
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 43

COMMITTAL TO THE CROWN COURT FOR SENTENCE

Committal to Crown Court for order restricting discharge, etc

43.2. Where a magistrates' court commits an offender to the Crown Court either—

- (a) under section 43 of the Mental Health Act 1983(1) with a view to the making of a hospital order with an order restricting his discharge; or
- (b) under section 3 of the Powers of Criminal Courts (Sentencing) Act 2000, as modified by section 43(4) of the 1983 Act, with a view to the passing of a more severe sentence than the magistrates' court has power to inflict if such an order is not made,

The magistrates' court officer shall send to the Crown Court officer—

- (i) the copies, documents and articles specified in rule 43.1,
- (ii) any written evidence about the offender given by a medical practitioner under section 37 of the 1983 Act(2) or a copy of a note of any oral evidence so given,
- (iii) the name and address of the hospital the managers of which have agreed to admit the offender if a hospital order is made, and
- (iv) if the offender has been admitted to a hospital under section 37 of the 1983 Act, the name and address of that hospital.

[Note. Formerly rule 18 of the Magistrates' Courts Rules 1981.]

(1) 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 is further amended by paragraphs 55(1) and (2) of Part 2 of Schedule 3 and Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.

(2) 1983 c. 20; section 37 was amended by Schedule 6 and paragraph 12 of Schedule 4 to the Crime (Sentences) Act 1997 (c. 43), paragraph 90 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraph 11 of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23) and is further amended by Part 7 and paragraphs 37 and 38 of Part 1 of Schedule 32 to the Criminal Justice Act 2003 (c. 44).