



Criminal Justice Act 1925

1925 CHAPTER 86

PART II

JURISDICTION AND PROCEDURE

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

Status: This is the original version (as it was originally enacted).

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 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 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.