



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Procedure for determining mode of trial of offences triable either way

25 Power to change from summary trial to committal proceedings, and vice versa

- (1) Subsections (2) to (4) below shall have effect where a person who has attained the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Where the court has (otherwise than in pursuance of section 23(2) above) begun to try the information summarily, the court may, at any time before the conclusion of the evidence for the prosecution, discontinue the summary trial and proceed to inquire into the information as examining justices and, on doing so, may adjourn the hearing without remanding the accused.
- (3) Where the court has begun to inquire into the information as examining justices, then, if at any time during the inquiry it appears to the court, having regard to any representations made in the presence of the accused by the prosecutor, or made by the accused, and to the nature of the case, that the offence is after all more suitable for summary trial, the court may, after doing as provided in subsection (4) below, ask the accused whether he consents to be tried summarily and, if he so consents, may proceed to try the information summarily:

Provided that, if the prosecution is being carried on by the Attorney General, the Solicitor General or the Director of Public Prosecutions, the court shall not act under this subsection without his consent.

- (4) Before asking the accused under subsection (3) above whether he consents to be tried summarily, the court shall in ordinary language—

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- (a) explain to him that it appears to the court more suitable for him to be tried summarily for the offence, but that this can only be done if he consents to be so tried; and
 - (b) unless it has already done so, explain to him, as provided in section 21(2)(b) above, about the court's power to commit to the Crown Court for sentence.
- (5) Where a person under the age of seventeen appears or is brought before a magistrates' court on an information charging him with an indictable offence other than homicide, and the court—
- (a) has begun to try the information summarily on the footing that the case does not fall within paragraph (a) or (b) of section 6(1) of the Children and Young Persons Act 1969 and must therefore be tried summarily, as required by the said section 6(1); or
 - (b) has begun to inquire into the case as examining justices on the footing that the case does so fall,
- subsection (6) or (7) below, as the case may be, shall have effect.
- (6) If, in a case falling within subsection (5)(a) above, it appears to the court at any time before the conclusion of the evidence for the prosecution that the case is after all one which under the said section 6(1) ought not to be tried summarily, the court may discontinue the summary trial and proceed to inquire into the information as examining justices and, on doing so, may adjourn the hearing without remanding the accused.
- (7) If, in a case falling within subsection (5)(b) above, it appears to the court at any time during the inquiry that the case is after all one which under the said section 6(1) ought to be tried summarily, the court may proceed to try the information summarily.