

COMMITTALS, REMITTALS AND SENDINGS – THURSDAY 29th AUGUST 2024

As an Advocate (whether Magistrates' Court or Crown Court or both), if you attend no other ZOOM presentation, you really should consider attending this one or, at the very least, watching the recording.

There is no doubt that mistakes are being made on a daily basis in this area of law.

The Sentencing Act 2020 would have been a wonderful opportunity to simplify the law in relation to these areas but it did not do so – it merely codified the existing complex legislation.

You need to be in the position as Advocate of having the confidence to challenge/assist the Court when it is about to do something which is just unlawful!

You only need to look at the 25 scenarios below to appreciate the complexity of all of this.

This 1-hour zoom presentation will take you through **25 Scenarios** you really ought to know about **COMMITTALS, REMITTALS AND SENDINGS**

Quickly scan the **25 THINGS** below and see if knowing about them would assist you in Court – you might consider, after scanning them, that this is a presentation that you should book on or, after the event, a recording that you should watch.

25 THINGS

1 – The powers of a Crown Court Judge to remit a matter sent for trial back to the Adult Magistrates' Court – **Section 11** of the **Judicial Review and Courts Act 2022** which inserted a new **Section 46ZA** into the **Senior Courts Act 1981**

2 – The powers of a Crown Court Judge to send a person under the age of 18 back to the Youth Court for the trial to take place in the Youth Court – **Section 11** of the **Judicial Review and Courts Act 2022** which inserted a new **Section 46ZA (4)** into the **Senior Courts Act 1981**

3 – The powers of a Crown Court Judge to remit an adult defendant to an Adult Magistrates' Court for sentence in circumstances where that adult has been committed to the Crown Court for sentence or has been convicted at the Crown Court following a guilty plea – **Section 11** of the **Judicial Review and Courts Act 2022** which inserted a new **Section 25A** into the **Sentencing Act 2020** (or **Sentencing Code** if you prefer)

4 – **Section 11** of the **Judicial Review and Courts Act 2022** – a new **Subsection 2A** into **Section 25** of the **Sentencing Act 2020** – this gives the Crown Court the power to remit to the Youth Court for sentencing and is likely to be used in relation to those individuals believed to be over 18 who have been committed for sentence by the Adult Magistrates' Court, who later turn out to be under 18 years of age

- 5 – The sending for trial of adult offenders from the Adult Magistrates' Court to the Crown Court as regards indictable-only offences under **Section 51** of the **Crime and Disorder Act 1998**
- 6 – The sending for trial of adult offenders from the Adult Magistrates' Court to the Crown Court as regards either-way and summary-only offences under **Section 51** of the **Crime and Disorder Act 1998**
- 7 – The sending for trial of youths from the Adult Magistrates' Court to the Crown Court under **Section 51** of the **Crime and Disorder Act 1998**
- 8 – The sending for trial of youths from the Youth Court to the Crown Court under **Section 51** of the **Crime and Disorder Act 1998**
- 9 – The committal for sentence of adult offenders from the Magistrates' Court to the Crown Court under **Section 14** of the **Sentencing Act 2020** – insufficiency of sentencing powers
- 10 – The committal for sentence of adult offenders from the Magistrates' Court to the Crown Court under **Section 15** of the **Sentencing Act 2020** – dangerousness
- 11 – The committal for sentence of young offenders of certain serious offences under **Section 16** of the **Sentencing Act 2020** whereby a Crown Court Judge might consider a sentence of Detention under **Section 250** of the **Sentencing Act 2020**
- 12 – The committal for sentence of dangerous young offenders under **Section 17** of the **Sentencing Act 2020**
- 13 – The Committal for sentence and sending for trial of adult offenders under **Section 18** of the **Sentencing Act 2020**
- 14 – The Committal for sentence and sending for trial of youths under **Section 19** of the **Sentencing Act 2020**
- 15 – The powers of the Magistrates' Court to commit for sentence certain summary-only offences where the Court has utilised one of the powers mentioned in **Section 20 (1)** of the **Sentencing Act 2020**
- 16 – The sentencing powers of the Crown Court under **Section 21** of the **Sentencing Act 2020** where there has been a committal for sentence of an adult offender under **Sections 14, 15** or **18** of the **Sentencing Act 2020**
- 17 – The sentencing powers of the Crown Court under **Section 22** of the **Sentencing Act 2020** where there has been a committal for sentence of a youth under **Sections 16, 17** or **19** of the **Sentencing Act 2020**
- 18 – The powers of the Crown Court under **Section 23** of the **Sentencing Act 2020** when sentencing summary-only offences which have been committed for sentence under **Section 20** of the **Sentencing Act 2020** – summary-only powers
- 19 – Additional powers to commit offenders from the Magistrates' Court to the Crown Court under **Section 24** of the **Sentencing Act 2020**

20 – The powers and duties of a Crown Court Judge as regards the remittal of a youth offender to the Youth Court for sentence under **Section 25** of the **Sentencing Act 2020**

21 – The powers and duties of the Magistrates' Court as regards the remittal of a youth offender to the Youth Court for sentence under **Section 25** of the **Sentencing Act 2020**

22 – The power of the Youth Court to remit an offender who was 17 on the occasion of his first appearance in the Youth Court and has now become 18 upon conviction to the Adult Magistrates' Court for sentence under **Section 27** of the **Sentencing Act 2020**

23 – The powers of the Adult Magistrates' Court to remit from the Adult Magistrates' Court to another Adult Magistrates' Court for sentencing purposes under **Section 28** of the **Sentencing Act 2020**

24 – The pre-requisites for a remittal under **Section 28** of the **Sentencing Act 2020**

25 – Bail or custody following a remittal under **Section 28** of the **Sentencing Act 2020** – Where does the **Bail Act 1976** fit into all of this?