

*Status: Point in time view as at 05/11/2012.*

*Changes to legislation: Crime and Disorder Act 1998, Paragraph 10 is up to date with all changes known to be in force on or before 12 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

#### PROCEDURE WHERE PERSONS ARE SENT FOR TRIAL UNDER SECTION 51

##### *Procedure where no indictable-only offence remains*

- 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.
- [<sup>F1</sup>(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 [<sup>F3</sup>by a jury][<sup>F3</sup>on indictment] , and—
- (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

- F1** Sch. 3 para. 10(2) substituted (18.6.2012 for specified purposes, 5.11.2012 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**); 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**)
- F2** Words in Sch. 3 para. 10(2) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 201(2)**
- F3** Words in Sch. 3 para. 10(3) substituted (18.6.2012 for specified purposes, 5.11.2012 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**); 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**)

---

*Status: Point in time view as at 05/11/2012.*

*Changes to legislation: Crime and Disorder Act 1998, Paragraph 10 is up to date with all changes known to be in force on or before 12 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)*

---

#### **Commencement Information**

- II** 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](#))

**Status:**

Point in time view as at 05/11/2012.

**Changes to legislation:**

Crime and Disorder Act 1998, Paragraph 10 is up to date with all changes known to be in force on or before 12 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.