
Changes to legislation: Criminal Law Act 1977, Cross Heading: Courts competent to restore sentence held in suspense is up to date with all changes known to be in force on or before 28 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

^{X1}SCHEDULE 9

MATTERS ANCILLARY TO SECTION 47

Editorial Information

- X1** The text of ss. 15(3), 37, 44, 53, 58, Schs. 1, 5, 6, 7, 9, 11, 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Courts competent to restore sentence held in suspense

- 2 (1) In relation to a sentence of imprisonment part of which is held in suspense, the courts competent under section 47(3) above are—
- (a) the Crown Court; and
 - (b) where the sentence was passed by a magistrates' court, any magistrates' court before which the offender appears or is brought.
- (2) Where an offender is convicted by a magistrates' court of an offence punishable with imprisonment and the court is satisfied that the offence was committed during the whole period of a sentence passed by the Crown Court with an order under section 47(1) above—
- (a) it may, if it thinks fit, commit him in custody or on bail to the Crown Court; and
 - (b) if it does not, it shall give written notice of the conviction to the appropriate officer of that court.
- (3) For the purposes of this and the next following paragraph, a sentence of imprisonment passed on an offender with an order under section 47(1) above shall be treated as having been passed (with such an order) by the court which originally sentenced him.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 38A(5)(ia) by [2000 c. 43 Sch. 7 para. 55](#)
- s. 38B(5)(a) by [2000 c. 43 Sch. 7 para. 56](#)