



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

##### *Functions of courts etc.*

#### **[<sup>F1</sup>51A Sending cases to the Crown Court: children and young persons**

- (1) This section is subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain offences involving children or young persons to be tried summarily).
- (2) Where a child or young person appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (3) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (3) Those conditions are—
  - (a) that the offence falls within subsection (12) below;
  - (b) that the offence is such as is mentioned in [<sup>F2</sup>section 249(1)(a) or (b) of the Sentencing Code] (other than one mentioned in paragraph (d) below in relation to which it appears to the court as mentioned there) and the court considers that if he is found guilty of the offence it ought to be possible to sentence him in pursuance of [<sup>F3</sup>section 251(2) of that Code];
  - [<sup>F4</sup>(ba) that the offence is such as is mentioned in section 252A(1)(a) of the Sentencing Code and the court considers that if he is found guilty of the offence it ought to be possible to sentence him under that section to a term of detention of more than two years;]
  - (c) that notice is given to the court under section 51B or 51C below in respect of the offence;
  - (d) that the offence is a specified offence (within the meaning [<sup>F5</sup>given by section 306 of the Sentencing Code]) and it appears to the court that if he is

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found guilty of the offence [<sup>F6</sup>the criteria in section 255(1) of that Code for the imposition of an extended sentence of detention] would be met.

- (4) Where the court sends a child or young person for trial under subsection (2) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence mentioned in subsection (2) above; or
  - (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (2) above or to the indictable offence, and which fulfils the requisite condition (as defined in subsection (9) below).
- (5) Where a child or young person who has been sent for trial under subsection (2) above subsequently appears or is brought before a magistrates' court charged with an indictable or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (2) above; and
  - (b) (in the case of a summary offence) fulfils the requisite condition,
- the court may send him forthwith to the Crown Court for trial for the indictable or summary offence.
- (6) Where—
- (a) the court sends a child or young person (“C”) for trial under subsection (2) or (4) above; and
  - (b) an adult appears or is brought before the court on the same or a subsequent occasion charged jointly with C with an either-way offence for which C is sent for trial under subsection (2) or (4) above, or an either-way offence which appears to the court to be related to that offence,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the adult forthwith to the Crown Court for trial for the either-way offence.
- (7) Where the court sends an adult for trial under subsection (6) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he was sent for trial; and
  - (b) (if it is a summary offence) appears to the court to be related to the offence for which he was sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (8) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (9) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (10) In the case of a child or young person charged with an offence—
- (a) if the offence satisfies any of the conditions in subsection (3) above, the offence shall be dealt with under subsection (2) above and not under any other provision of this section or section 51 above;

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- (b) subject to paragraph (a) above, if the offence is one in respect of which the requirements of subsection (7) of section 51 above for sending the child or young person to the Crown Court are satisfied, the offence shall be dealt with under that subsection and not under any other provision of this section or section 51 above.
- (11) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.
- (12) An offence falls within this subsection if—
- (a) it is an offence of homicide;<sup>F7</sup> . . .
  - (b) each of the requirements of [<sup>F8</sup>section 311(1) of the Sentencing Code] would be satisfied with respect to—
    - (i) the offence; and
    - (ii) the person charged with it,if he were convicted of the offence; [<sup>F9</sup>or
  - (c) section 29(3) of Violent Crime Reduction Act 2006 (minimum sentences in certain cases of using someone to mind a weapon) would apply if he were convicted of the offence.]]

#### Textual Amendments

- F1** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), Sch. 3 para. 18; [S.I. 2005/950](#), art. 2(1), Sch. 1 para. 29(a) (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1); [S.I. 2012/1320](#), art. 4(1)(c)(2)(3) (with art. 5) (see [S.I. 2012/2574](#), art. 4(2) and [S.I. 2013/1103](#), art. 4); [S.I. 2012/2574](#), art. 2(2)(3)(c), Sch. (with arts. 3, 4) (as amended (4.11.2012) by [S.I. 2012/2761](#), art. 2) (with [S.I. 2013/1103](#), art. 4); [S.I. 2013/1103](#), art. 2(1)(c)(2)(3) (with arts. 3, 4)
- F2** Words in s. 51A(3)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 156\(2\)\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F3** Words in s. 51A(3)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 156\(2\)\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F4** [S. 51A\(3\)\(ba\)](#) inserted (30.4.2021) by [Counter-Terrorism and Sentencing Act 2021 \(c. 11\)](#), s. 50(1)(i), [Sch. 13 para. 17\(4\)](#)
- F5** Words in s. 51A(3)(d) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 156\(3\)\(a\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F6** Words in s. 51A(3)(d) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 156\(3\)\(b\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F7** Word at the end of s. 51A(12)(a) repealed (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 49, 65, 66(2), Sch. 1 para. 5, {Sch. 5}; [S.I. 2007/858](#), [art. 2\(g\)\(m\)\(n\)\(viii\)](#)
- F8** Words in s. 51A(12)(b) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 156\(4\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F9** [S. 51A\(12\)\(c\)](#) and word inserted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\)](#), ss. 49, 66(2), [Sch. 1 para. 5](#); [S.I. 2007/858](#), [art. 2\(g\)](#)

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**Changes and effects yet to be applied to :**

- s. 51A(2) omitted by [2022 c. 35 s. 10\(8\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)