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SCHEDULES

SCHEDULE 12

MINOR AND CONSEQUENTIAL AMENDMENTS

MAGISTRATES' COURTS ACT 1952 (c. 55)

- 1 In section 2 (jurisdiction to deal with charges)—
- (a) in subsection (4) jurisdiction of magistrates' court to try an indictable offence summarily), for the words from the beginning to " indictable offence " substitute—
- “(4) Subject to sections 19 to 23 of the Criminal Law Act 1977 and any other enactment (in that Act or elsewhere) relating to the mode of trial of offences triable either way, a magistrates' court shall have jurisdiction to try summarily an offence triable either way”; and
- (b) after subsection (4) insert—
- “(4A) A magistrates' court shall, in the exercise of its powers under section 6 of the Children and Young Persons Act 1969 (summary trial of young persons), have jurisdiction to try summarily an indictable offence in any case in which under subsection (3) above it would have jurisdiction as examining justices.”.
- 2 In section 14(4), for the words from " if" to " examining justices " (which state the circumstances in which a court adjourning the trial of an information is obliged to remand the accused) substitute “if the offence is triable either way and—
- (a) on the occasion on which the accused first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court ;
- or
- (b) the accused has been remanded at any time in the course of proceedings on the information ;”.
- 3 In section 22 (effect of dismissal of information for indictable offence), for the words from " that" to " only " substitute " triable either way ".
- 4 In section 23 (using in summary trial evidence given before examining justices), for " the preceding provisions of this Act" substitute " section 25(3) or (7) of the Criminal Law Act 1977 " .
- 5 In section 29 (committal for sentence for indictable offence tried summarily), for the words from the beginning to " indictable offence " substitute " Where on the summary trial of an offence triable either way (not being an offence as regards which this section is excluded by section 29 of the Criminal Law Act 1977) " .
- 6 In section 35 (aiders and abettors), before the words "A person " insert " (1) " and at the end add—

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“(2) Any offence consisting in aiding, abetting, counselling or procuring the commission of an offence triable either way (other than an offence listed in Schedule 3 to the Criminal Law Act 1977) shall by virtue of this subsection be triable either way.”.

7 (1) In section 87(2) (time-limit of fourteen days for applying to magistrates' court to state a case) for " fourteen days " substitute " twenty-one days ".

(2) Sub-paragraph (1) above shall not apply in relation to a decision of a magistrates' court given before the coming into force of this paragraph.

8 In section 98(3)(b) (requirements as to place of sitting of magistrates' court exercising certain functions) for " an offence that is not indictable " substitute " a summary offence " .

9 In section 105(4) proviso (c) (power of magistrates' court to remand for more than eight days if not constituted or sitting in a place allowing it to proceed to summary trial of an offence triable either way), for the words from " on indictment " to " but " substitute " either way, then, if it falls to the court to try the case summarily but the court " .

10 In section 108(2) (power of a magistrates' court to impose consecutive terms of imprisonment for an indictable offence tried summarily subject to an overall limit of 12 months), for the words " an indictable offence tried summarily under section 19 of this Act " substitute " an offence triable either way which was tried summarily otherwise than in pursuance of section 23(2) of the Criminal Law Act 1977 ".

11 After section 130 insert—

“130A Magistrates' court may sit on Sundays public holidays.

It is hereby declared that a magistrates' court may sit on any day of the year, and in particular (if the court thinks fit) on Christmas Day, Good Friday or any Sunday.”.

12 In Schedule 2 (corporations)—

(a) in paragraph 3, for sub-paragraph (b) (representative of corporation may consent or object to summary trial or claim trial by jury), substitute—

“(b) consent to the corporation being tried summarily.”;

(b) for paragraph 9 (corporation and individual jointly charged with corporation not to be tried summarily unless both consent or neither claims jury trial) substitute—

“9 Where a corporation and an individual who has attained the age of seventeen are jointly charged before a magistrates' court with an offence triable either way, the court shall not try either of the accused summarily unless each of them consents to be so tried.”.