

Status: Point in time view as at 01/10/2002.

Changes to legislation: Crime and Disorder Act 1998, Cross Heading: Power of Crown Court, with consent of legally-represented accused, to proceed in his absence is up to date with all changes known to be in force on or before 29 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

Power of Crown Court, with consent of legally-represented accused, to proceed in his absence

- 15 (1) The Crown Court may proceed in the absence of the accused in accordance with such of the provisions of paragraphs 9 to 14 above as are applicable in the circumstances if—
- (a) the accused is represented by a legal representative who signifies to the court the accused's consent to the proceedings in question being conducted in his absence; and
 - (b) the court is satisfied that there is good reason for proceeding in the absence of the accused.
- (2) Sub-paragraph (1) above is subject to the following provisions of this paragraph which apply where the court exercises the power conferred by that sub-paragraph.
- (3) If, where the court has considered as required by paragraph 7(7) or 8(2)(d) above, it appears to the court that an offence is more suitable for summary trial, paragraph 10 above shall not apply and—
- (a) if the legal representative indicates that the accused wishes to be tried summarily, the court shall remit the accused for trial to a magistrates' court acting for the place where he was sent to the Crown Court for trial;
 - (b) if the legal representative does not give such an indication, the court shall retain its functions and proceed accordingly.
- (4) If, where the court has considered as required by paragraph 7(7) or 8(2)(d) above, it appears to the court that an offence is more suitable for trial on indictment, paragraph 11 above shall apply with the omission of paragraph (a).
- (5) Where paragraph 14 above applies and it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum, sub-paragraphs (5) and (6) of that paragraph shall not apply and—
- (a) the court shall ask the legal representative whether the accused wishes the offence to be treated as a summary offence;
 - (b) if the legal representative indicates that the accused wishes the offence to be treated as a summary offence, the court shall so treat it;
 - (c) if the legal representative does not give such an indication, the court shall treat the offence as an indictable offence.

Commencement Information

- II** Sch. 3 para. 15 partly in force; Sch. 3 para. 15 not in force at Royal Assent see s. 121. In force at 30.9.1998 for certain purposes by [S.I. 1998/2327](#), [art. 2\(1\)](#) (subject to savings in [arts. 5-8](#)); Sch. 3 para. 15 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified in Sch. 2

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of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 15 in force at 15.1.2001 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

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