



Powers of Criminal Courts (Sentencing) Act 2000

2000 CHAPTER 6

PART I

POWERS EXERCISABLE BEFORE SENTENCE

Committal to Crown Court for sentence

3 Committal for sentence on summary trial of offence triable either way

(1) Subject to subsection (4) below, this section applies where on the summary trial of an offence triable either way a person aged 18 or over is convicted of the offence.

(2) If the court is of the opinion—

- (a) that the offence or the combination of the offence and one or more offences associated with it was so serious that greater punishment should be inflicted for the offence than the court has power to impose, or
- (b) in the case of a violent or sexual offence, that a custodial sentence for a term longer than the court has power to impose is necessary to protect the public from serious harm from him,

the court may commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 5(1) below.

(3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.

(4) This section does not apply in relation to an offence as regards which this section is excluded by section 33 of the Magistrates' Courts Act 1980 (certain offences where value involved is small).

(5) The preceding provisions of this section shall apply in relation to a corporation as if—

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- (a) the corporation were an individual aged 18 or over; and
- (b) in subsection (2) above, paragraph (b) and the words “in custody or on bail” were omitted.

4 Committal for sentence on indication of guilty plea to offence triable either way

- (1) This section applies where—
 - (a) a person aged 18 or over appears or is brought before a magistrates' court (“the court”) on an information charging him with an offence triable either way (“the offence”);
 - (b) he or his representative indicates that he would plead guilty if the offence were to proceed to trial; and
 - (c) proceeding as if section 9(1) of the Magistrates' Courts Act 1980 were complied with and he pleaded guilty under it, the court convicts him of the offence.
- (2) If the court has committed the offender to the Crown Court for trial for one or more related offences, that is to say, one or more offences which, in its opinion, are related to the offence, it may commit him in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 5(1) below.
- (3) If the power conferred by subsection (2) above is not exercisable but the court is still to inquire, as examining justices, into one or more related offences—
 - (a) it shall adjourn the proceedings relating to the offence until after the conclusion of its inquiries; and
 - (b) if it commits the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.
- (4) Where the court—
 - (a) under subsection (2) above commits the offender to the Crown Court to be dealt with in respect of the offence, and
 - (b) does not state that, in its opinion, it also has power so to commit him under section 3(2) above,
 section 5(1) below shall not apply unless he is convicted before the Crown Court of one or more of the related offences.
- (5) Where section 5(1) below does not apply, the Crown Court may deal with the offender in respect of the offence in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.
- (6) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (7) For the purposes of this section one offence is related to another if, were they both to be prosecuted on indictment, the charges for them could be joined in the same indictment.

5 Power of Crown Court on committal for sentence under sections 3 and 4

- (1) Where an offender is committed by a magistrates' court for sentence under section 3 or 4 above, the Crown Court shall inquire into the circumstances of the case and may

deal with the offender in any way in which it could deal with him if he had just been convicted of the offence on indictment before the court.

- (2) In relation to committals under section 4 above, subsection (1) above has effect subject to section 4(4) and (5) above.

6 Committal for sentence in certain cases where offender committed in respect of another offence

- (1) This section applies where a magistrates' court ("the committing court") commits a person in custody or on bail to the Crown Court under any enactment mentioned in subsection (4) below to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence").
- (2) Where this section applies and the relevant offence is an indictable offence, the committing court may also commit the offender, in custody or on bail as the case may require, to the Crown Court to be dealt with in respect of any other offence whatsoever in respect of which the committing court has power to deal with him (being an offence of which he has been convicted by that or any other court).
- (3) Where this section applies and the relevant offence is a summary offence, the committing court may commit the offender, in custody or on bail as the case may require, to the Crown Court to be dealt with in respect of—
- (a) any other offence of which the committing court has convicted him, being either—
 - (i) an offence punishable with imprisonment; or
 - (ii) an offence in respect of which the committing court has a power or duty to order him to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences); or
 - (b) any suspended sentence in respect of which the committing court has under section 120(1) below power to deal with him.
- (4) The enactments referred to in subsection (1) above are—
- (a) the Vagrancy Act 1824 (incorrigible rogues);
 - (b) sections 3 and 4 above (committal for sentence for offences triable either way);
 - (c) section 13(5) below (conditionally discharged person convicted of further offence);
 - (d) section 116(3)(b) below (offender convicted of offence committed during currency of original sentence); and
 - (e) section 120(2) below (offender convicted during operational period of suspended sentence).

7 Power of Crown Court on committal for sentence under section 6

- (1) Where under section 6 above a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence, the Crown Court may after inquiring into the circumstances of the case deal with him in any way in which the magistrates' court could deal with him if it had just convicted him of the offence.
- (2) Subsection (1) above does not apply where under section 6 above a magistrates' court commits a person to be dealt with by the Crown Court in respect of a suspended

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sentence, but in such a case the powers under section 119 below (power of court to deal with suspended sentence) shall be exercisable by the Crown Court.

- (3) Without prejudice to subsections (1) and (2) above, where under section 6 above or any enactment mentioned in subsection (4) of that section a magistrates' court commits a person to be dealt with by the Crown Court, any duty or power which, apart from this subsection, would fall to be discharged or exercised by the magistrates' court shall not be discharged or exercised by that court but shall instead be discharged or may instead be exercised by the Crown Court.
- (4) Where under section 6 above a magistrates' court commits a person to be dealt with by the Crown Court in respect of an offence triable only on indictment in the case of an adult (being an offence which was tried summarily because of the offender's being under 18 years of age), the Crown Court's powers under subsection (1) above in respect of the offender after he attains the age of 18 shall be powers to do either or both of the following—
 - (a) to impose a fine not exceeding £5,000;
 - (b) to deal with the offender in respect of the offence in any way in which the magistrates' court could deal with him if it had just convicted him of an offence punishable with imprisonment for a term not exceeding six months.