



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 3

#### COURTS AND TRIBUNALS

##### *Trial by single justice on the papers*

#### **46 Instituting proceedings by written charge**

- (1) Section 29 of the Criminal Justice Act 2003 (public prosecutor to institute proceedings by written charge) is amended as follows.
- (2) In subsection (1), for “public prosecutor” substitute “relevant prosecutor”.
- (3) For subsection (2) substitute—
  - “(2) Where a relevant prosecutor issues a written charge, it must at the same time issue—
    - (a) a requisition, or
    - (b) a single justice procedure notice.
  - (2A) A requisition is a document which requires the person on whom it is served to appear before a magistrates’ court to answer the written charge.
  - (2B) A single justice procedure notice is a document which requires the person on whom it is served to serve on the designated officer for a magistrates’ court specified in the notice a written notification stating—
    - (a) whether the person desires to plead guilty or not guilty, and
    - (b) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates’ Courts Act 1980.”
- (4) In subsection (3), for “The” substitute “Where a relevant prosecutor issues a written charge and a requisition, the”.

(5) After subsection (3) insert—

“(3A) Where a relevant prosecutor issues a written charge and a single justice procedure notice, the written charge and notice must be served on the person concerned, and a copy of both must be served on the designated officer specified in the notice.

(3B) If a single justice procedure notice is served on a person, the relevant prosecutor must—

- (a) at the same time serve on the person such documents as may be prescribed by Criminal Procedure Rules, and
- (b) serve copies of those documents on the designated officer specified in the notice.”

(6) After subsection (3B) insert—

“(3C) The written notification required by a single justice procedure notice may be served by the legal representative of the person charged on the person’s behalf.”

(7) In subsection (4), for the words from the beginning to “public prosecutor” substitute “A relevant prosecutor authorised to issue a requisition”.

(8) In subsection (5), for ““public prosecutor”” substitute ““relevant prosecutor””.

(9) After subsection (5) insert—

“(5A) An order under subsection (5)(h) specifying a person for the purposes of this section must also specify whether that person and a person authorised by that person to institute criminal proceedings—

- (a) are authorised to issue written charges, requisitions and single justice procedure notices, or
- (b) are authorised to issue only written charges and single justice procedure notices.”

(10) A person who immediately before the commencement of this section is—

- (a) a person specified in an order under section 29(5)(h) of the Criminal Justice Act 2003, or
- (b) a person authorised by a person so specified to institute criminal proceedings, is to be treated after the commencement of this section as authorised to issue requisitions and single justice procedure notices (subject to the order specifying that person being varied or revoked).