

## SCHEDULES

### SCHEDULE 11

#### TRIAL BY SINGLE JUSTICE ON THE PAPERS: FURTHER AMENDMENTS

##### *Magistrates' Courts Act 1980 (c. 43)*

5 In section 123 (defect in process), after subsection (2) insert—

“(3) In the application of this section to proceedings conducted in accordance with section 16A—

- (a) a reference in subsection (1) or (2) to evidence adduced on behalf of the prosecutor at a hearing is to be read as a reference to evidence placed before the court on behalf of the prosecutor, and
- (b) subsection (2) is to be read as if for the words from “has been misled” to the end there were substituted “is likely to have been misled by the variance, the court shall treat the written charge as not being appropriate for trial in accordance with section 16A”.