

Status: Point in time view as at 18/06/2012.

Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 16 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

Section 52(6).

PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

Regulations

- 1 The Attorney General shall by regulations provide that, where a person is sent for trial under section 51 [^{F1}or 51A] of this Act on any charge or charges, copies of the documents containing the evidence on which the charge or charges are based shall, ^{F2} . . .—
- (a) be served on that person; and
 - (b) be given to the Crown Court sitting at the place specified in the notice under [^{F3}section 51D(1) of this Act][^{F4}before the expiry of the period prescribed by the regulations; but the judge may at his discretion extend or further extend that period.].

- [^{F5}(2) The regulations may make provision as to the procedure to be followed on an application for the extension or further extension of a period under sub-paragraph (1) above.]

Textual Amendments

- F1** Words in Sch. 3 para. 1 inserted (18.5.2012) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(2\)\(a\)](#); [S.I. 2012/1320](#), art. 2(b)(ii) (with art. 6(1))
- F2** Words in Sch. 3 para. 1 repealed (27.9.1999) by virtue of 1999 c. 22, ss. 67(1)(a), 106, 108(3)(b)(f), [Sch. 15 Pt. III](#) (with [Sch. 14 paras. 7\(2\), 36\(9\)](#)); [S.I. 1999/2657](#), art. 2(d)(iii)
- F3** Words in Sch. 3 para. 1 substituted (18.5.2012) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(2\)\(b\)](#); [S.I. 2012/1320](#), art. 2(b)(ii) (with art. 6(1))
- F4** Words in Sch. 3 para. 1 inserted (27.9.1999) by virtue of 1999 c. 22, [ss. 67\(1\)\(a\)](#), 108(3)(b) (with [Sch. 14 para. 7\(2\)](#))
- F5** Sch. 3 para. 1(2) substituted (27.9.1999) by 1999 c. 22, [ss. 67\(1\)\(b\)](#), 108(3)(b) (with [Sch. 14 para. 7\(2\)](#))

Commencement Information

- I1** Sch. 3 para. 1 wholly in force; Sch. 3 para. 1 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. 1 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 1 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](#))

Applications for dismissal

- 2 (1) A person who is sent for trial under section 51 [^{F6}or 51A] of this Act on any charge or charges may, at any time—

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- (a) after he is served with copies of the documents containing the evidence on which the charge or charges are based; and
- (b) before he is arraigned (and whether or not an indictment has been preferred against him),

apply orally or in writing to the Crown Court sitting at the place specified in the notice under [F7section 51D(1) of this Act] for the charge, or any of the charges, in the case to be dismissed.

- (2) The judge shall dismiss a charge (and accordingly quash any count relating to it in any indictment preferred against the applicant) which is the subject of any such application if it appears to him that the evidence against the applicant would not be sufficient for [F8him to be properly convicted].
- (3) No oral application may be made under sub-paragraph (1) above unless the applicant has given to the Crown Court sitting at the place in question written notice of his intention to make the application.

[F9(4).....

[F9(5).....

- (6) If the charge, or any of the charges, against the applicant is dismissed—
 - (a) no further proceedings may be brought on the dismissed charge or charges except by means of the preferment of a voluntary bill of indictment; and
 - (b) unless the applicant is in custody otherwise than on the dismissed charge or charges, he shall be discharged.
- (7) [F10Criminal Procedure Rules] may make provision for the purposes of this paragraph and, without prejudice to the generality of this sub-paragraph, may make provision—
 - (a) as to the time or stage in the proceedings at which anything required to be done is to be done (unless the court grants leave to do it at some other time or stage);
 - (b) as to the contents and form of notices or other documents;
 - (c) as to the manner in which evidence is to be submitted; and
 - (d) as to persons to be served with notices or other material.

Textual Amendments

- F6** Words in Sch. 3 para. 2(1) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(3\)\(a\)\(i\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F7** Words in Sch. 3 para. 2(1) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(3\)\(a\)\(ii\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F8** Words in Sch. 3 para. 2(2) substituted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336\(3\)](#), [Sch. 36 para. 73](#); [S.I. 2006/1835](#) {art. 2(h)}
- F9** Sch. 3 para. 2(4)(5) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(3\)](#)

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- (b), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F10** Words in Sch. 3 para. 2(7) substituted (1.9.2004) by **The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035)**, art. 3, **Sch. para. 37(2)** (with art. 2(2))

Commencement Information

- I2** Sch. 3 para. 2 wholly in force; Sch. 3 para. 2 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. 2 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 of the said S.I. by **S.I. 1998/2327, art. 4(2)**; Sch. 3 para. 2 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**)

Reporting restrictions

- 3 (1) Except as provided by this paragraph, it shall not be lawful—
- (a) to publish in [^{F11}the United Kingdom] a written report of an application under paragraph 2(1) above; or
 - (b) to include in a relevant programme for reception in [^{F12}the United Kingdom] a report of such an application,
- if (in either case) the report contains any matter other than that permitted by this paragraph.
- (2) An order that sub-paragraph (1) above shall not apply to reports of an application under paragraph 2(1) above may be made by the judge dealing with the application.
- (3) Where in the case of two or more accused one of them objects to the making of an order under sub-paragraph (2) above, the judge shall make the order if, and only if, he is satisfied, after hearing the representations of the accused, that it is in the interests of justice to do so.
- (4) An order under sub-paragraph (2) above shall not apply to reports of proceedings under sub-paragraph (3) above, but any decision of the court to make or not to make such an order may be contained in reports published or included in a relevant programme before the time authorised by sub-paragraph (5) below.
- (5) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an application under paragraph 2(1) above containing any matter other than that permitted by sub-paragraph (8) below where the application is successful.
- (6) Where—
- (a) two or more persons were jointly charged; and
 - (b) applications under paragraph 2(1) above are made by more than one of them,
- sub-paragraph (5) above shall have effect as if for the words “the application is” there were substituted the words “ all the applications are ”.
- (7) It shall not be unlawful under this paragraph to publish or include in a relevant programme a report of an unsuccessful application at the conclusion of the trial of the person charged, or of the last of the persons charged to be tried.

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- (8) The following matters may be contained in a report published or included in a relevant programme without an order under sub-paragraph (2) above before the time authorised by sub-paragraphs (5) and (6) above, that is to say—
- (a) the identity of the court and the name of the judge;
 - (b) the names, ages, home addresses and occupations of the accused and witnesses;
 - [^{F13}(bb) where the application made by the accused under paragraph 2(1) above relates to a charge for an offence in respect of which notice has been given to the court under section 51B of this Act, any relevant business information;]
 - (c) the offence or offences, or a summary of them, with which the accused is or are charged;
 - (d) the names of counsel and solicitors engaged in the proceedings;
 - (e) where the proceedings are adjourned, the date and place to which they are adjourned;
 - (f) the arrangements as to bail;
 - [^{F14}(g) whether a right to representation funded by the Legal Services Commission as part of the Criminal Defence Service was granted to the accused or any of the accused.]
- (9) The addresses that may be published or included in a relevant programme under sub-paragraph (8) above are addresses—
- (a) at any relevant time; and
 - (b) at the time of their publication or inclusion in a relevant programme.
- [^{F15}(9A) The following is relevant business information for the purposes of sub-paragraph (8) above—
- (a) any address used by the accused for carrying on a business on his own account;
 - (b) the name of any business which he was carrying on on his own account at any relevant time;
 - (c) the name of any firm in which he was a partner at any relevant time or by which he was engaged at any such time;
 - (d) the address of any such firm;
 - (e) the name of any company of which he was a director at any relevant time or by which he was otherwise engaged at any such time;
 - (f) the address of the registered or principal office of any such company;
 - (g) any working address of the accused in his capacity as a person engaged by any such company;
- and here “engaged” means engaged under a contract of service or a contract for services.]
- (10) If a report is published or included in a relevant programme in contravention of this paragraph, the following persons, that is to say—
- (a) in the case of a publication of a written report as part of a newspaper or periodical, any proprietor, editor or publisher of the newspaper or periodical;
 - (b) in the case of a publication of a written report otherwise than as part of a newspaper or periodical, the person who publishes it;
 - (c) in the case of the inclusion of a report in a relevant programme, any body corporate which is engaged in providing the service in which the programme

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- is included and any person having functions in relation to the programme corresponding to those of the editor of a newspaper;
- shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) Proceedings for an offence under this paragraph shall not, in England and Wales, be instituted otherwise than by or with the consent of the Attorney General.
- (12) Sub-paragraph (1) above shall be in addition to, and not in derogation from, the provisions of any other enactment with respect to the publication of reports of court proceedings.
- (13) In this paragraph—
- “publish”, in relation to a report, means publish the report, either by itself or as part of a newspaper or periodical, for distribution to the public;
- “relevant programme” means a programme included in a programme service (within the meaning of the ^{M1}Broadcasting Act 1990);
- “relevant time” means a time when events giving rise to the charges to which the proceedings relate occurred.

Textual Amendments

- F11** Words in Sch. 3 para. 3(1)(a) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 71\(a\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\), Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F12** Words in Sch. 3 para. 3(1)(b) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 71\(a\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\), Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F13** Sch. 3 para. 3(8)(bb) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 71\(b\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\), Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F14** Sch. 3 para. 3(8)(g) substituted (2.4.2001) by [1999 c. 22, s. 24, Sch. 4 paras. 53, 55](#) (with [Sch. 14 para. 7\(2\)](#)); [S.I. 2001/916, art. 3\(a\)\(ii\)](#) (with [Sch. 2 para. 2](#))
- F15** Sch. 3 para. 3(9A) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 71\(c\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\), Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))

Commencement Information

- I3** Sch. 3 para. 3 wholly in force; Sch. 3 para. 3 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. 3 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 of the said S.I. by [S.I. 1998/2327, art. 4\(2\)](#); Sch. 3 para. 3 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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Marginal Citations

M1 1990 c.42.

Power of justice to take depositions etc.

- 4 (1) Sub-paragraph (2) below applies where a justice of the peace ^{F16} . . . is satisfied that—
- (a) any person in England and Wales (“the witness”) is likely to be able to make on behalf of the prosecutor a written statement containing material evidence, or produce on behalf of the prosecutor a document or other exhibit likely to be material evidence, for the purposes of proceedings for an offence for which a person has been sent for trial under section 51 [^{F17}or 51A] of this Act by a magistrates’ court ^{F16} . . . ; and
 - [^{F18}(b) it is in the interests of justice to issue a summons under this paragraph to secure the attendance of the witness to have his evidence taken as a deposition or to produce the document or other exhibit.]
- (2) In such a case the justice shall issue a summons directed to the witness requiring him to attend before a justice at the time and place appointed in the summons, and to have his evidence taken as a deposition or to produce the document or other exhibit.
- (3) If a justice of the peace is satisfied by evidence on oath of the matters mentioned in sub-paragraph (1) above, and also that it is probable that a summons under sub-paragraph (2) above would not procure the result required by it, the justice may instead of issuing a summons issue a warrant to arrest the witness and to bring him before a justice at the time and place specified in the warrant.
- (4) A summons may also be issued under sub-paragraph (2) above if the justice is satisfied that the witness is outside the British Islands, but no warrant may be issued under sub-paragraph (3) above unless the justice is satisfied by evidence on oath that the witness is in England and Wales.
- (5) If—
- (a) the witness fails to attend before a justice in answer to a summons under this paragraph;
 - (b) the justice is satisfied by evidence on oath that the witness is likely to be able to make a statement or produce a document or other exhibit as mentioned in sub-paragraph (1)(a) above;
 - (c) it is proved on oath, or in such other manner as may be prescribed, that he has been duly served with the summons and that a reasonable sum has been paid or tendered to him for costs and expenses; and
 - (d) it appears to the justice that there is no just excuse for the failure,
- the justice may issue a warrant to arrest the witness and to bring him before a justice at the time and place specified in the warrant.
- (6) Where—
- (a) a summons is issued under sub-paragraph (2) above or a warrant is issued under sub-paragraph (3) or (5) above; and
 - (b) the summons or warrant is issued with a view to securing that the witness has his evidence taken as a deposition,
- the time appointed in the summons or specified in the warrant shall be such as to enable the evidence to be taken as a deposition before the relevant date.

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- (7) If any person attending or brought before a justice in pursuance of this paragraph refuses without just excuse to have his evidence taken as a deposition, or to produce the document or other exhibit, the justice may do one or both of the following—
- (a) commit him to custody until the expiration of such period not exceeding one month as may be specified in the summons or warrant or until he sooner has his evidence taken as a deposition or produces the document or other exhibit;
 - (b) impose on him a fine not exceeding £2,500.
- (8) A fine imposed under sub-paragraph (7) above shall be deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction.
- (9) If in pursuance of this paragraph a person has his evidence taken as a deposition, the [^{F19}designated officer for] the justice concerned shall as soon as is reasonably practicable send a copy of the deposition to the prosecutor and the Crown Court.
- (10) If in pursuance of this paragraph a person produces an exhibit which is a document, the [^{F19}designated officer for] the justice concerned shall as soon as is reasonably practicable send a copy of the document to the prosecutor and the Crown Court.
- (11) If in pursuance of this paragraph a person produces an exhibit which is not a document, the [^{F19}designated officer for] the justice concerned shall as soon as is reasonably practicable inform the prosecutor and the Crown Court of that fact and of the nature of the exhibit.
- (12) In this paragraph—
- “prescribed” means prescribed by [^{F20}Criminal Procedure Rules];
 - [^{F21}“the relevant date” means the expiry of the period referred to in paragraph 1(1) above.]

Textual Amendments

- F16** Words in Sch. 3 para. 4(1) omitted (1.4.2005) by virtue of [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 61\(a\)](#)
- F17** Words in Sch. 3 para. 4(1)(a) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(4\)](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F18** Sch. 3 para. 4(1)(b) substituted (1.7.2005) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), [ss. 169\(4\)](#), [178\(8\)](#); [S.I. 2005/1521](#), [art. 3\(1\)\(bb\)](#)
- F19** Words in Sch. 3 para. 4(9)-(11) substituted (1.4.2005) by [The Courts Act 2003 \(Consequential Provisions\) Order 2005 \(S.I. 2005/886\)](#), art. 2, [Sch. para. 61\(b\)](#)
- F20** Words in Sch. 3 para. 4(12) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, [Sch. para. 37\(3\)](#) (with art. 2(2))
- F21** Definition in Sch. 3 para. 4(12) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 72](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)

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Commencement Information

- I4** Sch. 3 para. 4 wholly in force; Sch. 3 para. 4 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. 4 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 4 in force at 15.1.2000 to the extent that it is not already in force by [S.I. 2000/3283](#), [art. 2](#) (subject to transitional provisions in [art. 3](#))

Use of depositions as evidence

- 5 (1) Subject to sub-paragraph (3) below, sub-paragraph (2) below applies where in pursuance of paragraph 4 above a person has his evidence taken as a deposition.
- (2) Where this sub-paragraph applies the deposition may without further proof be read as evidence on the trial of the accused, whether for an offence for which he was sent for trial under section 51 [^{F22}or 51A] of this Act or for any other offence arising out of the same transaction or set of circumstances.
- (3) Sub-paragraph (2) above does not apply if—
- (a) it is proved that the deposition was not signed by the justice by whom it purports to have been signed;
 - (b) the court of trial at its discretion orders that sub-paragraph (2) above shall not apply; or
 - (c) a party to the proceedings objects to sub-paragraph (2) above applying.

^{F23}(4)

Textual Amendments

- F22** Words in Sch. 3 para. 5(2) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(5\)](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F23** Sch. 3 para. 5(4) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 130, 332, 336(3), [Sch. 37 Pt. 6](#); [S.I. 2005/950](#), [art. 2](#), [Sch. 1 paras. 6, 44\(3\)](#) (with [Sch. 2](#))

Modifications etc. (not altering text)

- C1** Sch. 3 para. 5 excluded (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 84(7), 336(3); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 5](#) (with [Sch. 2](#))
- C2** Sch. 3 para. 5 excluded (4.4.2005) by [Criminal Appeal Act 1968 \(c. 19\)](#), [Sch. 2 para. 1\(2\)](#) (as substituted by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 131, 336(3); [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 6](#) (with [Sch. 2](#)))

Commencement Information

- I5** Sch. 3 para. 5 wholly in force; Sch. 3 para. 5 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. 5 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 5 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](#))

Status: Point in time view as at 18/06/2012.

Changes to legislation: Crime and Disorder Act 1998, SCHEDULE 3 is up to date with all changes known to be in force on or before 16 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)

Power of Crown Court to deal with summary offence

- 6 (1) This paragraph applies where a magistrates' court has sent a person for trial under section 51 [F24 or 51A] of this Act for offences which include a summary offence.
- (2) If the person is convicted on the indictment, the Crown Court shall consider whether the summary offence is related to the [F25 indictable offence for which he was sent for trial or, as the case may be, any of the indictable offences for which he was so sent] .
- (3) If it considers that the summary offence is so related, the court shall state to the person the substance of the offence and ask him whether he pleads guilty or not guilty.
- (4) If the person pleads guilty, the Crown Court shall convict him, but may deal with him in respect of the summary offence only in a manner in which a magistrates' court could have dealt with him.
- (5) If he does not plead guilty, the powers of the Crown Court shall cease in respect of the summary offence except as provided by sub-paragraph (6) below.
- (6) If the prosecution inform the court that they would not desire to submit evidence on the charge relating to the summary offence, the court shall dismiss it.
- (7) The Crown Court shall inform the [F26[F27 designated officer] for] the magistrates' court of the outcome of any proceedings under this paragraph.
- (8) If the summary offence is one to which section 40 of the M2 Criminal Justice Act 1988 applies, the Crown Court may exercise in relation to the offence the power conferred by that section; but where the person is tried on indictment for such an offence, the functions of the Crown Court under this paragraph in relation to the offence shall cease.
- (9) Where the Court of Appeal allows an appeal against conviction of an [F28 indictable] offence which is related to a summary offence of which the appellant was convicted under this paragraph—
- (a) it shall set aside his conviction of the summary offence and give the clerk of the magistrates' court notice that it has done so; and
 - (b) it may direct that no further proceedings in relation to the offence are to be undertaken;
- and the proceedings before the Crown Court in relation to the offence shall thereafter be disregarded for all purposes.
- (10) A notice under sub-paragraph (9) above shall include particulars of any direction given under paragraph (b) of that sub-paragraph in relation to the offence.
- F29(11)
- (12) An offence is related to another offence for the purposes of this paragraph if it arises out of circumstances which are the same as or connected with those giving rise to the other offence.

Textual Amendments

F24 Words in Sch. 3 para. 6(1) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 3 para. 20\(6\) \(a\); 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.](#)

Status: Point in time view as at 18/06/2012.

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- 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F25** Words in Sch. 3 para. 6(2) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 20(6)(b)**; 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); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F26** Words in Sch. 3 para. 6(7) substituted (1.4.2001) by **1999 c. 22, s. 90(1), Sch. 13 para. 179(1)(3)** (with Sch. 14 para. 7(2)); S.I. 2001/916, art. 2(a)(ii) (with Sch. 2 para. 2)
- F27** Words in Sch. 3 para. 6(7) substituted (1.4.2005) by **The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886), art. 2, Sch. para. 61(c)**
- F28** Word in Sch. 3 para. 6(9) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 20(6)(c)**; 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); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F29** Sch. 3 para. 6(11) repealed (1.4.2001) by **1999 c. 22, s. 106, Sch. 15 Pt. V(7)** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2001/916, art. 2(c)(ii) (with Sch. 2 para. 2)

Commencement Information

- I6** Sch. 3 para. 6 wholly in force; Sch. 3 para. 6 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. 6 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 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 3 para. 6 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)

Marginal Citations

- M2** 1988 c.33.

Procedure where no indictable-only offence remains

- 7 (1) Subject to paragraph 13 below, this paragraph applies where—
- (a) a person has been sent for trial under section 51 [^{F30}or 51A] of this Act but has not been arraigned; and
 - (b) the person is charged on an indictment which (following amendment of the indictment, or as a result of an application under paragraph 2 above, or for any other reason) includes no [^{F31}main offence] .
- (2) Everything that the Crown Court is required to do under the following provisions of this paragraph must be done with the accused present in court.
- (3) The court shall cause to be read to the accused each [^{F32}remaining] count of the indictment that charges an offence triable either way.
- (4) The court shall then explain to the accused in ordinary language that, in relation to each of those offences, he may indicate whether (if it were to proceed to trial) he would plead guilty or not guilty, and that if he indicates that he would plead guilty the court must proceed as mentioned in sub-paragraph (6) below.
- (5) The court shall then ask the accused whether (if the offence in question were to proceed to trial) he would plead guilty or not guilty.

Status: Point in time view as at 18/06/2012.

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- (6) If the accused indicates that he would plead guilty the court shall proceed as if he had been arraigned on the count in question and had pleaded guilty.
- (7) If the accused indicates that he would plead not guilty, or fails to indicate how he would plead, the court shall [^{F33}decide] whether the offence is more suitable for summary trial or for trial on indictment.
- (8) Subject to sub-paragraph (6) above, the following shall not for any purpose be taken to constitute the taking of a plea—
- (a) asking the accused under this paragraph whether (if the offence were to proceed to trial) he would plead guilty or not guilty;
 - (b) an indication by the accused under this paragraph of how he would plead.
- [^{F34}(9) In this paragraph, a “main offence” is—
- (a) an offence for which the person has been sent to the Crown Court for trial under section 51(1) of this Act; or
 - (b) an offence—
 - (i) for which the person has been sent to the Crown Court for trial under subsection (5) of section 51 or subsection (6) of section 51A of this Act (“the applicable subsection”); and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under the applicable subsection (as set out in paragraphs (a) to (c) of section 51(5) or paragraphs (a) and (b) of section 51A(6)) continue to be satisfied.]

Textual Amendments

- F30** Words in Sch. 3 para. 7(1)(a) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(7\)\(a\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F31** Words in Sch. 3 para. 7(1)(b) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(7\)\(b\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F32** Word in Sch. 3 para. 7(3) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(7\)\(e\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F33** Word in Sch. 3 para. 7(7) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(7\)\(d\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F34** Sch. 3 para. 7(9) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(7\)\(e\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)\(c\)](#), [Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)

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Commencement Information

I7 Sch. 3 para. 7 partly in force; Sch. 3 para. 7 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. 7 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 7 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](#))

- 8 (1) Subject to paragraph 13 below, this paragraph applies in a case where—
- (a) a person has been sent for trial under section 51 [^{F35}or 51A] of this Act but has not been arraigned;
 - (b) he is charged on an indictment which (following amendment of the indictment, or as a result of an application under paragraph 2 above, or for any other reason) includes no [^{F36}main offence (within the meaning of paragraph 7 above)];
 - (c) he is represented by a legal representative;
 - (d) the Crown Court considers that by reason of his disorderly conduct before the court it is not practicable for proceedings under paragraph 7 above to be conducted in his presence; and
 - (e) the court considers that it should proceed in his absence.
- (2) In such a case—
- (a) the court shall cause to be read to the representative each [^{F37}remaining] count of the indictment that charges an offence triable either way;
 - (b) the court shall ask the representative whether (if the offence in question 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 accused had been arraigned on the count in question and had pleaded guilty;
 - (d) if the representative indicates that the accused would plead not guilty, or fails to indicate how the accused would plead, the court shall [^{F38}decide] whether the offence is more suitable for summary trial or for trial on indictment.
- (3) Subject to sub-paragraph (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 paragraph of how the accused would plead.

Textual Amendments

F35 Words in Sch. 3 para. 8(1)(a) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(8\)\(a\)](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)

F36 Words in Sch. 3 para. 8(1)(b) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(8\)\(b\)](#); [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), art. 4(2) and [S.I.](#)

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- 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F37** Word in Sch. 3 para. 8(2)(a) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 20(8)(c); 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); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F38** Word in Sch. 3 para. 8(2)(d) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 20(8)(d); 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); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Commencement Information

- I8** Sch. 3 para. 8 partly in force; Sch. 3 para. 8 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. 8 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 of the said S.I. by **S.I. 1998/2327, art. 4(2)**; Sch. 3 para. 8 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**)

- 9 (1) This paragraph applies where the Crown Court is required by paragraph 7(7) or 8(2)(d) above to [^{F39}decide] the question whether an offence is more suitable for summary trial or for trial on indictment.
- [^{F40}(2) Before deciding the question, 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 deciding the question, 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 sub-paragraph (2)(b) above,
- and shall have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section [^{F41}122 of the Coroners and Justice Act 2009].
- (4) 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;
- sub-paragraph (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 paragraph any reference to a previous conviction is a reference to—
- (a) a previous conviction by a court in the United Kingdom, or

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- [^{F42}(b) a previous conviction of a service offence within the meaning of the Armed Forces Act 2006 (“conviction” here including anything that under section 376(1) and (2) of that Act is to be treated as a conviction).]]

Textual Amendments

- F39** Word in Sch. 3 para. 9(1) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(9\)\(a\)](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F40** Sch. 3 para. 9(2)-(5) substituted for Sch. 3 para. 9(2)(3) (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(9\)\(b\)](#); [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); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F41** Words in Sch. 3 para. 9(3) substituted (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 177(1), 182(5), Sch. 21 para. 81 (with s. 180); [S.I. 2010/816](#), art. 2, Sch. para. 20(b)
- F42** Sch. 3 para. 9(5)(b) substituted (28.3.2009 for specified purposes, otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378(1), 383(2), Sch. 16 para. 155; [S.I. 2009/812](#), art. 3(a)(b); [S.I. 2009/1167](#), art. 4

Modifications etc. (not altering text)

- C3** Sch. 3 para. 9(5)(b) modified (24.4.2009 for specified purposes, otherwise 31.10.2009) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), arts. 1(3), 205, [Sch. 1 para. 43](#)

Commencement Information

- I9** Sch. 3 para. 9 fully in force; Sch. 3 para. 9 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. 9 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 of the said S.I. by [S.I. 1998/2327](#), art. 4(2); Sch. 3 para. 9 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)

- 10 (1) This paragraph applies (unless excluded by paragraph 15 below) where the Crown Court considers that an offence is more suitable for summary trial.

- [^{F43}(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
 - (c) in the case of a specified offence (within the meaning of section 224 of the Criminal Justice Act 2003), that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the committing court is of such opinion as is mentioned in subsection (2) of that section.]

- (3) After explaining to the accused as provided by sub-paragraph (2) above the court shall ask him whether he wishes to be tried summarily or [^{F45}by a jury][^{F45}on indictment], and—

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- (a) if he indicates that he wishes to be tried summarily, shall remit him for trial to a magistrates' court acting for the place where he was sent to the Crown Court for trial;
- (b) if he does not give such an indication, shall retain its functions in relation to the offence and proceed accordingly.

Textual Amendments

- F43** Sch. 3 para. 10(2) substituted (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(10\)\(a\)](#); 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)
- F44** Words in Sch. 3 para. 10(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), [Sch. 9 para. 201\(2\)](#)
- F45** Words in Sch. 3 para. 10(3) substituted (18.6.2012 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(10\)\(b\)](#); 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)

Commencement Information

- I10** Sch. 3 para. 10 wholly in force; Sch. 3 para. 10 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. 10 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 10 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](#))

- 11 If the Crown Court considers that an offence is more suitable for trial on indictment, the court—
 - (a) shall tell the accused that it has decided that it is more suitable for him to be tried for the offence [^{F46}on indictment] ; and
 - (b) shall retain its functions in relation to the offence and proceed accordingly.

Textual Amendments

- F46** Words in Sch. 3 para. 11(a) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(11\)](#); 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); S.I. 2012/2574, art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Commencement Information

- I11** Sch. 3 para. 11 wholly in force; Sch. 3 para. 11 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. 11 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 of the said S.I. by [S.I. 1998/2327](#), [art. 4\(2\)](#); Sch. 3 para. 11 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](#))

^{F47}12

Textual Amendments

- F47** Sch. 3 para. 12 repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(12\)](#), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103,

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art. 4); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)

- 13 (1) This paragraph applies, in place of paragraphs 7 to 12 above, in the case of a child or young person who—
- (a) has been sent for trial under section 51 [^{F48}or 51A] of this Act but has not been arraigned; and
 - (b) is charged on an indictment which (following amendment of the indictment, or as a result of an application under paragraph 2 above, or for any other reason) includes no [^{F49}main offence].

- (2) The Crown Court shall remit the child or young person for trial to a magistrates' court acting for the place where he was sent to the Crown Court for trial ^{F50}. . .

^{F51}(3) In this paragraph, a “main offence” is—

- (a) an offence for which the child or young person has been sent to the Crown Court for trial under section 51A(2) of this Act; or
- (b) an offence—
 - (i) for which the child or young person has been sent to the Crown Court for trial under subsection (7) of section 51 of this Act; and
 - (ii) in respect of which the conditions for sending him to the Crown Court for trial under that subsection (as set out in paragraphs (a) and (b) of that subsection) continue to be satisfied.]

Textual Amendments

- F48** Words in Sch. 3 para. 13(1)(a) inserted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(13\)\(a\)](#); 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); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F49** Words in Sch. 3 para. 13(1)(b) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(13\)\(b\)](#); 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); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F50** Words in Sch. 3 para. 13(2) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(13\)\(c\)](#), [Sch. 37 Pt. 4](#); S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 3, 4)
- F51** Sch. 3 para. 13(3) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 3 para. 20\(13\)\(d\)](#); 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); S.I. 2012/2574, art. 2(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); S.I. 2013/1103, art. 2(1)(c)(2)(3) (with arts. 3, 4)

Commencement Information

- I12** Sch. 3 para. 13 wholly in force; Sch. 3 para. 13 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. 13 in force at 4.1.1999 for the purpose of sending any person for trial under s. 51 from any area specified

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in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 3 para. 13 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)

Procedure for determining whether offences of criminal damage etc. are summary offences

- 14 (1) This paragraph applies where the Crown Court has to determine, for the purposes of this Schedule, whether an offence which is listed in the first column of Schedule 2 to the 1980 Act (offences for which the value involved is relevant to the mode of trial) is a summary offence.
- (2) The court shall have regard to any representations made by the prosecutor or the accused.
- (3) If it appears clear to the court that the value involved does not exceed the relevant sum, it shall treat the offence as a summary offence.
- (4) If it appears clear to the court that the value involved exceeds the relevant sum, it shall treat the offence as an indictable offence.
- (5) If it appears to the court for any reason not clear whether the value involved does or does not exceed the relevant sum, the court shall ask the accused whether he wishes the offence to be treated as a summary offence.
- (6) Where sub-paragraph (5) above applies—
- (a) if the accused indicates that he wishes the offence to be treated as a summary offence, the court shall so treat it;
- (b) if the accused does not give such an indication, the court shall treat the offence as an indictable offence.
- (7) In this paragraph “the value involved” and “the relevant sum” have the same meanings as in section 22 of the 1980 Act (certain offences triable either way to be tried summarily if value involved is small).

Commencement Information

113 Sch. 3 para. 14 partly in force; Sch. 3 para. 14 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. 14 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 of the said S.I. by S.I. 1998/2327, art. 4(2); Sch. 3 para. 14 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)

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.

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- (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 [^{F52}decided] 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 [^{F53}decided] 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.

Textual Amendments

- F52** Word in Sch. 3 para. 15(3) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(14\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)
- F53** Word in Sch. 3 para. 15(4) substituted (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\)](#), [Sch. 3 para. 20\(14\)](#); [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](#)); [S.I. 2012/2574, art. 2\(2\)\(3\)](#), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(2\)\(3\)](#) (with arts. 3, 4)

Commencement Information

- I14** 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 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](#))

Status:

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Changes to legislation:

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