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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 28**

**SENTENCING PROCEDURES IN SPECIAL CASES**

**Information to be supplied on committal for sentence, etc.**

**28.10.**—(1) This rule applies where a magistrates' court or the Crown Court convicts the defendant and—

- (a) commits or adjourns the case to another court—
    - (i) for sentence, or
    - (ii) for the defendant to be dealt with for breach of a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by that other court;
  - (b) deals with a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by another court; or
  - (c) makes an order that another court is, or may be, required to enforce.
- (2) Unless the convicting court otherwise directs, the court officer must, as soon as practicable—
- (a) where paragraph (1)(a) applies, arrange the transmission from the convicting to the other court of a record of any relevant—
    - (i) certificate of conviction,
    - (ii) magistrates' court register entry,
    - (iii) decision about bail, for the purposes of section 5 of the Bail Act 1976(1),
    - (iv) note of evidence,
    - (v) statement or other document introduced in evidence,
    - (vi) medical or other report,
    - (vii) representation order or application for such order, and
    - (viii) interim driving disqualification;
  - (b) where paragraph (1)(b) or (c) applies, arrange—
    - (i) the transmission from the convicting to the other court of notice of the convicting court's order, and
    - (ii) the recording of that order at the other court;

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(1) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Parts 2, 4 and 12 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27).

- (c) in every case, notify the defendant and, where the defendant is under 14, an appropriate adult, of the location of the other court.

*[Note. For the circumstances in which—*

- (a) *a magistrates' court may (and in some cases must) commit the defendant to the Crown Court for sentence, see sections 3, 3A, 3B, 3C, 4, 4A and 6 of the Powers of Criminal Courts (Sentencing) Act 2000(2) and section 43 of the Mental Health Act 1983(3);*
- (b) *a magistrates' court may adjourn the case to another magistrates' court for sentence, see section 10 of the Magistrates' Courts Act 1980(4) and section 10 of the 2000 Act(5);*
- (c) *a magistrates' court or the Crown Court may (and in some cases must) adjourn the case to a youth court for sentence, see section 8 of the 2000 Act(6);*
- (d) *a youth court may adjourn the case to a magistrates' court for sentence, see section 9 of the 2000 Act(7);*
- (e) *a magistrates' court may transfer a fine to be enforced to another court, see sections 89 and 90 of the 1980 Act(8).*

*For the court's powers where it convicts a defendant who is subject to a deferred sentence, a conditional discharge, or a suspended sentence of imprisonment, imposed by another court, see sections 1C and 13 of the 2000 Act(9) and section 189 of, and Schedule 12 to, the Criminal Justice Act 2003(10).*

*Under section 140 of the 2000 Act(11), a fine imposed or other sum ordered to be paid in the Crown Court is enforceable by a magistrates' court specified in the order, or from which the case was committed or sent to the Crown Court.*

*See also section 219(3) of the 2003 Act(12); paragraph 34(3) of Schedule 1 to the Criminal Justice and Immigration Act 2008(13); and section 1A(9) of the Street Offences Act 1959(14).]*

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- (2) 2000 c. 6; sections 3, 4 and 6 were amended, and sections 3A, 3B, 3C and 4A inserted, by paragraphs 21, 22A, 23, 24, 25 and 28 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). Section 3A was amended by section 53 of, and paragraphs 1 and 9 of Schedule 13 to, the Criminal Justice and Immigration Act 2008 (c. 4) and paragraphs 7 and 8 of Schedule 21 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 3C was amended by paragraphs 7 and 9 of Schedule 21 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10). Section 6 was further amended by paragraphs 90 and 91 of Schedule 32, and Parts 7 and 9 of Schedule 37, to the Criminal Justice Act 2003 (c. 44).
- (3) 1983 c. 20; section 43 was amended by paragraph 91 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) and paragraph 55 of Schedule 3, and Part 9 of Schedule 37, to the Criminal Justice Act 2003 (c. 44).
- (4) 1980 c. 43; section 10 was amended by section 59 of, and paragraph 1 of Schedule 9 to, the Criminal Justice Act 1982 (c. 48), section 68 of, and paragraph 6 of Schedule 8 to, the Criminal Justice Act 1991 (c. 53) and section 47 of the Crime and Disorder Act 1998 (c. 37).
- (5) 2000 c. 6.
- (6) 2000 c. 6; section 8 was amended by section 41 of, and paragraph 74 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44) and article 2 of, and paragraph 62 of the Schedule to, S.I. 2005/886.
- (7) 2000 c. 6; section 9 was amended by article 2 of, and paragraph 63 of the Schedule to, S.I. 2005/886.
- (8) 1980 c. 43; section 89 was amended by section 47 of the Criminal Justice and Public Order Act 1994 (c. 33), paragraphs 95 and 107 of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 225 of Schedule 8 to the Courts Act 2003 (c. 39) and articles 46 and 49 of S.I. 2006/1737. Section 90 was amended by section 47(2) of the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 226 of Schedule 8 to the Courts Act 2003 (c. 39) and articles 46 and 50 of S.I. 2006/1737.
- (9) 2000 c. 6; section 1C was substituted, together with sections 1, 1A, 1B and 1D, for sections 1 and 2 as originally enacted, by section 278 of, and paragraph 1 of Schedule 23 to, the Criminal Justice Act 2003 (c. 44). Section 13 was amended by article 2 of, and paragraph 64 of the Schedule to, S.I. 2005/886.
- (10) 2003 c. 44; section 189 was amended by articles 2(1) and (2), and 3(1) and (2) of S.I. 2005/643 and section 68 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10).
- (11) 2000 c. 6; section 140 was amended by paragraphs 74 of Schedule 3 and Part 4 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) and section 40(4) of, and paragraph 69 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4). It is further amended by sections 74 and 75 of, and paragraphs 160 and 194 of Schedule 8 to, the Criminal Justice and Court Services Act 2000 (c. 43) with effect from a date to be appointed.
- (12) 2003 c. 44; section 219(3) was amended by article 2 of, and paragraph 105(b) of the Schedule to, S.I. 2005/886.
- (13) 2008 c. 4.
- (14) 1959 c. 57; section 1A was inserted by section 17(1) and (3) of the Policing and Crime Act 2009 (c. 26).

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

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