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## CRIMINAL TRIALS IN THE ENGLISH CRIMINAL PROCEDURE

Criminal trials in England and Wales take one of two forms. They are either trial on indictment or summary trials. Trial in the youth court appear to be a third type of trial, but actually it is a special form of summary trial.

The mode of trial depends upon an offence committed. Some offences such as for example, murder, manslaughter are indictable. In general, the mode of trial depends upon the gravity and seriousness of the offence. The most serious of them are triable on indictment. Statutory offences are indictable if the statute creating the offence specifies to be imposed following conviction on indictment. For example Theft Act 1968 shows that robbery is an indictable offence by stipulating that this type of offence shall be triable on indictment.

The legislation of the UK provides also an opportunity for some types of offences to be triable either way. This situation may take place when the statute creating the offence provides for two separate penalties, one to be imposed on summary conviction and the other on conviction on indictment, the offence created is indictable but triable either way. Offences triable either way are those which are serious enough to be indictable and those which vary greatly in gravity depending upon the facts of the particular case (criminal damage or theft). But an analysis of court practice shows that the offences which occur most frequently are triable either way.

There are two basic moments that should be taken into consideration during the process of determining the mode of trial if we talk about offences triable either way.

First of all the magistrates consider which of the two methods of trial is the more suitable. They must take into account the representations, if any, made by the prosecution and the defence, they must also consider about the nature of the offence, circumstances of the offence and actual reasons of seriousness and gravity of the offence. They also have to decide if the punishment, in the case of the offence being tried summarily, would be adequate. All this points should be analysed thoroughly by a court for later legality and justice of the trial and as the result – legal court decision. So it is obvious that the court discretion plays very important role during the criminal procedure. An independence of court opinion during the trial is one of the guarantees of the observance of human` s and citizen` s constitutional rights.

If the magistrates have taken the view that the offence is more suitable for summary trial, the accused should be asked, if he or she agrees for summary trial. If, and only if, the accused consents, the magistrates proceed to summary trial. A consent of the accused to summary trial is obligatory term for legal criminal procedure. If there is no consent of the acussed, the com-

mittal proceedings must be held. This right to elect is very important and one of the guarantees of the observance of the accused`s rights during the criminal trial.

In the case when magistrates consider that trial on indictment is more appropriate, the accused is told of their decision, and the case will be sent to the Crown Court. Where two or more defendants are jointly charged, each has an individual right to elect his mode of trial.

So we can conclude that the two modes of trial are different and have both the advantages and disadvantages. The trial on indictment is held by a judge and jury, it means that this type of trial will be more independent and unprejudiced than the summary trial. As opposite, summary trial is held by magistrates, but it is less expensive and less time-consuming than trial on indictment. But the right of the accused to elect the mode of trial plays the key role and is the one of the basic principles in criminal procedure in the democratic, social government.

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## THE INTERNATIONAL LEGAL BASIS OF ENSURING RIGHTS OF PERSONS WITH DISABILITIES

Development and improvement of national legislation in the sphere of ensuring rights of persons with disabilities are organically linked with the orientation on international standards. A significant role in this process is played by the corresponding normative documents adopted by the international community.

Ensuring the rights of persons with disabilities for a long time was given enough attention by the United Nations and other international organizations. In 1971, the United Nations adopted the Declaration on the rights of persons with disabilities, which was founded on the principles of the Universal Declaration of Human Rights, the International covenants on human rights, the Declaration of the rights of the child and the Declaration on the rights of mentally retarded persons and the standards of social progress, already enshrined in the constituent instruments, conventions, recommendations and resolutions of the International labour organization, United Nations, world health organization, United Nations Children's Fund and other organizations concerned. In this Declaration, a disabled person is defined as any person who is unable to fully or partially necessities of a normal individual or social life due to congenital or no blemish, or physical or mental abilities. Along with this it is emphasizea that all persons with disabilities have the right to enjoy all rights granted to them, regardless of sex, color and other features.

Resolution (resolutions 37/52 of 3 December 1982, the General Assembly of the United Nations) adopted the world programme of action concern-