# Crime and Disorder Act 1998

**1998 CHAPTER 37**

## PART III

CRIMINAL JUSTICE SYSTEM

*Functions of courts etc.*

### 47 Powers of youth courts.

(1) Where a person who appears or is brought before a youth court charged with an offence subsequently attains the age of 18, the youth court may, at any time—

(a) before the start of the trial; [F1]. . .

[F1](b) . . . . . .

remit the person for trial [F2]. . . to a magistrates' court (other than a youth court) [F3]. . . .

In this subsection "the start of the trial" shall be construed in accordance with section 22(11B) of the 1985 Act.

(2) Where a person is remitted under subsection (1) above—

(a) he shall have no right of appeal against the order of remission;

(b) the remitting court shall adjourn proceedings in relation to the offence; and

(c) subsections (3) and (4) below shall apply.

(3) The following, namely—

(a) section 128 of the 1980 Act; and

(b) all other enactments (whenever passed) relating to remand or the granting of bail in criminal proceedings,

shall have effect in relation to the remitting court's power or duty to remand the person on the adjournment as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the court to which he is being remitted ("the other court").

(4) The other court may deal with the case in any way in which it would have power to deal with it if all proceedings relating to the offence which took place before the remitting court had taken place before the other court.

(5) After subsection (3) of section 10 of the 1980 Act (adjournment of trial) there shall be inserted the following subsection—

"(3A) A youth court shall not be required to adjourn any proceedings for an offence at any stage by reason only of the fact—

(a) that the court commits the accused for trial for another offence; or

(b) that the accused is charged with another offence."

[F4](6) . . . . . .

(7) In subsection (2) of section 47 (procedure in youth courts) of the [M1]Children and Young Persons Act 1933 ("the 1933 Act"), the words from the beginning to "court; and" shall cease to have effect.

**Textual Amendments**

**F1** Word and para. (b) in s. 47(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F2** Words in s. 47(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)

**F3** Words in s. 47(1) omitted (1.4.2005) by virtue of The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, **Sch. para. 59**

**F4** S. 47(6) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3), Sch (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(d)(2)(3) (with arts. 3, 4)

**Commencement Information**

**I1** S. 47 wholly in force; S. 47 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

**Marginal Citations**

**M1** 1933 c.12.

## 48 Youth courts: power of stipendiary magistrates to sit alone.

(1) In paragraph 15 of Schedule 2 to the 1933 Act (constitution of youth courts)—

(a) in paragraph (a), after the word "shall", in the first place where it occurs, there shall be inserted the words "either consist of a metropolitan stipendiary magistrate sitting alone or" and the word "shall", in the other place where it occurs, shall cease to have effect;

(b) in paragraph (b), after the words "the chairman" there shall be inserted the words "(where applicable)"; and

(c) in paragraph (c), after the words "the other members" there shall be inserted the words "(where applicable)".

***Status:*** *Point in time view as at 01/12/2020.*
***Changes to legislation:*** *Crime and Disorder Act 1998, Cross Heading: Functions of courts etc. is up to date with all changes known to be in force on or before 21 May 2024. 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)*

(2) In paragraph 17 of that Schedule, the words "or, if a metropolitan stipendiary magistrate, may sit alone" shall cease to have effect.

**Commencement Information**

**I2** S. 48 wholly in force; S. 48 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

## 49 Powers of magistrates' courts exercisable by single justice etc.

(1) The following powers of a magistrates' court for any area may be exercised by a single justice of the peace for that area, namely—

(a) to extend bail or to impose or vary conditions of bail;

(b) to mark an information as withdrawn;

(c) to dismiss an information, or to discharge an accused in respect of an information, where no evidence is offered by the prosecution;

(d) to make an order for the payment of defence costs out of central funds;

(e) to request a pre-sentence report following a plea of guilty and, for that purpose, to give an indication of the seriousness of the offence;

(f) to request a medical report and, for that purpose, to remand the accused in custody or on bail;

(g) to remit an offender to another court for sentence;

(h) where a person has been granted police bail to appear at a magistrates' court, to appoint an earlier time for his appearance;

(i) to extend, with the consent of the accused, a custody time limit or an overall time limit;

[F5](j) . . . . . .

(k) where an accused has been convicted of an offence, to order him to produce his driving licence;

(l) to give a direction prohibiting the publication of matters disclosed or exempted from disclosure in court;

(m) to give, vary or revoke directions for the conduct of a trial, including directions as to the following matters, namely—

(i) the timetable for the proceedings;

(ii) the attendance of the parties;

(iii) the service of documents (including summaries of any legal arguments relied on by the parties);

(iv) the manner in which evidence is to be given; and

(n) to give, vary or revoke orders for separate or joint trials in the case of two or more accused or two or more informations.

[F6](2) . . . . . .

[F6](3) . . . . . .

[F6](4) . . . . . .

[F6](5) . . . . . .

**Textual Amendments**

**F5** S. 49(1)(j) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with Sch. 2 para. 2)

**F6** S. 49(2)-(5) omitted (6.4.2020) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 21**; S.I. 2020/24, reg. 3(b)

**Commencement Information**

**I3** S. 49 wholly in force at 1.11.1999; S. 49 not in force at Royal Assent see s, 121. In force at 31.7.1998 for the purpose of making rules which make such provision as is mentioned in ss.(2) of this section by S.I. 1998/1883, **art. 2(b)**; S. 49 in force at 30.9.1998 in the areas specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 3(2), **Sch. 2**; S. 49 in force at 1.11.1999 insofar as not already in force by S.I. 1999/2976, **art. 2**

## 50 Early administrative hearings.

(1) Where a person ("the accused") has been charged with an offence at a police station, the magistrates' court before whom he appears or is brought for the first time in relation to the charge may, [F7]..., consist of a single justice.

**[**[F8](2) At a hearing conducted by a single justice under this section **[**[F9]—

(a)**]** the accused shall be asked whether he wishes **[**[F10]to be provided with representation for the purposes of the proceedings under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, and

(b) if he indicates that he does, the necessary arrangements must be made for him to apply for it and, where appropriate, obtain it.**]**

[F11](2A) . . . . . .**]**

(3) At such a hearing the single justice—

(a) may exercise, subject to subsection (2) above, such of his powers as a single justice as he thinks fit; and

(b) on adjourning the hearing, may remand the accused in custody or on bail.

(4) **[**[F12]Where the powers of a single justice are exercised by a person authorised under section 67B(2) of the Courts Act 2003, nothing in subsection (3)(b) above authorises the person**]** to remand the accused in custody or, without the consent of the prosecutor and the accused, to remand the accused on bail on conditions other than those (if any) previously imposed.

**[**[F13](4A) A hearing conducted by a single justice under this section may be—

(a) adjourned to enable the decision mentioned in subsection (2A) above to be taken, and

(b) subsequently resumed by a single justice.**]**

[F14](5) . . . . . .

**Textual Amendments**

**F7** Words in s. 50(1) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 16, **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I.

2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

**F8** S. 50(2)(2A) substituted for s. 50(2) (2.10.2006) by The Criminal Defence Service (Representation Orders and Consequential Amendment) Regulations 2006) (S.I. 2006/2493), {reg. 8(2)}

**F9** Words in s. 50(2) inserted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 47(2)(a)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F10** Words in s. 50(2) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 47(2)(b)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F11** S. 50(2A) omitted (1.4.2013) by virtue of Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 47(3)**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F12** Words in s. 50(4) substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 22**; S.I. 2020/24, reg. 3(b)

**F13** S. 50(4A) inserted (2.10.2006) by The Criminal Defence Service (Representation Orders and Consequential Amendment) Regulations 2006) (S.I. 2006/2493), {reg. 8(3)}

**F14** S. 50(5) repealed (2.4.2001) by 1999 c. 22, s. 106, **Sch. 15 Pt. I** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, **art. 3(b)** (with Sch. 2 para. 2)

**Modifications etc. (not altering text)**

**C1** S. 50 extended (1.11.1999) by S.I. 1999/2784, **rule 3(2)**

**Commencement Information**

**I4** S. 50 wholly in force; S. 50 not in force at Royal Assent see s. 121. In force at 30.9.1998 by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8)

## [F15 50A Order of consideration for either-way offences

(1) Where an adult appears or is brought before a magistrates' court charged with an either-way offence (the "relevant offence"), the court shall proceed in the manner described in this section.

(2) If notice is given in respect of the relevant offence under section 51B or 51C below, the court shall deal with the offence as provided in section 51 below.

(3) Otherwise—

(a) if the adult (or another adult with whom the adult is charged jointly with the relevant offence) is or has been sent to the Crown Court for trial for an offence under section 51(2)(a) or 51(2)(c) below—

(i) the court shall first consider the relevant offence under subsection (3), (4), (5) or, as the case may be, (6) of section 51 below and, where applicable, deal with it under that subsection;

(ii) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of sub-paragraph (i) above, the court shall then proceed to deal with the relevant offence in accordance with sections 17A to 23 of the 1980 Act;

(b) in all other cases—

(i) the court shall first consider the relevant offence under sections 17A to 20 (excluding subsections (8) and (9) of section 20) of the 1980 Act;

(ii) if, by virtue of sub-paragraph (i) above, the court would be required to proceed in relation to the offence as mentioned in section 17A(6), 17B(2)(c) or 20(7) of that Act (indication of guilty plea), it shall proceed as so required (and, accordingly, shall not consider the offence under section 51 or 51A below);

(iii) if sub-paragraph (ii) above does not apply—

(a) the court shall consider the relevant offence under sections 51 and 51A below and, where applicable, deal with it under the relevant section;

(b) if the adult is not sent to the Crown Court for trial for the relevant offence by virtue of paragraph (a) of this sub-paragraph, the court shall then proceed to deal with the relevant offence as contemplated by section 20(9) or, as the case may be, section 21 of the 1980 Act.

(4) Subsection (3) above is subject to any requirement to proceed as mentioned in subsections (2) or (6)(a) of section 22 of the 1980 Act (certain offences where value involved is small).

(5) Nothing in this section shall prevent the court from committing the adult to the Crown Court for sentence pursuant to any enactment, if he is convicted of the relevant offence.**]**

**Textual Amendments**

**F15** S. 50A inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 17**; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

## **[F16 51 Sending cases to the Crown Court: adults**

(1) Where an adult appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (2) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.

(2) Those conditions are—

(a) that the offence is an offence triable only on indictment other than one in respect of which notice has been given under section 51B or 51C below;

(b) that the offence is an either-way offence and the court is required under section 20(9)(b), 21, **[F17** 22A(2)(b),**]** 23(4)(b) or (5) or 25(2D) of the Magistrates' Courts Act 1980 to proceed in relation to the offence in accordance with subsection (1) above;

(c) that notice is given to the court under section 51B or 51C below in respect of the offence.

(3) Where the court sends an adult for trial under subsection (1) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—

(a) (if it is an either-way offence) appears to the court to be related to the offence mentioned in subsection (1) above; or

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(b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (1) above or to the either-way offence, and which fulfils the requisite condition (as defined in subsection (11) below).

(4) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which—

(a) appears to the court to be related to the offence mentioned in subsection (1) above; and

(b) (in the case of a summary offence) fulfils the requisite condition,

the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.

(5) Where—

(a) the court sends an adult ("A") for trial under subsection (1) or (3) above;

(b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an either-way offence; and

(c) that offence appears to the court to be related to an offence for which A was sent for trial under subsection (1) or (3) above,

the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.

(6) Where the court sends an adult for trial under subsection (5) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—

(a) (if it is an either-way offence) appears to the court to be related to the offence for which he is sent for trial; and

(b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the either-way offence, and which fulfils the requisite condition.

(7) Where—

(a) the court sends an adult ("A") for trial under subsection (1), (3) or (5) above; and

(b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an indictable offence for which A is sent for trial under subsection (1), (3) or (5) above, or an indictable offence which appears to the court to be related to that offence,

the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.

(8) Where the court sends a child or young person for trial under subsection (7) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—

(a) (if it is an indictable offence) appears to the court to be related to the offence for which he is sent for trial; and

(b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the indictable offence, and which fulfils the requisite condition.

(9) Subsections (7) and (8) above are subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain cases involving children and young persons to be tried summarily).

(10) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

(11) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

(12) In the case of an adult charged with an offence—

(a) if the offence satisfies paragraph (c) of subsection (2) above, the offence shall be dealt with under subsection (1) above and not under any other provision of this section or section 51A below;

(b) subject to paragraph (a) above, if the offence is one in respect of which the court is required to, or would decide to, send the adult to the Crown Court under—

(i) subsection (5) above; or

(ii) subsection (6) of section 51A below,

the offence shall be dealt with under that subsection and not under any other provision of this section or section 51A below.

(13) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.**]**

**Textual Amendments**

**F16** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 18**; S.I. 2005/950, art. 2(1), **Sch. 1 para. 29(a)** (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, **art. 2**; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, **Sch. 28 Pt. 2**; S.I. 2008/1586, Sch. 1 paras. 48(s), **50(2)(d)**; (30.11.2009) by S.I. 2009/3111, **art. 2**; (3.12.2012) by S.I. 2012/2905, **art. 4**; (3.12.2012) by 2012 c. 10, **Sch. 14 para. 17**; S.I. 2012/2906, **art. 2(l)**); S.I. 2012/1320, **art. 4(1)(c)(2)(3)** (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, **art. 4**); S.I. 2012/2574, art. 2(2)(3)(c), **Sch.** (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**); S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with arts. 3, 4)

**F17** Word in s. 51(2)(b) inserted (12.4.2015) by Criminal Justice and Courts Act 2015 (c. 2), **ss. 52(2)**, 95(1)

## [F18 51A Sending cases to the Crown Court: children and young persons

(1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).

(2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.

***Status:*** *Point in time view as at 01/12/2020.*
***Changes to legislation:*** *Crime and Disorder Act 1998, Cross Heading: Functions of courts etc. is up to date with all changes known to be in force on or before 21 May 2024. 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)*

(3) Those conditions are—

(a) that the offence falls within subsection (12) below;

(b) that the offence is such as is mentioned in **[**[F19]section 249(1)(a) or (b) of the Sentencing Code**]** (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of **[**[F20]section 251(2) of that Code**]**;

(c) that notice is given to the court under section 51B or 51C below in respect of the offence;

(d) that the offence is a specified offence (within the meaning **[**[F21]given by section 306 of the Sentencing Code**]**) and it appears to the court that if he is found guilty of the offence **[**[F22]the criteria in section 255(1) of that Code for the imposition of an extended sentence of detention**]** would be met.

(4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—

(a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or

(b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).

(5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—

(a) appears to the court to be related to the offence mentioned in subsection (2) above; and

(b) (in the case of a summary offence) fulfils the requisite condition,

the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.

(6) Where—

(a) the court sends a child or young person (“C”) for trial under subsection (2) or (4) above; and

(b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,

the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.

(7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—

(a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and

(b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.

(8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.

(9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.

(10) In the case of a child or young person charged with an offence—

(a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;

(b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.

(11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.

(12) An offence falls within this subsection if—

(a) it is an offence of homicide;[F23]. . .

(b) each of the requirements of **[**[F24]section 311(1) of the Sentencing Code**]** would be satisfied with respect to—

(i) the offence; and

(ii) the person charged with it,

if he were convicted of the offence; **[**[F25]or

(c) section 29(3) of Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence.**]**

**Textual Amendments**

**F18** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F19** Words in s. 51A(3)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 156(2)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2

**F20** Words in s. 51A(3)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 156(2)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2

**F21** Words in s. 51A(3)(d) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 156(3)(a)** (with Sch. 27); S.I. 2020/1236, reg. 2

**F22** Words in s. 51A(3)(d) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 156(3)(b)** (with Sch. 27); S.I. 2020/1236, reg. 2

**F23** Word at the end of s. 51A(12)(a) repealed (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 49. 65, 66(2), Sch. 1 para. 5, {Sch. 5}; S.I. 2007/858, **art. 2(g)(m)(n)(viii)**

**F24** Words in s. 51A(12)(b) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 156(4)** (with Sch. 27); S.I. 2020/1236, reg. 2

**F25** S. 51A(12)(c) and word inserted (6.4.2007) by Violent Crime Reduction Act 2006 (c. 38), ss. 49, 66(2), **Sch. 1 para. 5**; S.I. 2007/858, **art. 2(g)**

## 51B Notices in serious or complex fraud cases

(1) A notice may be given by a designated authority under this section in respect of an indictable offence if the authority is of the opinion that the evidence of the offence charged—

(a) is sufficient for the person charged to be put on trial for the offence; and

(b) reveals a case of fraud of such seriousness or complexity that it is appropriate that the management of the case should without delay be taken over by the Crown Court.

(2) That opinion must be certified by the designated authority in the notice.

(3) The notice must also specify the proposed place of trial, and in selecting that place the designated authority must have regard to the same matters as are specified in paragraphs (a) to (c) of section 51D(4) below.

(4) A notice under this section must be given to the magistrates' court at which the person charged appears or before which he is brought.

(5) Such a notice must be given to the magistrates' court before any summary trial begins.

(6) The effect of such a notice is that the functions of the magistrates' court cease in relation to the case, except—

(a) for the purposes of section 51D below;

(b) as provided by **[**[F26]regulations under section 19 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012**]**; and

(c) as provided by section 52 below.

(7) The functions of a designated authority under this section may be exercised by an officer of the authority acting on behalf of the authority.

(8) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).

(9) In this section "designated authority" means—

(a) the Director of Public Prosecutions;

(b) the Director of the Serious Fraud Office;

[F27](c) . . . . . .

(e) the Secretary of State.

**Textual Amendments**

**F18** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I.

2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F26** Words in s. 51B(6)(b) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 48**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

**F27** S. 51B(9)(c) omitted (27.3.2014) by virtue of The Public Bodies (Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions) Order 2014 (S.I. 2014/834), art. 1(1), **Sch. 2 para. 15**

## 51C Notices in certain cases involving children

(1) A notice may be given by the Director of Public Prosecutions under this section in respect of an offence falling within subsection (3) below if he is of the opinion—

(a) that the evidence of the offence would be sufficient for the person charged to be put on trial for the offence;

(b) that a child would be called as a witness at the trial; and

(c) that, for the purpose of avoiding any prejudice to the welfare of the child, the case should be taken over and proceeded with without delay by the Crown Court.

(2) That opinion must be certified by the Director of Public Prosecutions in the notice.

(3) This subsection applies to an offence—

(a) which involves an assault on, or injury or a threat of injury to, a person;

(b) under section 1 of the Children and Young Persons Act 1933 (cruelty to persons under 16);

(c) under the Sexual Offences Act 1956, the Protection of Children Act 1978 or the Sexual Offences Act 2003;

(d) of kidnapping or false imprisonment, or an offence under section 1 or 2 of the Child Abduction Act 1984;

[F28(da) [ under section 1 or 2 of the Modern Slavery Act 2015;]

(e) which consists of attempting or conspiring to commit, or of aiding, abetting, counselling, procuring or inciting the commission of, an offence falling within paragraph (a), (b), (c)[F29, (d) or (da)] above.

(4) Subsections (4), (5) and (6) of section 51B above apply for the purposes of this section as they apply for the purposes of that.

(5) The functions of the Director of Public Prosecutions under this section may be exercised by an officer acting on behalf of the Director.

(6) A decision to give a notice under this section shall not be subject to appeal or liable to be questioned in any court (whether a magistrates' court or not).

(7) In this section “child” means—

(a) a person who is under the age of 17; or

(b) any person of whom a video recording (as defined in section 63(1) of the Youth Justice and Criminal Evidence Act 1999) was made when he was under the age of 17 with a view to its admission as his evidence in chief in the trial referred to in subsection (1) above.

**Textual Amendments**

**F18** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F28** S. 51C(3)(da) inserted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), **9(a)**

**F29** Words in s. 51C(3)(e) substituted (17.3.2016) by The Modern Slavery Act 2015 (Consequential Amendments) Regulations 2016 (S.I. 2016/244), regs. 1(1), **9(b)**

**Modifications etc. (not altering text)**

**C2** S. 51C(3)(e) amended (1.10.2008) by Serious Crime Act 2007 (c. 27), **ss. 63(1)**, 94(1), **Sch. 6 para. 36**; S.I. 2008/2504, **art. 2(a)**

## 51D Notice of offence and place of trial

(1) The court shall specify in a notice—

(a) the offence or offences for which a person is sent for trial under section 51 or 51A above; and

(b) the place at which he is to be tried (which, if a notice has been given under section 51B above, must be the place specified in that notice).

(2) A copy of the notice shall be served on the accused and given to the Crown Court sitting at that place.

(3) In a case where a person is sent for trial under section 51 or 51A above for more than one offence, the court shall specify in that notice, for each offence—

(a) the subsection under which the person is so sent; and

(b) if applicable, the offence to which that offence appears to the court to be related.

(4) Where the court selects the place of trial for the purposes of subsection (1) above, it shall have regard to—

(a) the convenience of the defence, the prosecution and the witnesses;

(b) the desirability of expediting the trial; and

(c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 75(1) of the Supreme Court Act 1981.

**Textual Amendments**

**F18** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26

para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

### 51E Interpretation of sections 50A to 51D

For the purposes of sections 50A to 51D above—

(a) "adult" means a person aged 18 or over, and references to an adult include a corporation;

(b) "either-way offence" means an offence triable either way;

(c) an either-way offence is related to an indictable offence if the charge for the either-way offence could be joined in the same indictment as the charge for the indictable offence;

(d) a summary offence is related to an indictable offence if it arises out of circumstances which are the same as or connected with those giving rise to the indictable offence.**]**

**Textual Amendments**

**F18** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 18; S.I. 2005/950, art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l)); S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

### 52 Provisions supplementing section 51 [F30 and 51A].

(1) Subject to section 4 of the M2Bail Act 1976, section 41 of the 1980 Act **[**F31, section 115(1) of the Coroners and Justice Act 2009**]**, regulations under section 22 of the 1985 Act and section 25 of the 1994 Act, the court may send a person for trial under section 51 **[**F32or 51A**]** above—

(a) in custody, that is to say, by committing him to custody there to be safely kept until delivered in due course of law; or

(b) on bail in accordance with the M3Bail Act 1976, that is to say, by directing him to appear before the Crown Court for trial.

(2) Where—

(a) the person's release on bail under subsection (1)(b) above is conditional on his providing one or more sureties; and

(b) in accordance with subsection (3) of section 8 of the M4Bail Act 1976, the court fixes the amount in which a surety is to be bound with a view to his entering into his recognisance subsequently in accordance with subsections (4) and (5) or (6) of that section,

the court shall in the meantime make an order such as is mentioned in subsection (1)(a) above.

(3) The court shall treat as an indictable offence for the purposes of section 51 **[**[F33]or 51A**]** above an offence which is mentioned in the first column of Schedule 2 to the 1980 Act (offences for which the value involved is relevant to the mode of trial) unless it is clear to the court, having regard to any representations made by the prosecutor or the accused, that the value involved does not exceed the relevant sum.

(4) In subsection (3) above "the value involved" and "the relevant sum" have the same meanings as in section 22 of the 1980 Act (certain offences triable either way to be tried summarily if value involved is small).

(5) A magistrates' court may adjourn any proceedings under section 51 **[**[F34]or 51A**]** above, and if it does so shall remand the accused.

(6) Schedule 3 to this Act (which makes further provision in relation to persons sent to the Crown Court for trial under section 51 **[**[F35]or 51A**]** above) shall have effect.

**Textual Amendments**

**F30** Words in s. 52 heading inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 69(e)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F31** Words in s. 52(1) inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 177(1), 182(5), **Sch. 21 para. 78**; S.I. 2010/145, **art. 2(2)**, Sch. para. 25(b)

**F32** Words in s. 52(1) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 69(a)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F33** Words in s. 52(3) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 69(b)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F34** Words in s. 52(5) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 69(c)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**F35** Words in s. 52(6) inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 69(d)**; S.I. 2005/1267, art. 2(1)(2)(b), Sch. Pt. 2; S.I. 2012/1320, art. 4(1)(c)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

**Commencement Information**

**I5** S. 52 wholly in force; S. 52 not in force at Royal Assent see s. 121. S. 52(6) in force at 30.9.1998 for certain purposes by S.I. 1998/2327, **art. 2(1)** (subject to savings in arts. 5-8); S. 52 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2 of the said S.I. by S.I. 1998/2327, **art. 4(2)**; S. 52 in force at 15.1.2001 to the extent that it is not already in force by S.I. 2000/3283, **art. 2** (with transitional provisions in art. 3)

***Status:*** *Point in time view as at 01/12/2020.*
***Changes to legislation:*** *Crime and Disorder Act 1998, Cross Heading: Functions of courts etc. is up to date with all changes known to be in force on or before 21 May 2024. 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)*

**Marginal Citations**

**M2** 1976 c.63.
**M3** 1976 c.63.
**M4** 1976 c.63.

## [F36 52A Restrictions on reporting

(1) Except as provided by this section, it shall not be lawful—

(a) to publish in the United Kingdom a written report of any allocation or sending proceedings in England and Wales; or

(b) to include in a relevant programme for reception in the United Kingdom a report of any such proceedings,

if (in either case) the report contains any matter other than that permitted by this section.

(2) Subject to subsections (3) and (4) below, a magistrates' court may, with reference to any allocation or sending proceedings, order that subsection (1) above shall not apply to reports of those proceedings.

(3) Where there is only one accused and he objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

(4) Where in the case of two or more accused one of them objects to the making of an order under subsection (2) above, the court shall make the order if, and only if, it is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.

(5) An order under subsection (2) above shall not apply to reports of proceedings under subsection (3) or (4) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by subsection (6) below.

(6) It shall not be unlawful under this section to publish or include in a relevant programme a report of allocation or sending proceedings containing any matter other than that permitted by subsection (7) below—

(a) where, in relation to the accused (or all of them, if there are more than one), the magistrates' court is required to proceed as mentioned in section 20(7) of the 1980 Act, after the court is so required;

(b) where, in relation to the accused (or any of them, if there are more than one), the court proceeds other than as mentioned there, after conclusion of his trial or, as the case may be, the trial of the last to be tried.

(7) The following matters may be contained in a report of allocation or sending proceedings published or included in a relevant programme without an order under subsection (2) above before the time authorised by subsection (6) above—

(a) the identity of the court and the name of the justice or justices;

(b) the name, age, home address and occupation of the accused;

(c) in the case of an accused charged with an offence in respect of which notice has been given to the court under section 51B above, any relevant business information;

***Status:*** *Point in time view as at 01/12/2020.*
***Changes to legislation:*** *Crime and Disorder Act 1998, Cross Heading: Functions of courts etc. is up to date with all changes known to be in force on or before 21 May 2024. 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)*

(d) the offence or offences, or a summary of them, with which the accused is or are charged;

(e) the names of counsel and solicitors engaged in the proceedings;

(f) where the proceedings are adjourned, the date and place to which they are adjourned;

(g) the arrangements as to bail;

**[**[F37](h) whether, for the purposes of the proceedings, representation was provided to the accused or any of the accused under Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.**]**

(8) The addresses that may be published or included in a relevant programme under subsection (7) above are addresses—

(a) at any relevant time; and

(b) at the time of their publication or inclusion in a relevant programme.

(9) The following is relevant business information for the purposes of subsection (7) above—

(a) any address used by the accused for carrying on a business on his own account;

(b) the name of any business which he was carrying on on his own account at any relevant time;

(c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;

(d) the address of any such firm;

(e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;

(f) the address of the registered or principal office of any such company;

(g) any working address of the accused in his capacity as a person engaged by any such company;

and here "engaged" means engaged under a contract of service or a contract for services.

(10) Subsection (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.

(11) In this section—

"allocation or sending proceedings" means, in relation to an information charging an indictable offence—

(a) any proceedings in the magistrates' court at which matters are considered under any of the following provisions—

(i) sections 19 to 23 of the 1980 Act;

(ii) section 51, 51A or 52 above;

(b) any proceedings in the magistrates' court before the court proceeds to consider any matter mentioned in paragraph (a) above; and

(c) any proceedings in the magistrates' court at which an application under section 25(2) of the 1980 Act is considered;

"publish", in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;

"relevant programme" means a programme included in a programme service (within the meaning of the Broadcasting Act 1990);

"relevant time" means a time when events giving rise to the charges to which the proceedings relate occurred.

**Textual Amendments**

**F36** Ss. 52A, 52B inserted (18.6.2012 for E.W.S. except for the insertion of s. 52B(4)) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 19(1)**; S.I. 2012/1320, art. 3(d)(iii)

**F37** S. 52A(7)(h) substituted (1.4.2013) by Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), s. 151(1), **Sch. 5 para. 49**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in S.I. 2013/534, art. 6)

## 52B Offences in connection with reporting

(1) If a report is published or included in a relevant programme in contravention of section 52A above, each of the following persons is guilty of an offence—

(a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;

(b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;

(c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(3) Proceedings for an offence under this section shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.

(4) Proceedings for an offence under this section shall not, in Northern Ireland, be instituted otherwise than by or with the consent of the Attorney General for Northern Ireland.

(5) Subsection (11) of section 52A above applies for the purposes of this section as it applies for the purposes of that section.**]**

**Textual Amendments**

**F36** Ss. 52A, 52B inserted (18.6.2012 for E.W.S. except for the insertion of s. 52B(4)) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 3 para. 19(1)**; S.I. 2012/1320, art. 3(d)(iii)

**Status:**
Point in time view as at 01/12/2020.

**Changes to legislation:**
Crime and Disorder Act 1998, Cross Heading: Functions of courts etc. is up to date with all changes known to be in force on or before 21 May 2024. 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.