



Criminal Justice Act 1967

1967 CHAPTER 80

PART I

CRIMINAL PROCEDURE, ETC.

Miscellaneous provisions as to evidence, procedure and trial

24 Process for minor offences.

- (1) A warrant for the arrest of any person who has attained the age of seventeen shall not be issued under section 1 of the Magistrates' Courts Act 1952 (summons or warrant to answer a charge) unless—
 - (a) the offence to which the warrant relates is an indictable offence or is punishable with imprisonment; or
 - (b) the address of the defendant is not sufficiently established for a summons to be served on him.
- (2) A warrant for the arrest of any such person shall not be issued under section 15(2) of the said Act of 1952 (non-appearance of defendant) unless—
 - (a) the offence to which the warrant relates is punishable with imprisonment; or
 - (b) the court, having convicted the defendant, proposes to impose a disqualification on him;and proviso (a) to that subsection (restriction on issue of warrant for arrest of defendant who fails to appear at an adjourned trial) shall cease to have effect.
- (3) Where a summons has been issued under the said section 1 and a magistrates' court has begun to try the information to which the summons relates, then, if—
 - (a) the defendant, at any time during or after the trial, makes a statutory declaration that he did not know of the summons or the proceedings until a date specified in the declaration, being a date after the court has begun to try the information; and
 - (b) within fourteen days of that date the declaration is served on the clerk to the justices;

Status: This is the original version (as it was originally enacted).

without prejudice to the validity of the information, the summons and all subsequent proceedings shall be void.

- (4) For the purposes of the last foregoing subsection a statutory declaration shall be deemed to be duly served on the clerk to the justices if it is delivered to him, or left at his office, or is sent in a registered letter or by the recorded delivery service addressed to him at his office.
- (5) Rules under section 15 of the Justices of the Peace Act 1949 (rules of procedure for magistrates' courts) shall not, unless the foregoing provisions of this section have come into force, include a provision dispensing with the need to prove that a summons issued under section 1 of the Magistrates' Courts Act 1952 and served in accordance with the rules has come to the knowledge of the defendant; and any such provision in the rules shall not in any event apply to a summons for an indictable offence.
- (6) Where any proceedings have become void by virtue of subsection (3) of this section, the information shall not be tried again by any of the same justices.