



Criminal Justice Act 1925

1925 CHAPTER 86

PART II

JURISDICTION AND PROCEDURE

Summary Jurisdiction

24 Summary trial of indictable offences

- (1) Where a person who is an adult is charged before a court of summary jurisdiction with an indictable offence, being one of the offences specified in the Second Schedule to this Act, the court, if it thinks it expedient so to do, having regard to any representation made in presence of the accused by or on behalf of the prosecutor, the character and antecedents of the accused, the nature of the offence, the absence of circumstances which would render the offence one of a grave or serious character and all the other circumstances of the case (including the adequacy of the punishment which a court of summary jurisdiction has power to inflict), and if the accused, when informed by the court of his right to be tried by a jury, consents to be dealt with summarily, may, subject to the provisions of this section, deal summarily with the offence, and, if the accused pleads guilty to, or is found guilty of, the offence charged, may sentence him to be imprisoned for any term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine :

Provided that—

- (a) where a case affects the property or affairs of His Majesty or of a public body as denned by section seven of the Public Bodies Corrupt Practices Act, 1889, as amended by any other Act, the court shall not deal with the case summarily without the consent of the prosecutor ; and
- (b) where the prosecution is being carried on by the Director of Public Prosecutions, the court shall not deal with the case summarily without the consent of the Director ; and
- (c) where a person pleads guilty to, or is found guilty of, any offence of inciting to commit a summary offence, he shall not be liable to any greater penalty

Status: This is the original version (as it was originally enacted).

than that to which he would have been liable if he had been found guilty of committing that summary offence.

- (2) If a court of summary jurisdiction at any time during the hearing of a charge for such an indictable offence as aforesaid against a person who is an adult becomes satisfied that it is expedient to deal with the case summarily, the court shall thereupon, for the purpose of proceedings under this section, cause the charge to be reduced into writing and read to the accused and shall then address to him a question to the following effect, " Do you desire to be tried by a jury, or do you consent " to the case being dealt with summarily ? " with a statement, if the court thinks such a statement desirable for his information, of the meaning of the case being dealt with summarily, and of the assizes or quarter sessions, as the case may be, at which he will be tried, if tried by a jury, and if the accused consents to be dealt with summarily, shall forthwith ask him the following question, " Do you plead guilty or not guilty ? "
- (3) Any enactments in force at the commencement of this Act which relate to the summary trial of indictable offences or which refer to indictable offences which are triable summarily shall, subject to the provisions of this section, be construed, as the case may be, as applying to the summary trial of indictable offences under this section or as referring to all indictable offences which are triable summarily thereunder.
- (4) In this section the expression " adult" means a person who is, in the opinion of the court before which he is charged, of the age of sixteen years or upwards.

25 Right of appeal against sentence imposed by court of summary jurisdiction

A person who after pleading guilty or admitting the truth of the information is convicted of any offence by a court of summary jurisdiction shall have a right to appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions against his sentence.

26 Enforcement of recognizances to be of good behaviour

- (1) Subsection (2) of section nine of the Summary Jurisdiction Act, 1879 (which relates to the enforcing by courts of summary jurisdiction of recognizances to keep the peace or to be of good behaviour), shall have effect as though there were inserted therein after the words " a " breach of the condition of the same " the words " or in " the case of a recognizance conditioned to be of good " behaviour, upon proof that the person bound as " principal has since the date of the recognizance been " guilty of conduct which is a breach of the condition."
- (2) "Where a surety to a recognizance to keep the peace or to be of good behaviour has reason to suspect that the person bound as principal has been or is about to be guilty of conduct which was or would be a breach of the conditions of the recognizance, he may lay an information before any justice of the peace having jurisdiction either in the place in which the said person is or is believed by the informant to be or in the place where the court by which the recognizance was ordered to be entered into was held, and that justice may thereupon, if in his discretion he thinks fit, issue a warrant or summons against the said person.

The court before which the said person is brought under any such warrant or before which he appears in answer to any such summons may, as it thinks fit, either order him to enter into a fresh recognizance, with or without sureties, or deal with him in the same manner as if he were a person who had failed to comply with an order to enter

into a recognizance and find sureties to keep the peace or to be of good behaviour, and shall in either case order that the first mentioned recognizance shall be discharged.

27 Consecutive sentences of imprisonment

Where a person has been sentenced by a court of summary jurisdiction to imprisonment in default of payment of a fine, the court may, notwithstanding anything in any enactment, order that the sentence shall begin at the expiration of any term of imprisonment imposed for that offence on that person in addition to the fine.

28 Summary proceedings for offence under s. 3, and amendments of ss. 3 and 4, of Perjury Act, 1911

- (1) Section three of the Perjury Act, 1911 (which relates to false statements as to marriages) shall have effect as though at the end of subsection (1) thereof there were inserted the words " and on summary conviction thereof shall be liable to a penalty not exceeding " fifty pounds."
- (2) A person convicted summarily of an offence under section four of the Perjury Act, 1911 (which relates to false statements as to births or deaths), shall be liable to a penalty not exceeding fifty pounds.
- (3) Summary proceedings for an offence under the said section three or under the said section four may, notwithstanding any provision of the Summary Jurisdiction Acts, be instituted at any time within twelve months after the commission of the offence.

29 Application of s. 20 of 11 & 12 Vict. c. 43, where distress warrant issued under s. 693 of 57 & 58 Vict. c. 60

Where a warrant of distress is issued under section six hundred and ninety-three of the Merchant Shipping Act, 1894, for the purpose of levying any amount ordered to be paid on the conviction of the master of a ship, section twenty of the Summary Jurisdiction Act, 1848 (which authorises the detention of a defendant pending the return to a warrant of distress), shall apply as though the distress were to be levied on the goods of the defendant.

30 Summary proceedings for offences under s. 10 of 6 Edw. 7. c 48

Notwithstanding anything in section six hundred and eighty of the Merchant Shipping Act, 1894 (which relates to the prosecution of offences under the Merchant Shipping Acts), any offence whatsoever under section ten of the Merchant Shipping Act, 1906 (which relates to the carrying of wood goods as deck cargo), may be prosecuted summarily.