
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 47

SUSPENDED SENTENCES OF IMPRISONMENT

Contents of this Part

Entries in magistrates' court register	rule 47.1
Suspended sentence supervision orders	rule 47.2

Entries in magistrates' court register in respect of suspended sentences

47.1.—(1) Where under section 119 of the Powers of Criminal Courts (Sentencing) Act 2000(1) a magistrates' court deals with a person in respect of a suspended sentence otherwise than by making an order under section 119(1)(a), the court shall cause to be entered in the register its reasons for its opinion that it would be unjust to make such an order.

(2) Where an offender is dealt with under section 119 of the 2000 Act in respect of a suspended sentence passed by a magistrates' court, the court officer shall note this in the register, or where the suspended sentence was not passed by that court, shall notify the court officer for the court by which it was passed who shall note it in the register.

[Note. Formerly rule 29 of the Magistrates' Court Rules 1981(2). As to the requirement to keep a register, see rule 6.1.]

Suspended sentence supervision orders

47.2.—(1) Where a magistrates' court makes an order under section 119(1)(a) or (b) of the Powers of Criminal Courts (Sentencing) Act 2000 in respect of a person who is subject to a suspended sentence supervision order, the court officer shall note this in the register, or where that order was not made by that court, shall—

- (a) if the order was made by another magistrates' court, notify the court officer for that court who shall note the court register accordingly; or
- (b) if the order was made by the Crown Court, notify the Crown Court officer.

(2) Where a magistrates' court discharges a suspended sentence supervision order under section 124(1) of the 2000 Act(3), the court officer shall note this in the register, or where that order was not made by that court, shall—

(1) 2000 c. 6; section 119 is repealed by Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
(2) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1982/245, 1992/2072, 2001/610 and 2003/1236.
(3) Section 124 is repealed by Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

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- (a) if the order was made by another magistrates' court, notify the court officer for that court who shall note the court register accordingly; or
 - (b) if the order was made by the Crown Court, notify the Crown Court officer.
- (3) Where a magistrates' court fines a person under section 123 of the 2000 Act⁽⁴⁾ for breach of the requirements of a suspended sentence supervision order which was not made by that court, the court officer shall—
- (a) if the order was made by another magistrates' court, notify the court officer for that court; or
 - (b) if the order was made by the Crown Court, notify the Crown Court officer.

[Note. Formerly rule 30 of the Magistrates' Court Rules 1981. As to the requirement to keep a register, see rule 6.1.]

⁽⁴⁾ Section 123 is repealed by Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.