

## SCHEDULES

### SCHEDULE 11

Section 50

#### TRIAL BY SINGLE JUSTICE ON THE PAPERS: FURTHER AMENDMENTS

##### *Criminal Law Act 1977 (c. 45)*

- 1 (1) Section 39 of the Criminal Law Act 1977 (service of summons etc) is amended as follows.
  - (2) In subsection (1), after paragraph (c) (but before “and”) insert—
    - “(ca) a single justice procedure notice (within the meaning of that section) requiring a person charged with an offence to serve a written notification stating—
      - (i) whether or not the person desires to plead guilty, and
      - (ii) if the person desires to plead guilty, whether or not the person desires to be tried in accordance with section 16A of the Magistrates’ Courts Act 1980.”
  - (3) In subsection (1)(d), for “or (c)” substitute “, (c) or (ca)”.
  - (4) After subsection (1) insert—
    - “(1A) The documents falling within subsection (1)(a) include a summons directed to a person that is issued after the person’s trial has begun.”

##### *Magistrates’ Courts Act 1980 (c. 43)*

- 2 The Magistrates’ Courts Act 1980 is amended as follows.
- 3 (1) Section 1 (issue of summons to accused etc) is amended as follows.
  - (2) In subsection (4A), for “public prosecutor” substitute “relevant prosecutor authorised to issue requisitions”.
  - (3) Omit subsection (4B).
  - (4) In subsection (6A), for “public prosecutor” substitute “relevant prosecutor”.
- 4 In section 11 (non-appearance of accused: general provisions), after subsection (5) insert—
  - “(5A) Subsection (4) does not apply in relation to proceedings adjourned under section 16C(3)(a) because of section 16C(2) (adjournment of a section 16A trial because the accused indicates a wish to make representations).”
- 5 In section 123 (defect in process), after subsection (2) insert—
  - “(3) In the application of this section to proceedings conducted in accordance with section 16A—

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- (a) a reference in subsection (1) or (2) to evidence adduced on behalf of the prosecutor at a hearing is to be read as a reference to evidence placed before the court on behalf of the prosecutor, and
  - (b) subsection (2) is to be read as if for the words from “has been misled” to the end there were substituted “is likely to have been misled by the variance, the court shall treat the written charge as not being appropriate for trial in accordance with section 16A”.
- 6 In section 150(1) (interpretation of other terms)—
- (a) omit the entry for “public prosecutor”, “requisition” and “written charge”, and
  - (b) at the appropriate places insert—
    - ““relevant prosecutor” has the meaning given by section 29 of the Criminal Justice Act 2003;”,
    - ““requisition” has the meaning given by section 29 of the Criminal Justice Act 2003;”,
    - ““single justice procedure notice” has the meaning given by section 29 of the Criminal Justice Act 2003;”, and
    - ““written charge” has the meaning given by section 29 of the Criminal Justice Act 2003;”.

*Prosecution of Offences Act 1985 (c. 23)*

- 7 (1) Section 15 of the Prosecution of Offences Act 1985 (interpretation of Part 1) is amended as follows.
- (2) In subsection (1)—
    - (a) for ““public prosecutor”” substitute ““relevant prosecutor””, and
    - (b) after ““requisition”” insert “, “single justice procedure notice””.
  - (3) In subsection (2)—
    - (a) in paragraph (ba), for “public prosecutor” substitute “relevant prosecutor”, and
    - (b) after paragraph (ba) insert—
      - “(bb) where a relevant prosecutor issues a written charge and single justice procedure notice, when the written charge and single justice procedure notice are issued;”.

*Road Traffic Offenders Act 1988 (c. 53)*

- 8 The Road Traffic Offenders Act 1988 is amended as follows.
- 9 (1) Section 7 (duty of accused to provide licence) is amended as follows.
- (2) After subsection (1) insert—
    - “(1A) Subsection (1B) applies where—
      - (a) proceedings in relation to an offence involving obligatory or discretionary disqualification are instituted by a written charge and a single justice procedure notice,
      - (b) the person prosecuted is the holder of a licence, and

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- (c) after being convicted in proceedings conducted in accordance with section 16A of the Magistrates' Courts Act 1980, the person is given the opportunity to make representations or further representations under section 16C(2)(a) of that Act.
  - (1B) Where this subsection applies, the person must (instead of complying with subsection (1))—
    - (a) cause the licence to be delivered to the designated officer specified in the single justice procedure notice within such period as the person is allowed for indicating a wish to make such representations,
    - (b) post it, at such time that in the ordinary course of post it would be delivered within that period, in a letter duly addressed to that officer and either registered or sent by the recorded delivery service, or
    - (c) if the person indicates a wish to make such representations, have the licence with him at the hearing appointed to be held because of that indication.
  - (1C) Subsection (1B) does not apply (and subsection (1) applies instead) if, before the period mentioned in subsection (1B)(a) comes to an end, a summons is issued under section 16B(3)(b) or 16C(3)(b) of the Magistrates' Courts Act 1980."
- (3) In subsection (2)—
  - (a) for "In subsection (1) above "proper officer" means—" substitute "In this section—  
"proper officer" means—", and
  - (b) at the end insert—  
"“single justice procedure notice” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”
- 10 In section 8 (duty to include date of birth and sex in written plea of guilty), after paragraph (a) (but before "or") insert—
  - “(aa) serves a written notification on the designated officer for a magistrates’ court stating a desire to plead guilty and to be tried in accordance with section 16A of the Magistrates’ Courts Act 1980 (trial by single justice on the papers),”.
- 11 (1) Section 27 (production of licence) is amended as follows.
  - (2) After subsection (4) insert—
    - “(4A) Subsection (3) does not apply where section 7(1B) applies in relation to the proceedings and the holder of the licence—
      - (a) has caused a current receipt for the licence issued under section 56 to be delivered to the designated officer specified in the single justice procedure notice within the period described in section 7(1B)(a),
      - (b) has posted it to that officer within that period in such manner as is described in section 7(1B)(b), or
      - (c) surrenders such a receipt to the court at the hearing described in section 7(1B)(c),and produces the licence to the court immediately on its return.”
  - (3) In subsection (5)—

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- (a) for “In subsection (4) above “proper officer” means—” substitute “In this section—  
“proper officer” means—”, and
- (b) at the end insert—  
““single justice procedure notice” has the same meaning as in section 29 of the Criminal Justice Act 2003.”

*Pension Schemes Act 1993 (c. 48)*

- 12 (1) Section 68 of the Pension Schemes Act 1993 (unpaid premiums: supplementary) is amended as follows.
- (2) In subsection (1), after “1980” insert “or in proceedings conducted in accordance with section 16A of that Act”.
  - (3) After subsection (1) insert—  
“(1A) Where subsection (1) applies in relation to a person being tried in accordance with section 16A of the Magistrates’ Courts Act 1980, the reference in subsection (1)(b) to the designated officer for the court is to be treated as including a reference to the designated officer for a magistrates’ court specified in the single justice procedure notice in question.”

*Vehicle Excise and Registration Act 1994 (c. 22)*

- 13 (1) Section 55 of the Vehicle Excise and Registration Act 1994 (guilty plea by absent accused and amount payable under section 30 or 36) is amended as follows.
- (2) After subsection (2) insert—  
“(2A) This section also applies if—
    - (a) a person is convicted of an offence under section 29 or 35A while being tried in accordance with section 16A of the Magistrates’ Courts Act 1980 (trial by single justice on the papers), and
    - (b) it is proved to the satisfaction of the court, in the manner prescribed by Criminal Procedure Rules, that a relevant notice was served on the accused with the written charge.”
  - (3) In subsection (3)—
    - (a) in paragraph (a), for “in a case within subsection (1)(a)” substitute “if the offence is an offence under section 29”, and
    - (b) in paragraph (b), for “in a case within subsection (1)(b)” substitute “if the offence is an offence under section 35A”.
  - (4) In subsection (5), for “The court shall not so proceed” substitute “Where this section applies by virtue of subsection (1), the court shall not proceed as described in subsection (4)”.
  - (5) After subsection (5) insert—  
“(6) Where this section applies by virtue of subsection (2A), the court shall not proceed as described in subsection (4) if the written notification served by the accused or the legal representative of the accused in accordance with the

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single justice procedure notice includes a statement that the amount specified in the relevant notice is inappropriate.

(7) In subsection (6) “single justice procedure notice” has the meaning given by section 29 of the Criminal Justice Act 2003.”

#### *Criminal Justice and Public Order Act 1994 (c. 33)*

- 14 (1) Section 51 of the Criminal Justice and Public Order Act 1994 (intimidation etc of witnesses, jurors and others) is amended as follows.
- (2) In subsection (9)—
- (a) for ““public prosecutor”” substitute ““relevant prosecutor””, and
  - (b) after ““requisition”” insert “, “single justice procedure notice””.
- (3) In subsection (10)(a)(ia)—
- (a) for “public prosecutor” substitute “relevant prosecutor”, and
  - (b) after “and requisition” insert “or single justice procedure notice”.

#### *Drug Trafficking Act 1994 (c. 37)*

- 15 (1) Section 60 of the Drug Trafficking Act 1994 (Revenue and Customs prosecutions) is amended as follows.
- (2) In subsection (6), for ““public prosecutor”” substitute ““relevant prosecutor””.
- (3) In subsection (6A)(aa), for “public prosecutor” substitute “relevant prosecutor”.

#### *Merchant Shipping Act 1995 (c. 21)*

- 16 (1) Section 145 of the Merchant Shipping Act 1995 (interpretation of section 144) is amended as follows.
- (2) In subsection (2)(a)(ia), for “public prosecutor” substitute “relevant prosecutor”.
- (3) In subsection (2A), for ““public prosecutor”” substitute ““relevant prosecutor””.

#### *Terrorism Act 2000 (c. 11)*

- 17 (1) In Schedule 4 to the Terrorism Act 2000 (forfeiture orders), paragraph 11 is amended as follows.
- (2) In sub-paragraph (1)(aa), for “public prosecutor” substitute “relevant prosecutor”.
- (3) In sub-paragraph (2A), for ““public prosecutor”” substitute ““relevant prosecutor””.

#### *Proceeds of Crime Act 2002 (c. 29)*

- 18 (1) Section 85 of the Proceeds of Crime Act 2002 (proceedings) is amended as follows.
- (2) In subsection (1)(aa)—
- (a) for “public prosecutor” substitute “relevant prosecutor”, and
  - (b) after “and requisition” insert “or single justice procedure notice”.
- (3) In subsection (9)—

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- (a) for ““public prosecutor”” substitute ““relevant prosecutor””, and
- (b) after ““requisition”” insert “, “single justice procedure notice””.

*Education Act 2002 (c. 32)*

- 19 (1) Section 141F of the Education Act 2002 (restrictions on reporting alleged offences by teachers) is amended as follows.
- (2) In subsection (15)(b)—
- (a) for “public prosecutor” substitute “relevant prosecutor”, and
  - (b) after “and requisition” insert “or single justice procedure notice”.
- (3) After subsection (15) insert—
- “(16) In subsection (15) “relevant prosecutor”, “requisition”, “single justice procedure notice” and “written charge” have the same meaning as in section 29 of the Criminal Justice Act 2003.”

*Crime (International Co-operation) Act 2003 (c. 32)*

- 20 The Crime (International Co-operation) Act 2003 is amended as follows.
- 21 (1) Section 4A (general requirements for service of written charge or requisition) is amended as follows.
- (2) In the heading, for “or requisition” substitute “etc”.
- (3) In subsection (1), after paragraph (b) insert “and
- (c) a single justice procedure notice (within the meaning of that section).”
- (4) In subsection (2), for “The written charge or requisition” substitute “Each of the documents”.
- (5) In subsection (3), for “the written charge or requisition”, in both places, substitute “the document”.
- (6) In subsection (4), for “A written charge or requisition” substitute “Such a document”.
- (7) In subsection (5)—
- (a) after “a requisition” insert “or single justice procedure notice”, and
  - (b) after “the requisition” insert “or single justice procedure notice”.
- 22 (1) Section 4B (service of written charge or requisition otherwise than by post) is amended as follows.
- (2) In the heading, for “or requisition” substitute “etc”.
- (3) In subsection (1), for “or requisition” substitute “, requisition or single justice procedure notice”.
- (4) In subsection (2), for “the written charge or requisition” substitute “the document”.
- (5) In subsection (3)(b), for “the written charge or requisition” substitute “the document”.

*Criminal Justice Act 2003 (c. 44)*

- 23 In section 164 of the Criminal Justice Act 2003 (fixing of fines), after subsection (5)  
(a) (but before “or”) insert—  
    “(aa) an offender has been convicted in the offender’s absence in  
    proceedings conducted in accordance with section 16A of the  
    Magistrates’ Courts Act 1980 (trial by single justice on the papers),”.