



# Administration of Justice Act 1960

## 1960 CHAPTER 65

### *Contempt of court, habeas corpus and certiorari*

#### **16 Power of High Court to vary sentence on certiorari**

- (1) Where a person who has been sentenced for an offence by a magistrates' court or, on appeal against conviction or sentence, by quarter sessions applies to the High Court for an order of certiorari to remove the proceedings of the magistrates' court or the court of quarter sessions into the High Court, and the High Court determines that the magistrates' court or court of quarter sessions had no power to pass the sentence, the High Court may, instead of quashing the conviction, amend it by substituting for the sentence passed any sentence which the magistrates' court had power to impose.
- (2) Any sentence passed by the High Court by virtue of this section in substitution for the sentence passed in the proceedings of the magistrates' court or quarter sessions shall, unless the High Court otherwise directs, begin to run from the time when it would have begun to run if passed in those proceedings; but in computing the term of the sentence any time during which the offender was at large after being admitted to bail in pursuance of paragraph (d) of subsection (1) of section thirty-seven of the Criminal Justice Act, 1948, shall be disregarded.
- (3) The foregoing provisions of this section shall apply, with the necessary modifications, in relation to any order of a magistrates' court or court of quarter sessions which is made on, but does not form part of, the conviction of an offender as they apply in relation to a conviction and sentence.