



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 1

CRIMINAL PROCEDURE

Offences triable either way: determining the mode of trial

PROSPECTIVE

7 Initial option for adult accused to reject summary trial at hearing

In the Magistrates' Courts Act 1980, after section 17B insert—

“17BA Option to decline summary trial without allocation hearing following indication of not guilty plea in court

- (1) This section has effect in the circumstances set out in sections 17A(7) (indication of not guilty plea by accused at hearing), 17B(2)(d) (indication of not guilty plea by accused's representative at hearing) and 22(2B) (scheduled offence found at hearing to be triable either way after indication of not guilty plea).
- (2) If the accused is present, the court must explain to the accused that—
 - (a) the accused may choose to give an indication that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence;

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 7. (See end of Document for details)

(b) if the accused chooses to give such an indication, the accused will be sent to the Crown Court for trial without having the opportunity to make representations as to the suitable mode of trial under section 19(2) or to obtain an indication of sentence under section 20(3);

(c) if the accused chooses not to give such an indication, the court will proceed in accordance with section 18(1);

and must then ask the accused whether the accused wishes to indicate that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence.

(3) If the accused is not present, the court must ask the accused's legal representative whether the accused would wish to indicate that the accused would not (if the offence were to proceed to trial) consent to be tried summarily for the offence.

(4) If the accused, or the accused's legal representative, gives an in-court indication of non-consent to summary trial, the court is to proceed in relation to the offence in accordance with section 51 of the Crime and Disorder Act 1998.

(5) If the accused, or the accused's legal representative, does not give an in-court indication of non-consent to summary trial, the court is to proceed in accordance with section 18(1).

(6) In this section and section 18, "in-court indication of non-consent to summary trial" means an indication given by a person or a person's legal representative, in response to the question asked under subsection (2) or (3), that the person would not (if the offence were to proceed to trial) consent to be tried in a magistrates' court for the offence of which the person is accused."

Commencement Information

II S. 7 not in force at Royal Assent, see [s. 51\(4\)](#)

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