



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 1

CRIMINAL PROCEDURE

PROSPECTIVE

Offences triable either way: determining the mode of trial

6 Written procedure for indicating plea and determining mode of trial: adults

- (1) The Magistrates' Courts Act 1980 is amended as follows.
- (2) After section 17 insert—

“17ZA Option to indicate plea in writing

- (1) Subsection (3) has effect where a person is charged with an offence triable either way and—
 - (a) has attained the age of 18 years when charged, or
 - (b) attains the age of 18 years after being charged without first having—
 - (i) appeared in court to answer the charge, or
 - (ii) given, or failed to give, a written indication of plea within the meaning given by section 24ZA(11).
- (2) But Criminal Procedure Rules may make provision about circumstances in which subsection (3) does not have effect.

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- (3) A magistrates' court must, in writing—
 - (a) provide the accused with the information referred to in subsection (4), and
 - (b) ask the accused—
 - (i) whether the accused wishes to give a written indication of plea, and
 - (ii) if the accused wishes to do so, whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty.
- (4) The information is—
 - (a) a statement of the charge against the accused;
 - (b) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the questions set out in subsection (3)(b), and
 - (ii) the consequences of giving or failing to give a written indication of plea;
 - (c) an explanation of the way in which, and the period of time within which, the accused may give a written indication of plea;
 - (d) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.
- (5) If the accused gives a written indication of a guilty plea, the court is to proceed in accordance with section 17ZB.
- (6) If the accused gives a written indication of a not guilty plea, the court is to proceed in accordance with section 17ZC or (if neither subsection (3) nor subsection (5) of that section has effect) section 18(1A).
- (7) If the accused fails to give a written indication of plea, the court is to proceed by way of a hearing for the purposes of section 17A.
- (8) The following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty; or
 - (b) giving a written indication of plea.
- (9) If in respect of the offence the court receives a notice under section 51B or 51C of the Crime and Disorder Act 1998 (which relate to serious or complex fraud cases and to certain cases involving children respectively), the preceding provisions of this section do not apply, and the court must proceed in relation to the offence in accordance with section 51 or, as the case may be, section 51A of that Act.
- (10) Subsection (11) applies if—
 - (a) the accused gives a written indication of plea, and
 - (b) at any time before—
 - (i) the taking of a plea in the summary trial,

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- (ii) the hearing under section 18(1A), or
 - (iii) the sending of the accused to the Crown Court for trial,
- the court receives an indication from the accused that the accused wishes to withdraw the written indication of plea.
- (11) If this subsection applies—
 - (a) the designated officer for the court must inform the prosecutor of the withdrawal,
 - (b) the court is to cease to proceed in accordance with any of sections 17ZB, 17ZC and 18(1A) and (4A), and
 - (c) the court is to proceed by way of a hearing for the purposes of section 17A.
- (12) The reference in subsection (1) to a person charged with an offence is a reference to—
 - (a) a person in respect of whom a summons or warrant has been issued under section 1,
 - (b) a person who has been charged with an offence under Part 4 of the Police and Criminal Evidence Act 1984, or
 - (c) a person against whom a written charge and requisition have been issued under section 29 of the Criminal Justice Act 2003.
- (13) In this section and sections 17ZB to 18—
 - (a) “written indication of plea” means a written indication given—
 - (i) by a person who has been provided with the information and asked the questions required by subsection (3), and
 - (ii) in accordance with the explanation provided under subsection (4)(c),of whether (if the offence were to proceed to trial) that person would plead guilty or not guilty;
 - (b) “written indication of a guilty plea” and “written indication of a not guilty plea” are to be read accordingly;
 - (c) references to a person’s failing to give a written indication of plea are to a person’s—
 - (i) having been provided with the information and asked the questions required by subsection (3), and
 - (ii) not having given a written indication of plea within the period indicated under subsection (4)(c).

17ZB Proceedings following written indication of guilty plea

- (1) This section has effect (subject to section 17ZA(11)) in relation to a case where a person has given a written indication of a guilty plea (see section 17ZA(13)).
- (2) But Criminal Procedure Rules may make provision about circumstances in which subsections (3) to (8) do not have effect.
- (3) A magistrates’ court may consider whether the condition set out in subsection (4) is met.
- (4) The condition is that the court can, on the material before it (without any hearing or representations), be satisfied that it is highly likely that, were the

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accused to plead guilty at a summary trial of the offence in question and be convicted, the court would commit the accused to the Crown Court for sentence under Chapter 2 of Part 2 of the Sentencing Code.

- (5) If the court decides that that condition is met, the court may, in writing—
 - (a) provide the accused with the information referred to in subsection (6), and
 - (b) ask the accused whether the accused objects to being sent to the Crown Court for trial for the offence.
- (6) The information is—
 - (a) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the question set out in subsection (5)(b), and
 - (ii) the consequences of objecting or failing to object to being sent to the Crown Court for trial;
 - (b) an explanation of the way in which, and the period of time within which, the accused may object to being so sent;
 - (c) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.
- (7) If the court exercises the power in subsection (5) it must also, in writing—
 - (a) inform the prosecutor that the court has—
 - (i) decided that the condition set out in subsection (4) is met, and
 - (ii) exercised the power in subsection (5) in relation to the accused;
 - (b) explain the way in which, and the period of time within which, the prosecutor may object to the accused's being sent to the Crown Court for trial for the offence; and
 - (c) ask the prosecutor whether the prosecutor objects to the accused's being sent to the Crown Court for trial for the offence.
- (8) If—
 - (a) the court has exercised the power in subsection (5),
 - (b) subsection (7) has been complied with,
 - (c) the accused has not objected, in accordance with the explanation provided under subsection (6)(b), to being sent to the Crown Court for trial for the offence, and
 - (d) the prosecutor has not objected, in accordance with the explanation provided under subsection (7)(b), to the accused's being sent to the Crown Court for trial for the offence,the court is to proceed in relation to the offence in accordance with section 51 of the Crime and Disorder Act 1998.
- (9) If subsection (8) does not apply, the court is to proceed to try the offence summarily under section 9.
- (10) If, at a summary trial held in accordance with subsection (9), the accused pleads not guilty—

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- (a) the trial and the plea are void, and
- (b) the court is to proceed as if the hearing were for the purposes of section 17A and the accused had indicated that the accused would (if the offence were to proceed to trial) plead not guilty.

17ZC Option to decline summary trial, or for mode of trial to be decided on papers, following written indication of not guilty plea

- (1) Subsection (3) or (5) has effect (subject to section 17ZA(11)) in relation to a case where a person has given a written indication of a not guilty plea (see section 17ZA(13)).
- (2) But Criminal Procedure Rules may make provision about circumstances in which neither subsection (3) nor subsection (5) has effect.
- (3) If the offence in question is not a scheduled offence (as defined in section 22(1)), a magistrates' court must, in writing—
 - (a) provide the accused with the information referred to in subsection (4), and
 - (b) ask the accused—
 - (i) whether the accused wishes to give a written indication of non-consent to summary trial, and
 - (ii) if the accused does not wish to give that indication, whether the accused wishes to make an election for written allocation proceedings.
- (4) The information is—
 - (a) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the questions set out in subsection (3)(b), and
 - (ii) the consequences of doing or failing to do the things referred to in subsection (3)(b);
 - (b) an explanation of the way in which, and the period of time within which, the accused may give a written indication of non-consent to summary trial or make an election for written allocation proceedings;
 - (c) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.
- (5) If the offence in question is a scheduled offence (as defined in section 22(1)), a magistrates' court must, in writing—
 - (a) provide the accused with the information referred to in subsection (6), and
 - (b) ask the accused—
 - (i) whether the accused wishes to make an election for written allocation proceedings and give a written indication of non-consent to summary trial, and

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- (ii) if the accused does not wish to make that election and give that indication, whether the accused wishes to make an election for written allocation proceedings.
- (6) The information is—
 - (a) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the questions set out in subsection (5)(b), and
 - (ii) the consequences of doing or failing to do the things described in subsection (5)(b)(i) or (ii);
 - (b) an explanation of the way in which, and the period of time within which, the person may do the things described in subsection (5)(b)(i) or (ii);
 - (c) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.
- (7) If, where subsection (3) has been complied with, the accused gives a written indication of non-consent to summary trial, the court is to proceed in relation to the offence in accordance with section 51 of the Crime and Disorder Act 1998.
- (8) Otherwise, where subsection (3) or (5) has been complied with, the court is to proceed in accordance with section 18(1A) or (4A).
- (9) In this section and sections 18 and 22—
 - (a) “election for written allocation proceedings” means an election in writing made—
 - (i) by a person who has been provided with the information and asked the questions required by subsection (3) or (5), and
 - (ii) in accordance with the explanation provided under subsection (4)(b) or (6)(b),
 for the court to decide where the person’s trial should take place by written proceedings without the person (or the person’s legal representative) being present;
 - (b) “written indication of non-consent to summary trial” means a written indication given—
 - (i) by a person who has been provided with the information and asked the questions required by subsection (3) or (5), and
 - (ii) in accordance with the explanation provided under subsection (4)(b) or (6)(b),
 that the person would not (if the offence were to proceed to trial and, in the case of a scheduled offence (as defined in section 22(1)), if trial in the Crown Court were available) consent to be tried in a magistrates’ court for the offence;
 - (c) references to a person’s failing to make an election for written allocation proceedings, or failing to give a written indication of non-consent to summary trial, are to a person’s—

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- (i) having been provided with the information and asked the questions required by subsection (3) or (5), and
 - (ii) not having, within the period indicated under subsection (4)(b) or (6)(b), made an election for written allocation proceedings or (as the case may be) given a written indication of non-consent to summary trial.”
- (3) In section 22A (low-value shoplifting to be summary offence subject to right to elect Crown Court trial)—
 - (a) in subsection (1), at the end insert “, subject to subsections (1D) and (2)”;
 - (b) after subsection (1) insert—

“(1A) Where a person accused of low-value shoplifting is aged 18 or over (and has not appeared before the court to answer the charge before attaining that age), a magistrates’ court must, in writing—

 - (a) provide the accused with the information referred to in subsection (1B), and
 - (b) ask the accused whether the accused wishes to—
 - (i) elect to be tried by the Crown Court for the offence, or
 - (ii) confirm that the accused does not so elect.

(1B) The information is—

 - (a) a statement of the charge against the accused;
 - (b) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the question set out in subsection (1A)(b), and
 - (ii) the consequences of electing to be tried by the Crown Court or confirming to the contrary;
 - (c) an explanation of the way in which, and the period of time within which, the accused would have to make that election or give that confirmation;
 - (d) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.

(1C) Criminal Procedure Rules may make provision about circumstances in which subsection (1A) does not apply.

(1D) If, having been provided with the information and asked the question required by subsection (1A), the accused elects, in accordance with the explanation provided under subsection (1B)(c), to be tried by the Crown Court for the offence, the court must proceed in relation to the offence in accordance with section 51 of the Crime and Disorder Act 1998 (and subsection (2) does not apply).

(1E) If, having been provided with the information and asked the question required by subsection (1A), the accused confirms, in accordance with the explanation provided under subsection (1B)(c), that the

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accused does not elect to be tried by the Crown Court for the offence, subsection (2) does not apply.”;

(c) in subsection (2)—

(i) for “But” substitute “Subject to subsections (1D) and (1E),”;

(ii) omit paragraph (a).

Commencement Information

II S. 6 not in force at Royal Assent, see [s. 51\(4\)](#)

7 Initial option for adult accused to reject summary trial at hearing

In the Magistrates’ Courts Act 1980, after section 17B insert—

“17BA Option to decline summary trial without allocation hearing following indication of not guilty plea in court

- (1) This section has effect in the circumstances set out in sections 17A(7) (indication of not guilty plea by accused at hearing), 17B(2)(d) (indication of not guilty plea by accused’s representative at hearing) and 22(2B) (scheduled offence found at hearing to be triable either way after indication of not guilty plea).
- (2) If the accused is present, the court must explain to the accused that—
 - (a) the accused may choose to give an indication that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence;
 - (b) if the accused chooses to give such an indication, the accused will be sent to the Crown Court for trial without having the opportunity to make representations as to the suitable mode of trial under section 19(2) or to obtain an indication of sentence under section 20(3);
 - (c) if the accused chooses not to give such an indication, the court will proceed in accordance with section 18(1);
 and must then ask the accused whether the accused wishes to indicate that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence.
- (3) If the accused is not present, the court must ask the accused’s legal representative whether the accused would wish to indicate that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence.
- (4) If the accused, or the accused’s legal representative, gives an in-court indication of non-consent to summary trial, the court is to proceed in relation to the offence in accordance with section 51 of the Crime and Disorder Act 1998.
- (5) If the accused, or the accused’s legal representative, does not give an in-court indication of non-consent to summary trial, the court is to proceed in accordance with section 18(1).

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- (6) In this section and section 18, “in-court indication of non-consent to summary trial” means an indication given by a person or a person’s legal representative, in response to the question asked under subsection (2) or (3), that the person would not (if the offence were to proceed to trial) consent to be tried in a magistrates’ court for the offence of which the person is accused.”

Commencement Information

I2 S. 7 not in force at Royal Assent, see [s. 51\(4\)](#)

8 Written procedure for indicating plea and determining mode of trial: children

In the Magistrates’ Courts Act 1980, after section 24 insert—

“24ZA Option for child or young person to indicate plea in writing where allocation decision otherwise required

- (1) Subsection (3) has effect where—
- (a) a person under the age of 18 years is charged with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998 (“the 1998 Act”),
 - (b) the person has not since attained the age of 18 years, and
 - (c) a magistrates’ court would, but for this section and sections 24A and 24B, have to determine under section 51A of the 1998 Act—
 - (i) whether to send the accused to the Crown Court for trial, or
 - (ii) any matter the effect of which would be to determine whether the accused is sent to the Crown Court for trial.
- (2) But Criminal Procedure Rules may make provision about circumstances in which subsection (3) does not have effect.
- (3) A magistrates’ court must, in writing—
- (a) provide the accused with the information referred to in subsection (4), and
 - (b) ask the accused—
 - (i) whether the accused chooses to give a written indication of plea, and
 - (ii) if the accused chooses to do so, whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty.
- (4) The information is—
- (a) a statement of the charge against the accused;
 - (b) an explanation, including such details as may be prescribed by Criminal Procedure Rules, of—
 - (i) why the accused is being asked the questions set out in subsection (3)(b), and
 - (ii) the consequences of giving or failing to give a written indication of plea;

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- (c) an explanation of the way in which, and the period of time within which, the accused may give a written indication of plea;
 - (d) any other information that—
 - (i) Criminal Procedure Rules require to be provided, or
 - (ii) Criminal Procedure Rules allow to be provided and the court decides to provide.
- (5) If the accused gives a written indication of a guilty plea, the court is not to make the relevant determination but is to proceed to try the offence summarily under section 9.
- (6) If, at a summary trial held in accordance with subsection (5), the accused pleads not guilty—
 - (a) the trial and the plea are void, and
 - (b) the court is to proceed as if the hearing were for the purposes of section 24A and the accused had indicated that the accused would (if the offence were to proceed to trial) plead not guilty.
- (7) If the accused gives a written indication of a not guilty plea, the court is to—
 - (a) give the prosecutor and the accused an opportunity to make representations in writing about the matters referred to in subsection (1)(c)(i) or (ii), and
 - (b) proceed to make the relevant determination.
- (8) If the accused fails to give a written indication of plea, the court is to proceed by way of a hearing for the purposes of section 24A.
- (9) The following shall not for any purpose be taken to constitute the taking of a plea—
 - (a) asking the accused under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
 - (b) a written indication of plea under this section.
- (10) In subsection (1), the reference to a person charged with an offence is a reference to—
 - (a) a person in respect of whom a summons or warrant has been issued under section 1,
 - (b) a person who has been charged with an offence under Part 4 of the Police and Criminal Evidence Act 1984, or
 - (c) a person against whom a written charge and requisition have been issued under section 29 of the Criminal Justice Act 2003.
- (11) In this section and sections 24ZB, 24A and 24BA—
 - (a) “written indication of plea” means a written indication given—
 - (i) by a person who has been provided with the information and asked the questions required by subsection (3),
 - (ii) in accordance with the explanation provided under subsection (4)(c),
 of whether (if the offence were to proceed to trial) that person would plead guilty or not guilty;
 - (b) “written indication of a guilty plea” and “written indication of a not guilty plea” are to be read accordingly;

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(c) references to a person's failing to give a written indication of plea are to a person's—

- (i) having been provided with the information and asked the questions required by subsection (3), and
- (ii) not having given a written indication of plea within the period indicated under subsection (4)(c).

(12) In this section and section 24ZB, “relevant determination” means the determination referred to in subsection (1)(c).

24ZB Written indication of plea: accused turning 18 or withdrawing indication

(1) This section has effect where a magistrates' court has complied with section 24ZA(3).

(2) If the accused attains the age of 18 years before giving, or failing to give, a written indication of plea (see section 24ZA(11)), section 24ZA ceases to have effect (and the court is to proceed in accordance with section 17ZA or 17A).

The court may not exercise its powers under section 29 of the Children and Young Persons Act 1963 so as to produce a different result.

(3) Subsection (4) applies if the accused attains the age of 18 years—

- (a) after giving a written indication of plea, but
- (b) before the taking of a plea in the summary trial or, as the case may be, the making of the relevant determination (see section 24ZA(12)).

(4) The court must consider whether to exercise its powers under section 29 of the Children and Young Persons Act 1963; but subject to any exercise of those powers—

- (a) section 24ZA(5) or (7) ceases to apply, and
- (b) the court is to proceed as if the written indication of plea had been given under (and within the meaning of) section 17ZA.

(5) Subsection (6) applies if the accused attains the age of 18 years—

- (a) having failed to give a written indication of plea, but
- (b) before the hearing for the purposes of section 24A.

(6) Section 24ZA(8) ceases to apply, and the court is to proceed as if the accused had failed to give a written indication of plea within the meaning of section 17ZA.

The court may not exercise its powers under section 29 of the Children and Young Persons Act 1963 so as to produce a different result.

(7) Subsection (8) applies if—

- (a) the accused gives a written indication of plea,
- (b) at any time before—
 - (i) the taking of a plea in the summary trial,
 - (ii) the hearing for the purposes of section 24A(2), or
 - (iii) the sending of the accused to the Crown Court for trial,

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- the court receives an indication given by the accused that the accused wishes to withdraw the written indication of plea, and
- (c) the written indication of plea is not at that time being treated by virtue of subsection (4) as having been given under section 17ZA.

(8) If this subsection applies—

- (a) the designated officer for the court must inform the prosecutor of the withdrawal;
- (b) the court is to cease to proceed in accordance with section 24ZA(5) or (7); and
- (c) the court is to proceed by way of—
- (i) a hearing for the purposes of section 24A(2), or
 - (ii) if the accused attains the age of 18 before any hearing for the purposes of section 24A(2) (and subject to the court's powers under section 29 of the Children and Young Persons Act 1963), a hearing for the purposes of section 17A (which is to apply as if the accused's written indication of plea had been given and withdrawn as described in subsection (1A)(b) of that section)."

Commencement Information

I3 S. 8 not in force at Royal Assent, see s. 51(4)

9 Powers to proceed if accused absent from allocation hearing

- (1) The Magistrates' Courts Act 1980 is amended as follows.
- (2) In section 17B (power to proceed with indication of plea hearing in absence of disorderly but represented accused)—
- (a) for the heading substitute "Power to proceed if accused does not appear to give indication as to plea";
 - (b) for subsection (1) substitute—
- “(1A) This section has effect where—
- (a) a hearing is held for the purposes of section 17A,
 - (b) the accused does not appear at the hearing,
 - (c) any of the conditions in subsections (1B) to (1E) is met, and
 - (d) the court is satisfied that it is not contrary to the interests of justice to proceed in the absence of the accused.
- (1B) This condition is that a legal representative of the accused is present at the hearing and signifies the accused's consent to the court's proceeding in the accused's absence.
- (1C) This condition is that—
- (a) a legal representative of the accused is present at the hearing, and
 - (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

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(1D) This condition is that—

- (a) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed, that notice of the hearing was served on the accused within what appears to the court to be a reasonable time before its date, and
- (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

(1E) This condition is that—

- (a) the accused has appeared on a previous occasion to answer the charge, and
- (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

(1F) This section also has effect where—

- (a) a hearing is held for the purposes of section 17A,
 - (b) the accused appears at the hearing,
 - (c) the court considers that by reason of the accused's disorderly conduct before the court it is not practicable for the hearing to be conducted in the accused's presence, and
 - (d) the court is satisfied that it is not contrary to the interests of justice to proceed in the absence of the accused.”;
- (c) in subsection (2), for the words before paragraph (a) substitute “If a legal representative of the accused is present at the hearing—”;
- (d) after subsection (4) insert—
- “(5) If no legal representative of the accused is present at the hearing—
- (a) the court is to proceed in accordance with section 18(1), and
 - (b) the accused is to be taken for the purposes of section 20 to have indicated that the accused would (if the offence were to proceed to trial) plead not guilty.”

(3) In section 18 (procedure for determining mode of trial), omit subsection (3).

(4) In section 23 (power to proceed with allocation hearing in absence of represented accused)—

- (a) for the heading substitute “Power to proceed if accused absent from allocation hearing”;
- (b) for subsection (1) substitute—

“(1A) This section has effect where—

- (a) a hearing is held in accordance with section 18(1) or (1A),
- (b) the accused does not appear at the hearing,
- (c) any of the conditions in subsections (1B) to (1E) is met, and
- (d) the court is satisfied that it is not contrary to the interests of justice to proceed in the absence of the accused.

(1B) This condition is that a legal representative of the accused is present at the hearing and signifies the accused's consent to the court's proceeding in the accused's absence.

(1C) This condition is that—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Cross Heading: Offences triable either way: determining the mode of trial. (See end of Document for details)

- (a) a legal representative of the accused is present at the hearing, and
- (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

(1D) This condition is that—

- (a) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed, that notice of the hearing was served on the accused within what appears to the court to be a reasonable time before its date, and
- (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

(1E) This condition is that—

- (a) the accused has appeared on a previous occasion to answer the charge, and
- (b) the court does not consider that there is an acceptable reason for the accused's failure to attend.

(1F) This section also has effect where—

- (a) a hearing is held in accordance with section 18(1) or (1A),
- (b) the accused appears at the hearing,
- (c) the court considers that by reason of the accused's disorderly conduct before the court it is not practicable for the hearing to be conducted in the accused's presence, and
- (d) the court is satisfied that it is not contrary to the interests of justice to proceed in the absence of the accused.

(1G) This section also has effect where a magistrates' court determines that section 17B(5) applies and proceeds straight away to a hearing in accordance with section 18(1).";

- (c) in subsection (4), in the words before paragraph (a), after "If" insert "a legal representative of the accused is present at the hearing and";
- (d) after subsection (4) insert—

"(4A) If no legal representative of the accused is present at the hearing, and the court decides under section 19 above that the offence appears to it more suitable for summary trial, then section 20 above shall not apply, and the court shall proceed to the summary trial of the information.

(4B) In a case within subsection (4A)—

- (a) the accused may, at any time before the taking of a plea in the summary trial, apply to the court for the question of the mode of trial to be reopened;
- (b) the court may, if it considers it in the interests of justice to do so (having regard, in particular, to the reason given by the accused for not appearing at the earlier hearing), accede to the application and arrange a hearing under paragraph (c);
- (c) if a hearing takes place under this paragraph and the accused appears at it, the court is not to proceed to summary trial by virtue of subsection (4A), but is to proceed in accordance with subsections (2) to (9) of section 20 above."

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Cross Heading: Offences triable either way: determining the mode of trial. (See end of Document for details)

(5) After section 24B insert—

“24BA Power to proceed if child or young person absent from plea and allocation hearing

- (1) This section has effect where—
- (a) a hearing is held for the purposes of section 24A(2),
 - (b) the accused does not appear at the hearing,
 - (c) the accused has failed to give a written indication of plea (see section 24ZA(11)),
 - (d) either—
 - (i) it is proved to the satisfaction of the court, on oath or in such manner as may be prescribed, that notice of the hearing was served on the accused within what appears to the court to be a reasonable time before its date, or
 - (ii) the accused has appeared on a previous occasion to answer the charge,
 - (e) the court does not consider that there is an acceptable reason for the accused’s failure to attend, and
 - (f) the court is satisfied that it is not contrary to the interests of justice to proceed in the absence of the accused.
- (2) Section 24A ceases to apply.
- (3) If no legal representative of the accused is present at the hearing, the court is to proceed to make the relevant determination (within the meaning given by section 24A(2)) as if the accused had appeared at the hearing and indicated that the accused would plead not guilty.
- (4) If a legal representative of the accused is present at the hearing, the court is to proceed in accordance with subsection (2) of section 24B (and subsections (3) and (4) of that section are to apply accordingly).”

Commencement Information

I4 S. 9 not in force at Royal Assent, see [s. 51\(4\)](#)

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the Judicial Review and Courts Act 2022,
Cross Heading: Offences triable either way: determining the mode of trial.