



Criminal Justice Act 1967

1967 CHAPTER 80

PART II

POWERS OF COURTS TO DEAL WITH OFFENDERS

Miscellaneous

56 Committal for sentence for offences tried summarily.

[^{F1}(1) Where a magistrates' court ("the committing court") commits a person in custody or on bail to the Crown Court under any enactment to which this section applies to be sentenced or otherwise dealt with in respect of an offence ("the relevant offence"), the committing court—

- (a) if the relevant offence is an [^{F2}indictable offence], may also commit him, 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); or
- (b) if the relevant offence is a summary offence, may commit him, as aforesaid, to the Crown Court to be dealt with in respect of—
 - (i) any other offence of which the committing court has convicted him, being either an offence punishable with imprisonment or an offence in respect of which the committing court has a power or duty to order him to be disqualified under [^{F3}[^{F4}section 34, 35 or 36] of the Road Traffic Offenders Act 1988] (disqualification for certain motoring offences); or
 - (ii) any suspended sentence in respect of which the committing court has under section 24(1) of the ^{M1}Powers of Criminal Courts Act 1973 power to deal with him.]

(2) The enactments to which this section applies are the ^{M2}Vagrancy Act 1824 (incurable rogues), [^{F5}[^{F6}[^{F7}sections 37, 38 and 38A] of the Magistrates' Courts Act 1980] (committal for sentence), [^{F8}section 40(3)(b) of the ^{M3}Criminal Justice

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Act 1991 (committal for sentence for offence committed during currency of original sentence)]^{F9}section 1B(5) of the ^{M4}Powers of Criminal Courts Act 1973 (conditionally discharged person convicted of further offence) and section 24(2) of that Act (offender convicted during operational period of suspended sentence).]]

^{F10}(3)

(4) ^{F11}

^{F12}(5) Where under subsection (1) 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.

(5A) Subsection (5) above does not apply where under subsection (1) above a magistrates’ court commits a person to be dealt with by the Crown Court in respect of a suspended sentence, but in such a case the powers under section 23 of the ^{M5}Powers of Criminal Courts Act 1973 (power of court to deal with suspended sentence) shall be exercisable by the Crown Court.

(5B) Without prejudice to subsections (5) and (5A) above, where under subsection (1) above or any enactment to which this section applies 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.

(5C) Where under subsection (1) 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 (5) above in respect of the offender after he attains the age of 18 years 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.

(5D) For the purposes of this section the age of an offender shall be deemed to be that which it appears to the court to be after considering any available evidence.]

(6) Any duty imposed or power conferred by virtue of the last foregoing subsection on a [^{F13}Crown Court], in a case where an offender has been committed to the court under [^{F14}section 37 of the Magistrates’ Courts Act 1980], shall be discharged or may be exercised by the court notwithstanding that it sentences him to borstal training and in that or any other case shall be discharged or may be exercised notwithstanding anything in any other enactment and, in particular, in [^{F15}sections 34 to 36 and 44 of the Road Traffic Offenders Act 1988].

(7) ^{F16}

(8) ^{F17}

^{F18}(13)

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Textual Amendments

- F1** S. 56(1) substituted by Criminal Law Act 1977 (c. 45), **ss. 46, 65(7)**
- F2** Words substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 42(1)(2), **Sch 8 para. 16**
- F3** Words substituted by virtue of Transport Act 1981 (c.56, SIF 107:1), s. 30, **Sch. 9 Pt. II para. 25** and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 3(a)**
- F4** Words in s. 56(1)(b)(i) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 2(1)**; S.I. 1998/2327, **art. 2(1)(w)** (with arts. 5-8)
- F5** Words substituted by Powers of Criminal Courts Act 1973 (c. 62), s. 56(1), **Sch. 5 para. 20(b)**
- F6** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 7 para. 67(a)**
- F7** Words in s. 56(2) substituted (1.10.1997) by 1997 c. 43, s. 55(2), **Sch. 4 para. 5(1)(a)**; S.I. 1997/2200, **art. 2**
- F8** Words in s. 56(2) substituted (30.9.1998) by 1998 c. 37, s. 119, **Sch. 8 para. 9(1)(b)**; S.I. 1998/2327, **art. 2(1)(y)(2)(c)** (with arts. 5-8)
- F9** Words in s. 56(2) substituted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 2(2)**; S.I. 1998/2327, **art. 2(1)(w)** (with arts. 5-8)
- F10** S. 56(3) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 2(3), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(i)** (with arts. 5-8)
- F11** Ss. 1–6, 19, 24, 26, 28–30, 44, 44A, 45, 56(4), 94, repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), **Sch. 9**
- F12** S. 56(5)-(5D) substituted for s. 56(5) (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 2(4)**; S.I. 1998/2327, **art. 2(1)(w)** (with arts. 5-8)
- F13** Words substituted by Courts Act 1971 (c. 23), Sch. 8 para. 48
- F14** Words substituted by Magistrates' Courts Act 1980 (c. 43, SIF 82), Sch. 7 paras. 6, 7(b)
- F15** Words substituted by virtue of Transport Act 1981 (c.56, SIF 107:1), s. 30, **Sch. 9 Pt. II para. 25** and Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 3(b)**
- F16** Ss. 54(4), 56(7), 95(4)(5) repealed by Courts Act 1971 (c. 23), **Sch. 11 Pt. IV**
- F17** Ss. 51, 56(8)–(12) repealed by Road Traffic Act 1972 (c. 20), **Sch. 9 Pt. I**
- F18** S. 56(13) repealed (30.9.1998) by 1998 c. 37, ss. 106, 120(2), Sch. 7 para. 2(5), **Sch. 10**; S.I. 1998/2327, **art. 2(1)(w)(aa)(3)(i)** (with arts. 5-8)

Modifications etc. (not altering text)

- C1** S. 56 extended (30.9.1998) by 1980 c. 38, **s. 38(2A)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 29(2)**; S.I. 1998/2327, **art. 2(1)(w)** (with arts. 5-8))
S. 56 extended (30.9.1998) by 1980 c. 38, **s. 38A(5A)** (as inserted (30.9.1998) by 1998 c. 37, s. 106, **Sch. 7 para. 30(3)**; S.I. 1998/2327, **art. 2(1)(w)** (with arts. 5-8))

Marginal Citations

- M1** 1973 c. 62.
- M2** 1824 c. 83.
- M3** 1991 c.53.
- M4** 1973 c.62.
- M5** 1973 c.62.

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Textual Amendments

F19 Ss. 37–42, 47, 48(2), 52, 53, 54(1)–(3), 54(5)(7), 55, 57, 95(2)(3), 96, 99 repealed by Powers of Criminal Courts Act 1973 (c. 62), **Sch. 6**

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..... **F20**

Textual Amendments

F20 S. 58 repealed by Immigration Act 1971 (c. 77), **Sch. 6**

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