



# Criminal Law Act 1977

## 1977 CHAPTER 45

### PART III

#### CRIMINAL PROCEDURE, PENALTIES, ETC.

##### *Young offenders*

#### **34 Power of magistrates' court to remit a person under 17 for trial to a juvenile court in certain circumstances**

(1) Where—

- (a) a person under the age of seventeen ("the juvenile") appears or is brought before a magistrates' court other than a juvenile court on an information jointly charging him and one or more other persons with an offence; and
- (b) that other person, or any of those other persons, has attained that age,

subsection (2) below shall have effect notwithstanding proviso (a) in section 46(1) of the Children and Young Persons Act 1933 (which would otherwise require the charge against the juvenile to be heard by a magistrates' court other than a juvenile court). In the following provisions of this section "the older accused" means such one or more of the accused as have attained the age of seventeen.

(2) If—

- (a) the court proceeds to the summary trial of the information in the case of both or all of the accused, and the older accused or each of the older accused pleads guilty; or
- (b) the court—
  - (i) in the case of the older accused or each of the older accused, proceeds to inquire into the information as examining justices and either commits him for trial or discharges him; and
  - (ii) in the case of the juvenile, proceeds to the summary trial of the information,

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*Status: This is the original version (as it was originally enacted).*

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then, if in either situation the juvenile pleads not guilty, the court may before any evidence is called in his case remit him for trial to a juvenile court acting for the same place as the remitting court or for the place where he habitually resides.

- (3) A person remitted to a juvenile court under subsection (2) above shall be brought before and tried by a juvenile court accordingly.
- (4) Where a person is so remitted to a juvenile court—
  - (a) he shall have no right of appeal against the order of remission; and
  - (b) the remitting court may give such directions as appear to be necessary with respect to his custody or for his release on bail until he can be brought before the juvenile court.
- (5) The preceding provisions of this section shall apply in relation to a corporation as if it were an individual who has attained the age of seventeen.