



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Procedure for determining mode of trial of offences triable either way

21 Procedure where summary trial appears more suitable

- (1) If, where the court has considered as required by section 20(1) above, it appears to the court that the offence is more suitable for summary trial, the following provisions of this section shall apply (unless excluded by section 24 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, and that he can either consent to be so tried or, if he wishes, be tried by a jury; and
 - (b) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 29 of the Magistrates' Courts Act 1952 if the convicting court, on obtaining information about his character and antecedents, is of opinion that they are such that greater punishment should be inflicted than the convicting court has power to inflict for the offence.
- (3) After explaining to the accused as provided by the preceding subsection the court shall ask him whether he consents to be tried summarily or wishes to be tried by a jury, and—
 - (a) if he consents to be tried summarily, shall proceed to the summary trial of the information ;
 - (b) if he does not so consent, shall proceed to inquire into the information as examining justices.