

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 07 September 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

ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

PART 1

PRINCIPAL AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

1 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

II Sch. 3 para. 1 in force at 18.6.2012 by [S.I. 2012/1320](#), [art. 3\(d\)\(i\)](#)

2 (1) Section 17A (initial indication as to plea) is amended as follows.

(2) For paragraph (b) of subsection (4) there is substituted—

“(b) he may (unless section 17D(2) below were to apply) be committed [^{F1}for sentence] to the Crown Court under section 3 or (if applicable) 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”

(3) After subsection (9) there is inserted—

“(10) 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 and the provisions of section 17B below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51 or, as the case may be, section 51A of that Act.”

Textual Amendments

F1 Words in Sch. 3 para. 2 inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 2](#)

Commencement Information

I2 Sch. 3 para. 2 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I3 Sch. 3 para. 2 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 3](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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- I4** Sch. 3 para. 2 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

3 After section 17C there is inserted—

“17D Maximum penalty under section 17A(6) or 17B(2)(c) for certain offences

(1) If—

- (a) the offence is a scheduled offence (as defined in section 22(1) below);
- (b) the court proceeds in relation to the offence in accordance with section 17A(6) or 17B(2)(c) above; and
- (c) the court convicts the accused of the offence,

the court shall consider whether, having regard to any representations made by him or by the prosecutor, the value involved (as defined in section 22(10) below) appears to the court to exceed the relevant sum (as specified for the purposes of section 22 below).

(2) If it appears to the court clear that the value involved does not exceed the relevant sum, or it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum—

- (a) subject to subsection (4) below, the court shall not have power to impose on the accused in respect of the offence a sentence in excess of the limits mentioned in section 33(1)(a) below; and
- (b) sections 3 and 4 of the Powers of Criminal Courts (Sentencing) Act 2000 shall not apply as regards that offence.

(3) Subsections (9) to (12) of section 22 below shall apply for the purposes of this section as they apply for the purposes of that section (reading the reference to subsection (1) in section 22(9) as a reference to subsection (1) of this section).

(4) Subsection (2)(a) above does not apply to an offence under section 12A of the Theft Act 1968 (aggravated vehicle-taking).

17E Functions under sections 17A to 17D capable of exercise by single justice

(1) The functions of a magistrates' court under sections 17A to 17D above may be discharged by a single justice.

(2) Subsection (1) above shall not be taken as authorising—

- (a) the summary trial of an information (otherwise than in accordance with section 17A(6) or 17B(2)(c) above); or
- (b) the imposition of a sentence,

by a magistrates' court composed of fewer than two justices.”

Commencement Information

- I5** Sch. 3 para. 3 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I6** Sch. 3 para. 3 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

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I7 Sch. 3 para. 3 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

4 In section 18 (initial procedure on information against adult for offence triable either way), for subsection (5) there is substituted—

“(5) The functions of a magistrates' court under sections 19 to 23 below may be discharged by a single justice, but this subsection shall not be taken as authorising—

- (a) the summary trial of an information (otherwise than in accordance with section 20(7) below); or
- (b) the imposition of a sentence,

by a magistrates' court composed of fewer than two justices.”

Commencement Information

I8 Sch. 3 para. 4 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))

I9 Sch. 3 para. 4 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

I10 Sch. 3 para. 4 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

5 For section 19 (court to begin by considering which mode of trial appears more suitable) there is substituted—

“19 Decision as to allocation

(1) The court shall decide whether the offence appears to it more suitable for summary trial or for trial on indictment.

(2) Before making a decision under this section, the court—

- (a) shall give the prosecution an opportunity to inform the court of the accused's previous convictions (if any); and
- (b) shall give the prosecution and the accused an opportunity to make representations as to whether summary trial or trial on indictment would be more suitable.

(3) In making a decision under this section, the court shall consider—

- (a) whether the sentence which a magistrates' court would have power to impose for the offence would be adequate; and
- (b) any representations made by the prosecution or the accused under subsection (2)(b) above,

and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 170 of the Criminal Justice Act 2003.

(4) Where—

- (a) the accused is charged with two or more offences; and
- (b) it appears to the court that the charges for the offences could be joined in the same indictment or that the offences arise out of the same or connected circumstances,

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subsection (3)(a) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

- (5) In this section any reference to a previous conviction is a reference to—
- (a) a previous conviction by a court in the United Kingdom; or
 - (b) a previous finding of guilt in—
 - (i) any proceedings under the Army Act 1955, the Air Force Act 1955 or the Naval Discipline Act 1957 (whether before a court-martial or any other court or person authorised under any of those Acts to award a punishment in respect of any offence); or
 - (ii) any proceedings before a Standing Civilian Court.
- (6) 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 and sections 20, 20A and 21 below shall not apply, and the court shall proceed in relation to the offence in accordance with section 51(1) of that Act.”

Commencement Information

- I11** Sch. 3 para. 5 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I12** Sch. 3 para. 5 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I13** Sch. 3 para. 5 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 6 For section 20 (procedure where summary trial appears more suitable) there is substituted—

“20 Procedure where summary trial appears more suitable

- (1) If the court decides under section 19 above that the offence appears to it more suitable for summary trial, the following provisions of this section shall apply (unless they are excluded by section 23 below).
- (2) The court shall explain to the accused in ordinary language—
 - (a) that it appears to the court more suitable for him to be tried summarily for the offence;
 - (b) that he can either consent to be so tried or, if he wishes, be tried on indictment; and
 - [^{F2}(c) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3 or (if applicable) section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.]

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- (3) The accused may then request an indication (“an indication of sentence”) of whether a custodial sentence or non-custodial sentence would be more likely to be imposed if he were to be tried summarily for the offence and to plead guilty.
- (4) If the accused requests an indication of sentence, the court may, but need not, give such an indication.
- (5) If the accused requests and the court gives an indication of sentence, the court shall ask the accused whether he wishes, on the basis of the indication, to reconsider the indication of plea which was given, or is taken to have been given, under section 17A or 17B above.
- (6) If the accused indicates that he wishes to reconsider the indication under section 17A or 17B above, the court shall ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty the court shall proceed as if—
 - (a) the proceedings constituted from that time the summary trial of the information; and
 - (b) section 9(1) above were complied with and he pleaded guilty under it.
- (8) Subsection (9) below applies where—
 - (a) the court does not give an indication of sentence (whether because the accused does not request one or because the court does not agree to give one);
 - (b) the accused either—
 - (i) does not indicate, in accordance with subsection (5) above, that he wishes; or
 - (ii) indicates, in accordance with subsection (5) above, that he does not wish,to reconsider the indication of plea under section 17A or 17B above; or
 - (c) the accused does not indicate, in accordance with subsection (6) above, that he would plead guilty.
- (9) The court shall ask the accused whether he consents to be tried summarily or wishes to be tried on indictment and—
 - (a) if he consents to be tried summarily, shall proceed to the summary trial of the information; and
 - (b) if he does not so consent, shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.

20A Procedure where summary trial appears more suitable: supplementary

- (1) Where the case is dealt with in accordance with section 20(7) above, no court (whether a magistrates' court or not) may impose a custodial sentence for the offence unless such a sentence was indicated in the indication of sentence referred to in section 20 above.

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- (2) Subsection (1) above is subject to sections 3A(4), 4(8) and 5(3) of the Powers of Criminal Courts (Sentencing) Act 2000.
- (3) Except as provided in subsection (1) above—
- (a) an indication of sentence shall not be binding on any court (whether a magistrates' court or not); and
 - (b) no sentence may be challenged or be the subject of appeal in any court on the ground that it is not consistent with an indication of sentence.
- (4) Subject to section 20(7) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the accused under section 20 above whether (if the offence were to proceed to trial) he would plead guilty or not guilty; or
 - (b) an indication by the accused under that section of how he would plead.
- (5) Where the court gives an indication of sentence under section 20 above, it shall cause each such indication to be entered in the register.
- (6) In this section and in section 20 above, references to a custodial sentence are to a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000, and references to a non-custodial sentence shall be construed accordingly.”

Textual Amendments

- F2** Sch. 3 para. 6: By [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 3](#) it is provided (8.5.2008) that in para. 6 subsection (2)(c) of "the section set out in that paragraph" shall be substituted.

Commencement Information

- I14** Sch. 3 para. 6 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I15** Sch. 3 para. 6 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I16** Sch. 3 para. 6 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 7 For section 21 (procedure where trial on indictment appears more suitable) there is substituted—

“21 Procedure where trial on indictment appears more suitable

If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, the court shall tell the accused that the court has decided that it is more suitable for him to be tried on indictment, and shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

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- I17** Sch. 3 para. 7 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I18** Sch. 3 para. 7 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I19** Sch. 3 para. 7 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 8 (1) Section 23 (power of court, with consent of legally represented accused, to proceed in his absence) is amended as follows.
- (2) In subsection (4)—
- (a) for the words preceding paragraph (a) there is substituted “ If the court decides under section 19 above that the offence appears to it more suitable for [^{F3}summary trial] then— ”, and
- (b) in paragraph (b), for the words from “to inquire” to the end there is substituted “ in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998. ”.
- (3) For subsection (5) there is substituted—
- “(5) If the court decides under section 19 above that the offence appears to it more suitable for trial on indictment, section 21 above shall not apply and the court shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

Textual Amendments

- F3** Words in Sch. 3 para. 8(2)(a) substituted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), [ss. 53, 153\(1\)\(a\)](#), [Sch. 13 para. 4](#)

Commencement Information

- I20** Sch. 3 para. 8 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I21** Sch. 3 para. 8 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I22** Sch. 3 para. 8 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 9 (1) Section 24 (summary trial of information against child or young persons for indictable offence), as amended by section 42 of this Act, is amended as follows.
- (2) For subsection (1) there is substituted—
- “(1) Where a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an indictable offence he shall, subject to sections 51 and 51A of the Crime and Disorder Act 1998 and to sections 24A and 24B below, be tried summarily.”
- (3) Subsections (1A) [^{F4}, (1B)] and (2) are omitted.

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[^{F5}(4) In subsection (3) for “the said Act of 2000” substitute the Powers of Criminal Courts (Sentencing) Act 2000.]

Textual Amendments

- F4** Words in Sch. 3 para. 9(3) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(2\)](#)
- F5** Sch. 3 para. 9(4) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 5\(3\)](#)

Commencement Information

- I23** Sch. 3 para. 9 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I24** Sch. 3 para. 9 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 4](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I25** Sch. 3 para. 9 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

10 After section 24 there is inserted—

“24A Child or young person to indicate intention as to plea in certain cases

- (1) This section applies where—
- (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998 (“the 1998 Act”); and
 - (b) but for the application of the following provisions of this section, the court would be required at that stage, by virtue of section 51(7) or (8) or 51A(3)(b), (4) or (5) of the 1998 Act to determine, in relation to the offence, whether to send the person to the Crown Court for trial (or to determine any matter, the effect of which would be to determine whether he is sent to the Crown Court for trial).
- (2) Where this section applies, the court shall, before proceeding to make any such determination as is referred to in subsection (1)(b) above (the “relevant determination”), follow the procedure set out in this section.
- (3) Everything that the court is required to do under the following provisions of this section must be done with the accused person in court.
- (4) The court shall cause the charge to be written down, if this has not already been done, and to be read to the accused.
- (5) The court shall then explain to the accused in ordinary language that he may indicate whether (if the offence were to proceed to trial) he would plead guilty or not guilty, and that if he indicates that he would plead guilty—
- (a) the court must proceed as mentioned in subsection (7) below; and
 - (b) (in cases where the offence is one mentioned in section 91(1) of the Powers of Criminal Courts (Sentencing) Act 2000) he may be sent to the Crown Court for sentencing under section 3B or (if applicable)

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3C of that Act if the court is of such opinion as is mentioned in subsection (2) of the applicable section.

- (6) The court shall then ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (7) If the accused indicates that he would plead guilty, the court shall proceed as if—
 - (a) the proceedings constituted from the beginning the summary trial of the information; and
 - (b) section 9(1) above was complied with and he pleaded guilty under it, and, accordingly, the court shall not (and shall not be required to) proceed to make the relevant determination or to proceed further under section 51 or (as the case may be) section 51A of the 1998 Act in relation to the offence.
- (8) If the accused indicates that he would plead not guilty, the court shall proceed to make the relevant determination and this section shall cease to apply.
- (9) If the accused in fact fails to indicate how he would plead, for the purposes of this section he shall be taken to indicate that he would plead not guilty.
- (10) Subject to subsection (7) above, 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) he would plead guilty or not guilty;
 - (b) an indication by the accused under this section of how he would plead.

24B Intention as to plea by child or young person: absence of accused

- (1) This section shall have effect where—
 - (a) a person under the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence other than one falling within section 51A(12) of the Crime and Disorder Act 1998;
 - (b) but for the application of the following provisions of this section, the court would be required at that stage to make one of the determinations referred to in paragraph (b) of section 24A(1) above (“the relevant determination”);
 - (c) the accused is represented by a legal representative;
 - (d) the court considers that by reason of the accused’s disorderly conduct before the court it is not practicable for proceedings under section 24A above to be conducted in his presence; and
 - (e) the court considers that it should proceed in the absence of the accused.
- (2) In such a case—
 - (a) the court shall cause the charge to be written down, if this has not already been done, and to be read to the representative;
 - (b) the court shall ask the representative whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
 - (c) if the representative indicates that the accused would plead guilty the court shall proceed as if the proceedings constituted from the

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- beginning the summary trial of the information, and as if section 9(1) above was complied with and the accused pleaded guilty under it;
- (d) if the representative indicates that the accused would plead not guilty the court shall proceed to make the relevant determination and this section shall cease to apply.
- (3) If the representative in fact fails to indicate how the accused would plead, for the purposes of this section he shall be taken to indicate that the accused would plead not guilty.
- (4) Subject to subsection (2)(c) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the representative under this section whether (if the offence were to proceed to trial) the accused would plead guilty or not guilty;
- (b) an indication by the representative under this section of how the accused would plead.

24C Intention as to plea by child or young person: adjournment

- (1) A magistrates' court proceeding under section 24A or 24B above may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused.
- (2) Where the court remands the accused, the time fixed for the resumption of proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand or would be required to be brought before the court but for section 128(3A) below.

24D Functions under sections 24A to 24C capable of exercise by single justice

- (1) The functions of a magistrates' court under sections 24A to 24C above may be discharged by a single justice.
- (2) Subsection (1) above shall not be taken as authorising—
- (a) the summary trial of an information (other than a summary trial by virtue of section 24A(7) or 24B(2)(c) above); or
- (b) the imposition of a sentence,
- by a magistrates' court composed of fewer than two justices.”

Commencement Information

- I26** Sch. 3 para. 10 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I27** Sch. 3 para. 10 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I28** Sch. 3 para. 10 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

- 11 (1) Section 25 (power to change from summary trial to committal proceedings and vice versa), as amended by section 42 of this Act, is amended as follows.
- (2) In subsection (1), for “(2) to (4)” there is substituted “ (2) to (2D) ”.

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 07 September 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)

(3) For subsection (2) there is substituted—

“(2) Where the court is required under section 20(9) above to proceed to the summary trial of the information, the prosecution may apply to the court for the offence to be tried on indictment instead.

(2A) An application under subsection (2) above—

- (a) must be made before the summary trial begins; and
- (b) must be dealt with by the court before any other application or issue in relation to the summary trial is dealt with.

(2B) The court may grant an application under subsection (2) above but only if it is satisfied that the sentence which a magistrates' court would have power to impose for the offence would be inadequate.

(2C) Where—

- (a) the accused is charged on the same occasion with two or more offences; and
- (b) it appears to the court that they constitute or form part of a series of two or more offences of the same or a similar character,

subsection (2B) above shall have effect as if references to the sentence which a magistrates' court would have power to impose for the offence were a reference to the maximum aggregate sentence which a magistrates' court would have power to impose for all of the offences taken together.

(2D) Where the court grants an application under subsection (2) above, it shall proceed in relation to the offence in accordance with section 51(1) of the Crime and Disorder Act 1998.”

(4) Subsections (3) to (8) are omitted.

Commencement Information

- I29** Sch. 3 para. 11 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#))
- I30** Sch. 3 para. 11 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))
- I31** Sch. 3 para. 11 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

12 For subsections (1) and (2) of section 26 (power to issue summons to accused in certain circumstances) there is substituted—

“(1) Where, in the circumstances mentioned in section 23(1)(a) above, the court is not satisfied that there is good reason for proceeding in the absence of the accused, the justice or any of the justices of which the court is composed may issue a summons directed to the accused requiring his presence before the court.

(2) In a case within subsection (1) above, if the accused is not present at the time and place appointed for the proceedings under section 19 or section 22(1) above, the court may issue a warrant for his arrest.”

Status: Point in time view as at 25/05/2018.

Changes to legislation: Criminal Justice Act 2003, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 07 September 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)

Commencement Information

- I32** Sch. 3 para. 12 in force at 18.6.2012 for specified purposes by [S.I. 2012/1320](#), **art. 4(1)(c)(2)(3)** (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4)
- I33** Sch. 3 para. 12 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), art. 2(1)(c)(2)(3), **Sch.** (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), **art. 2**) (with [S.I. 2013/1103](#), **art. 4**)
- I34** Sch. 3 para. 12 in force at 28.5.2013 for specified purposes by [S.I. 2013/1103](#), **art. 2(1)(c)(2)(3)** (with [arts. 3, 4](#))

13

14 Section 42 (restriction on justices sitting after dealing with bail) shall cease to have effect.

Commencement Information

- I35** Sch. 3 para. 14 in force at 18.6.2012 by [S.I. 2012/1320](#), **art. 3(d)(ii)**

Status:

Point in time view as at 25/05/2018.

Changes to legislation:

Criminal Justice Act 2003, Cross Heading: Magistrates' Courts Act 1980 (c. 43) is up to date with all changes known to be in force on or before 07 September 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.