



# Judicial Review and Courts Act 2022

## 2022 CHAPTER 35

### PART 2

#### COURTS, TRIBUNALS AND CORONERS

### CHAPTER 1

#### CRIMINAL PROCEDURE

##### *Written procedures for dealing with summary offences*

### 3 Automatic online conviction and penalty for certain summary offences

After section 16F of the Magistrates' Courts Act 1980 insert—

*“Automatic online conviction and penalty for certain summary offences*

#### **16G The automatic online conviction option**

- (1) In this Act a reference to a person being offered the automatic online conviction option in respect of an offence is a reference to the person being given an electronic notification which explains that if the person intends to plead guilty the person may agree—
  - (a) to be convicted of the offence under section 16H, and
  - (b) to be penalised for the offence under section 16I.
- (2) In this Act a reference to a person accepting the automatic online conviction option in respect of an offence is a reference to the person giving an electronic notification which indicates that the person—
  - (a) pleads guilty to the offence,
  - (b) agrees to be convicted of the offence under section 16H, and

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(c) agrees to be penalised for the offence under section 16I.

- (3) A notification purporting to be given by a person (or the person’s legal representative) is to be treated for the purposes of subsection (2) as a notification given by that person.
- (4) In this section “electronic notification” means a written notification given—
- (a) by electronic means,
  - (b) under such arrangements as are put in place by the Lord Chancellor for the purposes of this section and sections 16H to 16L, and
  - (c) in accordance with such provision as may be made by Criminal Procedure Rules.

### **16H Conviction**

- (1) Subsection (2) applies to a person accused of an offence if—
- (a) the qualifying conditions are met, and
  - (b) the person is offered, and accepts, the automatic online conviction option in respect of the offence.
- (2) The accused is convicted of the offence by virtue of accepting the automatic online conviction option.
- (3) For the purposes of this section the qualifying conditions are met if—
- (a) regulations made by the Lord Chancellor specify the offence as one for which the automatic online conviction option may be offered;
  - (b) the accused had attained the age of 18 years when charged, or is not an individual;
  - (c) the required documents have been served on the accused; and
  - (d) service of all of the required documents was effected in accordance with Criminal Procedure Rules.
- (4) An offence may not be specified in regulations under subsection (3)(a) unless it is a summary offence that is not punishable with imprisonment.
- (5) Regulations under subsection (3)(a) are to be made by statutory instrument; and a statutory instrument containing such regulations (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) In this section, “required documents” means—
- (a) a written charge,
  - (b) a single justice procedure notice that complies with subsection (2D) of section 29 of the Criminal Justice Act 2003, and
  - (c) such other documents as may be prescribed by Criminal Procedure Rules as described in subsection (3B) of that section.

### **16I Penalties and other liabilities**

- (1) This section applies if a person is convicted of an offence under section 16H.
- (2) The offender is liable to a fine of the amount specified for the offence.

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- (3) The offender’s driving record is to be endorsed with the specified number of penalty points, and any other specified particulars, if the offence is specified as one to which such a penalty applies.
- (4) The offender is liable to pay compensation if the offence is specified as one in respect of which such a payment is to be made.
- (5) The amount of the compensation payable—
  - (a) is to be determined by the relevant prosecutor who instituted proceedings for the offence;
  - (b) must not exceed the maximum amount specified for the offence.
- (6) The offender is liable to pay prosecution costs.
- (7) The amount of the prosecution costs payable is to be determined by the relevant prosecutor who instituted proceedings for the offence.
- (8) The offender is liable to pay a surcharge of the amount specified for the offence.
- (9) In this section and section 16J—
  - “driving record” and “penalty points” have the same meanings as in the Road Traffic Offenders Act 1988;
  - “relevant prosecutor” has the same meaning as in section 29 of the Criminal Justice Act 2003;
  - “specified” means specified in regulations made by the Lord Chancellor.

### **16J Regulations about penalties etc under section 16I**

- (1) Regulations under section 16I(2) may specify fines of different amounts—
  - (a) for different offences;
  - (b) for different circumstances in which a particular offence is committed.
- (2) Regulations under section 16I(3) may not specify an offence unless it is an offence that would or could result in the endorsement of the offender’s driving record with penalty points on conviction in a magistrates’ court.
- (3) Regulations under section 16I(5)(b) may specify different maximum amounts of compensation—
  - (a) for different offences;
  - (b) for different circumstances in which a particular offence is committed.
- (4) Regulations under section 16I(8) may specify different amounts of surcharge—
  - (a) for different offences;
  - (b) for different circumstances in which a particular offence is committed.
- (5) The power to make regulations under section 16I(8) includes power to specify the amount of the surcharge for a particular offence as a proportion of the amount of the fine specified for that offence.
- (6) Regulations under section 16I are to be made by statutory instrument; and a statutory instrument containing such regulations (whether alone or with other provision) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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### **16K Timing and status of conviction and penalty**

- (1) The time when a conviction under section 16H takes effect is to be determined in accordance with Criminal Procedure Rules.
- (2) A conviction under section 16H is to be treated as a conviction by the specified magistrates' court.
- (3) A fine to which a person is liable under section 16I is to be treated as if it had been imposed by the specified magistrates' court on conviction.
- (4) An endorsement of a person's driving record under section 16I is to be treated as if the specified magistrates' court had ordered the endorsement under section 44 of the Road Traffic Offenders Act 1988.
- (5) Compensation which a person is liable to pay under section 16I is to be treated as if the specified magistrates' court had ordered it to be paid under Chapter 2 of Part 7 of the Sentencing Code.
- (6) Prosecution costs which a person is liable to pay under section 16I are to be treated as if the specified magistrates' court had ordered them to be paid under section 18 of the Prosecution of Offences Act 1985.
- (7) A surcharge which a person is liable to pay under section 16I is to be treated as if the specified magistrates' court had ordered it to be paid under section 42 of the Sentencing Code.
- (8) In this section, "specified magistrates' court" means the magistrates' court specified in the notice of conviction and penalty (see section 16L(2)(b)).

### **16L Notice of conviction and penalty**

- (1) The Lord Chancellor must secure that a person who is convicted of an offence under section 16H is given a notice of conviction and penalty.
- (2) A notice of conviction and penalty is an electronic notification which—
  - (a) sets out each penalty imposed on the offender under section 16I;
  - (b) specifies a magistrates' court for the purposes of section 16K;
  - (c) requires the offender to pay the sums that the offender is liable to pay under section 16I—
    - (i) within the relevant 28-day period, and
    - (ii) in the manner specified in the notice.
- (3) The relevant 28-day period is the period of 28 days beginning with the day on which the person's conviction took effect.
- (4) In this section—
  - "electronic notification" has the meaning given by section 16G(4);
  - "penalty" means—
    - (a) a fine,
    - (b) penalty points,
    - (c) compensation,
    - (d) prosecution costs, or

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- (e) a surcharge;  
“penalty points” has the same meaning as in the Road Traffic Offenders Act 1988.

### **16M Powers to set aside a conviction or replace a penalty etc**

- (1) A magistrates’ court may set aside a conviction under section 16H if it appears to the court that the conviction is unjust.
- (2) Subsection (1) does not affect the validity of a written charge or a single justice procedure notice.
- (3) A magistrates’ court carrying out functions under subsection (1) may be composed of a single justice.
- (4) But if a magistrates’ court composed of a single justice is minded to refuse to set aside a conviction—
  - (a) the decision must instead be referred to a magistrates’ court that is not so composed; and
  - (b) the parties must be given the opportunity to attend at, and make representations to, the magistrates’ court making that decision.
- (5) A magistrates’ court—
  - (a) may set aside any penalty imposed on a person under section 16I if it appears to the court that the amount of that penalty is unjust; and
  - (b) if it does so, may impose any sentence that it could have imposed for that offence if the person had pleaded guilty before it at the earliest opportunity.
- (6) The reference in subsection (5)(a) to the amount of a penalty is to be read, in relation to penalty points, as a reference to the number of penalty points imposed.
- (7) A magistrates’ court may exercise a power conferred by this section—
  - (a) on an application by the person convicted,
  - (b) on an application by the relevant prosecutor who initiated the proceedings, or
  - (c) of its own motion.
- (8) In this section—

“penalty” and “penalty points” have the meanings given by section 16L(4);

“relevant prosecutor” has the same meaning as in section 29 of the Criminal Justice Act 2003.”

#### **Commencement Information**

- I1** S. 3 not in force at Royal Assent, see s. 51(4)
- I2** S. 3 in force at 7.11.2023 by S.I. 2023/1194, reg. 2(a)

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PROSPECTIVE

**4 Guilty plea in writing: extension to proceedings following police charge**

- (1) Section 12 of the Magistrates' Courts Act 1980 (non-appearance of accused following indication of guilty plea) is amended as follows.
- (2) In subsection (1)(a), omit the words from “, not” to “instrument”.
- (3) After subsection (2) insert—
  - “(2A) This section shall also apply where—
    - (a) a person has been charged with a summary offence under Part 4 of the Police and Criminal Evidence Act 1984;
    - (b) the accused had attained the age of 16 when charged; and
    - (c) the designated officer for the court is notified by or on behalf of the prosecutor that the documents mentioned in subsection (3) below have been served upon the accused in accordance with rules of court.”
- (4) In subsection (3), after “(1)(b)” insert “and (2A)(c)”.
- (5) In subsection (5)—
  - (a) in paragraph (b), for “with the summons” substitute “as described in subsection (1)(b) or (2A)(c)”;
  - (b) in the words after paragraph (b), omit the words from “, subject” to “below,”.
- (6) After subsection (5) insert—
  - “(5A) Where subsection (5)(a) and (b) applies, the court also has power to discharge the accused from any duty to surrender to the custody of the court.
  - (5B) The function of the court under subsection (5A) may be discharged by a single justice.
  - (5C) The court's powers under subsection (5) are subject to subsections (5D) to (8).
  - (5D) The court may not in the absence of the accused—
    - (a) impose a sentence of imprisonment or detention in a young offender institution,
    - (b) make a detention and training order, or
    - (c) make an order under paragraph 13(1)(a) or (b) of Schedule 16 to the Sentencing Code that a suspended sentence is to take effect.
  - (5E) The court may not in the absence of the accused impose any disqualification, except on resumption of the hearing after an adjournment under section 10(3).
  - (5F) Where a trial is adjourned with a view to its resumption for the purposes of subsection (5E), the notice required by section 10(2) must include notice of the reason for the adjournment.”
- (7) In subsection (7), in paragraphs (a) and (aa), for “with the summons” substitute “as described in subsection (1)(b) or (2A)(c)”.
- (8) Omit subsections (12) and (13).

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**Commencement Information**

**I3** S. 4 not in force at Royal Assent, see [s. 51\(4\)](#)

## **5 Extension of single justice procedure to corporations**

In section 16A of the Magistrates’ Courts Act 1980 (trial by single justice on the papers), in subsection (1)(b), after “charged” insert “, or is not an individual”.

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**Commencement Information**

**I4** S. 5 not in force at Royal Assent, see [s. 51\(4\)](#)

**I5** [S. 5](#) in force at 4.1.2023 by [S.I. 2022/1358](#), [reg. 2](#)

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