



# 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*

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)—

*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 4. (See end of Document for details)*

- (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).

#### Commencement Information

**II** S. 4 not in force at Royal Assent, see **s. 51(4)**

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 4.