
STATUTORY INSTRUMENTS

2010 No. 60

The Criminal Procedure Rules 2010

PART 42

REMITTAL FROM ONE MAGISTRATES' COURT TO ANOTHER FOR SENTENCE

Contents of this Part

Remittal for sentence	rule 42.1
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Remittal for sentence

42.1.—(1) Where a magistrates' court remits an offender to some other magistrates' court under section 10 of the Powers of Criminal Courts (Sentencing) Act 2000⁽¹⁾ after convicting him of an offence, the court officer for the convicting court shall send to the court officer for the other court—

- (a) a copy signed by the court officer for the convicting court of the minute or memorandum of the conviction and remittal entered in the register;
- (b) a 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 convicting court as have been retained by that court;
- (d) any report relating to the offender considered by the convicting court;
- (e) if the offender is remitted on bail, a copy of the record made by the convicting court in pursuance of section 5 of the Bail Act 1976⁽²⁾ relating to such bail and also any recognizance entered into by any person as his surety;
- (f) if the convicting court makes an order under section 148 of the 2000 Act⁽³⁾ (restitution orders), a copy signed by the court officer for the convicting court of the minute or memorandum of the order entered in the register;
- (g) a copy of any representation order previously made in the same case; and

(1) 2000 c. 6.

(2) 1976 c. 63; section 5 was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45), section 60 of the Criminal Justice Act 1982 (c. 48), paragraph 1 of Schedule 3 to the Criminal Justice and Public Order Act 1994 (c. 33), paragraph 53 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 129(1) of the Criminal Justice and Police Act 2001 (c. 16), paragraph 182 of Schedule 8 to the Courts Act 2003 (c. 39) and paragraph 48 of Schedule 3 to, and Parts 2 and 12 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44). The amendments in Schedule 3 of the 2003 Act are in force in relation to certain cases only. It is further amended by sections 41, 331 and 332 of, and paragraph 48 of Schedule 3, paragraphs 1 and 2 of Schedule 36, and Part 4 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44) and section 208 of, and paragraphs 33 and 35 of Schedule 21 to, the Legal Services Act 2007 (c. 27), with effect from dates to be appointed.

(3) 2000 c. 6; section 148 was amended by paragraph 74(1) and (5) of Part 2 of Schedule 3 to the Criminal Justice Act 2003 (c. 44). The provision is in force for certain purposes and will take effect for remaining purposes, from a date to be appointed.

- (h) a copy of any application for a representation order.
- (2) Where a magistrates' court remits an offender to some other magistrates' court as aforesaid and the other court remits him back to the convicting court under section 10(5) of the 2000 Act, the court officer for the other court shall send to the court officer for the convicting court—
 - (a) a copy signed by the court officer for the other court of the minute or memorandum of the remittal back entered in the register;
 - (b) if the offender is remitted back on bail, a copy of the record made by the other court in pursuance of section 5 of the Bail Act 1976 relating to such bail and also any recognizance entered into by any person as his surety; and
 - (c) all documents and articles sent in pursuance of paragraph (1) of this rule.
- (3) In this rule 'the offender', 'the convicting court' and 'the other court' have the same meanings as in section 10 of the 2000 Act.