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## SCHEDULES

### SCHEDULE 3

#### ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

#### PART 1

#### PRINCIPAL AMENDMENTS

#### *Crime and Disorder Act 1998 (c. 37)*

15 The Crime and Disorder Act 1998 is amended as follows.

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#### Commencement Information

**I1** Sch. 3 para. 15 in force at 18.5.2012 by [S.I. 2012/1320](#), [art. 2\(b\)\(i\)](#) (with [art. 6\(1\)](#))

16 In section 50 (early administrative hearings), in subsection (1) (court may consist of single justice unless accused falls to be dealt with under section 51), the words “unless the accused falls to be dealt with under section 51 below” are omitted.

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#### Commencement Information

**I2** Sch. 3 para. 16 in force at 18.6.2012 for specified purposes by [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](#))

**I3** Sch. 3 para. 16 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

**I4** Sch. 3 para. 16 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

17 After section 50 there is inserted—

#### “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—

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- (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.”

#### Commencement Information

- I5** Sch. 3 para. 17 in force at 18.6.2012 for specified purposes by [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](#))
- I6** Sch. 3 para. 17 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I7** Sch. 3 para. 17 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 18 For section 51 (no committal proceedings for indictable-only offences) there is substituted—

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### “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, 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
  - (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.

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- (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,

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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.

### **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.
- (3) Those conditions are—
- (a) that the offence falls within subsection (12) below;
  - (b) that the offence is such as is mentioned in subsection (1) of section 91 of the Powers of Criminal Courts (Sentencing) Act 2000 (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 subsection (3) of that section;
  - (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 of section 224 of the Criminal Justice Act 2003) and it appears to the court that if he is found guilty of the offence the criteria for the imposition of a sentence under section 226(3) or 228(2) of that Act 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.

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- (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; or
  - (b) each of the requirements of section 51A(1) of the Firearms Act 1968 would be satisfied with respect to—
    - (i) the offence; and
    - (ii) the person charged with it,
 if he were convicted of the offence.

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### **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 paragraph 2 of Schedule 3 to the Access to Justice Act 1999; 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;
  - (c) the Commissioners of the Inland Revenue;
  - (d) the Commissioners of Customs and Excise; or
  - (e) the Secretary of State.

### **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

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- (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;
  - (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) or (d) 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.

#### **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.



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- (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.

### 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.”

#### Commencement Information

- I8** Sch. 3 para. 18 partly in force; Sch. 3 para. 18 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 18 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, Sch. 1 para. 29 (subject to **art. 2(2)**, Sch. 2); Sch. 3 para. 18 in force at 18.6.2012 for specified purposes by 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)
- I9** Sch. 3 para. 18 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(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**)
- I10** Sch. 3 para. 18 in force at 28.5.2013 for specified purposes by S.I. 2013/1103, **art. 2(1)(c)(2)(3)** (with **arts. 3, 4**)

- 19 (1) After section 52 there is inserted—

#### “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

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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;
  - (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;
  - (h) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.
- (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;

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- (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.

## **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

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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.”
- (2) In section 121 (short title, commencement and extent)—
- (a) in subsection (6), after paragraph (b) there is inserted—
    - “(bb) sections 52A and 52B;”, and
  - (b) in subsection (8), after “(5) above,” there is inserted “ sections 52A and 52B above, ”.

#### Commencement Information

- I11** Sch. 3 para. 19(1) in force at 18.6.2012 for specified purposes by [S.I. 2012/1320, art. 3\(d\)\(iii\)](#)  
**I12** Sch. 3 para. 19(2)(a) in force at 18.6.2012 by [S.I. 2012/1320, art. 3\(d\)\(iii\)](#)

- 20 (1) Schedule 3 (procedure where persons are sent for trial under section 51 of the Crime and Disorder Act 1998) is amended as follows.
- (2) In paragraph 1(1)—
    - (a) after “51” there is inserted “ or 51A ”, and
    - (b) in paragraph (b), for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”.
  - (3) In paragraph 2—
    - (a) in sub-paragraph (1)—
      - (i) after “51” there is inserted “ or 51A ”, and
      - (ii) for “subsection (7) of that section” there is substituted “ section 51D(1) of this Act ”, and
    - (b) sub-paragraphs (4) and (5) are omitted.
  - (4) In paragraph 4, in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”.
  - (5) In paragraph 5, in sub-paragraph (2), after “51” there is inserted “ or 51A ”.
  - (6) Paragraph 6 is amended as follows—
    - (a) in sub-paragraph (1), after “51” there is inserted “ or 51A ”,
    - (b) in sub-paragraph (2), for the words from the second “offence” to the end there is substituted “ indictable offence for which he was sent for trial or, as the case may be, any of the indictable offences for which he was so sent ”, and
    - (c) in sub-paragraph (9), for “indictable-only” there is substituted “ indictable ”.

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## (7) In paragraph 7—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
- (c) in sub-paragraph (3), after “each” there is inserted “ remaining ”,
- (d) in sub-paragraph (7), for “consider” there is substituted “ decide ”, and
- (e) after sub-paragraph (8) there is inserted—

“(9) In this paragraph, a “main offence” is—

- (a) an offence for which the person has been sent to the Crown Court for trial under section 51(1) of this Act; or
- (b) an offence—
  - (i) for which the person has been sent to the Crown Court for trial under subsection (5) of section 51 or subsection (6) of section 51A of this Act (“the applicable subsection”); and
  - (ii) in respect of which the conditions for sending him to the Crown Court for trial under the applicable subsection (as set out in paragraphs (a) to (c) of section 51(5) or paragraphs (a) and (b) of section 51A(6)) continue to be satisfied.”

## (8) In paragraph 8—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence (within the meaning of paragraph 7 above) ”,
- (c) in sub-paragraph (2)(a), after “each” there is inserted “ remaining ”, and
- (d) in sub-paragraph (2)(d), for “consider” there is substituted “ decide ”.

## (9) In paragraph 9—

- (a) in sub-paragraph (1), for “consider” there is substituted “ decide ”, and
- (b) for sub-paragraphs (2) and (3), there is substituted—

“(2) Before deciding the question, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused’s previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In deciding the question, the court shall consider—

- (a) whether the sentence which a magistrates’ court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under sub-paragraph (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

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- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character;

sub-paragraph (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

- (5) In this paragraph any reference to a previous conviction is a reference to—
  - (a) a previous conviction by a court in the United Kingdom, or
  - (b) a previous finding of guilt in—
    - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence), or
    - (ii) any proceedings before a Standing Civilian Court.”

(10) In paragraph 10—

- (a) for sub-paragraph (2), there is substituted—

“(2) The court shall explain to the accused in ordinary language—

- (a) that it appears to the court more suitable for him to be tried summarily for the offence;
- (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
- (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.”, and

- (b) in sub-paragraph (3), for “by a jury” there is substituted “ on indictment ”.

(11) In paragraph 11, in sub-paragraph (a), for “by a jury” there is substituted “ on indictment ”.

(12) Paragraph 12 shall cease to have effect.

(13) In paragraph 13—

- (a) in sub-paragraph (1)(a), after “51” there is inserted “ or 51A ”,
- (b) in sub-paragraph (1)(b), for “offence that is triable only on indictment” there is substituted “ main offence ”,
- (c) in sub-paragraph (2), the words from “unless” to the end are omitted, and
- (d) for sub-paragraph (3) there is substituted—

“(3) In this paragraph, a “main offence” is—

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- (a) an offence for which the child or young person has been sent to the Crown Court for trial under section 51A(2) of this Act; or
- (b) an offence—
  - (i) for which the child or young person has been sent to the Crown Court for trial under subsection (7) of section 51 of this Act; and
  - (ii) in respect of which the conditions for sending him to the Crown Court for trial under that subsection (as set out in paragraphs (a) and (b) of that subsection) continue to be satisfied.”

(14) In paragraph 15, in each of sub-paragraphs (3) and (4), for “considered” there is substituted “decided”.

#### Commencement Information

- I13** Sch. 3 para. 20(1) (2) in force at 18.5.2012 by [S.I. 2012/1320](#), [art. 2\(b\)\(ii\)](#) (with [art. 6\(1\)](#))
- I14** Sch. 3 para. 20(3)-(14) in force at 18.6.2012 for specified purposes by [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](#))
- I15** Sch. 3 para. 20(3)-(14) in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I16** Sch. 3 para. 20(3)-(14) in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

**Changes to legislation:**

Criminal Justice Act 2003, Cross Heading: Crime and Disorder Act 1998 (c. 37) is up to date with all changes known to be in force on or before 17 April 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.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/2574, Sch. by [S.I. 2012/2761 art. 2](#)

**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. 150(aa) inserted by [2012 c. 10 Sch. 26 para. 19\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 150(ba) inserted by [2012 c. 10 Sch. 26 para. 19\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 26 para. 19 omitted (11.12.2013) by virtue of 2013 c. 22, Sch. 16 para. 23(2); S.I. 2013/2981, art. 2(d))
- s. 151(A1) inserted by [2008 c. 4 s. 11\(3\)](#)
- s. 151(1A) inserted by [2008 c. 4 s. 11\(5\)](#)
- s. 151(1A)(b) word substituted by [2008 c. 4 Sch. 4 para. 76\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(1A)(c) substituted by [2009 c. 25 Sch. 17 para. 8\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 151(1A) is still only prospectively inserted by 2008 c. 4, s. 11(5))
- s. 151(2A)(b) substituted by [2009 c. 25 Sch. 17 para. 8\(4\)](#)
- s. 151(4A) inserted by [2009 c. 25 Sch. 17 para. 8\(5\)](#)
- s. 151(8)(a) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(a\)](#)
- s. 151(8)(b) words inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(i\)](#)
- s. 151(8)(b) words substituted by [2009 c. 25 Sch. 17 para. 8\(6\)\(b\)\(ii\)](#)
- s. 151(8)(c)-(f) inserted by [2009 c. 25 Sch. 17 para. 8\(6\)\(c\)](#)
- s. 165(5) inserted by [2014 c. 12 s. 179\(3\)](#)
- s. 237(1A) inserted by [2006 c. 48 s. 34\(3\)](#)
- s. 237(1B)(f)(g) inserted by [2021 c. 11 Sch. 13 para. 40\(b\)](#)
- s. 239A inserted by [2015 c. 2 s. 8\(1\)](#)
- s. 239A cross-heading inserted by [2015 c. 2 Sch. 3 para. 5](#)
- s. 250(5C) inserted by [2015 c. 2 Sch. 3 para. 7\(4\)](#)
- s. 255A(4A) inserted by [2015 c. 2 s. 9\(2\)](#)
- s. 255B(3A) inserted by [2015 c. 2 s. 9\(3\)\(b\)](#)
- s. 255B(4A)-(4C) inserted by [2015 c. 2 s. 9\(3\)\(d\)](#)
- s. 255C(3A) inserted by [2015 c. 2 s. 9\(4\)\(b\)](#)
- s. 255C(4A)-(4C) inserted by [2015 c. 2 s. 9\(4\)\(d\)](#)
- s. 256A(1)-(1B) substituted for s. 256A(1) by [2015 c. 2 s. 9\(6\)\(a\)](#)
- s. 256A(4A)(4B) inserted by [2015 c. 2 s. 9\(6\)\(f\)](#)
- s. 256A(5)(6) substituted for s. 256A(5) by [2015 c. 2 s. 9\(6\)\(g\)](#)
- s. 256AZA inserted by [2015 c. 2 s. 10\(1\)](#)
- s. 257(3) inserted by [2006 c. 48 s. 34\(4\)](#)
- s. 258(1A) inserted by [2006 c. 48 s. 34\(5\)](#)
- s. 260(4)(aa) substituted for word by [2008 c. 4 s. 34\(7\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 34(2)(4)(b)(7)(10) omitted (3.12.2012) by virtue of 2012 c. 10, s. 118(4)(b); S.I. 2012/2906, art. 2(d))



- Sch. 15B para. 49A omitted by [S.I. 2019/780 reg. 26\(4\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 15B para. 49B omitted by [S.I. 2019/780 reg. 26\(4\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Regs. 21, 25, 26, 27, 30 revoked (1.12.2020) by 2020 c. 17, Sch. 28; S.I. 2020/1236, reg. 2)
- Sch. 20B para. 34(6)(7) substituted for Sch. 20B para. 34(6) by [2015 c. 2 Sch. 3 para. 10](#)