
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 42

**REMITTAL FROM ONE MAGISTRATES'
COURT TO ANOTHER FOR SENTENCE**

Remittal for sentence

42.1.—(1) Where a magistrates' court remits an offender to some other magistrates' court under section 10 of the Powers of Criminal Courts (Sentencing) Act 2000⁽¹⁾ after convicting him of an offence, the court officer for the convicting court shall send to the court officer for the other court—

- (a) a copy signed by the court officer for the convicting court of the minute or memorandum of the conviction and remittal entered in the register;
- (b) a copy of any note of the evidence given at the trial of the offender, any written statement tendered in evidence and any deposition;
- (c) such documents and articles produced in evidence before the convicting court as have been retained by that court;
- (d) any report relating to the offender considered by the convicting court;
- (e) if the offender is remitted on bail, a copy of the record made by the convicting court in pursuance of section 5 of the Bail Act 1976⁽²⁾ relating to such bail and also any recognizance entered into by any person as his surety;
- (f) if the convicting court makes an order under section 148 of the 2000 Act⁽³⁾ (restitution orders), a copy signed by the court officer for the convicting court of the minute or memorandum of the order entered in the register;
- (g) a copy of any representation order previously made in the same case; and
- (h) a copy of any application for a representation order.

(2) Where a magistrates' court remits an offender to some other magistrates' court as aforesaid and the other court remits him back to the convicting court under section 10(5) of the 2000 Act, the court officer for the other court shall send to the court officer for the convicting court—

- (a) a copy signed by the court officer for the other court of the minute or memorandum of the remittal back entered in the register;

⁽¹⁾ 2000 c. 6.

⁽²⁾ 1976 c. 63; section 5 was amended by section 27 of and paragraph 1(a) of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16) and Part 2 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and is further amended by Part 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed (there are other amendments not relevant to this rule).

⁽³⁾ 2000 c. 6; section 148 is amended by paragraph 74(1) and (5) of Part 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) if the offender is remitted back on bail, a copy of the record made by the other court in pursuance of section 5 of the Bail Act 1976 relating to such bail and also any recognizance entered into by any person as his surety; and
- (c) all documents and articles sent in pursuance of paragraph (1) of this rule.

(3) In this rule “the offender”, “the convicting court” and “the other court” have the same meanings as in section 10 of the 2000 Act.

[Formerly rule 19 of the Magistrates' Courts Rules 1981(4).]