



# Criminal Justice Act 1925

## 1925 CHAPTER 86

### PART II

#### JURISDICTION AND PROCEDURE

##### *Indictable Offences generally*

#### **11 Venue in indictable offences**

- (1) A person charged with any indictable offence may be proceeded against, indicted, tried and punished in any county or place in which he was apprehended, or is in custody on a charge for the offence, or has appeared in answer to a summons lawfully issued charging the offence, as if the offence had been committed in that county or place, and the offence shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that county or place:

Provided that, if at any time during the course of any proceedings taken against any person before any examining justices in pursuance of this subsection—

- (a) it appears to the examining justices that the accused would suffer hardship if he were indicted and tried in the county or place aforesaid, the examining justices shall forthwith (but without prejudice to their powers under section twenty-two of the Indictable Offences Act, 1848), cease to proceed further in the matter under this subsection ; and
- (b) if the accused applies to the justices to discontinue further proceedings under this subsection on the ground that he will otherwise suffer hardship and the justices refuse to comply with the application, the accused may appeal to the High Court against the decision of the justices, and the justices shall, on being informed by the accused of his intention so to appeal, suspend further proceedings under this subsection pending the decision of the High Court.

On an appeal to the High Court under the foregoing provision the High Court shall either direct the examining justices to cease proceedings under this subsection or shall disallow the appeal, as it thinks proper.

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- (2) Where any person is charged with two or more indictable offences, he may be proceeded against, indicted, tried and punished in respect of all those offences in any county or place in which he could be proceeded against, indicted, tried or punished in respect of any one of those offences, and all the offences with which that person is charged shall, for all purposes incidental to or consequential on the prosecution, trial or punishment thereof, be deemed to have been committed in that county or place.
- (3) Where a person is charged with an offence against the Forgery Act, 1913, or with an offence indictable at common law or under any Act for the time being in force, consisting in the forging or altering of any matter whatsoever, or in offering, uttering, disposing of or putting off any matter whatsoever, knowing the same to be forged or altered, and the offence relates to documents made for the purpose of any Act relating to the suppression of the slave trade, the offence shall for the purposes of jurisdiction and trial be treated as an offence against the Slave Trade Act, 1873.
- (4) Nothing in this section shall affect the laws relating to the government of His Majesty's Naval, Military or Air Forces.

## **12 Provisions as to taking of depositions, and caution to and statement of accused on proceedings before examining justices**

- (1) Where any person is charged before examining justices with an indictable offence, the justices shall, as soon as may be after the examination of each witness for the prosecution has been concluded, cause the deposition of that witness to be read to him in the presence and hearing of the accused, and shall cause him to sign the deposition, and shall forthwith bind him over to attend the trial in manner directed by section twenty of the Indictable Offences Act, 1848, as amended by this Act.
- (2) Immediately after the last witness for the prosecution has been bound over to attend the trial, the examining justices shall read the charge to the accused and explain the nature thereof to him in ordinary language, and inform him that he has the right to call witnesses and, if he so desires, to give evidence on his own behalf. After so doing the examining justices shall then address to him the following words or words to the like effect—

“Do you wish to say anything in answer to the charge r You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing and may be given in evidence upon your trial.”
- (3) Before the accused makes any statement in answer to the charge, the examining justices shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatsoever he then says may be given in evidence on his trial notwithstanding the promise or threat.
- (4) Whatever the accused states in answer to the charge shall be taken down in manner shown in a form to be prescribed by rules made under this Act in substitution for Form N. in the Schedule to the Indictable Offences Act, 1848, and shall be read over to the accused, and signed by the examining justices and also, if he so desires, by him, and shall be transmitted to the court of trial with the depositions of the witnesses in manner provided in section twenty of the said Act.

On the trial the statement of the accused taken down as aforesaid, and whether signed by him or not, may be given in evidence without further proof thereof, unless it is proved that the examining justices purporting to sign the statement did not in fact sign it.

- (5) Immediately after complying with the requirements of this section relating to the statement of the accused, and whether the accused has or has not made a statement, the examining justices shall ask the accused whether he desires to give evidence on his own behalf and whether he desires to call witnesses.

If the accused in answer to the question states that he wishes to give evidence but not to call witnesses, the justices shall proceed to take forthwith the evidence of the accused, and after the conclusion of the evidence of the accused his counsel or solicitor shall be heard on his behalf if he so desires.

If the accused in answer to the question states that he desires to give evidence on his own behalf and to call witnesses, or to call witnesses only, the justices shall proceed to take either forthwith, or, if a speech is to be made by counsel or solicitor on behalf of the accused, after the conclusion of that speech, the evidence of the accused, if he desires to give evidence himself, and of any witness called by him who knows anything relating to the facts and circumstances of the case or anything tending to prove the innocence of the accused.

All statements made by the accused and all evidence given by him or any such witness as aforesaid (not being a witness merely to the character of the accused) under this subsection shall be taken down in writing and shall be transmitted to the court of trial, together with the depositions of the witnesses for the prosecution, and the provisions of subsection (1) of this section shall apply in the case of witnesses for the defence as they apply in the case of witnesses for the prosecution, except that the justices shall not bind over to attend the trial any witness who is a witness merely to the character of the accused.

- (6) Nothing contained in this section shall prevent the prosecutor in any case from giving in evidence at the trial any admission or confession or other statement of the accused made at any time which is by law admissible as evidence against the accused.
- (7) The depositions taken in connection with any charge for an indictable offence shall be signed by the justices before whom they are taken in such manner as may be directed by rules made under this Act, and where any such charge is enquired into by two or more examining justices, the deposition of a witness or the statement of the accused shall for all purposes be deemed to be sufficiently signed if signed by any one of those justices.
- (8) The examining justices shall, notwithstanding anything in the Indictable Offences Act, 1848, before determining whether they will or will not commit an accused person for trial, take into consideration his statement or any such evidence as is given in pursuance of this section by him or his witnesses.

### **13 Binding over of witnesses conditionally and reading of depositions at trial**

- (1) Where any person charged before examining justices with an indictable offence is committed for trial and it appears to the justices, after taking into account anything which may be said with reference thereto by the accused or the prosecutor, that the attendance at the trial of any witness who has been examined before them is

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unnecessary by reason of anything contained in any statement by the accused, or of the accused having pleaded guilty to the charge or of the evidence of the witness being merely of a formal nature, the justices shall, if the witness has not already been bound over, bind him over to attend the trial conditionally upon notice given to him and not otherwise, or shall, if the witness has already been bound over, direct that he shall be treated as having been bound over to attend only conditionally as aforesaid, and shall transmit to the court of trial a statement in writing of the names, addresses and occupations of the witnesses who are, or who are to be treated as having been bound over to attend the trial conditionally.

- (2) Where a witness has been, or is to be treated as having been bound over conditionally to attend the trial, the prosecutor or the person committed for trial may give notice at any time before the opening of the assizes or quarter sessions to the clerk to the examining justices and at any time thereafter to the clerk of assize or the clerk of the peace, as the case may be, that he desires the witness to attend at the trial, and any such clerk to whom any such notice is given shall forthwith notify the witness that he is required so to attend in pursuance of his recognizance.

The examining justices shall on committing the accused for trial inform him of his right to require the attendance at the trial of any such witness as aforesaid, and of the steps which he must take for the purpose of enforcing such attendance.

- (3) Where any person has been committed for trial for any offence, the deposition of any person taken before the examining justices may, if the conditions hereinafter set out are satisfied, without further proof be read as evidence on the trial of that person, whether for that offence or for any other offence arising out of the same transaction, or set of circumstances, as that offence.

The conditions hereinbefore referred to are the following:—

- (a) The deposition must be the deposition either of a witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section, or of a witness who is proved at the trial by the oath of a credible witness to be dead or insane, or so ill as not to be able to travel, or to be kept out of the way by means of the procurement of the accused or on his behalf :
- (b) It must be proved at the trial, either by a certificate purporting to be signed by the justice before whom the deposition purports to have been taken or by the clerk to the examining justices, or by the oath of a credible witness, that the deposition was taken in the presence of the accused and that the accused or his counsel or solicitor had full opportunity of cross-examining the witness :
- (c) The deposition must purport to be signed by the justice before whom it purports to have been taken:

Provided that the provisions of this subsection shall not have effect in any case in which it is proved—

- (i) That the deposition, or, where the proof required by paragraph (b) of this subsection is given by means of a certificate, that the certificate, was not in fact signed by the justice by whom it purports to have been signed; or
  - (ii) Where the deposition is the deposition of a witness whose attendance at the trial is stated to be unnecessary as aforesaid, that the witness has been duly notified that he is required to attend the trial.
- (4) A witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section shall not be required to attend before the grand jury, and his deposition may be read as evidence before the grand jury.

- (5) Any documents or articles produced in evidence before the examining justices by any witness whose attendance at the trial is stated to be unnecessary in accordance with the provisions of this section and marked as exhibits shall, subject to the provisions of section five of the Prosecution of Offences Act, 1879 (which relates to delivery of documents to the Director of Public Prosecutions), and unless in any particular case the justices otherwise order, be retained by the justices and forwarded with the depositions to the court of trial.

#### **14 Power of justices to commit to, and of court to direct re-trial at, convenient assizes or quarter sessions**

- (1) The justices before whom any person is charged with an indictable offence, may, instead of committing him to be tried at the assizes or quarter sessions for a place to which but for this section he might have been committed, commit him to be tried at the assizes for some other place or (if the offence is within the jurisdiction of a court of quarter sessions) at the quarter sessions for some other place if it appears to them, having regard to the time when and the place where the last-mentioned assizes or quarter sessions are to be held, to be more convenient to commit the accused person to those assizes or quarter sessions with a view either to expediting his trial or saving expense :

Provided that the power given by this subsection shall not be exercised—

- (a) unless the examining justices are satisfied at the date of the committal that the next assizes or quarter sessions to which but for this section he might have been committed will not be held within one month from that date ; or
- (b) in any case in which the accused satisfies the examining justices that he would, if the power were exercised, suffer hardship.
- (2) Where for any reason whatsoever the trial of a person who has been committed to be tried for an indictable offence before a court of assize or quarter sessions for any place is either not proceeded with or not brought to a final conclusion before that court, it shall be lawful for that court, if in its discretion it thinks it convenient so to do with a view either to expediting the trial or re-trial or the saving of expense or otherwise and is satisfied that the accused will not thereby suffer hardship, to direct that the trial or re-trial of the accused shall take place before a court of assize, or (if the offence is within the jurisdiction of a court of quarter sessions) before a court of quarter sessions, for some other place.
- (3) His Majesty may from time to time by Order in Council make such provisions as to the jurisdiction of the court of trial and the attendance, jurisdiction, authority and duty of sheriffs, coroners, justices, gaolers, officers, jurors and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings and documents, the transmission of recognizances, inquisitions, depositions (including exhibits thereto), and documents, and the expenses of maintaining and removing prisoners, as seem necessary or expedient for the purposes of the foregoing provisions of this section.
- (4) Where a person is to be tried or re-tried by any court by which he could not have been tried but for the foregoing provisions of this section, any costs payable in the case under the Costs in Criminal Cases Act, 1908, shall in the first instance be paid in the same manner as if the offence had been committed in the county or borough in which the offender is tried, but shall be recoverable by the treasurer of that county or borough from the treasurer of the county or borough in which the offence was committed.

- (5) Where any person who is to be committed for trial before any court of quarter sessions for any county or borough is to be admitted to bail, the examining justices may, if the next quarter sessions for that county or borough are to be held within five days of the date of committal, commit the accused person to the next quarter sessions hut one:

Provided that the power given by this subsection shall not be exercised unless the next quarter sessions but one are due to be held, within eight weeks of the date of committal.

## **15 Provision for continuance of criminal trial where a juror dies or becomes incapable**

Where in the course of a Criminal trial any member of the jury dies or is discharged by the court as being through illness incapable of continuing to act or for any other reason, the jury shall nevertheless, subject to assent being given in writing by or on behalf of both the prosecutor and the accused and so long as the number of its members is not reduced below ten, be considered as remaining for all the purposes of that trial properly constituted, and the trial shall proceed and a verdict may be given accordingly.

## **16 Amendments of Criminal Appeal Act, 1907**

- (1) An application to the Attorney-General under subsection (6) of section one of the Criminal Appeal Act, 1907, for a certificate authorising an appeal to the House of Lords from the decision of the Court of Criminal Appeal, shall be made within a period of seven days from the date when the decision of the court was given.
- (2) Where the Court of Criminal Appeal has allowed an appeal against conviction and the prosecutor gives notice to the court immediately after the decision of the court has been given on the appeal that he intends to apply to the Attorney-General for such a certificate as aforesaid, the court may make an order providing for the detention of the defendant, or directing that the defendant shall not be released except on bail, until either the Attorney-General has refused to grant the certificate or a decision on the appeal has been given by the House of Lords, as the case may be.
- (3) The power to make rules of court conferred by section eighteen of the Criminal Appeal Act, 1907, shall include power to make rules for the purpose of carrying this section into effect.

## **17 Rules with respect to procedure of examining justices**

The Lord Chancellor may, subject to the express provisions of this and of any other Act, make rules for regulating the practice and procedure of examining justices on or in relation to proceedings for indictable offences, and with respect to the forms to be used in connection with any such proceedings, and generally for carrying into effect the enactments relating to such proceedings, and provision may be made by such rules for revoking or amending any forms which are directed or authorised by any statute to be used in connection with any such proceedings, and for substituting new forms for any of such forms.

### *Quarter Sessions*

#### **18 Extension of criminal jurisdiction of quarter sessions**

Notwithstanding anything to the contrary in any Act, a court of quarter sessions shall, in addition to such jurisdiction with respect to the trial of offences as is vested in courts of quarter sessions at the commencement of this Act, have jurisdiction to try a person charged with any of the offences specified in the First Schedule to this Act.

#### **19 Power to dispense with grand jury at quarter sessions where all persons committed have pleaded guilty**

- (1) If by the fifth day preceding the day appointed for holding any quarter sessions no persons have been committed for trial at the sessions except persons in respect of whom a certificate has been transmitted in pursuance of section four of the Administration of Justice Act, 1920, stating that they have pleaded guilty or admitted the truth of the charge, there shall be deemed to be no business requiring the attendance of grand jurors at that sessions, and the provisions of the Assizes and Quarter Sessions Act, 1908, shall apply accordingly.
- (2) In any case to which this section applies an indictment against any person for the offence in respect of which he was committed for trial may be presented to the court without having been found by a grand jury, and, where an indictment is so presented, it shall be proceeded with in the same manner as it would have been proceeded with before the commencement of this Act, and all enactments and rules of law relating to procedure in connection with indictable offences shall have effect accordingly.
- (3) An indictment against any person presented to a court of quarter sessions in pursuance of this section may contain, in addition to the counts for the offences specified in the caption of the depositions, any further counts founded on facts or evidence disclosed in any examination or deposition taken before a justice in the presence of the accused.  

A court of quarter sessions may in any case direct any such further counts as aforesaid to be added to any indictment presented to the court.
- (4) Rules may be made under the Indictments Act, 1915, for carrying this section into effect, and in particular for modifying, so far as is necessary for the purpose of this section, any enactment, including any statutory form, and for applying with the necessary modifications the provisions of section three of the Indictable Offences Act, 1848, relating to certificates of an indictment having been found.

#### **20 Court of quarter sessions on appeal to state case on point of law**

- (1) After the determination by a court of quarter sessions of any appeal against a conviction by a court of summary jurisdiction or the sentence imposed on such a conviction, either party to the proceedings may, if dissatisfied with the determination of the court of quarter sessions as being erroneous in point of law, make an application in writing to the court of quarter sessions at any time within seven days after the date of the determination of the appeal to have a case stated for the opinion of the High Court on the point of law.

Any such application may be made by delivering it to the clerk of the peace, and for the purpose of the making of any such application, the court of quarter sessions shall,

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if and so far as necessary, be deemed to have been adjourned until the next subsequent sitting of the court.

- (2) The applicant shall, before the case is stated and delivered to him by the court of quarter sessions, enter before a justice having jurisdiction in the county or place for which the court of quarter sessions acts into a recognizance, with or without sureties and in such sum as the justice considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay and to submit to the judgment of the High Court, and pay such costs as may be awarded by that court, and the applicant shall before the case is delivered to him pay to the clerk of the peace his fees for and in respect of the case, and to the clerk to the justices his fee for and in respect of the recognizances.
- (3) If a court of quarter sessions is of opinion that an application under this section is frivolous, it may refuse to state a case, and where the court does so it shall, if the applicant so requires, cause the clerk of the peace to deliver to him a certificate of the refusal, and the reasons for the refusal shall be stated in the certificate:

Provided that the court shall not refuse to state a case where the application is made by or on behalf of the Attorney-General.

- (4) Where a court of quarter sessions refuses to state a case, the applicant may apply to the High Court for a rule calling on the court of quarter sessions and the other party to the proceedings to show cause why a case should not be stated, and the High Court may make such order on the application as the High Court thinks fit.

## **21 Power to enter appeal for adjourned or intermediate sessions**

An appeal under section thirty-one of the Summary Jurisdiction Act, 1879 (which regulates the procedure on appeals from courts of summary jurisdiction), may be entered for hearing at a court of quarter sessions held by adjournment (unless it is a court held by adjournment for some particular area only which does not comprise the area in respect of which jurisdiction is exercised by the court from which the appeal is brought), or at an intermediate court of general sessions, and the expression " the next practicable court of general or quarter sessions" in paragraph (1) of that section shall be construed accordingly.

## **22 Times for holding county quarter sessions**

- (1) General quarter sessions of the peace for any county shall, instead of being held at the times prescribed by section thirty-five of the Law Terms Act, 1830, be held at such times within the period of twenty-one clays immediately preceding or immediately following the twenty-fifth day of March, the twenty-fourth day of June, the twenty-ninth day of September and the twenty-fifth day of December in every year as the court of quarter sessions for the county or the justices of the county assembled at a special meeting (which special meeting they are hereby authorised to hold) may from time to time fix.
- (2) In this section the expression " county " includes a riding, division or part of a county for which a separate court of quarter sessions is held, hut does not include the County of London or a county of a city or a county of a town.



## **23 Amendment of County of Hertford Acts, 1874 and 1878**

- (1) The justices of the peace for the county of Hertford shall in every year hold, alternately within the Hertford division and within the Liberty of St. Alban division of the said county, courts of general or quarter sessions of the peace for the whole county of Hertford:
  - (a) An Epiphany session within the Hertford division within the period of twenty-one days immediately preceding or immediately following the twenty-fifth day of December;
  - (b) An Easter session within the Liberty of St. Alban division within the period of twenty-one days immediately preceding or immediately following the twenty-fifth day of March ;
  - (c) A Midsummer session within the Hertford division within the period of twenty-one days immediately preceding or immediately following the twenty-fourth day of June ;
  - (d) A Michaelmas session within the Liberty of St. Alban division within the period of twenty-one days immediately preceding or immediately following the twenty-ninth day of September.
- (2) The said justices shall, on each occasion after holding in pursuance of the foregoing provisions of this section a session in one of the said divisions of the county, hold a session by adjournment in the other of the said divisions, and may at any time, whether before or after the adjourned sessions to be held under this subsection, hold such other sessions by adjournment in either of the said divisions as they may consider necessary for the purpose of disposing of any business requiring to be disposed of.
- (3) Every court held under this section shall be a court of quarter sessions for the whole county of Hertford, and shall have power to hear, determine, and dispose of all business accordingly, including any business pending in either of the two divisions of the said county at the commencement of this Act.
- (4) The justices in the Hertford division assembled shall from time to time at sessions held under this section in that division elect persons to act as chairman and deputy chairman of the court of quarter sessions of the county of Hertford when the court is sitting within the Hertford division, and the justices in the Liberty of St. Alban division assembled shall from time to time at sessions held under this section in that division elect persons to act as chairman and deputy chairman of the said court when the court is sitting within the Liberty of St. Alban division.
- (5) Section five of the County of Hertford Act, 1878, shall have effect as though for the references to the Hertford division quarter sessions and the St. Alban division quarter sessions there were respectively substituted references to the sessions for the county of Hertford held under this Act within the Hertford division and the sessions for the said county so held within the Liberty of St. Alban division.

### *Summary Jurisdiction*

## **24 Summary trial of indictable offences**

- (1) Where a person who is an adult is charged before a court of summary jurisdiction with an indictable offence, being one of the offences specified in the Second Schedule to this Act, the court, if it thinks it expedient so to do, having regard to any representation made in presence of the accused by or on behalf of the prosecutor, the character and

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antecedents of the accused, the nature of the offence, the absence of circumstances which would render the offence one of a grave or serious character and all the other circumstances of the case (including the adequacy of the punishment which a court of summary jurisdiction has power to inflict), and if the accused, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may, subject to the provisions of this section, deal summarily with the offence, and, if the accused pleads guilty to, or is found guilty of, the offence charged, may sentence him to be imprisoned for any term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine :

Provided that—

- (a) where a case affects the property or affairs of His Majesty or of a public body as denned by section seven of the Public Bodies Corrupt Practices Act, 1889, as amended by any other Act, the court shall not deal with the case summarily without the consent of the prosecutor ; and
  - (b) where the prosecution is being carried on by the Director of Public Prosecutions, the court shall not deal with the case summarily without the consent of the Director ; and
  - (c) where a person pleads guilty to, or is found guilty of, any offence of inciting to commit a summary offence, he shall not be liable to any greater penalty than that to which he would have been liable if he had been found guilty of committing that summary offence.
- (2) If a court of summary jurisdiction at any time during the hearing of a charge for such an indictable offence as aforesaid against a person who is an adult becomes satisfied that it is expedient to deal with the case summarily, the court shall thereupon, for the purpose of proceedings under this section, cause the charge to be reduced into writing and read to the accused and shall then address to him a question to the following effect, " Do you desire to be tried by a jury, or do you consent " to the case being dealt with summarily ? " with a statement, if the court thinks such a statement desirable for his information, of the meaning of the case being dealt with summarily, and of the assizes or quarter sessions, as the case may be, at which he will be tried, if tried by a jury, and if the accused consents to be dealt with summarily, shall forthwith ask him the following question, " Do you plead guilty or not guilty ? "
- (3) Any enactments in force at the commencement of this Act which relate to the summary trial of indictable offences or which refer to indictable offences which are triable summarily shall, subject to the provisions of this section, be construed, as the case may be, as applying to the summary trial of indictable offences under this section or as referring to all indictable offences which are triable summarily thereunder.
- (4) In this section the expression " adult" means a person who is, in the opinion of the court before which he is charged, of the age of sixteen years or upwards.

## **25 Right of appeal against sentence imposed by court of summary jurisdiction**

A person who after pleading guilty or admitting the truth of the information is convicted of any offence by a court of summary jurisdiction shall have a right to appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions against his sentence.

## **26 Enforcement of recognizances to be of good behaviour**

- (1) Subsection (2) of section nine of the Summary Jurisdiction Act, 1879 (which relates to the enforcing by courts of summary jurisdiction of recognizances to keep the peace or to be of good behaviour), shall have effect as though there were inserted therein after the words " a " breach of the condition of the same " the words " or in " the case of a recognizance conditioned to be of good " behaviour, upon proof that the person bound as " principal has since the date of the recognizance been " guilty of conduct which is a breach of the condition."
- (2) "Where a surety to a recognizance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may lay an information before any justice of the peace having jurisdiction either in the place in which the said person is or is believed by the informant to be or in the place where the court by which the recognizance was ordered to be entered into was held, and that justice may thereupon, if in his discretion he thinks fit, issue a warrant or summons against the said person.

The court before which the said person is brought under any such warrant or before which he appears in answer to any such summons may, as it thinks fit, either order him to enter into a fresh recognizance, with or without sureties, or deal with him in the same manner as if he were a person who had failed to comply with an order to enter into a recognizance and find sureties to keep the peace or to be of good behaviour, and shall in either case order that the first mentioned recognizance shall be discharged.

## **27 Consecutive sentences of imprisonment**

Where a person has been sentenced by a court of summary jurisdiction to imprisonment in default of payment of a fine, the court may, notwithstanding anything in any enactment, order that the sentence shall begin at the expiration of any term of imprisonment imposed for that offence on that person in addition to the fine.

## **28 Summary proceedings for offence under s. 3, and amendments of ss. 3 and 4, of Perjury Act, 1911**

- (1) Section three of the Perjury Act, 1911 (which relates to false statements as to marriages) shall have effect as though at the end of subsection (1) thereof there were inserted the words " and on summary conviction thereof shall be liable to a penalty not exceeding " fifty pounds."
- (2) A person convicted summarily of an offence under section four of the Perjury Act, 1911 (which relates to false statements as to births or deaths), shall be liable to a penalty not exceeding fifty pounds.
- (3) Summary proceedings for an offence under the said section three or under the said section four may, notwithstanding any provision of the Summary Jurisdiction Acts, be instituted at any time within twelve months after the commission of the offence.

## **29 Application of s. 20 of 11 & 12 Vict. c. 43, where distress warrant issued under s. 693 of 57 & 58 Vict. c. 60**

Where a warrant of distress is issued under section six hundred and ninety-three of the Merchant Shipping Act, 1894, for the purpose of levying any amount ordered to

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be paid on the conviction of the master of a ship, section twenty of the Summary Jurisdiction Act, 1848 (which authorises the detention of a defendant pending the return to a warrant of distress), shall apply as though the distress were to be levied on the goods of the defendant.

**30 Summary proceedings for offences under s. 10 of 6 Edw. 7. c 48**

Notwithstanding anything in section six hundred and eighty of the Merchant Shipping Act, 1894 (which relates to the prosecution of offences under the Merchant Shipping Acts), any offence whatsoever under section ten of the Merchant Shipping Act, 1906 (which relates to the carrying of wood goods as deck cargo), may be prosecuted summarily.

*Issue of Process by Justices*

**31 Provisions as to issue of process by justices in case of persons outside jurisdiction**

- (1) Where it appears to any justice necessary or expedient, with a view to the better administration of justice, that any person charged with any indictable offence, or with a summary offence, should be tried jointly with or in the same place as some other person who is charged with an indictable offence or a summary offence, as the case may be, and who is in custody or is being or is to be proceeded against within the jurisdiction of that justice, he may, notwithstanding that the person so charged is not within that jurisdiction, issue a summons or a warrant against him.

Where a person charged with a summary offence or an offence which may be dealt with summarily is brought to any place under a warrant issued under this subsection, or appears in any place in answer to a summons so issued, a court of summary jurisdiction having jurisdiction in that place shall have the same power to hear and dispose of the charge as the court would have had if the offence had been committed within the jurisdiction of the court.

- (2) Where an offence punishable on summary conviction has been committed, or is suspected of having been committed, by any person who is residing or being, or is believed to reside or be, within the jurisdiction of any justice, that justice shall have power to issue a warrant of any description in the case in the same manner as if the offence had been committed within his jurisdiction:

Provided that every warrant so issued for the arrest of any person shall direct that the offender shall when apprehended be taken before a court of summary jurisdiction having jurisdiction to deal with the case.

- (3) Any warrant lawfully issued by a justice for compelling the appearance of any person or for apprehending any person charged with an offence, whether punishable on summary conviction or on indictment, and any warrant of commitment, search-warrant or warrant of distress, lawfully issued by a justice, may be executed in any county or place in England or Wales outside the jurisdiction of the justice by whom it was issued in the same manner as if it had been originally issued by a justice having jurisdiction in that county or place, and the execution may be effected either by any person to whom the warrant was originally directed or by any constable of that county or place, and in the case of a warrant of commitment the person apprehended may be conveyed either to the prison mentioned in the warrant or to any other prison.

- (4) The power of a justice under section sixteen of the Indictable Offences Act, 1848, and under section seven of the Summary Jurisdiction Act, 1848, to issue process for the purpose of obtaining the attendance as a witness of any person within the jurisdiction of the justice, and under section twenty-nine of the Criminal Justice Administration Act, 1914, to summon and require any such person to attend as a witness and to produce such books, plans, papers, documents, articles, goods and things as are mentioned in the said section, shall be extended so as to authorise the issue of such process in the case of a person who though not within the jurisdiction of the justice is in any county or place in England or Wales.

### *Miscellaneous*

## **32 Form of documents in criminal proceedings before justices**

- (1) Every information, complaint, summons, warrant or other document laid, issued or made for the purpose of or in connection with any proceedings before examining justices or a court of summary jurisdiction for an offence, shall be sufficient if it contains a statement of the specific offence with which the accused person is charged, together with such particulars as may be necessary for giving reasonable information as to the nature of the charge.
- (2) The statement of the offence shall describe the offence shortly in ordinary language, avoiding as far as possible the use of technical terms, and without necessarily stating all the essential elements of the offence, and, if the offence charged is one created by statute, shall contain a reference to the section of the statute creating the offence.
- (3) After the statement of the offence, necessary particulars of the offence shall be set out in ordinary language, in which the use of technical terms shall not be required.
- (4) Any information, complaint, summons, warrant or other document to which this section applies which is in such form as would have been sufficient in law if this Act had not passed shall notwithstanding anything in this section continue to be sufficient in law.

## **33 Procedure on charge of offence against corporation**

- (1) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence, the examining justices may, if they are of opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor to present to the grand jury at assizes or quarter sessions, as the case may be, a bill in respect of the offence named in the order, and for the purpose of any enactments referring to committal for trial (including this Act) any such order shall be deemed to be a committal for trial:

Provided that—

- (a) Where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear before the examining justices by a representative or, if it does so appear, consents that the offence should be so dealt with, the justices may deal with the offence summarily ; and
- (b) If the corporation appears before the examining justices by a representative, any answers to the questions to be put under the section of this Act

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which re-enacts with modifications the provisions of section eighteen of the Indictable Offences Act, 1848, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the questions, and the examining justices may, notwithstanding, make an order under this subsection.

- (2) Where any person is charged jointly with a corporation with any offence and either that person or the corporation by its representative does not consent that the offence (being an indictable offence) should be dealt with summarily, or either that person or the corporation claims (if the offence is a summary offence) to be tried by a jury, the examining justices or the court of summary jurisdiction, as the case may be, shall not have power to deal summarily with the offence in the case of the other offender.
- (3) Where the grand jury at any assizes or quarter sessions return a true bill against a corporation in respect of any offence, the corporation may, on arraignment before the court of assize or the court of quarter sessions, as the case may be, enter in writing by its representative a plea of guilty or not guilty, and if either the corporation does not appear by a representative or, though it does so appear, fails to enter as aforesaid any plea, the court shall order a plea of not guilty to be entered and the trial shall proceed as though the corporation had duly entered a plea of not guilty.
- (4) Provision may be made by rules under the Indictments Act, 1915, with respect to the service on any corporation charged with an indictable offence of any documents requiring to be served in connection with the proceedings, except in so far as such provision may be made by rules to be made under the section of this Act giving power to make rules with respect to the procedure of examining justices.
- (5) Where a corporation is charged with an offence in the case of which an individual is entitled under section seventeen of the Summary Jurisdiction Act, 1879, to claim to be tried by a jury, a claim to be so tried may be made on behalf of the corporation by its representative, and the said section seventeen shall apply accordingly, and where the corporation does not appear by a representative or no such claim is made on behalf of the corporation the court may, subject to the provisions of this section, deal with the case summarily as if the offence were an offence to which the said section did not apply.
- (6) In this section the expression " representative " in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as prima facie evidence that that person has been so appointed.

### **34 Fiats and consents of Attorney-General, & c, to be admissible in evidence**

Any document purporting to be the fiat, order or consent of the Attorney-General, the Solicitor-General, the Director of Public Prosecutions, the Postmaster-General or the Board of Control respectively, for or to the institution of any criminal proceedings

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*Status: This is the original version (as it was originally enacted).*

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or the institution of criminal proceedings in any particular form, and to be signed by the Attorney-General, the Solicitor-General, the Director of Public Prosecutions or an Assistant Director of Public Prosecutions, the Postmaster-General or a Commissioner or the Secretary of the Board of Control, as the case may be, shall be admissible as prima facie evidence without further proof.