

*Status: Point in time view as at 08/05/2008.*

**Changes to legislation:** Criminal Justice and Immigration Act 2008, SCHEDULE 13 is up to date with all changes known to be in force on or before 06 January 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)

## SCHEDULES

### SCHEDULE 13

Section 53

#### ALLOCATION OF CASES TRIABLE EITHER WAY ETC.

- 1 Schedule 3 to the Criminal Justice Act 2003 (c. 44) (allocation of cases triable either way, and sending cases to the Crown Court etc.) has effect subject to the following amendments.
- 2 In paragraph 2, in the paragraph set out in sub-paragraph (2), after “committed” insert “ for sentence ”.
- 3 In paragraph 6, for subsection (2)(c) of the section set out in that paragraph substitute—
  - “(c) that if he is tried summarily and is convicted by the court, he may be committed for sentence to the Crown Court under section 3 or (if applicable) section 3A of the Powers of Criminal Courts (Sentencing) Act 2000 if the court is of such opinion as is mentioned in subsection (2) of the applicable section.”
- 4 In paragraph 8, in sub-paragraph (2)(a) for “trial on indictment” substitute “ summary trial ”.
- 5 (1) Paragraph 9 is amended as follows.
  - (2) In sub-paragraph (3) after “(1A)” insert “ , (1B) ”.
  - (3) After sub-paragraph (3) insert—
    - “(4) In subsection (3) for “the said Act of 2000” substitute “ the Powers of Criminal Courts (Sentencing) Act 2000 ”.”
- 6 Paragraph 13 is omitted.
- 7 Paragraph 22 is omitted.
- 8 Before paragraph 23 insert—
  - “(1) Section 3 (committal for sentence on summary trial of offence triable either way) is amended as follows.
    - (2) In subsection (2)—
      - (a) in paragraph (a) for the words from “greater punishment” to the end of the paragraph substitute “ the Crown Court should, in the court’s opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment ”, and
      - (b) omit paragraph (b) (and the word “or” immediately preceding it).
    - (3) In subsection (4), after “section” insert “ 17D or ”.
    - (4) In subsection (5), in paragraph (b) omit the words “paragraph (b) and”.

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- 9            In paragraph 23, in subsection (5) of the first of the sections inserted by that paragraph (section 3A), for “a specified offence” substitute “ an offender convicted of a specified offence ”.
- 10           In paragraph 24 after sub-paragraph (4) insert—  
              “(4A) In subsection (2) for “committed” substitute “ sent ”.”

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