

Status: This version of this part contains provisions that are prospective.

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SCHEDULES

SCHEDULE 3

ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

PART 1

PRINCIPAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

1 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

II Sch. 3 para. 1 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(i\)](#)

2 (1) Section 17A (initial indication as to plea) is amended as follows.

(2) For paragraph (b) of subsection (4) there is substituted—

“(b) he may (unless section 17D(2) below were to apply) be committed [^{F1}for sentence] to the Crown Court under section 3 or (if applicable) 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”

(3) After subsection (9) there is inserted—

“(10) If in respect of the offence the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and the provisions of section 17B below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51 or, as the case may be, section 51A of that Act.”

Textual Amendments

F1 Words in Sch. 3 para. 2 inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 53](#), [153\(1\)\(a\)](#), [Sch. 13 para. 2](#)

Commencement Information

I2 Sch. 3 para. 2 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I3 Sch. 3 para. 2 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 3](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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- 14** Sch. 3 para. 2 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

3 After section 17C there is inserted—

“17D Maximum penalty under section 17A(6) or 17B(2)(c) for certain offences

(1) If—

- (a) the offence is a scheduled offence (as defined in section 22(1) below);
- (b) the court proceeds in relation to the offence in accordance with section 17A(6) or 17B(2)(c) above; and
- (c) the court convicts the accused of the offence,

the court shall consider whether, having regard to any representations made by him or by the prosecutor, the value involved (as defined in section 22(10) below) appears to the court to exceed the relevant sum (as specified for the purposes of section 22 below).

(2) If it appears to the court clear that the value involved does not exceed the relevant sum, or it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum—

- (a) subject to subsection (4) below, the court shall not have power to impose on the accused in respect of the offence a sentence in excess of the limits mentioned in section 33(1)(a) below; and
- (b) sections 3 and 4 of the Powers of Criminal Courts (Sentencing) Act 2000 shall not apply as regards that offence.

(3) Subsections (9) to (12) of section 22 below shall apply for the purposes of this section as they apply for the purposes of that section (reading the reference to subsection (1) in section 22(9) as a reference to subsection (1) of this section).

(4) Subsection (2)(a) above does not apply to an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).

17E Functions under sections 17A to 17D capable of exercise by single justice

(1) The functions of a magistrates' court under sections 17A to 17D above may be discharged by a single justice.

(2) Subsection (1) above shall not be taken as authorising—

- (a) the summary trial of an information (otherwise than in accordance with section 17A(6) or 17B(2)(c) above); or
- (b) the imposition of a sentence,

by a magistrates' court composed of fewer than two justices.”

Commencement Information

- 15** Sch. 3 para. 3 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- 16** Sch. 3 para. 3 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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I7 Sch. 3 para. 3 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

4 In section 18 (initial procedure on information against adult for offence triable either way), for subsection (5) there is substituted—

“(5) The functions of a magistrates' court under sections 19 to 23 below may be discharged by a single justice, but this subsection shall not be taken as authorising—

- (a) the summary trial of an information (otherwise than in accordance with section 20(7) below); or
- (b) the imposition of a sentence,

by a magistrates' court composed of fewer than two justices.”

Commencement Information

I8 Sch. 3 para. 4 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I9 Sch. 3 para. 4 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I10 Sch. 3 para. 4 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

5 For section 19 (court to begin by considering which mode of trial appears more suitable) there is substituted—

“19 Decision as to allocation

(1) The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.

(2) Before making a decision under this section, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused's previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In making a decision under this section, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under subsection (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

- (a) the accused is charged with two or more offences; and
- (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances,

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subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

- (5) In this section any reference to a previous conviction is a reference to—
- (a) a previous conviction by a court in the United Kingdom; or
 - (b) a previous finding of guilt in—
 - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or
 - (ii) any proceedings before a Standing Civilian Court.
- (6) If, in respect of the offence, the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section and sections 20, 20A and 21 below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51(1) of that Act.”

Commencement Information

- I11** Sch. 3 para. 5 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I12** Sch. 3 para. 5 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I13** Sch. 3 para. 5 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 6 For section 20 (procedure where summary trial appears more suitable) there is substituted—

“20 Procedure where summary trial appears more suitable

- (1) If the court decides under section 19 above that the offence appears to it more suitable for summary trial, the following provisions of this section shall apply (unless they are excluded by section 23 below).
- (2) The court shall explain to the accused in ordinary language—
 - (a) that it appears to the court more suitable for him to be tried summarily for the offence;
 - (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
 - [^{F2}(c) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3 or (if applicable) section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.]

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- (3) The accused may then request an indication (“an indication of sentence”) of whether a custodial sentence or non-custodial sentence would be more likely to be imposed if he were to be tried summarily for the offence and to plead guilty.
- (4) If the accused requests an indication of sentence, the court may, but need not, give such an indication.
- (5) If the accused requests and the court gives an indication of sentence, the court shall ask the accused whether he wishes, on the basis of the indication, to reconsider the indication of plea which was given, or is taken to have been given, under section 17A or 17B above.
- (6) If the accused indicates that he wishes to reconsider the indication under section 17A or 17B above, the court shall ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty the court shall proceed as if—
 - (a) the proceedings constituted from that time the summary trial of the information; and
 - (b) section 9(1) above were complied with and he pleaded guilty under it.
- (8) Subsection (9) below applies where—
 - (a) the court does not give an indication of sentence (whether because the accused does not request one or because the court does not agree to give one);
 - (b) the accused either—
 - (i) does not indicate, in accordance with subsection (5) above, that he wishes; or
 - (ii) indicates, in accordance with subsection (5) above, that he does not wish,
 to reconsider the indication of plea under section 17A or 17B above; or
 - (c) the accused does not indicate, in accordance with subsection (6) above, that he would plead guilty.
- (9) The court shall ask the accused whether he consents to be tried summarily or wishes to be tried on indictment and—
 - (a) if he consents to be tried summarily, shall proceed to the summary trial of the information; and
 - (b) if he does not so consent, shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.

20A Procedure where summary trial appears more suitable: supplementary

- (1) Where the case is dealt with in accordance with section 20(7) above, no court (whether a magistrates' court or not) may impose a custodial sentence for the offence unless such a sentence was indicated in the indication of sentence referred to in section 20 above.

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- (2) Subsection (1) above is subject to sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (3) Except as provided in subsection (1) above—
- (a) an indication of sentence shall not be binding on any court (whether a magistrates' court or not); and
 - (b) no sentence may be challenged or be the subject of appeal in any court on the ground that it is not consistent with an indication of sentence.
- (4) Subject to section 20(7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the accused under section 20 above whether (if the offence were to proceed to trial) he would plead guilty or not guilty; or
 - (b) an indication by the accused under that section of how he would plead.
- (5) Where the court gives an indication of sentence under section 20 above, it shall cause each such indication to be entered in the register.
- (6) In this section and in section 20 above, references to a custodial sentence are to a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, and references to a non-custodial sentence shall be construed accordingly.”

Textual Amendments

- F2** Sch. 3 para. 6: By [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 3](#) it is provided (8.5.2008) that in para. 6 subsection (2)(c) of "the section set out in that paragraph" shall be substituted.

Commencement Information

- I14** Sch. 3 para. 6 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I15** Sch. 3 para. 6 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I16** Sch. 3 para. 6 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 7 For section 21 (procedure where trial on indictment appears more suitable) there is substituted—

“21 Procedure where trial on indictment appears more suitable

If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, the court shall tell the accused that the court has decided that it is more suitable for him to be tried on indictment, and shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

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- I17** Sch. 3 para. 7 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I18** Sch. 3 para. 7 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I19** Sch. 3 para. 7 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

- 8 (1) Section 23 (power of court, with consent of legally represented accused, to proceed in his absence) is amended as follows.
- (2) In subsection (4)—
- (a) for the words preceding paragraph (a) there is substituted “ If the court decides under section 19 above that the offence appears to it more suitable for [F3summary trial] then— ”, and
- (b) in paragraph (b), for the words from “to inquire” to the end there is substituted “ in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998. ”.
- (3) For subsection (5) there is substituted—
- “(5) If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, section 21 above shall not apply and the court shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

Textual Amendments

- F3** Words in Sch. 3 para. 8(2)(a) substituted (8.5.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 53, 153(1)(a), Sch. 13 para. 4

Commencement Information

- I20** Sch. 3 para. 8 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I21** Sch. 3 para. 8 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I22** Sch. 3 para. 8 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

- 9 (1) Section 24 (summary trial of information against child or young persons for indictable offence), as amended by section 42 of this Act, is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) Where a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an indictable offence he shall, subject to sections 51 and 51A of the Crime and Disorder Act 1998 and to sections 24A and 24B below, be tried summarily.”
- (3) Subsections (1A) [F4, (1B)] and (2) are omitted.

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[^{F5}(4) In subsection (3) for “the said Act of 2000” substitute the Powers of Criminal Courts (Sentencing) Act 2000.]

Textual Amendments

- F4** Words in Sch. 3 para. 9(3) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(2\)](#)
- F5** Sch. 3 para. 9(4) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(3\)](#)

Commencement Information

- I23** Sch. 3 para. 9 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I24** Sch. 3 para. 9 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 4](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I25** Sch. 3 para. 9 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

10 After section 24 there is inserted—

“24A Child or young person to indicate intention as to plea in certain cases

- (1) This section applies where—
- (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998 (“the 1998 Act”); and
 - (b) but for the application of the following provisions of this section, the court would be required at that stage, by virtue of section 51(7) or (8) or 51A(3)(b), (4) or (5) of the 1998 Act to determine, in relation to the offence, whether to send the person to the Crown Court for trial (or to determine any matter, the effect of which would be to determine whether he is sent to the Crown Court for trial).
- (2) Where this section applies, the court shall, before proceeding to make any such determination as is referred to in subsection (1)(b) above (the “relevant determination”), follow the procedure set out in this section.
- (3) Everything that the court is required to do under the following provisions of this section must be done with the accused person in court.
- (4) The court shall cause the charge to be written down, if this has not already been done, and to be read to the accused.
- (5) The court shall then explain to the accused in ordinary language that he may indicate whether (if the offence were to proceed to trial) he would plead guilty or not guilty, and that if he indicates that he would plead guilty—
- (a) the court must proceed as mentioned in subsection (7) below; and
 - (b) (in cases where the offence is one mentioned in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000) he may be sent to the Crown Court for sentencing under section 3B or (if applicable)

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3C of that Act if the court is of such opinion as is mentioned in subsection (2) of the applicable section.

- (6) The court shall then ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty, the court shall proceed as if—
 - (a) the proceedings constituted from the beginning the summary trial of the information; and
 - (b) section 9(1) above was complied with and he pleaded guilty under it, and, accordingly, the court shall not (and shall not be required to) proceed to make the relevant determination or to proceed further under section 51 or (as the case may be) section 51A of the 1998 Act in relation to the offence.
- (8) If the accused indicates that he would plead not guilty, the court shall proceed to make the relevant determination and this section shall cease to apply.
- (9) If the accused in fact fails to indicate how he would plead, for the purposes of this section he shall be taken to indicate that he would plead not guilty.
- (10) Subject to subsection (7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under this section whether (if the offence were to proceed to trial) he would plead guilty or not guilty;
 - (b) an indication by the accused under this section of how he would plead.

24B Intention as to plea by child or young person: absence of accused

- (1) This section shall have effect where—
 - (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998;
 - (b) but for the application of the following provisions of this section, the court would be required at that stage to make one of the determinations referred to in paragraph (b) of section 24A(1) above (“the relevant determination”);
 - (c) the accused is represented by a legal representative;
 - (d) the court considers that by reason of the accused’s disorderly conduct before the court it is not practicable for proceedings under section 24A above to be conducted in his presence; and
 - (e) the court considers that it should proceed in the absence of the accused.
- (2) In such a case—
 - (a) the court shall cause the charge to be written down, if this has not already been done, and to be read to the representative;
 - (b) the court shall ask the representative whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
 - (c) if the representative indicates that the accused would plead guilty the court shall proceed as if the proceedings constituted from the

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- beginning the summary trial of the information, and as if section 9(1) above was complied with and the accused pleaded guilty under it;
- (d) if the representative indicates that the accused would plead not guilty the court shall proceed to make the relevant determination and this section shall cease to apply.
- (3) If the representative in fact fails to indicate how the accused would plead, for the purposes of this section he shall be taken to indicate that the accused would plead not guilty.
- (4) Subject to subsection (2)(c) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the representative under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
- (b) an indication by the representative under this section of how the accused would plead.

24C Intention as to plea by child or young person: adjournment

- (1) A magistrates' court proceeding under section 24A or 24B above may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused.
- (2) Where the court remands the accused, the time fixed for the resumption of proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand or would be required to be brought before the court but for section 128(3A) below.

24D Functions under sections 24A to 24C capable of exercise by single justice

- (1) The functions of a magistrates' court under sections 24A to 24C above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
- (a) the summary trial of an information (other than a summary trial by virtue of section 24A(7) or 24B(2)(c) above); or
- (b) the imposition of a sentence,
- by a magistrates' court composed of fewer than two justices.”

Commencement Information

- I26** Sch. 3 para. 10 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I27** Sch. 3 para. 10 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I28** Sch. 3 para. 10 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 11 (1) Section 25 (power to change from summary trial to committal proceedings and vice versa), as amended by section 42 of this Act, is amended as follows.
- (2) In subsection (1), for “(2) to (4)” there is substituted “ (2) to (2D) ”.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) For subsection (2) there is substituted—

“(2) Where the court is required under section 20(9) above to proceed to the summary trial of the information, the prosecution may apply to the court for the offence to be tried on indictment instead.

(2A) An application under subsection (2) above—

- (a) must be made before the summary trial begins; and
- (b) must be dealt with by the court before any other application or issue in relation to the summary trial is dealt with.

(2B) The court may grant an application under subsection (2) above but only if it is satisfied that the sentence which a magistrates' court would have power to impose for the offence would be inadequate.

(2C) Where—

- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character,

subsection (2B) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(2D) Where the court grants an application under subsection (2) above, it shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

(4) Subsections (3) to (8) are omitted.

Commencement Information

- I29** Sch. 3 para. 11 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I30** Sch. 3 para. 11 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I31** Sch. 3 para. 11 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

12 For subsections (1) and (2) of section 26 (power to issue summons to accused in certain circumstances) there is substituted—

“(1) Where, in the circumstances mentioned in section 23(1)(a) above, the court is not satisfied that there is good reason for proceeding in the absence of the accused, the justice or any of the justices of which the court is composed may issue a summons directed to the accused requiring his presence before the court.

(2) In a case within subsection (1) above, if the accused is not present at the time and place appointed for the proceedings under section 19 or section 22(1) above, the court may issue a warrant for his arrest.”

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

- I32** Sch. 3 para. 12 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I33** Sch. 3 para. 12 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I34** Sch. 3 para. 12 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

13

14 Section 42 (restriction on justices sitting after dealing with bail) shall cease to have effect.

Commencement Information

- I35** Sch. 3 para. 14 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(ii\)](#)

Crime and Disorder Act 1998 (c. 37)

15 The Crime and Disorder Act 1998 is amended as follows.

Commencement Information

- I36** Sch. 3 para. 15 in force at 18.5.2012 by [S.I. 2012/1320](#), [art. 2\(b\)\(i\)](#) (with [art. 6\(1\)](#))

16 In section 50 (early administrative hearings), in subsection (1) (court may consist of single justice unless accused falls to be dealt with under section 51), the words “unless the accused falls to be dealt with under section 51 below” are omitted.

Commencement Information

- I37** Sch. 3 para. 16 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I38** Sch. 3 para. 16 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I39** Sch. 3 para. 16 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

17 After section 50 there is inserted—

“50A Order of consideration for either-way offences

- (1) Where an adult appears or is brought before a magistrates' court charged with an either-way offence (the “relevant offence”), the court shall proceed in the manner described in this section.
- (2) If notice is given in respect of the relevant offence under section 51B or 51C below, the court shall deal with the offence as provided in section 51 below.
- (3) Otherwise—

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) if the adult (or another adult with whom the adult is charged jointly with the relevant offence) is or has been sent to the Crown Court for trial for an offence under section 51(2)(a) or 51(2)(c) below—
 - (i) the court shall first consider the relevant offence under subsection (3), (4), (5) or, as the case may be, (6) of section 51 below and, where applicable, deal with it under that subsection;
 - (ii) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of sub-paragraph (i) above, the court shall then proceed to deal with the relevant offence in accordance with sections 17A to 23 of the 1980 Act;
 - (b) in all other cases—
 - (i) the court shall first consider the relevant offence under sections 17A to 20 (excluding subsections (8) and (9) of section 20) of the 1980 Act;
 - (ii) if, by virtue of sub-paragraph (i) above, the court would be required to proceed in relation to the offence as mentioned in section 17A(6), 17B(2)(c) or 20(7) of that Act (indication of guilty plea), it shall proceed as so required (and, accordingly, shall not consider the offence under section 51 or 51A below);
 - (iii) if sub-paragraph (ii) above does not apply—
 - (a) the court shall consider the relevant offence under sections 51 and 51A below and, where applicable, deal with it under the relevant section;
 - (b) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of paragraph (a) of this sub-paragraph, the court shall then proceed to deal with the relevant offence as contemplated by section 20(9) or, as the case may be, section 21 of the 1980 Act.
- (4) Subsection (3) above is subject to any requirement to proceed as mentioned in subsections (2) or (6)(a) of section 22 of the 1980 Act (certain offences where value involved is small).
- (5) Nothing in this section shall prevent the court from committing the adult to the Crown Court for sentence pursuant to any enactment, if he is convicted of the relevant offence.”

Commencement Information

- I40** Sch. 3 para. 17 in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I41** Sch. 3 para. 17 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I42** Sch. 3 para. 17 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

“51 Sending cases to the Crown Court: adults

- (1) Where an adult appears or is brought before a magistrates' court (“the court”) charged with an offence and any of the conditions mentioned in subsection (2) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (2) Those conditions are—
 - (a) that the offence is an offence triable only on indictment other than one in respect of which notice has been given under section 51B or 51C below;
 - (b) that the offence is an either-way offence and the court is required under section 20(9)(b), 21, 23(4)(b) or (5) or 25(2D) of the Magistrates' Courts Act 1980 to proceed in relation to the offence in accordance with subsection (1) above;
 - (c) that notice is given to the court under section 51B or 51C below in respect of the offence.
- (3) Where the court sends an adult for trial under subsection (1) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
 - (a) (if it is an either-way offence) appears to the court to be related to the offence mentioned in subsection (1) above; or
 - (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (1) above or to the either-way offence, and which fulfils the requisite condition (as defined in subsection (11) below).
- (4) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which—
 - (a) appears to the court to be related to the offence mentioned in subsection (1) above; and
 - (b) (in the case of a summary offence) fulfils the requisite condition,
 the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.
- (5) Where—
 - (a) the court sends an adult (“A”) for trial under subsection (1) or (3) above;
 - (b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an either-way offence; and
 - (c) that offence appears to the court to be related to an offence for which A was sent for trial under subsection (1) or (3) above,
 the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Where the court sends an adult for trial under subsection (5) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he is sent for trial; and
 - (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (7) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1), (3) or (5) above; and
 - (b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an indictable offence for which A is sent for trial under subsection (1), (3) or (5) above, or an indictable offence which appears to the court to be related to that offence,
- the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.
- (8) Where the court sends a child or young person for trial under subsection (7) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence for which he is sent for trial; and
 - (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the indictable offence, and which fulfils the requisite condition.
- (9) Subsections (7) and (8) above are subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain cases involving children and young persons to be tried summarily).
- (10) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (11) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (12) In the case of an adult charged with an offence—
- (a) if the offence satisfies paragraph (c) of subsection (2) above, the offence shall be dealt with under subsection (1) above and not under any other provision of this section or section 51A below;
 - (b) subject to paragraph (a) above, if the offence is one in respect of which the court is required to, or would decide to, send the adult to the Crown Court under—
 - (i) subsection (5) above; or
 - (ii) subsection (6) of section 51A below,

Status: This version of this part contains provisions that are prospective.

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the offence shall be dealt with under that subsection and not under any other provision of this section or section 51A below.

- (13) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.

51A Sending cases to the Crown Court: children and young persons

- (1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).
- (2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (3) Those conditions are—
- (a) that the offence falls within subsection (12) below;
 - (b) that the offence is such as is mentioned in subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of subsection (3) of that section;
 - (c) that notice is given to the court under section 51B or 51C below in respect of the offence;
 - (d) that the offence is a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003) and it appears to the court that if he is found guilty of the offence the criteria for the imposition of a sentence under section 226(3) or 228(2) of that Act would be met.
- (4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or
 - (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).
- (5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (2) above; and
 - (b) (in the case of a summary offence) fulfils the requisite condition, the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (6) Where—
- (a) the court sends a child or young person (“C”) for trial under subsection (2) or (4) above; and
 - (b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.
- (7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and
 - (b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (10) In the case of a child or young person charged with an offence—
- (a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;
 - (b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.
- (11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.
- (12) An offence falls within this subsection if—
- (a) it is an offence of homicide; or
 - (b) each of the requirements of section 51A(1) of the Firearms Act 1968 would be satisfied with respect to—
 - (i) the offence; and
 - (ii) the person charged with it,if he were convicted of the offence.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

51B Notices in serious or complex fraud cases

- (1) A notice may be given by a designated authority under this section in respect of an indictable offence if the authority is of the opinion that the evidence of the offence charged—
 - (a) is sufficient for the person charged to be put on trial for the offence; and
 - (b) reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.
- (2) That opinion must be certified by the designated authority in the notice.
- (3) The notice must also specify the proposed place of trial, and in selecting that place the designated authority must have regard to the same matters as are specified in paragraphs (a) to (c) of section 51D(4) below.
- (4) A notice under this section must be given to the magistrates' court at which the person charged appears or before which he is brought.
- (5) Such a notice must be given to the magistrates' court before any summary trial begins.
- (6) The effect of such a notice is that the functions of the magistrates' court cease in relation to the case, except—
 - (a) for the purposes of section 51D below;
 - (b) as provided by paragraph 2 of Schedule 3 to the Access to Justice Act 1999; and
 - (c) as provided by section 52 below.
- (7) The functions of a designated authority under this section may be exercised by an officer of the authority acting on behalf of the authority.
- (8) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (9) In this section “designated authority” means—
 - (a) the Director of Public Prosecutions;
 - (b) the Director of the Serious Fraud Office;
 - (c) the Commissioners of the Inland Revenue;
 - (d) the Commissioners of Customs and Excise; or
 - (e) the Secretary of State.

51C Notices in certain cases involving children

- (1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—
 - (a) that the evidence of the offence would be sufficient for the person charged to be put on trial for the offence;
 - (b) that a child would be called as a witness at the trial; and

Status: This version of this part contains provisions that are prospective.

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- (c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.
- (2) That opinion must be certified by the Director of Public Prosecutions in the notice.
- (3) This subsection applies to an offence—
 - (a) which involves an assault on, or injury or a threat of injury to, a person;
 - (b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);
 - (c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;
 - (d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;
 - (e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b), (c) or (d) above.
- (4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.
- (5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.
- (6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).
- (7) In this section “child” means—
 - (a) a person who is under the age of 17; or
 - (b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.

51D Notice of offence and place of trial

- (1) The court shall specify in a notice—
 - (a) the offence or offences for which a person is sent for trial under section 51 or 51A above; and
 - (b) the place at which he is to be tried (which, if a notice has been given under section 51B above, must be the place specified in that notice).
- (2) A copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.
- (3) In a case where a person is sent for trial under section 51 or 51A above for more than one offence, the court shall specify in that notice, for each offence—
 - (a) the subsection under which the person is so sent; and
 - (b) if applicable, the offence to which that offence appears to the court to be related.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Where the court selects the place of trial for the purposes of subsection (1) above, it shall have regard to—
- (a) the convenience of the defence, the prosecution and the witnesses;
 - (b) the desirability of expediting the trial; and
 - (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the Supreme Court Act 1981.

51E Interpretation of sections 50A to 51D

For the purposes of sections 50A to 51D above—

- (a) “adult” means a person aged 18 or over, and references to an adult include a corporation;
- (b) “either-way offence” means an offence triable either way;
- (c) an either-way offence is related to an indictable offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable offence;
- (d) a summary offence is related to an indictable offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable offence.”

Commencement Information

- I43** Sch. 3 para. 18 partly in force; Sch. 3 para. 18 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 18 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 29](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 3 para. 18 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I44** Sch. 3 para. 18 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I45** Sch. 3 para. 18 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 19 (1) After section 52 there is inserted—

“52A Restrictions on reporting

- (1) Except as provided by this section, it shall not be lawful—
 - (a) to publish in the United Kingdom a written report of any allocation or sending proceedings in England and Wales; or
 - (b) to include in a relevant programme for reception in the United Kingdom a report of any such proceedings,
 if (in either case) the report contains any matter other than that permitted by this section.
- (2) Subject to subsections (3) and (4) below, a magistrates' court may, with reference to any allocation or sending proceedings, order that subsection (1) above shall not apply to reports of those proceedings.
- (3) Where there is only one accused and he objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it

Status: This version of this part contains provisions that are prospective.

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is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

- (4) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (5) An order under subsection (2) above shall not apply to reports of proceedings under subsection (3) or (4) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by subsection (6) below.
- (6) It shall not be unlawful under this section to publish or include in a relevant programme a report of allocation or sending proceedings containing any matter other than that permitted by subsection (7) below—
 - (a) where, in relation to the accused (or all of them, if there are more than one), the magistrates' court is required to proceed as mentioned in section 20(7) of the 1980 Act, after the court is so required;
 - (b) where, in relation to the accused (or any of them, if there are more than one), the court proceeds other than as mentioned there, after conclusion of his trial or, as the case may be, the trial of the last to be tried.
- (7) The following matters may be contained in a report of allocation or sending proceedings published or included in a relevant programme without an order under subsection (2) above before the time authorised by subsection (6) above—
 - (a) the identity of the court and the name of the justice or justices;
 - (b) the name, age, home address and occupation of the accused;
 - (c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 51B above, any relevant business information;
 - (d) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (e) the names of counsel and solicitors engaged in the proceedings;
 - (f) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (g) the arrangements as to bail;
 - (h) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (8) The addresses that may be published or included in a relevant programme under subsection (7) above are addresses—
 - (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- (9) The following is relevant business information for the purposes of subsection (7) above—
 - (a) any address used by the accused for carrying on a business on his own account;

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- (b) the name of any business which he was carrying on on his own account at any relevant time;
- (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
- (d) the address of any such firm;
- (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
- (f) the address of the registered or principal office of any such company;
- (g) any working address of the accused in his capacity as a person engaged by any such company;

and here “engaged” means engaged under a contract of service or a contract for services.

(10) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.

(11) In this section—

“allocation or sending proceedings” means, in relation to an information charging an indictable offence—

- (a) any proceedings in the magistrates' court at which matters are considered under any of the following provisions—
 - (i) sections 19 to 23 of the 1980 Act;
 - (ii) section 51, 51A or 52 above;
- (b) any proceedings in the magistrates' court before the court proceeds to consider any matter mentioned in paragraph (a) above; and
- (c) any proceedings in the magistrates' court at which an application under section 25(2) of the 1980 Act is considered;

“publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

“relevant programme” means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);

“relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

52B Offences in connection with reporting

(1) If a report is published or included in a relevant programme in contravention of section 52A above, each of the following persons is guilty of an offence—

- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
- (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
- (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions

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in relation to the programme corresponding to those of the editor of a newspaper.

- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
 - (3) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.
 - (4) Proceedings for an offence under this section shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.
 - (5) Subsection (11) of section 52A above applies for the purposes of this section as it applies for the purposes of that section.”
- (2) In section 121 (short title, commencement and extent)—
 - (a) in subsection (6), after paragraph (b) there is inserted—

“(bb) sections 52A and 52B;”, and
 - (b) in subsection (8), after “(5) above,” there is inserted “ sections 52A and 52B above, ”.

Commencement Information

I46 Sch. 3 para. 19(1) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 3\(d\)\(iii\)](#)

I47 Sch. 3 para. 19(2)(a) in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(iii\)](#)

- 20 (1) Schedule 3 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) is amended as follows.
 - (2) In paragraph 1(1)—
 - (a) after “51” there is inserted “ or 51A ”, and
 - (b) in paragraph (b), for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”.
 - (3) In paragraph 2—
 - (a) in sub-paragraph (1)—
 - (i) after “51” there is inserted “ or 51A ”, and
 - (ii) for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”, and
 - (b) sub-paragraphs (4) and (5) are omitted.
 - (4) In paragraph 4, in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”.
 - (5) In paragraph 5, in sub-paragraph (2), after “51” there is inserted “ or 51A ”.
 - (6) Paragraph 6 is amended as follows—
 - (a) in sub-paragraph (1), after “51” there is inserted “ or 51A ”,
 - (b) in sub-paragraph (2), for the words from the second “offence” to the end there is substituted “ indictable offence for which he was sent for trial or, as the case may be, any of the indictable offences for which he was so sent ”, and
 - (c) in sub-paragraph (9), for “indictable-only” there is substituted “ indictable ”.

Status: This version of this part contains provisions that are prospective.

Changes to legislation: *Criminal Justice Act 2003, Part 1 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) In paragraph 7—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
- (c) in sub-paragraph (3), after “each” there is inserted “ remaining ”,
- (d) in sub-paragraph (7), for “consider” there is substituted “ decide ”, and
- (e) after sub-paragraph (8) there is inserted—

“(9) In this paragraph, a “main offence” is—

- (a) an offence for which the person has been sent to the Crown Court for trial under section 51(1) of this Act; or
- (b) an offence—
 - (i) for which the person has been sent to the Crown Court for trial under subsection (5) of section 51 or subsection (6) of section 51A of this Act (“the applicable subsection”); and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under the applicable subsection (as set out in paragraphs (a) to (c) of section 51(5) or paragraphs (a) and (b) of section 51A(6)) continue to be satisfied.”

(8) In paragraph 8—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence (within the meaning of paragraph 7 above) ”,
- (c) in sub-paragraph (2)(a), after “each” there is inserted “ remaining ”, and
- (d) in sub-paragraph (2)(d), for “consider” there is substituted “ decide ”.

(9) In paragraph 9—

- (a) in sub-paragraph (1), for “consider” there is substituted “ decide ”, and
- (b) for sub-paragraphs (2) and (3), there is substituted—

“(2) Before deciding the question, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused’s previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In deciding the question, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under sub-paragraph (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

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- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character;

sub-paragraph (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(5) In this paragraph any reference to a previous conviction is a reference to—

- (a) a previous conviction by a court in the United Kingdom, or
- (b) a previous finding of guilt in—
 - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
 - (ii) any proceedings before a Standing Civilian Court.”

(10) In paragraph 10—

(a) for sub-paragraph (2), there is substituted—

“(2) The court shall explain to the accused in ordinary language—

- (a) that it appears to the court more suitable for him to be tried summarily for the offence;
- (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
- (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.”, and

(b) in sub-paragraph (3), for “by a jury” there is substituted “ on indictment ”.

(11) In paragraph 11, in sub-paragraph (a), for “by a jury” there is substituted “ on indictment ”.

(12) Paragraph 12 shall cease to have effect.

(13) In paragraph 13—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
- (c) in sub-paragraph (2), the words from “unless” to the end are omitted, and
- (d) for sub-paragraph (3) there is substituted—

“(3) In this paragraph, a “main offence” is—

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- (a) an offence for which the child or young person has been sent to the Crown Court for trial under section 51A(2) of this Act; or
- (b) an offence—
 - (i) for which the child or young person has been sent to the Crown Court for trial under subsection (7) of section 51 of this Act; and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under that subsection (as set out in paragraphs (a) and (b) of that subsection) continue to be satisfied.”

(14) In paragraph 15, in each of sub-paragraphs (3) and (4), for “considered” there is substituted “decided”.

Commencement Information

- I48** Sch. 3 para. 20(1) (2) in force at 18.5.2012 by S.I. 2012/1320, art. 2(b)(ii) (with art. 6(1))
- I49** Sch. 3 para. 20(3)-(14) in force at 18.6.2012 for specified purposes by S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4)
- I50** Sch. 3 para. 20(3)-(14) in force at 5.11.2012 for specified purposes by S.I. 2012/2574, art. 2(1)(c)(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4)
- I51** Sch. 3 para. 20(3)-(14) in force at 28.5.2013 for specified purposes by S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

F721

Textual Amendments

- F7** Sch. 3 paras. 21-28 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

PROSPECTIVE

F722

Textual Amendments

- F7** Sch. 3 paras. 21-28 repealed (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 28 (with ss. 413(4)(5), 416(7), Sch. 27); S.I. 2020/1236, reg. 2

F722A

Status: This version of this part contains provisions that are prospective.

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Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F723

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F724

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F725

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F726

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F727

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

F728

Textual Amendments

F7 Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 28** (with ss. 413(4)(5), 416(7), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Status:

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Changes to legislation:

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)

- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))
- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)