



Criminal Justice Act 1991

1991 CHAPTER 53

PART I

POWERS OF COURTS TO DEAL WITH OFFENDERS

Miscellaneous

25 Committals for sentence.

(1) For section 38 of the 1980 Act there shall be substituted the following section—

“38 Committal for sentence on summary trial of offence triable either way.

- (1) This section applies where on the summary trial of an offence triable either way (not being an offence as regards which this section is excluded by section 33 above) a person who is not less than 18 years old is convicted of the offence.
- (2) If the court is of opinion—
- (a) that the offence or the combination of the offence and other 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 committed by a person who is not less than 21 years old, that a sentence of imprisonment 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, in accordance with section 56 of the Criminal Justice Act 1967, commit the offender in custody or on bail to the Crown Court for sentence in accordance with the provisions of section 42 of the Powers of Criminal Courts Act 1973.

Status: Point in time view as at 03/11/1994. This version of this provision has been superseded.

Changes to legislation: Criminal Justice Act 1991, Section 25 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) Paragraphs (a) and (b) of subsection (2) above shall be construed as if they were contained in Part I of the Criminal Justice Act 1991.

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

- (a) the corporation were an individual who is not less than 18 years old; and
- (b) in subsection (2) above, paragraph (b) and the words “in custody or on bail” were omitted.”

(2) In Schedule 3 to the 1980 Act, paragraph 5 (provisions relating to committal to Crown Court for sentence not to apply to a corporation) shall cease to have effect.

Commencement Information

II S. 25 wholly in force at 1.10.1992 see s. 102(2)(3) and S.I. 1992/333, art. 2(2), Sch. 2.

Status:

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