

## SCHEDULE

Section 2.

### SUPPLEMENTARY PROVISIONS AS TO PROCEEDINGS UNDER SECTION 2

#### *Proceedings in England or Wales*

- 1 Paragraphs 2 to 4 of this Schedule shall apply to proceedings in England or Wales under section 2 of this Act.
- 2 The court shall consist of at least two justices and shall sit in open court in a petty-sessional court-house or an occasional court-house :  
  
Provided that section 121 of the Magistrates' Courts Act 1952 (sittings of stipendiary and other magistrates) shall apply as if the foregoing provisions of this paragraph were contained in that Act.
- 3 Subject to paragraph 2 of this Schedule, the court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the court were acting as examining justices inquiring into an indictable offence alleged to have been committed by that person.
- 4 Without prejudice to the generality of paragraph 3 of this Schedule, section 5 of the Costs in Criminal Cases Act 1952 (award of costs by examining justices out of local funds) and section 2 of the Poor Prisoners Defence Act 1930 (legal aid before examining justices) shall apply in relation to the proceedings as if the person arrested under the warrant were charged with an indictable offence on the prosecution of the constable on whose application the warrant was endorsed and, where the court discharges that person, as if it had determined not to commit for trial.

#### *Proceedings in Scotland*

- 5 Paragraph 6 of this Schedule shall apply to proceedings in Scotland under section 2 of this Act.
- 6 The court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be conducted as nearly as may be in the like manner, as if the proceedings were summary proceedings in respect of an offence alleged to have been committed by that person ; and the provisions of the Legal Aid and Solicitors (Scotland) Act 1949 as respects such proceedings or any appellate proceedings following thereon shall apply accordingly to that person.

#### *Proceedings in Northern Ireland*

- 7 Paragraphs 8 to 10 of this Schedule shall apply to proceedings in Northern Ireland under section 2 of this Act.
- 8 The court shall consist of a resident magistrate sitting, in or out of petty sessions, in open court.
- 9 Subject to paragraph 8 of this Schedule, the court shall have the like powers, including power to adjourn the case and meanwhile to remand the person arrested under the warrant either in custody or on bail, and the proceedings shall be

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conducted as nearly as may be in the like manner, as if the court were conducting the preliminary investigation of an indictable offence alleged to have been committed by that person.

- 10 Without prejudice to the generality of paragraph 9 of this Schedule, section 42 of the Criminal Justice Act (Northern Ireland) 1945 (legal aid before courts of summary jurisdiction), or any enactment re-enacting that section with or without modifications, shall apply in relation to the proceedings as if the person arrested under the warrant were charged with an indictable offence on the prosecution of the constable on whose application the warrant was endorsed.