

9. Courts of trial

[(1) repealed]

- (2) A person charged with having committed an indictable offence under —
- (a) section 6(1), not being a conspiracy to commit that indictable offence, in respect of a quantity of a prohibited drug referred to in Schedule III which is less than the quantity specified in that Schedule in relation to the prohibited drug;
 - (b) section 7(1), not being a conspiracy to commit that indictable offence, in respect of a number of prohibited plants of a particular species or genus referred to in Schedule IV which is less than the number specified in that Schedule in relation to that species or genus;
or
 - (ba) section 7A(1),

shall be tried summarily by a summary court, unless the summary court —

- (c) at any time considers for any reason that the person so charged should be dealt with on indictment in respect of that indictable offence, in which case the summary court shall commit that person for trial or sentence, as the case requires; or
 - (d) after convicting the person so charged but before passing sentence on him considers for any reason that the sentence which the summary court is empowered to impose on that person is inadequate, in which case the summary court shall commit that person for sentence and shall certify in writing to that effect.
- (3) A person who is committed —
- (a) for trial under subsection (2)(c) is liable, if convicted; or
 - (b) for sentence under subsection (2)(c) or (2)(d) is liable,

to be sentenced by the court to which he is so committed, whether or not —

- (c) the quantity of the prohibited drug in respect of which he is convicted is less than the quantity specified in Schedule III in relation to that prohibited drug; or
- (d) the number of prohibited plants of a particular species or genus in respect of which he is convicted is less than the number specified in Schedule IV in relation to that species or genus.

[Section 9 amended by No. 73 of 1994 s. 4; No. 52 of 2003 s. 30(1).]