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Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE CROWN COURT

45 General jurisdiction of Crown Court.

- (1) The Crown Court shall be a superior court of record.
- (2) Subject to the provisions of this Act, there shall be exercisable by the Crown Court—
 - (a) all such appellate and other jurisdiction as is conferred on it by or under this or any other Act; and
 - (b) all such other jurisdiction as was exercisable by it immediately before the commencement of this Act.
- (3) Without prejudice to subsection (2), the jurisdiction of the Crown Court shall include all such powers and duties as were exercisable or fell to be performed by it immediately before the commencement of this Act.
- (4) Subject to section 8 of the ^{M1}Criminal Procedure (Attendance of Witnesses) Act 1965 (substitution in criminal cases of procedure in that Act for procedure by way of subpoena) and to any provision contained in or having effect under this Act, the Crown Court shall, in relation to the attendance and examination of witnesses, any contempt of court, the enforcement of its orders and all other matters incidental to its jurisdiction, have the like powers, rights, privileges and authority as the High Court.
- (5) The specific mention elsewhere in this Act of any jurisdiction covered by subsections (2) and (3) shall not derogate from the generality of those subsections.

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Marginal Citations

M1 1965 c. 69.

46 Exclusive jurisdiction of Crown Court in trial on indictment.

- (1) All proceedings on indictment shall be brought before the Crown Court.
- (2) The jurisdiction of the Crown Court with respect to proceedings on indictment shall include jurisdiction in proceedings on indictment for offences wherever committed, and in particular proceedings on indictment for offences within the jurisdiction of the Admiralty of England.

VALID FROM 01/01/1996

[^{F1}46A Offences committed on ships and abroad.

- (1) Sections 280, 281 and 282 of the Merchant Shipping Act 1995 (offences on ships and abroad by British citizens and others) apply in relation to other offences under the law of England and Wales as they apply in relation to offences under that Act or instruments under that Act.]

Textual Amendments

F1 S. 46A inserted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 59(4) (with s. 312(1))

47 Sentences and other orders of Crown Court when dealing with offenders.

- (1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.
- (2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of twenty-eight days beginning with the day on which the sentence or other order was imposed or made or, where subsection (3) applies, within the time allowed by that subsection.
- (3) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiration of whichever is the shorter of the following periods, that is—
 - (a) the period of twenty-eight days beginning with the date of conclusion of the joint trial;
 - (b) the period of fifty-six days beginning with the day on which the sentence or other order was imposed or made.

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For the purposes of this subsection the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced, or is acquitted, or on which a special verdict is brought in.

- (4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made, or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.
- (5) Where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs:

Provided that for the purposes of section 18(2) of the ^{M2}Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal) [^{F2}and for the purposes of paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act)] the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

- (6) Crown Court Rules—
 - (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period fixed by subsection (2);
 - (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by that court.
- (7) In this section—

“order” does not include a [^{F3}contribution order made under section 23 of the Legal Aid Act 1988];

“sentence” includes a recommendation for deportation made when dealing with an offender.

Textual Amendments

F2 Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 170(1), Sch. 8 para. 16, **Sch. 15 para. 79**

F3 Words substituted by [Legal Aid Act 1988 \(c. 34, SIF 77:1\)](#), ss. 45(1), **Sch. 5 para. 10**

Modifications etc. (not altering text)

C1 [S. 47\(2\)\(3\)](#) applied (3.2.1995) by [1994 c. 37](#), ss. **3(10)**, 69(2) (with s. 66(2))

Marginal Citations

M2 [1968 c. 19](#).

48 Appeals to Crown Court.

- (1) The Crown Court may, in the course of hearing any appeal, correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) On the termination of the hearing of an appeal the Crown Court—

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- (a) may confirm, reverse or vary [^{F4}any part of the decision appealed against, including a determination not to impose a separate penalty in respect of an offence]; or
 - (b) may remit the matter with its opinion thereon to the authority whose decision is appealed against; or
 - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.
- (6) In this section “sentence” includes any order made by a court when dealing with an offender, including—
- (a) a hospital order under [^{F5}Part III of the Mental Health Act 1983], with or without [^{F6}a restriction order, and an interim hospital order under [^{F5}that Act]]; and
 - (b) a recommendation for deportation made when dealing with an offender.
- [^{F7}(7) The fact that an appeal is pending against an interim hospital order under [^{F8}the said Act of 1983] shall not affect the power of the magistrates' court that made it to renew or terminate the order or to deal with the appellant on its termination; and where the Crown Court quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by that magistrates' court.
- (8) Where the Crown Court makes an interim hospital order by virtue of subsection (2)—
- (a) the power of renewing or terminating the order and of dealing with the appellant on its termination shall be exercisable by the magistrates' court whose decision is appealed against and not by the Crown Court; and
 - (b) that magistrates' court shall be treated for the purposes of [^{F9}section 38(7) of the said Act of 1983] (absconding offenders) as the court that made the order.]

Textual Amendments

- F4** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 156, [Sch. 8 para. 16](#)
- F5** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, [Sch. 4 para. 58\(a\)](#)
- F6** Words substituted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 65(1), [Sch. 3 para. 61\(a\)](#)
- F7** [S. 48\(7\)\(8\)](#) inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), [Sch. 3 para. 61\(b\)](#)
- F8** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, [Sch. 4 para. 58\(b\)](#)
- F9** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, [Sch. 4 para. 58\(c\)](#)

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