



Criminal Justice Act 1988

1988 CHAPTER 33

PART V

JURISDICTION, IMPRISONMENT, FINES, ETC.

Jurisdiction

41 Power of Crown Court to deal with summary offence where person committed for either way offence

- (1) Where a magistrates' court commits a person to the Crown Court for trial on indictment for an offence triable either way or a number of such offences, it may also commit him for trial for any summary offence with which he is charged and which—
- (a) is punishable with imprisonment or involves obligatory or discretionary disqualification from driving; and
 - (b) arises out of circumstances which appear to the court to be the same as or connected with those giving rise to the offence, or one of the offences, triable either way,

whether or not evidence relating to that summary offence appears on the depositions or written statements in the case; and the trial of the information charging the summary offence shall then be treated as if the magistrates' court had adjourned it under section 10 of the Magistrates' Courts Act 1980 and had not fixed the time and place for its resumption.

- (2) Where a magistrates' court commits a person to the Crown Court for trial on indictment for a number of offences triable either way and exercises the power conferred by subsection (1) above in respect of a summary offence, the magistrates' court shall give the Crown Court and the person who is committed for trial a notice stating which of the offences triable either way appears to the court to arise out of circumstances which are the same as or connected with those giving rise to the summary offence.
- (3) A magistrates' court's decision to exercise the power conferred by subsection (1) above shall not be subject to appeal or liable to be questioned in any court.

Status: This is the original version (as it was originally enacted).

- (4) The committal of a person under this section in respect of an offence to which section 40 above applies shall not preclude the exercise in relation to the offence of the power conferred by that section; but where he is tried on indictment for such an offence, the functions of the Crown Court under this section in relation to the offence shall cease.
- (5) If he is convicted on the indictment, the Crown Court shall consider whether the conditions specified in subsection (1) above were satisfied.
- (6) If it considers that they were satisfied, it shall state to him the substance of the summary offence and ask him whether he pleads guilty or not guilty.
- (7) If he pleads guilty, the Crown Court shall convict him, but may deal with him in respect of that offence only in a manner in which a magistrates' court could have dealt with him.
- (8) If he does not plead guilty, the powers of the Crown Court shall cease in respect of the offence except as provided by subsection (9) below.
- (9) 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.
- (10) The Crown Court shall inform the clerk of the magistrates' court of the outcome of any proceedings under this section.
- (11) Where the Court of Appeal allows an appeal against conviction of an offence triable either way which arose out of circumstances which were the same as or connected with those giving rise to a summary offence of which the appellant was convicted under this section—
 - (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.
- (12) A notice under subsection (11) above shall include particulars of any direction given under paragraph (b) of that subsection in relation to the offence.
- (13) The references to the clerk of the magistrates' court in this section are to be construed in accordance with section 141 of the Magistrates' Courts Act 1980.