
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 43

COMMITTAL TO THE CROWN COURT FOR SENTENCE

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Committals for sentence, etc

43.1.—(1) Where a magistrates' court commits an offender to the Crown Court under the Vagrancy Act 1824(1), sections 3, 6, 116(3)(b) or 120(2)(a) of the Powers of Criminal Courts (Sentencing) Act 2000(2) or section 6 of the Bail Act 1976(3) after convicting him of an offence, the magistrates' court officer shall send to the Crown Court officer—

- (a) a copy signed by the magistrates' court officer of the minute or memorandum of the conviction entered in the register;
- (b) copy of any note of the evidence given at the trial of the offender, any written statement tendered in evidence and any deposition;
- (c) such documents and articles produced in evidence before the court as have been retained by the court;
- (d) any report relating to the offender considered by the court;
- (e) if the offender is committed on bail, a copy of the record made in pursuance of section 5 of the 1976 Act relating to such bail and also any recognizance entered into by any person as his surety;
- (f) if the court imposes under section 26 of the Road Traffic Offenders Act 1988(4) an interim disqualification for holding or obtaining a licence under Part III of the Road Traffic Act 1988(5), a statement of the date of birth and sex of the offender;

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- (1) 1824 c. 83; section 5 was amended by the Statute Law (Repeals) Act 1989 (c. 43), section 77 of and paragraph 1 of Schedule 14 to the Criminal Justice Act 1982 (c. 48) and paragraph 1 of Schedule 6 to the Criminal Justice Act 1967 (c. 80), paragraph 5 of Part II of Schedule 8 to the Courts Act 1971 (c. 23); section 5 is repealed by Part 9 of Schedule 37 of the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed; there are other amendments not relevant to this rule.
- (2) 2000 c. 6; section 3 is amended by paragraphs 21 and 22 of Part 1 of Schedule 3 of the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed; section 6 is amended by paragraphs 90 and 91 of Part 1 of Schedule 32 and paragraphs 21 and 28 of Part 1 and Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed; section 116(3) is repealed by paragraphs 90 and 116 of Part 1 to Schedule 32 and Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed; section 120(2)(a) is repealed by section 303(d)(v) and part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44) with effect from a date to be appointed.
- (3) 1976 c. 63; section 6 is amended by paragraphs 48(1) and 48(4) of Part 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).
- (4) 1988 c. 53; section 26 was amended by paragraphs 119(1), (2)(a), 2(b) and (3) of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraphs 140, 143(1), (2) and (3) of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 312(b) of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 2 of Schedule 2 to S.I. 1996/1974, and is further

- (g) if the court makes an order under section 148 of the 2000 Act (restitution orders), a copy signed by the clerk of the convicting court of the minute or memorandum of the order entered in the register; and
- (h) any documents relating to an appeal by the prosecution against the granting of bail.

(2) Where a magistrates' court commits an offender to the Crown Court under the Vagrancy Act 1824 or sections 3, 6 or 120(2) of the 2000 Act and the magistrates' court on that occasion imposes, under section 26 of the Road Traffic Offenders Act 1988, an interim disqualification for holding or obtaining a licence under Part III of the Road Traffic Act 1988, the magistrates' court officer shall give notice of the interim disqualification to the Crown Court officer.

(3) Where a magistrates' court commits a person on bail to the Crown Court under any of the enactments mentioned in paragraph (2) of this rule or under section 6 of the Bail Act 1976 the magistrates' court officer shall give notice thereof in writing to the governor of the prison to which persons of the sex of the person committed are committed by that court if committed in custody for trial and also, if the person committed is under the age of 21, to the governor of the remand centre to which he would have been committed if the court had refused him bail.

[Note. Formerly rule 17 of the Magistrates' Courts Rules 1981(6). See also direction V.52 in the Practice Direction.]

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(7) 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(8) 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.]

amended by paragraphs 32 and 34 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c. 32) with effect from a date to be appointed.

(5) 1988 c. 52 (as amended).

(6) S.I. 1981/552; amending instruments relevant to this Part are 1983/523, 1992/2072, 1994/1481, 2001/6001, and 2003/1236.

(7) 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.

(8) 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).