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**Changes to legislation:** Criminal Justice and Public Order Act 1994, Cross Heading: Application of section 12 procedure where accused appears is up to date with all changes known to be in force on or before 30 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULE 5

### MAGISTRATES' COURTS: DEALING WITH CASES WHERE ACCUSED PLEADS GUILTY

#### *Application of section 12 procedure where accused appears*

2 After section 12 of the 1980 Act there shall be inserted the following section—

#### **“12A Application of section 12 where accused appears.**

- (1) Where the clerk of the court has received such a notification as is mentioned in subsection (4) of section 12 above but the accused nevertheless appears before the court at the time and place appointed for the trial or adjourned trial, the court may, if he consents, proceed under subsection (5) of that section as if he were absent.
- (2) Where the clerk of the court has not received such a notification and the accused appears before the court at that time and place and informs the court that he desires to plead guilty, the court may, if he consents, proceed under section 12(5) above as if he were absent and the clerk had received such a notification.
- (3) For the purposes of subsections (1) and (2) above, subsections (6) to (11) of section 12 above shall apply with the modifications mentioned in subsection (4) or, as the case may be, subsection (5) below.
- (4) The modifications for the purposes of subsection (1) above are that—
  - (a) before accepting the plea of guilty and convicting the accused under subsection (5) of section 12 above, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence; and
  - (b) where he makes such a submission, subsection (7)(d) of that section shall not apply.
- (5) The modifications for the purposes of subsection (2) above are that—
  - (a) subsection (6) of section 12 above shall apply as if any reference to the notification under subsection (4) of that section were a reference to the consent under subsection (2) above;
  - (b) subsection (7)(c) and (d) of that section shall not apply; and
  - (c) before accepting the plea of guilty and convicting the accused under subsection (5) of that section, the court shall afford the accused an opportunity to make an oral submission with a view to mitigation of sentence.”.

**Changes to legislation:**

Criminal Justice and Public Order Act 1994, Cross Heading: Application of section 12 procedure where accused appears is up to date with all changes known to be in force on or before 30 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)