be brought before a Juvenile Court acting for that petty sessional area:

[Omit in cases where interim order is made.]

Accordingly it shall be the duty of the council of the said county/district/borough to give effect within twenty-one days to the aforesaid direction.]

Dated the day of , 19 .

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or By order of the Court.

J.C.,

Clerk of the Court.]

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*Summons to parent, etc.: contribution order
(C. Care Act 1980, ss. 45, 47.)*

In the [county of _____] Petty Sessional Division of _____].
To C.D. of _____.

Complaint has been made this day to [me the undersigned] [or state name] [Justice of the Peace] [Clerk to the Justices] by the council of the county/district/borough of _____ that you are liable to make contributions under section 45 of the Child Care Act 1980 in respect of A.B. being a person in the care of the said council:

You are therefore summoned to appear on _____ day, the _____ day of _____, 19____, at the hour of _____ in the _____ noon before the Magistrates' Court sitting at _____ to show cause why an order should not be made requiring you to contribute such weekly sum as the Court, having regard to your means and subject to section 45 of the Child Care Act 1980, thinks fit.

Dated the _____ day of _____, 19____.

J.P.,

Justice of the Peace for the [county] first above mentioned.

[or This summons was issued by the above-named Justice of the Peace.

J.C.,

Clerk of the Magistrates' Court sitting at _____.]

[or J.C.,

Clerk to the Justices for the Petty Sessional Division aforesaid.]

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*Contribution order
(C. Care Act 1980, ss. 45, 47.)*

In the [county of _____] . Petty Sessional Division of _____].
Before the Magistrates' Court sitting at _____ .

Complaint has been made by the council of the county/district/borough of _____ that E.F. of _____ (hereinafter called the contributory) is liable to make contributions under section 45 of the Child Care Act 1980 as the father/mother of A.B., believed to have been born on _____, who is in the care of the said council (hereinafter called the relevant infant):

The said council, by notice in writing given to the contributory on the _____ day of _____, 19 _____, proposed a weekly contribution of _____ [but the said council and the contributory have not within one month of that date agreed on the amount of the contribution] [and the contributory agreed the amount of the contribution but has defaulted in making the contribution due for (*specify week*):]

It is hereby ordered in pursuance of section 47 of the said Act of 1980 that the contributory do pay to the said council a weekly sum of £ _____ until the relevant infant ceases to be in the care of the said council or sooner attains the age of sixteen years, except in respect of such periods, if any, as the relevant infant is allowed by the said council to be under the charge and control of a parent, guardian, relative or friend:

[And it is further ordered that the contributory do pay the sum of £ _____ for costs]

Dated the _____ day of _____, 19 _____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,
Clerk of the Court.]

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Arrears order
(C. Care Act 1980, s. 51.)

In the [county of _____] Petty Sessional Division of _____].
Before the Magistrates' Court sitting at _____.

Complaint has been made by the council of the county/district/borough of _____ that E.F. of _____ (hereinafter called the contributory) was liable to make contributions under section 45 of the Child Care Act 1980 as the father/mother of A.B., believed to have been born on _____, who is in the care of the said council, in respect of a period of default during which no order was in force under section 47 of the said Act of 1980 requiring the contributory to make such contributions and the said council has applied for an arrears order:

The said council, by notice in writing given to the contributory on the _____ day of _____, 19 _____, proposed a weekly contribution of _____ [but the said council and the contributory have not within one month of that date agreed on the amount of the contribution] [and the contributory agreed the amount of the contribution but has defaulted in making the contribution due for (*specify week*):]

The Court finds that the period of default is _____ :

It is hereby ordered in pursuance of section 51 of the Child Care Act 1980 that the contributory do pay to the said council a weekly sum of £ _____ for a period of _____ weeks.

Dated the _____ day of _____, 19 _____.

J.P.,
Justice of the Peace for the [county] first above mentioned.

[or By order of the Court,

J.C.,
Clerk of the Court.]

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*Register of the Juvenile Court
(M.C. (C. & Y.P.) Rules 1988, r. 37.)*

In the [county of
Petty Sessional Division of
Register of the Juvenile Court sitting at
The day of , 19 .

1 Number	2 Name of Informant, Complainant or Applicant	3 Name of child or young person and date of birth	4 Nature of offence, matter of complaint or ground of application with date (of offence, etc.)	5 Plea, admission or consent to order	6 Minute of adjudication	7 Whether parents ordered to pay fine, compensation or costs

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

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules consolidate with amendments the Rules listed in Schedule 1. The amendments are mainly to take account of section 32A(4A) of the Children and Young Persons Act 1969 (which, in care proceedings where there is a conflict of interest between parent and child, makes the parent a party to the proceedings) and section 32C of that Act (which enables a court to make a grandparent a party to care proceedings), both inserted by section 3 of the Children and Young Persons (Amendment) Act 1986. Rule 15 requires notice (Form 9 in Schedule 2) to be sent to a parent or guardian who is made a party to care proceedings. Rule 14 is amended to require a grandparent to be given notice of care proceedings, a notice of application (Form 10) is prescribed for a grandparent who wishes to be made a party and Rule 17 specifies the circumstances in which the court may grant such an application. Rules 18 to 28 contain revised procedural provision for care

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and related proceedings, principally to take account of possible participation as parties by parents and grandparents and to permit greater participation by non-parties; Rules 30 and 33 make corresponding provision for participation by non-parties in access proceedings and proceedings relating to parental rights resolutions respectively. The Rules provide for greater disclosure of written reports, where practicable before the hearing (Rules 10(2), 25(1) and (2), 26(2) and 34(1) and (2)). There are other minor procedural and drafting amendments.