



# Coroners and Justice Act 2009

## 2009 CHAPTER 25

### PART 4

#### SENTENCING

#### CHAPTER 1

#### SENTENCING COUNCIL FOR ENGLAND AND WALES

#### *Guidelines*

#### 122 Allocation guidelines

- (1) In this Chapter “allocation guidelines” means guidelines relating to
- [<sup>F1</sup>(a)] decisions by a magistrates' court under section 19 of the Magistrates' Courts Act 1980 (c. 43) <sup>F2</sup>... as to whether an offence is more suitable for summary trial or trial on indictment
  - [<sup>F3</sup>(b)] decisions by the Crown Court as to whether to exercise the power in section 46ZA(1) of the Senior Courts Act 1981 or section 25A(2) of the Sentencing Code.]
- (2) The Council may prepare allocation guidelines.
- (3) Where the Council has prepared guidelines under subsection (2), it must publish them as draft guidelines.
- (4) The Council must consult the following persons about the draft guidelines—
- (a) the Lord Chancellor;
  - (b) such persons as the Lord Chancellor may direct;
  - (c) the Justice Select Committee of the House of Commons (or, if there ceases to be a committee of that name, such committee of the House of Commons as the Lord Chancellor directs);
  - (d) such other persons as the Council considers appropriate.

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**Changes to legislation:** *Coroners and Justice Act 2009, Section 122 is up to date with all changes known to be in force on or before 24 April 2024. 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*

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- (5) The Council may, after making any amendment of the draft guidelines which it considers appropriate, issue the guidelines as definitive guidelines.
- (6) The Council may, from time to time, review the allocation guidelines issued under this section, and may revise them.
- (7) Subsections (3) to (5) apply to a revision of the guidelines as they apply to their preparation.
- (8) When exercising functions under this section, the Council must have regard to—
  - (a) the need to promote consistency in decisions of the kind mentioned in subsection (1), and
  - (b) the results of the monitoring carried out under section 128.

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**Textual Amendments**

- F1** Words in s. 122(1) renumbered as s. 122(1)(a) (28.4.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(1), **Sch. 2 para. 13(a)**
  - F2** Words in s. 122(1)(a) omitted (28.4.2022) by virtue of [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(1), **Sch. 2 para. 13(b)**
  - F3** S. 122(1)(b) inserted (28.4.2022) by [Judicial Review and Courts Act 2022 \(c. 35\)](#), s. 51(1), **Sch. 2 para. 13(c)**
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**Commencement Information**

- I1** S. 122 in force at 6.4.2010 by [S.I. 2010/816](#), art. 2, **Sch. para. 8**

**Changes to legislation:**

Coroners and Justice Act 2009, Section 122 is up to date with all changes known to be in force on or before 24 April 2024. 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.

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

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

- s. 11A and cross-heading inserted by [2023 c. 41 Sch. 11 para. 1\(1\)](#)
- Sch. 1A inserted by [2023 c. 41 Sch. 11 para. 1\(2\)](#)