



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 1

CRIMINAL PROCEDURE

Transfer of cases between courts

PROSPECTIVE

10 Sending cases to Crown Court for trial

- (1) Section 51 of the Crime and Disorder Act 1998 (sending of adult defendants to Crown Court for trial) is amended as set out in subsections (2) to (5).
- (2) For subsection (1) substitute—
 - “(1) Subsections (2A) and (2B) apply where—
 - (a) a magistrates’ court (“the court”) determines that any of the conditions set out in subsection (2) is met in relation to an offence with which a person has been charged, and
 - (b) the accused is an adult.”
- (3) In subsection (2)(b)—
 - (a) for the words from “section” to “25(2D)” substitute “any provision of Part 1”;
 - (b) for “subsection (1) above” substitute “this section”.
- (4) After subsection (2) insert—

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 10. (See end of Document for details)

“(2A) If the determination referred to in subsection (1)(a) is made while the accused is present before the court, the court must—

- (a) explain that the court is required to send the accused to the Crown Court for trial for the offence; and
- (b) so send the accused.

(2B) Otherwise, the court must serve on the accused one or more documents which—

- (a) state the charge against the accused;
- (b) explain that the court is required to send the accused to the Crown Court for trial for the offence; and
- (c) set out any other information—
 - (i) that is required by Criminal Procedure Rules, or
 - (ii) that is authorised by Criminal Procedure Rules and which the court decides to include.

(2C) As soon as practicable after serving the documents required by subsection (2B), the court must send the accused to the Crown Court for trial for the offence (which need not be done in open court).

(2D) Subsections (2A) to (2C) have effect subject to any provision in Criminal Procedure Rules of the sort described in subsection (2E) or (3A).

(2E) Criminal Procedure Rules may make provision—

- (a) about circumstances in which the requirement under subsection (2A) or (2B) does not apply; and
- (b) about the sending of the accused to the Crown Court under this section in those circumstances.”

(5) For subsections (3) to (12) substitute—

“(3A) Criminal Procedure Rules may make provision about situations where—

- (a) a condition in subsection (2) is met in relation to an alleged offence, and
- (b) any other alleged offence is, or appears to be, related (in such a way as is specified in the Rules) to the alleged offence referred to in paragraph (a).

(3B) The provision that may be made as described in subsection (3A) includes provision—

- (a) for a person to be sent to the Crown Court for trial for the other alleged offence—
 - (i) whether or not a condition in subsection (2) is met in relation to it;
 - (ii) whether or not it is alleged to have been committed by the same person as the offence referred to in paragraph (a) of that subsection;
 - (iii) even if it is a summary offence;
- (b) applying any other provision made by or under an Act about the sending of a person to the Crown Court for trial;
- (c) disapplying any other provision made by or under an Act about how a magistrates’ court is to deal with the other alleged offence.”

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 10. (See end of Document for details)

(6) Section 51A of the Crime and Disorder Act 1998 (sending of children or young persons to Crown Court for trial) is amended as set out in subsections (7) to (10).

(7) Before subsection (1) insert—

“(A1) Subsections (3A) and (3B) apply where—

- (a) a magistrates’ court (“the court”) determines that any of the conditions set out in subsection (3) is met in relation to an offence with which a person has been charged, and
- (b) the accused is a child or young person.”

(8) Omit subsection (2).

(9) After subsection (3) insert—

“(3A) If the determination referred to in subsection (A1)(a) is made while the accused is present before the court, the court must—

- (a) explain that the court is required to send the accused to the Crown Court for trial for the offence; and
- (b) so send the accused.

(3B) Otherwise, the court must serve on the accused one or more documents which—

- (a) state the charge against the accused;
- (b) explain that the court is required to send the accused to the Crown Court for trial for the offence; and
- (c) set out any other information—
 - (i) that is required by Criminal Procedure Rules, or
 - (ii) that is authorised by Criminal Procedure Rules and which the court decides to include.

(3C) As soon as practicable after serving the documents required by subsection (3B), the court must send the accused to the Crown Court for trial for the offence (which need not be done in open court).

(3D) Subsections (3A) to (3C) have effect subject to any provision in Criminal Procedure Rules of the sort described in subsection (3E) or (4A).

(3E) Criminal Procedure Rules may make provision—

- (a) about circumstances in which the requirement under subsection (3A) or (3B) does not apply; and
- (b) about the sending of the accused to the Crown Court under this section in those circumstances.”

(10) For subsections (4) to (10) substitute—

“(4A) Criminal Procedure Rules may make provision about situations where—

- (a) a condition in subsection (3) is met in relation to an alleged offence, and
- (b) any other alleged offence is, or appears to be, related (in such a way as is specified in the Rules) to the alleged offence referred to in paragraph (a).

Status: This version of this provision is prospective.

Changes to legislation: There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 10. (See end of Document for details)

(4B) The provision that may be made as described in subsection (4A) includes provision—

- (a) for a person to be sent to the Crown Court for trial for the other alleged offence—
 - (i) whether or not a condition in subsection (3) is met in relation to it;
 - (ii) whether or not it is alleged to have been committed by the same person as the offence referred to in paragraph (a) of that subsection;
 - (iii) even if it is a summary offence;
- (b) applying any other provision made by or under an Act about the sending of a person to the Crown Court for trial;
- (c) disapplying any other provision made by or under an Act about how a magistrates' court is to deal with the other alleged offence.”

(11) In section 52 of the Crime and Disorder Act 1998 (provision supplementary to sections 51 and 51A), after subsection (2) insert—

“(2A) If the court sends a person for trial under section 51 or 51A other than in open court—

- (a) it must do so on bail, and
- (b) that bail is to be—
 - (i) unconditional, if the accused is not already on bail, or is on unconditional bail, in respect of the charge in question, or
 - (ii) if the accused is already on bail subject to conditions in respect of the charge in question, subject to the same conditions.”

Commencement Information

II S. 10 not in force at Royal Assent, see [s. 51\(4\)](#)

Status:

This version of this provision is prospective.

Changes to legislation:

There are currently no known outstanding effects for the Judicial Review and Courts Act 2022, Section 10.