



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART I

CRIMINAL JURISDICTION AND PROCEDURE

Offences triable on indictment or summarily

[^{F1}17A Initial procedure: accused to indicate intention as to plea.

- (1) This section shall have effect where a person who has attained the age of 18 years appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Everything that the court is required to do under the following provisions of this section must be done with the accused present in court.
- (3) The court shall cause the charge to be written down, if this has not already been done, and to be read to the accused.
- (4) 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 (6) below; and
 - (b) he may be committed for sentence to the Crown Court under [^{F2} section 3 of the Powers of Criminal Courts (Sentencing) Act 2000]] if the court is of such opinion as is mentioned in subsection (2) of that section.
- (5) The court shall then ask the accused whether (if the offence were to proceed to trial) he would plead guilty or not guilty.
- (6) 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.

Status: Point in time view as at 29/03/2011. This version of this provision has been superseded.

Changes to legislation: Magistrates' Courts Act 1980, Section 17A is up to date with all changes known to be in force on or before 06 July 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)

- (7) If the accused indicates that he would plead not guilty section 18(1) below shall apply.
- (8) If the accused in fact fails to indicate how he would plead, for the purposes of this section and section 18(1) below he shall be taken to indicate that he would plead not guilty.
- (9) Subject to subsection (6) 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.

Textual Amendments

- F1** Ss. 17A-17C inserted (4.7.1996 with application where a person appears or is brought before a magistrates' court on or after 1.10.1997) by 1996 c. 25, s. 49(2)(6) (with s. 78(1)); S.I. 1997/2199, art. 2
- F2** Words in s. 17A(4) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), Sch. 9 para. 62

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