



Judicial Review and Courts Act 2022

2022 CHAPTER 35

PART 2

COURTS, TRIBUNALS AND CORONERS

CHAPTER 1

CRIMINAL PROCEDURE

Transfer of cases between courts

12 Powers of youth court to transfer cases if accused turns 18

(1) Section 47 of the Crime and Disorder Act 1998 (powers of youth courts) is amended as follows.

(2) Before subsection (1) insert—

“(A1) This section applies where a person who appears or is brought before a youth court charged with an offence attains the age of 18 before the start of the trial of the person for the offence.”

(3) For subsection (1) substitute—

“(1) In the case of a summary offence or an offence triable either way, the youth court may, at any time before the start of the trial, remit the person for trial to a magistrates’ court (other than a youth court).

(1A) In the case of an indictable offence, the youth court may, at any time before the start of the trial, send the person for trial to the Crown Court.

(1B) In subsections (A1) to (1A), “the start of the trial” is to be read in accordance with section 22(11B)(a) and (b) of the 1985 Act.

Status: This is the original version (as it was originally enacted).

- (1C) If the youth court is proposing to exercise the power under subsection (1) to remit a person to a magistrates' court for trial for an offence triable either way, the youth court—
- (a) must give the person the opportunity of electing to be tried by the Crown Court for the offence, and
 - (b) if the person elects to be so tried, must exercise the power under subsection (1A) to send the person for trial to the Crown Court.
- (1D) A remission or sending under subsection (1) or (1A) does not have to be done in open court in the presence of the accused; but if it is not the youth court must first serve on the person one or more documents which—
- (a) state the charge against the accused;
 - (b) explain that the court proposes to remit the accused for trial to a magistrates' court (other than a youth court) or (as the case may be) to send the accused for trial to the Crown Court; and
 - (c) set out any other information—
 - (i) that is required by Criminal Procedure Rules, or
 - (ii) that is authorised by Criminal Procedure Rules and which the court decides to include.
- (1E) Criminal Procedure Rules may make provision about situations where—
- (a) a person is sent for trial under subsection (1A) in relation to an alleged offence, and
 - (b) any other alleged offence is, or appears to be, related (in such a way as is specified in the Rules) to the alleged offence referred to in paragraph (a).
- (1F) The provision that may be made as described in subsection (1E) includes provision—
- (a) for a person to be sent to the Crown Court for trial for the other alleged offence—
 - (i) whether or not this section applies in relation to it;
 - (ii) whether or not it is alleged to have been committed by the same person as the offence referred to in paragraph (a) of that subsection;
 - (iii) even if it is a summary offence;
 - (b) applying any other provision made by or under an Act about the sending of a person to the Crown Court for trial;
 - (c) disapplying any other provision made by or under an Act about how a magistrates' court is to deal with the other alleged offence.”
- (4) In subsection (2)—
- (a) in the words before paragraph (a), for “under subsection (1)” substitute “or sent under subsection (1) or (1A)”;
 - (b) in paragraph (a), for “of remission” substitute “for the remission or sending”;
 - (c) in paragraph (b), for “remitting” substitute “youth”.
- (5) In subsection (3)—
- (a) for “remitting” substitute “youth”;
 - (b) after “remitted” insert “or sent”.

(6) In subsection (4)—

- (a) the words from “all” to the end become paragraph (a);
- (b) in that paragraph, for “remitting” substitute “youth”;
- (c) at the end of that paragraph insert “; and
 - (b) the person remitted or sent had attained the age of 18 before the start of those proceedings.”

(7) After subsection (4) insert—

“(4A) For the purposes of this section a person is to be taken to be the age which that person appears to the court to be after considering any available evidence.”