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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 43**

**COMMITTAL TO THE CROWN COURT FOR SENTENCE**

**Committal 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.

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(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 paragraph 55 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 11 of Schedule 4 to the Youth Justice and Criminal Evidence Act 1999 (c. 23), paragraph 90 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraphs 37 and 38 of Schedule 32 to, the Criminal Justice Act 2003 (c. 44), sections 49 and 65 of, and paragraph 2 of Schedule 1 and Schedule 5 to, the Violent Crime Reduction Act 2006 (c. 38), and sections 1, 4, 10, 55 and paragraphs 1 and 7 of Schedule 1, and Part 1 of Schedule 11 to, the Mental Health Act 2007 (c. 12). It is amended by sections 6 and 148 of, and paragraphs 30 and 148 of Schedule 4, and paragraph 8 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4), with effect from a date to be appointed.