



Sentencing Act 2020

2020 CHAPTER 17

SECOND GROUP OF PARTS Provisions applying to sentencing courts generally

PART 2

POWERS EXERCISABLE BEFORE PASSING SENTENCE

CHAPTER 3

REMISSION TO YOUTH COURT OR OTHER MAGISTRATES' COURT FOR SENTENCE

28 Power of magistrates' court to remit case to another magistrates' court for sentence

- (1) Subsection (2) applies where—
 - (a) a person aged 18 or over has been convicted by a magistrates' court (“the convicting court”) of a relevant offence (“the present offence”),
 - (b) it appears to the convicting court that some other magistrates' court (“the other court”) has convicted the offender of another relevant offence in respect of which the other court has not—
 - (i) passed sentence on the offender,
 - (ii) committed the offender to the Crown Court for sentence, nor
 - (iii) dealt with the offender in any other way, and
 - (c) the other court consents to the offender's being remitted to it under this section.
- (2) The convicting court may remit the offender to the other court to be dealt with in respect of the present offence by the other court instead of by the convicting court.
- (3) In subsection (1), “relevant offence”, in relation to the convicting court or the other court, means an offence which is punishable by that court with—
 - (a) imprisonment, or
 - (b) driving disqualification.

Status: Point in time view as at 30/04/2021.

Changes to legislation: Sentencing Act 2020, Section 28 is up to date with all changes known to be in force on or before 15 June 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)

For this purpose, an offence is punishable by a court with driving disqualification if the court has a power or duty to order the offender to be disqualified under section 34, 35 or 36 of the Road Traffic Offenders Act 1988 (disqualification for certain motoring offences) in respect of it.

- (4) Where the convicting court remits the offender to the other court under this section the other court may deal with the offender in any way in which it could deal with the offender if it had convicted the offender of the present offence.

This is subject to subsection (7).

- (5) The power conferred on the other court by subsection (4) includes, where applicable, the power to remit the offender under this section to another magistrates' court in respect of the present offence.
- (6) Where the convicting court has remitted the offender under this section, the other court may remit the offender back to the convicting court; and where it does so subsections (4) and (5) (so far as applicable) apply with the necessary modifications.
- (7) Nothing in this section prevents the convicting court from making a restitution order (see section 147) by virtue of the offender's conviction of the present offence.
- (8) In this section “conviction” includes a finding under section 11(1) of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) that the person in question did the act or made the omission charged, and “convicted” is to be read accordingly.

Commencement Information

II S. 28 in force at 1.12.2020 by S.I. 2020/1236, reg. 2

Status:

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