



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 1

CRIMINAL PROCEDURE

Transfer of cases between courts

11 Powers of Crown Court to remit cases to the magistrates' court

(1) After section 46 of the Senior Courts Act 1981 insert—

“46ZA Remitting proceedings to magistrates' courts for trial

- (1) In a case where a person has been sent by a magistrates' court to the Crown Court for trial for an offence, the Crown Court may send the person back to a magistrates' court for trial.
- (2) The Crown Court may not exercise the power in subsection (1)—
 - (a) in respect of a person who has attained the age of 18, or is not an individual, if the offence in question is triable only on indictment;
 - (b) in respect of a person who has not attained the age of 18, if the offence in question falls within section 51A(12) of the Crime and Disorder Act 1998.
- (3) In the case of an offence that is triable either way, the Crown Court may not exercise the power in subsection (1)—
 - (a) unless the person appears in court or consents to the power being exercised in the person's absence, and

Status: This is the original version (as it was originally enacted).

- (b) in the case of a person who has attained the age of 18, or is not an individual, unless the person consents to the power being exercised.
- (4) If a person under the age of 18 appears before the Crown Court having been sent to it as mentioned in subsection (1), the Crown Court—
 - (a) must consider whether to send the person back to a magistrates’ court under subsection (1), and
 - (b) if it decides not to send the person back, must give reasons for not doing so.
- (5) In deciding whether to exercise the power in subsection (1), the Crown Court must—
 - (a) take into account any other offence before the Crown Court that appears to the court to be related to that offence (whether the same, or a different, person is accused or has been convicted of the other offence), and
 - (b) have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 122 of the Coroners and Justice Act 2009.
- (6) Where the Crown Court exercises the power in subsection (1) it may, subject to section 25 of the Criminal Justice and Public Order Act 1994 (restrictions on granting bail), give such directions as appear to be necessary—
 - (a) with respect to the custody of the accused, or
 - (b) for the accused’s release on bail,
 until the accused can appear or be brought before the magistrates’ court.
- (7) There is no right of appeal against an order under subsection (1).”
- (2) In section 25 of the Sentencing Code (remission of offenders aged under 18 to youth court for sentence), after subsection (2) insert—
 - “(2A) If—
 - (a) the convicting court is a magistrates’ court, and
 - (b) that court commits the offender to the Crown Court for sentence,
 the Crown Court may remit the offender to a youth court acting for the place where the convicting court sat.”
- (3) After section 25 of the Sentencing Code insert—

“25A Power to remit adult offenders to magistrates’ courts for sentence

- (1) This section applies where a person aged 18 or over, or a person who is not an individual—
 - (a) has been convicted of an offence by a magistrates’ court and committed to the Crown Court for sentence, or
 - (b) has been convicted of an offence (other than an offence triable only on indictment) by the Crown Court following a plea of guilty.
- (2) The Crown Court may remit the offender to a magistrates’ court for sentence.
- (3) In deciding whether to exercise the power in subsection (2), the Crown Court must—

- (a) take into account any other offence before the Crown Court that appears to the court to be related to that offence (whether the same, or a different, person is accused or has been convicted of the other offence), and
 - (b) have regard to any allocation guidelines (or revised allocation guidelines) issued as definitive guidelines under section 122 of the Coroners and Justice Act 2009.
- (4) There is no right of appeal against an order under subsection (2).”