



Magistrates' Courts (Procedure) Act 1998

1998 CHAPTER 15

1 Statement to be served to enable accused to plead guilty without appearing

(1) In subsection (3) of section 12 of the Magistrates' Courts Act 1980 (non-appearance of accused: plea of guilty), for paragraph (b) there is substituted—

“(b) either of the following, namely—

(i) a concise statement of such facts relating to the charge as will be placed before the court by the prosecutor if the accused pleads guilty without appearing before the court, or

(ii) a copy of such written statement or statements complying with subsections (2)(a) and (b) and (3) of section 9 of the Criminal Justice Act 1967 (proof by written statement) as will be so placed in those circumstances; and”.

(2) In subsection (7) of that section, for paragraph (a) there is substituted—

“(a) in a case where a statement of facts as mentioned in subsection (3)(b)(i) above was served on the accused with the summons, that statement;

(aa) in a case where a statement or statements as mentioned in subsection (3)(b)(ii) above was served on the accused with the summons and the court does not otherwise direct, that statement or those statements;”.

(3) After subsection (7) of that section there is inserted—

“(7A) Where the court gives a direction under subsection (7)(aa) above the court shall cause an account to be given orally before the court by the clerk of the court of so much of any statement as is not read aloud.

(7B) Whether or not a direction under paragraph (aa) of subsection (7) above is given in relation to any statement served as mentioned in that paragraph the court need not cause to be read out the declaration required by section 9(2)(b) of the Criminal Justice Act 1967.”