

*These notes refer to the Coroners and Justice Act 2009  
(c.25) which received Royal Assent on 12 November 2009*

# **CORONERS AND JUSTICE ACT 2009**

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## **EXPLANATORY NOTES**

### **THE ACT**

#### *Commentary on Sections*

#### **Part 5 - Miscellaneous criminal justice provisions**

#### *Section 144 and Schedule 17: Treatment of convictions in other member States etc*

#### **Decision as to allocation**

635. *Paragraphs 4 and 5* amend section 19 of the Magistrates' Courts Act 1980 and paragraph 9 of Schedule 3 to the Crime and Disorder Act 1998 respectively, as substituted by Schedule 3 to the 2003 Act (not yet in force). The existing legislation sets out the criteria for determining whether an offence triable either way should be tried summarily or on indictment by, in the case of the Magistrates' Courts Act 1980 a magistrates' court, or, in the case of the Crime and Disorder Act 1998, a Crown Court. It permits the prosecution to inform the courts of any previous convictions of the defendant, previous convictions being convictions by a court in the United Kingdom or convictions or findings of guilt under service law.
636. The amendments add to what is a previous conviction to include convictions by a court in another member State, provided that the offence of which the defendant was convicted would also have been an offence in the United Kingdom if it had been done there at the time the allocation decision is made.