



Sexual Offences (Amendment) Act 1976

1976 CHAPTER 82

3 Application of s. 2 to committal proceedings, courts-martial and summary trials

- (1) Where a magistrates' court inquires into a rape offence as examining justices, then, except with the consent of the court, evidence shall not be adduced and a question shall not be asked at the inquiry which, if the inquiry were a trial at which a person is charged as mentioned in subsection (1) of the preceding section and each of the accused at the inquiry were charged at the trial with the offences of which he is accused at the inquiry, could not be adduced or asked without leave in pursuance of that section.
- (2) On an application for consent in pursuance of the preceding subsection for any evidence or question the court shall—
 - (a) refuse the consent unless the court is satisfied that leave in respect of the evidence or question would be likely to be given at a relevant trial; and
 - (b) give the consent if the court is so satisfied.
- (3) Where a person charged with a rape offence is tried for that offence either by court-martial or summarily before a magistrates' court in pursuance of section 6(1) of the Children and Young Persons Act 1969 (which provides for the summary trial in certain cases of persons under the age of 17 who are charged with indictable offences) the preceding section shall have effect in relation to the trial as if—
 - (a) the words " in the absence of the jury " in subsection (2) were omitted; and
 - (b) for any reference to the judge there were substituted—
 - (i) in the case of a trial by court-martial for which a judge advocate is appointed, a reference to the judge advocate, and
 - (ii) in any other case, a reference to the court.