



Crime and Disorder Act 1998

1998 CHAPTER 37

PART III

CRIMINAL JUSTICE SYSTEM

Functions of courts etc.

49 Powers of magistrates' courts exercisable by single justice etc.

- (1) The following powers of a magistrates' court for any area may be exercised by a single justice of the peace for that area, namely—
- (a) to extend bail or to impose or vary conditions of bail;
 - (b) to mark an information as withdrawn;
 - (c) to dismiss an information, or to discharge an accused in respect of an information, where no evidence is offered by the prosecution;
 - (d) to make an order for the payment of defence costs out of central funds;
 - (e) to request a pre-sentence report following a plea of guilty and, for that purpose, to give an indication of the seriousness of the offence;
 - (f) to request a medical report and, for that purpose, to remand the accused in custody or on bail;
 - (g) to remit an offender to another court for sentence;
 - (h) where a person has been granted police bail to appear at a magistrates' court, to appoint an earlier time for his appearance;
 - (i) to extend, with the consent of the accused, a custody time limit or an overall time limit;
 - (j) where a case is to be tried on indictment, to grant representation under Part V of the ^{M1}Legal Aid Act 1988 for purposes of the proceedings in the Crown Court;
 - (k) where an accused has been convicted of an offence, to order him to produce his driving licence;
 - (l) to give a direction prohibiting the publication of matters disclosed or exempted from disclosure in court;

Status: Point in time view as at 01/08/1998. This version of this provision has been superseded.

Changes to legislation: Crime and Disorder Act 1998, Section 49 is up to date with all changes known to be in force on or before 22 August 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)

- (m) to give, vary or revoke directions for the conduct of a trial, including directions as to the following matters, namely—
 - (i) the timetable for the proceedings;
 - (ii) the attendance of the parties;
 - (iii) the service of documents (including summaries of any legal arguments relied on by the parties);
 - (iv) the manner in which evidence is to be given; and
 - (n) to give, vary or revoke orders for separate or joint trials in the case of two or more accused or two or more informations.
- (2) Without prejudice to the generality of subsection (1) of section 144 of the 1980 Act (rules of procedure)—
- (a) rules under that section may, subject to subsection (3) below, provide that any of the things which, by virtue of subsection (1) above, are authorised to be done by a single justice of the peace for any area may, subject to any specified restrictions or conditions, be done by a justices’ clerk for that area; and
 - (b) rules under that section which make such provision as is mentioned in paragraph (a) above may make different provision for different areas.
- (3) Rules under that section which make such provision as is mentioned in subsection (2) above shall not authorise a justices’ clerk—
- (a) without the consent of the prosecutor and the accused, to extend bail on conditions other than those (if any) previously imposed, or to impose or vary conditions of bail;
 - (b) to give an indication of the seriousness of an offence for the purposes of a pre-sentence report;
 - (c) to remand the accused in custody for the purposes of a medical report or, without the consent of the prosecutor and the accused, to remand the accused on bail for those purposes on conditions other than those (if any) previously imposed;
 - (d) to give a direction prohibiting the publication of matters disclosed or exempted from disclosure in court; or
 - (e) without the consent of the parties, to give, vary or revoke orders for separate or joint trials in the case of two or more accused or two or more informations.
- (4) Before making any rules under that section which make such provision as is mentioned in subsection (2) above in relation to any area, the Lord Chancellor shall consult justices of the peace and justices’ clerks for that area.
- (5) In this section and section 50 below “justices’ clerk” has the same meaning as in section 144 of the 1980 Act.

Commencement Information

- II** S. 49 wholly in force at 1.11.1999; S. 49 not in force at Royal Assent see s, 121. In force at 31.7.1998 for the purpose of making rules which make such provision as is mentioned in ss.(2) of this section by S.I. 1998/1883, art. 2(b); S. 49 in force at 30.9.1998 in the areas specified in Sch. 2 of the said S.I. by S.I. 1998/2327, art. 3(2), Sch. 2; S. 49 in force at 1.11.1999 insofar as not already in force by S.I. 1999/2976, art. 2

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Marginal Citations

M1 1988 c.34.

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