

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 bringing proceedings for an offence against section 51(1), (2) or (2a) where the court before which the defendant 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 defendant 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 defendant was bound to appear before the General Division of the Supreme Court;
 - (ab) by a judge of appeal in any case where the defendant was bound to appear before the Court of Appeal;
 - (b) by a Judge of the District Court in any case where the defendant was bound to appear before that Court.
- (3) Proceedings for an offence which is to be dealt with under this section shall be commenced by a complaint made in writing to a justice, and lodged —
 - (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), the *Justices Act 1902*, except section 51 and Part VIII thereof, shall apply to a complaint under subsection (3) and to the disposal of all proceedings thereon and matters incidental thereto, and to the enforcement of all convictions and orders made in such proceedings.
- (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).]