



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Allocation of offences to classes as regards mode of trial

15 Offences which are to become triable only summarily

- (1) The following offences shall be triable only summarily (instead of either way), namely—
 - (a) the offences mentioned (and broadly described) in column 1 of Schedule 1 to this Act; and
 - (b) any offence consisting in the incitement to commit a summary offence.
- (2) The provisions mentioned in subsection (3) below (which confer a right to claim trial by jury for certain offences triable summarily, thereby making triable either way such of those offences as would otherwise be triable only summarily) shall cease to have effect.
- (3) The said provisions are—
 - (a) section 25 of the Magistrates' Courts Act 1952 ;
 - (b) sections 9 and 19(1) and (2) of the Conspiracy and Protection of Property Act 1875 ;
 - (c) in the Cruelty to Animals Act 1876, section 15 and, in section 17, the words from "or if" to "Justiciary";
 - (d) in the Witnesses (Public Inquiries) Protection Act 1892, in section 3 the words from " provided that" onwards and, in section 6, paragraph (2).
- (4) The following offences under the Night Poaching Act 1828 shall be triable only summarily (instead of only on indictment), namely—
 - (a) offences under section 2 of that Act (assaults by persons committing offences under the Act);

Status: This is the original version (as it was originally enacted).

(b) offences under section 9 of that Act (entering land, with others, armed and for the purpose of taking or destroying game or rabbits).

(5) Subsections (1) and (4) above are without prejudice to any other enactment by virtue of which any offence is triable only summarily.

16 Offences which are to become triable either way

(1) The offences mentioned in Schedule 2 to this Act shall be triable either way (instead of only on indictment).

(2) The offences which by virtue of section 19 of the Magistrates' Courts Act 1952 are triable either way (excluding offences under section 56 of the Post Office Act 1953 and any other offence which by virtue of section 15(1) above is triable only summarily) shall be triable either way by virtue of this subsection ; and the said section 19 shall cease to have effect.

(3) The offences triable either way by virtue of subsections (1) and (2) above are, for convenience of reference, listed in Schedule 3 to this Act.

(4) Subsections (1) and (2) above are without prejudice to any enactment by virtue of which any offence is (otherwise than under the said section 19) triable either way.

17 Offence which is to become triable only on indictment

Section 5 of the Newspaper Libel and Registration Act 1881 (which provides for the summary trial, with the consent of the accused, of charges against newspaper proprietors and others responsible for the publication of newspapers for libels published in them) shall cease to have effect.