

52. Provisions as to summary proceedings before superior courts for an offence under section 51

- (1) This section applies, notwithstanding any other Act, for the purpose of prosecuting an offence against section 51(1), (2) or (2a) where the court before which the accused is bound to appear at the time when he fails to comply with his bail undertaking is the Supreme Court or the District Court.
- (2) Where this section applies, the accused shall be dealt with summarily for the offence and shall be so dealt with —
 - (a) by a judge of the Supreme Court in any case where the accused was bound to appear before the General Division of the Supreme Court;
 - (ab) by a judge of appeal in any case where the accused was bound to appear before the Court of Appeal;
 - (b) by a Judge of the District Court in any case where the accused was bound to appear before that Court.
- (3) A prosecution for an offence which is to be dealt with under this section shall be commenced by the authorised officer (as defined in section 80 of the *Criminal Procedure Act 2004*) who was conducting the proceedings in which the accused failed to comply with his bail undertaking —
 - (a) where subsection (2)(a) or (ab) applies, in the Supreme Court; and
 - (b) where subsection (2)(b) applies, in the District Court.
- (4) Subject to section 51(3) and (5), a prosecution for an offence which is to be dealt with under this section is to be commenced and conducted under the *Criminal Procedure Act 2004* as if it were a prosecution of a simple offence in a court of summary jurisdiction.
- (5) If under section 51(6) or (7) the Supreme Court or the District Court imposes a pecuniary penalty the court may make an order under section 59 of the *Sentencing Act 1995* in respect of the amount payable.

[Section 52 amended by No. 92 of 1994 s. 6; No. 78 of 1995 s. 8; No. 54 of 1998 s. 10; No. 45 of 2004 s. 28(2) and (4); No. 59 of 2004 s. 141; No. 84 of 2004 s. 11 and 82.]