

CLASSIFICATION OF OFFENCES IN UK

The common terms used are Felonies (serious offences) and Misdemeanours (less serious offences). These were the terms used in England up until 1967 (although the distinctions had been eroded before that) and stem from the days before the American Revolution when the American Colonies (as they then were) used English Law.

In England today there are basically three categories of offences: Summary Only, Either Way and Indictable Only.

Summary Only

These are cases that (almost always) can only be tried in the Magistrates' Court. By default, the maximum sentence that can be imposed is six months imprisonment (although many offences have a lower maximum sentence).

A complete list of all the offences that come within this category would be far too long, but they include almost all driving offences (unless it was someone driving dangerously or someone was killed or injured), Common Assault (an assault without any injury, or only minor injury), ss4 and 5 of the Public Order Act (basically using offensive words or causing a fear of violence) and most regulatory offences.

In relation to these offences, there is generally a rule that the prosecution has to be started (normally by the police telling the court that they wish to start one) within 6 months of the offence being committed.

Either Way Offences

These are offences that can be tried either (hence their name) in the Magistrates' or the Crown Court. These are generally cases where the culpability (the harm caused to society) is wide ranging and therefore sometimes they will be very minor offences and sometimes very serious ones.

For example, theft is either way. It can vary from someone who shoplifts a packet of crisps up to somebody who steals millions of pounds from a bank.

If someone is charged with an either way offence and pleads not guilty, there has to then be a decision as to where the trial should be held, Firstly, the Court will decide (after hearing from the person charged and the Prosecution) whether, on the facts that they have outlined by the Prosecution, they believe that the sentence passed if the individual is found guilty exceeds their maximum sentencing powers (if there is one either way offence, then the maximum is six months, if there are two or more, then the maximum is 12 months).

If the Court decides that that is the case, then they will 'decline jurisdiction' and the case will be sent off to the Crown Court for trial. If the Court decides that their sentencing powers are sufficient, then the person charged has a decision as to whether he wishes the trial to be heard in the Magistrates' Court or the Crown Court.

A list of the either way offences is contained within Sch. 1 Magistrates' Court Act 1980. Common either way offences include: theft, burglary, handling stolen goods, ABH (assault occasioning Actual Bodily Harm), possession/possession with intent to supply/supplying drugs (of Class A, B or C) and fraud.

Indictable Only Offences

These are generally the most serious offences that will often lead to a lengthy term of imprisonment. If someone is charged with such a case, then when they go to court for the first time, it will be to the Magistrates' Court and will be sent to the Crown Court for trial. The role of the Magistrates' Court here will be only to deal with the question of bail (except for offences of murder, where the Crown Court rather than the Magistrates' Court that can grant bail).

Common Indictable Only offences are Murder, Manslaughter, Causing Really Serious Harm (injury) and Robbery. Also, anything that is charged as a conspiracy is indictable only.

'Oddities' Some offences don't fit nicely into these categories.

Firstly, an offence under the Bail Act of not turning up to Court when required to do so are tried by the Court where that person was due to attend.

Criminal Damage is an either way offence, but it has different rules. If the value of the damage is under £5,000 then the case has to be tried in the Magistrates' Court, if the damage is over £5,000 then it is either way.

Also, certain offences that are summary only can be tried at the Crown Court if they are 'linked' to an offence that is being tried there. The only offences are those listed in Criminal Justice Act 1988. They are: Common Assault, Assaulting a Prison Officer (but NOT a Police Officer), TWOC (Taking a car without the owner's consent), Driving a vehicle whilst disqualified, Criminal Damage under £5,000.

Bibliography:

UK criminal blog [online], [dostęp 11.01.2017], dostępny w Internecie: <https://ukcrime.wordpress.com/2012/11/13/classification-of-offences/>
<http://legal-dictionary.thefreedictionary.com>

I. Match the terms with the definitions.

1 conspiracy	A guilt or blame that is deserved
2 indictable offences	B deceit, trickery or breach of confidence perpetrated for profit
3 either way offences	C breaking into and entering the house of another at night with intent to steal
4 summary offences	D the immediate use of unlawful violence by the defendant
5 culpability	E when the defendant fails to comply with the procedure
6 decline jurisdiction	F property or money given as surety that a person released from custody will return at an appointed time.
7 to try case	G the malicious burning of another's house or property
8 oddities	H crimes that can be tried only on indictment, serious crimes
9 common assault	I to refuse to try the case
10 criminal damage	J an agreement by 2 or more persons to commit a crime
11 burglary	K offences against property rights, e.g. arson
12 by default	L offences which can be tried in magistrates' court or the Crown Court
13 bail	M less serious crimes
14 fraud	N hear and judge a criminal matter
15 arson	O offences which do not fit into 3 main categories

II. Complete the sentences with the terms: injury, declines, disqualified, granting, indictable, either way, pleads, murder, offences, conspiracy, magistrates, handling, prosecution, summary

- All _____ are divided into three categories.
- An assault without _____ is called Common Assault.
- The _____ has to be started within 6 months after the offence has been committed.
- Summary only offences are usually tried in the _____ Court.
- Cases where the harm caused to society has a wide range belong to offences.
- Using offensive language or threatening to use violence belong to only offences.
- If a person charged with the either way offence _____ not guilty, the court will decide whether the trial should be held.
- If the Magistrates' Court _____ jurisdiction, the case will be sent to the Crown Court.
- Burglary, ABH, _____ stolen goods belong to either way offences.
- The most serious offences belong to _____ only offences.
- Magistrates' Court or Crown Court can decide in case of _____ bail.
- Some summary offences like driving whilst _____ can be tried at the Crown Court if they are connected with an offence which is tried there.
- Indictable only are offences like: robbery, _____, manslaughter,

Ćwiczenia na licencji Creative Commons



Mgr Anita Krok