
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 9

ALLOCATION AND SENDING FOR TRIAL

[^{F1}COMMITTAL FOR SENTENCE IN CONNECTION WITH SENDING FOR TRIAL

[^{F1}Committal for sentence for offence related to an offence sent for trial

9.15.—(1) This rule applies where—

- (a) on a previous occasion the court has sent the defendant to the Crown Court for trial for an offence in exercise of a power to which rule 9.7, 9.13 or 9.14 applies;
- (b) on the present occasion, under rule 9.9 or 9.13 the defendant indicates an intention to plead guilty to, and is convicted of, an offence which the court decides is related to the offence for which the defendant was previously sent for trial;
- (c) the court decides to commit the defendant to the Crown Court for sentence for the related offence under—
 - (i) section 18 of the Sentencing Act 2020, if the defendant is over 18, or
 - (ii) section 19 of the 2020 Act, if the defendant is under 18; and
- (d) in the court’s opinion, if it were not committing the defendant for sentence under section 18 or 19 of the 2020 Act then it could, or would be required to, commit the defendant to the Crown Court for sentence for the related offence under—
 - (i) section 14 or 15 of that Act, if the defendant is over 18, or
 - (ii) section 16, 16A or 17 of that Act, if the defendant is under 18.

(2) The court must state that opinion for the Crown Court.

[Note. See sections 18(4) and 19(3) of the Sentencing Act 2020 for the court’s powers to state the opinion to which this rule refers.

Under section 51E of the Crime and Disorder Act 1998 —

- (a) *an offence classified as triable either way is related to an offence for which a defendant has been sent for trial in the Crown Court if both offences are based on the same prosecution evidence (and see rule 10.2(4)(c) in the rules about indictments); and*
- (b) *an offence classified as triable only summarily is related to an offence for which a defendant has been sent for trial in the Crown Court if both offences arise out of the same or connected circumstances.*

Under section 51 of the 1998 Act —

- (a) *if a magistrates' court sends a defendant to the Crown Court for trial for an offence and on the same occasion deals with a related offence then the general rule is that the court must send the defendant to the Crown Court for trial for the related offence, too; but*
- (b) *if the court sends a defendant to the Crown Court for trial for an offence on one occasion and on a later occasion deals with a related offence then it may send the defendant to the Crown Court for trial for the related offence, too, or it may finish dealing with that offence itself and, if it convicts the defendant, may commit the defendant for sentence to the Crown Court instead.*

For the circumstances in which a magistrates' court may (and, in some cases, must) commit a defendant to the Crown Court for sentence or for the making of other orders beyond a magistrates' court's powers, see sections 14, 15, 16, 16A, 17, 18, 19, 20 and 24 of the Sentencing Act 2020 and paragraph 11 of Schedule 16 to that Act. See also rules 24.11 (Procedure if the court convicts) and 28.12 (Sentencing, etc. after committal to the Crown Court). The note to rule 28.12 summarises the statutory provisions that apply.]]

Textual Amendments

- F1** [Rule 9.15](#) and cross-heading and note inserted (4.4.2022) by [The Criminal Procedure \(Amendment\) Rules 2022 \(S.I. 2022/45\)](#), rules 1, **6(d)**

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 9.15.