



# Supreme Court Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

##### THE CROWN COURT

#### **45 General jurisdiction of Crown Court**

- (1) The Crown Court shall be a superior court of record.
- (2) Subject to the provisions of this Act, there shall be exercisable by the Crown Court—
  - (a) all such appellate and other jurisdiction as is conferred on it by or under this or any other Act; and
  - (b) all such other jurisdiction as was exercisable by it immediately before the commencement of this Act.
- (3) Without prejudice to subsection (2), the jurisdiction of the Crown Court shall include all such powers and duties as were exercisable or fell to be performed by it immediately before the commencement of this Act.
- (4) Subject to section 8 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (substitution in criminal cases of procedure in that Act for procedure by way of subpoena) and to any provision contained in or having effect under this Act, the Crown Court shall, in relation to the attendance and examination of witnesses, any contempt of court, the enforcement of its orders and all other matters incidental to its jurisdiction, have the like powers, rights, privileges and authority as the High Court.
- (5) The specific mention elsewhere in this Act of any jurisdiction covered by subsections (2) and (3) shall not derogate from the generality of those subsections.

#### **46 Exclusive jurisdiction of Crown Court in trial on indictment**

- (1) All proceedings on indictment shall be brought before the Crown Court.

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- (2) The jurisdiction of the Crown Court with respect to proceedings on indictment shall include jurisdiction in proceedings on indictment for offences wherever committed, and in particular proceedings on indictment for offences within the jurisdiction of the Admiralty of England.

#### **47 Sentences and other orders of Crown Court when dealing with offenders**

- (1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.
- (2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of twenty-eight days beginning with the day on which the sentence or other order was imposed or made or, where subsection (3) applies, within the time allowed by that subsection.
- (3) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiration of whichever is the shorter of the following periods, that is—
- (a) the period of twenty-eight days beginning with the date of conclusion of the joint trial;
  - (b) the period of fifty-six days beginning with the day on which the sentence or other order was imposed or made.

For the purposes of this subsection the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced, or is acquitted, or on which a special verdict is brought in.

- (4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices
- (5) Where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs:

Provided that for the purposes of section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal) the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

- (6) Crown Court Rules—
- (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period fixed by subsection (2);
  - (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.
- (7) In this 'section—

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" order " does not include a legal aid contribution order made under section 32 of the Legal Aid Act 1974 ;

" sentence" includes a recommendation for deportation made when dealing with an offender.

#### **48 Appeals to Crown Court**

- (1) The Crown Court may, in the course of hearing any appeal, correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) on the termination of the hearing of an appeal the Crown Court—
  - (a) may confirm, reverse or vary the decision appealed against; or ,
  - (b) may remit the matter with its opinion thereon to the authority whose decision is appealed against; or
  - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.
- (6) In this section "sentence" includes any order made by a court when dealing with an offender, including—
  - (a) a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge ; and
  - (b) a recommendation for deportation made when dealing with an offender.