

**APPLICATION FOR SUMMONS OR WARRANT FOR ARREST
FOR ALLEGED OFFENCE**

(Criminal Procedure Rules, rule 7.2(6); section 1, Magistrates' Courts Act 1980)

This is an application by (name of applicant)
for the court to issue a [summons] [warrant of arrest] (delete as applicable) against the proposed
defendant.

Applicant's address:

Email address:

Phone:

Mobile:

Alleged offence(s) (e.g. 'theft', 'assault', etc. – give details in boxes (2) and (3) beneath):

Date(s) of alleged offence(s):

Proposed defendant

Name:

Address:

Email address (if known):

Phone (if known):

Mobile:

1. Complete the box above and give the details required in the boxes below.¹

2. Sign and date the completed form.

3. Send or deliver a copy of the completed form to the magistrates' court office.

Do not send this form to the proposed defendant unless the court tells you to do so.

The court may determine your application with or without a hearing and without receiving representations from the proposed defendant. The court will not usually arrange a hearing so it is important that the information you put in this form is complete and accurate.

(1) Consent to prosecute

Do you need consent to prosecute?

Yes No

If yes, you must include with your application written evidence of that consent.

Some offences may not be prosecuted without the consent of the Attorney General, the Director of Public Prosecutions or another authority. The legislation that creates the offence will say whether such consent is required.

¹ Forms for use with the Rules are at: www.justice.gov.uk/courts/procedure-rules/criminal/formspage.

(2) Previous application(s)

Have you applied before for the issue of a summons or warrant in respect of any of the allegations you are making? Yes No

If yes, give details. *Include the name of the court to which you applied, the date of the application and the name of the proposed defendant you gave that court if that was different to the name in this application.*

(3) Other proceedings

Has any other prosecutor ever brought a criminal case against the proposed defendant in respect of any of the allegations you are making? Yes No

If yes, give details. *Include the name of the prosecutor, the court in which the case was brought and the result.*

(4) Details of the alleged offence(s)

CrimPR 7.3 requires that an allegation of an offence in an application for the issue of a summons or warrant must contain (a) a statement of the offence that (i) describes the offence in ordinary language, and (ii) identifies any legislation that creates it; and (b) such particulars of the conduct constituting the commission of the offence as to make clear what the prosecutor alleges against the defendant.

(5) Summary of the circumstances

CrimPR 7.2(6) requires that an application for the issue of a summons or warrant for arrest must concisely outline the grounds for asserting that the proposed defendant has committed the alleged offence or offences. Summarise your grounds for alleging that the proposed defendant has committed the offence(s) for which you want the court to issue a summons or warrant. Give an indication of the evidence on which you will rely if the court agrees to do so.

(6) Application for warrant

Complete this box only if you are applying for the court to issue a warrant for the defendant's arrest. Under s.1, Magistrates' Courts Act 1980 the court can issue a warrant for the defendant's arrest only where (a)(i) the offence to which the warrant relates can be, or must be, tried in the Crown Court, (ii) the offence is punishable with imprisonment, or (iii) the defendant's address is not sufficiently established for a summons to be served on him or her and (b) (in all cases) the Director of Public Prosecutions consents to the issue of the warrant.

(a) Conditions relating to the offence or the defendant. *Tick as many boxes as apply.*

(i) the offence can be, or must be, tried in the Crown Court

(ii) the offence is punishable with imprisonment

(iii) the defendant's address is not sufficiently established for a summons to be served

Explain why, including what you have done to find an address for the defendant.

(b) The Director of Public Prosecutions consents to the issue of a warrant for the defendant's arrest

Yes No

If yes, you must include with your application written evidence of that consent.

(7) Declaration. See *Criminal Procedure Rules r.7.2(6), (7)*. You may be asked to make this declaration on oath.

To the best of my knowledge, information and belief:

- (a) the allegations contained in this application are substantially true,
- (b) the evidence on which I rely will be available at the trial,
- (c) the details that I have given in boxes (2) and (3) are true, and
- (d) this application discloses all the information that is material to what the court must decide.

Signed: (applicant)

Date:

Decision – this record must be kept by the court

I considered this application today [at] [without] a hearing.

[The applicant confirmed on oath or affirmation the declaration in box (7).]

[The applicant gave me additional information [the essence of which was:]]²

[The proposed defendant gave me additional information [the essence of which was:]]³

On the basis of the information contained in this application [as supplemented by the additional information described above]:

(a) I [am] [am not] satisfied that the requirements for the issue of a summons are met

[(b) I [am] [am not] satisfied that the additional requirements for the issue of a warrant are met]⁴

and I [issue] [refuse to issue] a [summons] [warrant] accordingly.

My reasons are these: *The court should give a brief indication of its conclusions.*

Signed:

Name: [Justice of the Peace]
[District Judge (Magistrates' Court)]
[Justices' Clerk / assistant clerk]

Date:

² Include a brief summary of any information unless it is recorded elsewhere.

³ Include a brief summary of any information unless it is recorded elsewhere.

⁴ Complete only if the application includes an application for the issue of a warrant.