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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**

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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;

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(1) 1824 c. 83.

(2) 2000 c. 6; section 3 is amended by section 41 of, and paragraphs 21 and 22 of Schedule 3 to, the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed; section 6 was amended by paragraphs 90 and 91 of Schedule 32 and Part 7 of Schedule 37 to the Criminal Justice Act 2003 (c. 44). It was also amended by paragraphs 21 and 28 of Schedule 3 to the 2003 Act for certain purposes and is so amended for remaining purposes, with effect from a date to be appointed. It is further amended by Part 9 of Schedule 37 to the Criminal Justice Act 2003 (c. 44), with effect from a date to be appointed; section 116(3) was repealed by paragraphs 90 and 116 of Part 1 to Schedule 32 and Part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with transitional provisions in paragraph 29 of Schedule 2 and the section is continued in force for certain offences by section 148 of, and paragraphs 40 and 45 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4); section 120 was repealed by section 303 of, and part 7 of Schedule 37 to, the Criminal Justice Act 2003 (c. 44), with savings in relation to offences committed before 4 April 2005.

(3) 1976 c. 63; section 6 was amended by sections 37, 38 and 46 of the Criminal Justice Act 1982 (c. 48), section 109 of and paragraph 184 of Schedule 8 to, the Courts Act 2003 (c. 39) and sections 15 and 41 of paragraphs 48(1) and 48(4) of Schedule 3 to, the Criminal Justice Act 2003 (c. 44). The amendments made by Schedule 3 of the 2003 Act are in force in relation to certain cases only, and for remaining purposes will take effect from a date to be appointed.

- (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;
- (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. See also direction V.52 in the Practice Direction.]*

### **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(6) 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(7) 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

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(4) 1988 c. 53; section 26 was substituted by section 25 of the Road Traffic Act 1991 (c. 40) and amended by paragraph 119 of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), paragraphs 140 and 143 of Schedule 13 to the Access to Justice Act 1999 (c. 22), paragraph 2 of Schedule 2 to S.I. 1996/1974, paragraph 312(b) of Schedule 8 to the Courts Act 2003 (c. 39) and paragraphs 32 and 34 of Schedule 5 to the Crime (International Co-operation) Act 2003 (c. 32). Section 26 is further amended by sections 10 and 59 of, and paragraphs 30 and 32 of Schedule 3, and Schedule 7 to, the Road Safety Act 2006 (c. 49), with effect from a date to be appointed.

(5) 1988 c. 52.

(6) 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.

(7) 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.

- (iv) if the offender has been admitted to a hospital under section 37 of the 1983 Act, the name and address of that hospital.