

**Status:** Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)

## SCHEDULES

### SCHEDULE 3 **U.K.**

#### ALLOCATION OF CASES TRIABLE EITHER WAY, AND SENDING CASES TO THE CROWN COURT ETC

#### PART 1 **U.K.**

##### PRINCIPAL AMENDMENTS

##### *Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

21 The Powers of Criminal Courts (Sentencing) Act 2000 is amended as follows.

##### Commencement Information

- I1** Sch. 3 para. 21 in force at 18.6.2012 for specified purposes by [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](#))
- I2** Sch. 3 para. 21 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 4](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

PROSPECTIVE

<sup>F1</sup>22 .....

##### Textual Amendments

- F1** Sch. 3 paras. 21-28 repealed (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 28](#) (with [ss. 413\(4\)\(5\)](#), [416\(7\)](#), [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)

[<sup>F2</sup>22A(1) Section 3 (committal for sentence on summary trial of offence triable either way) is amended as follows.

(2) In subsection (2)—

- (a) in paragraph (a) for the words from “greater punishment” to the end of the paragraph substitute the Crown Court should, in the court's opinion, have the power to deal with the offender in any way it could deal with him if he had been convicted on indictment, and
- (b) omit paragraph (b) (and the word “or” immediately preceding it).

(3) In subsection (4), after “section” insert 17D or.

(4) In subsection (5), in paragraph (b) omit the words “paragraph (b) and”.]

*Status: Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)*

### Textual Amendments

- F2** Sch. 3 para. 22A inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 53, 153\(1\)\(a\)](#), [Sch. 13 para. 8](#)

23 After section 3 there is inserted—

#### **“3A Committal for sentence of dangerous adult offenders**

- (1) This section applies where on the summary trial of a specified offence triable either way a person aged 18 or over is convicted of the offence.
- (2) If, in relation to the offence, it appears to the court that the criteria for the imposition of a sentence under section 225(3) or 227(2) of the Criminal Justice Act 2003 would be met, the court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 5(1) below.
- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (4) In reaching any decision under or taking any step contemplated by this section—
  - (a) the court shall not be bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable); and
  - (b) nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is not consistent with an indication of sentence.
- (5) Nothing in this section shall prevent the court from committing [<sup>F3</sup>an offender convicted of a specified offence] to the Crown Court for sentence under section 3 above if the provisions of that section are satisfied.
- (6) In this section, references to a specified offence are to a specified offence within the meaning of section 224 of the Criminal Justice Act 2003.

#### **3B Committal for sentence on indication of guilty plea by child or young person**

- (1) This section applies where—
  - (a) a person aged under 18 appears or is brought before a magistrates' court (“the court”) on an information charging him with an offence mentioned in subsection (1) of section 91 below (“the offence”);
  - (b) he or his representative indicates under section 24A or (as the case may be) 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that he would plead guilty if the offence were to proceed to trial; and
  - (c) proceeding as if section 9(1) of that Act were complied with and he pleaded guilty under it, the court convicts him of the offence.

*Status: Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)*

- (2) If the court is of the opinion that—
- (a) the offence; or
  - (b) the combination of the offence and one or more offences associated with it,

was such that the Crown Court should, in the court's opinion, have power to deal with the offender as if the provisions of section 91(3) below applied, the court may commit him in custody or on bail to the Crown Court for sentence in accordance with section 5A(1) below.

- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.

### 3C Committal for sentence of dangerous young offenders

- (1) This section applies where on the summary trial of a specified offence a person aged under 18 is convicted of the offence.
- (2) If, in relation to the offence, it appears to the court that the criteria for the imposition of a sentence under section 226(3) or 228(2) of the Criminal Justice Act 2003 would be met, the court must commit the offender in custody or on bail to the Crown Court for sentence in accordance with section 5A(1) below.
- (3) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (4) Nothing in this section shall prevent the court from committing a specified offence to the Crown Court for sentence under section 3B above if the provisions of that section are satisfied.
- (5) In this section, references to a specified offence are to a specified offence within the meaning of section 224 of the Criminal Justice Act 2003.”

#### Textual Amendments

- F3** Words in Sch. 3 para. 23 substituted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 9](#)

#### Commencement Information

- I3** Sch. 3 para. 23 partly in force; Sch. 3 para. 23 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 23 in force for certain purposes at 4.4.2005 by [S.I. 2005/950](#), [art. 2\(1\)](#), [Sch. 1 para. 29](#) (subject to [art. 2\(2\)](#), [Sch. 2](#)); Sch. 3 para. 23 in force at 18.6.2012 for specified purposes by [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)
- I4** Sch. 3 para. 23 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch. 3](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

- 24 (1) Section 4 (committal for sentence on indication of guilty plea to offence triable either way) is amended as follows.

**Status:** Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)

(2) For subsection (1)(b), there is substituted—

“(b) he or (where applicable) his representative indicates under section 17A, 17B or 20(7) of the Magistrates' Courts Act 1980 that he would plead guilty if the offence were to proceed to trial; and”.

(3) In subsection (1)(c), for “the Magistrates' Courts Act 1980” there is substituted “that Act”.

(4) After subsection (1) there is inserted—

“(1A) But this section does not apply to an offence as regards which this section is excluded by section 17D of that Act (certain offences where value involved is small).”

[<sup>F4</sup>(4A) In subsection (2) for “committed” substitute sent.]

(5) For subsection (3), there is substituted—

“(3) If the power conferred by subsection (2) above is not exercisable but the court is still to determine to, or to determine whether to, send the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences—

- (a) it shall adjourn the proceedings relating to the offence until after it has made those determinations; and
- (b) if it sends the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.”

(6) In subsection (4)(b), after “section 3(2)” there is inserted “ or, as the case may be, section 3A(2) ”.

(7) After subsection (7) there is inserted—

“(8) In reaching any decision under or taking any step contemplated by this section—

- (a) the court shall not be bound by any indication of sentence given in respect of the offence under section 20 of the Magistrates' Courts Act 1980 (procedure where summary trial appears more suitable); and
- (b) nothing the court does under this section may be challenged or be the subject of any appeal in any court on the ground that it is not consistent with an indication of sentence.”

#### Textual Amendments

**F4** Sch. 3 para. 24(4A) inserted (8.5.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 53, 153(1)(a), [Sch. 13 para. 10](#),

#### Commencement Information

**I5** Sch. 3 para. 24 in force at 18.6.2012 for specified purposes by [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)

**I6** Sch. 3 para. 24 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

---

*Status: Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)*

---

#### **“4A Committal for sentence on indication of guilty plea by child or young person with related offences**

- (1) This section applies where—
  - (a) a person aged under 18 appears or brought before a magistrates' court (“the court”) on an information charging him with an offence mentioned in subsection (1) of section 91 below (“the offence”);
  - (b) he or his representative indicates under section 24A or (as the case may be) 24B of the Magistrates' Courts Act 1980 (child or young person to indicate intention as to plea in certain cases) that he would plead guilty if the offence were to proceed to trial; and
  - (c) proceeding as if section 9(1) of that Act were complied with and he pleaded guilty under it, the court convicts him of the offence.
- (2) If the court has sent the offender to the Crown Court for trial for one or more related offences, that is to say one or more offences which, in its opinion, are related to the offence, it may commit him in custody or on bail to the Crown Court to be dealt with in respect of the offence in accordance with section 5A(1) below.
- (3) If the power conferred by subsection (2) above is not exercisable but the court is still to determine to, or to determine whether to, send the offender to the Crown Court for trial under section 51 or 51A of the Crime and Disorder Act 1998 for one or more related offences—
  - (a) it shall adjourn the proceedings relating to the offence until after it has made those determinations; and
  - (b) if it sends the offender to the Crown Court for trial for one or more related offences, it may then exercise that power.
- (4) Where the court—
  - (a) under subsection (2) above commits the offender to the Crown Court to be dealt with in respect of the offence; and
  - (b) does not state that, in its opinion, it also has power so to commit him under section 3B(2) or, as the case may be, section 3C(2) above,section 5A(1) below shall not apply unless he is convicted before the Crown Court of one or more of the related offences.
- (5) Where section 5A(1) below does not apply, the Crown Court may 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 the offence.
- (6) Where the court commits a person under subsection (2) above, section 6 below (which enables a magistrates' court, where it commits a person under this section in respect of an offence, also to commit him to the Crown Court to be dealt with in respect of certain other offences) shall apply accordingly.
- (7) Section 4(7) above applies for the purposes of this section as it applies for the purposes of that section.”

*Status: Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)*

#### Commencement Information

- I7** Sch. 3 para. 25 in force at 18.6.2012 for specified purposes by [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)
- I8** Sch. 3 para. 25 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

- 26 For section 5 (power of Crown Court on committal for sentence under sections 3 and 4) there is substituted—

#### “5 Power of Crown Court on committal for sentence under sections 3, 3A and 4

- (1) Where an offender is committed by a magistrates' court for sentence under section 3, 3A or 4 above, the Crown Court shall inquire into the circumstances of the case and may deal with the offender in any way in which it could deal with him if he had just been convicted of the offence on indictment before the court.
- (2) In relation to committals under section 4 above, subsection (1) above has effect subject to section 4(4) and (5) above.
- (3) Section 20A(1) of the Magistrates' Courts Act 1980 (which relates to the effect of an indication of sentence under section 20 of that Act) shall not apply in respect of any specified offence (within the meaning of section 224 of the Criminal Justice Act 2003)—
  - (a) in respect of which the offender is committed under section 3A(2) above; or
  - (b) in respect of which—
    - (i) the offender is committed under section 4(2) above; and
    - (ii) the court states under section 4(4) above that, in its opinion, it also has power to commit the offender under section 3A(2) above.”

#### Commencement Information

- I9** Sch. 3 para. 26 in force at 18.6.2012 for specified purposes by [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)
- I10** Sch. 3 para. 26 in force at 5.11.2012 for specified purposes by [S.I. 2012/2574](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3, 4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#))

- 27 After section 5 there is inserted—

#### “5A Power of Crown Court on committal for sentence under sections 3B, 3C and 4A

- (1) Where an offender is committed by a magistrates' court for sentence under section 3B, 3C or 4A above, the Crown Court shall inquire into the circumstances of the case and may deal with the offender in any way in which it could deal with him if he had just been convicted of the offence on indictment before the court.

**Status:** Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:** Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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)

(2) In relation to committals under section 4A above, subsection (1) above has effect subject to section 4A(4) and (5) above.”

#### Commencement Information

- I11** Sch. 3 para. 27 partly in force; Sch. 3 para. 27 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 27 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 29** (subject to **art. 2(2)**, **Sch. 2**); Sch. 3 para. 27 in force at 18.6.2012 for specified purposes by 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)
- I12** Sch. 3 para. 27 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)

28 In section 6 (committal for sentence in certain cases where offender committed in respect of another offence), in subsection (4)(b), for “3 and 4” there is substituted “3 to 4A”.

#### Commencement Information

- I13** Sch. 3 para. 28 partly in force; Sch. 3 para. 28 not in force at Royal Assent, see s. 336(3); Sch. 3 para. 28 in force for certain purposes at 4.4.2005 by S.I. 2005/950, **art. 2(1)**, **Sch. 1 para. 29** (subject to **art. 2(2)**, **Sch. 2**); Sch. 3 para. 28 in force at 18.6.2012 for specified purposes by 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)
- I14** Sch. 3 para. 28 in force at 5.11.2012 for specified purposes by S.I. 2012/2574, **art. 2(1)(c)(2)(3)**, **Sch.** (with **arts. 3, 4**) (as amended (4.11.2012) by S.I. 2012/2761, **art. 2**) (with S.I. 2013/1103, **art. 4**)

**Status:**

Point in time view as at 05/11/2012. This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

Criminal Justice Act 2003, Cross Heading: Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) is up to date with all changes known to be in force on or before 24 September 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.