



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

##### *Functions of courts etc.*

#### **47 Powers of youth courts.**

- (1) Where a person who appears or is brought before a youth court charged with an offence subsequently attains the age of 18, the youth court may, at any time—
- (a) before the start of the trial; <sup>F1</sup> . . .
  - <sup>F1</sup>(b) . . . . .
- remit the person for trial <sup>F2</sup> . . . to a magistrates' court (other than a youth court) <sup>F3</sup> . . . .

In this subsection “the start of the trial” shall be construed in accordance with section 22(11B) of the 1985 Act.

- (2) Where a person is remitted under subsection (1) above—
- (a) he shall have no right of appeal against the order of remission;
  - (b) the remitting court shall adjourn proceedings in relation to the offence; and
  - (c) subsections (3) and (4) below shall apply.
- (3) The following, namely—
- (a) section 128 of the 1980 Act; and
  - (b) all other enactments (whenever passed) relating to remand or the granting of bail in criminal proceedings,

shall have effect in relation to the remitting court's power or duty to remand the person on the adjournment as if any reference to the court to or before which the person remanded is to be brought or appear after remand were a reference to the court to which he is being remitted (“the other court”).

*Changes to legislation: Crime and Disorder Act 1998, Section 47 is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes*

- (4) The other court may deal with the case in any way in which it would have power to deal with it if all proceedings relating to the offence which took place before the remitting court had taken place before the other court.
- (5) After subsection (3) of section 10 of the 1980 Act (adjournment of trial) there shall be inserted the following subsection—
- “(3A) A youth court shall not be required to adjourn any proceedings for an offence at any stage by reason only of the fact—
- (a) that the court commits the accused for trial for another offence; or
- (b) that the accused is charged with another offence.”
- <sup>F4</sup>(6) .....
- (7) In subsection (2) of section 47 (procedure in youth courts) of the <sup>M1</sup>Children and Young Persons Act 1933 (“the 1933 Act”), the words from the beginning to “court; and” shall cease to have effect.

#### Textual Amendments

- F1** Word and para. (b) in s. 47(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with **Sch. 11 paras. 1, 2**)
- F2** Words in s. 47(1) repealed (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 12 Pt. I** (with **Sch. 11 paras. 1, 2**)
- F3** Words in s. 47(1) omitted (1.4.2005) by virtue of **The Courts Act 2003 (Consequential Provisions) Order 2005 (S.I. 2005/886)**, art. 2, **Sch. para. 59**
- F4** S. 47(6) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by **Criminal Justice Act 2003 (c. 44)**, s. 336(3)(4), **Sch. 37 Pt. 4**; **S.I. 2012/1320**, art. 4(1)(d)(2)(3) (with art. 5) (see **S.I. 2012/2574**, art. 4(2) and **S.I. 2013/1103**, art. 4); **S.I. 2012/2574**, art. 2(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); **S.I. 2013/1103**, art. 2(1)(d)(2)(3) (with arts. 3, 4)

#### Commencement Information

- I1** S. 47 wholly in force; S. 47 not in force at Royal Assent see s. 121. In force at 30.9.1998 by **S.I. 1998/2327**, **art. 2(1)** (subject to savings in **arts. 5-8**)

#### Marginal Citations

- M1** 1933 c.12.

**Changes to legislation:**

Crime and Disorder Act 1998, Section 47 is up to date with all changes known to be in force on or before 26 April 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 47(2) words substituted by [2022 c. 35 s. 12\(4\)\(a\)](#)
- s. 47(2)(a) words substituted by [2022 c. 35 s. 12\(4\)\(b\)](#)
- s. 47(2)(b) word substituted by [2022 c. 35 s. 12\(4\)\(c\)](#)
- s. 47(3) word substituted by [2022 c. 35 s. 12\(5\)\(a\)](#)
- s. 47(3) words inserted by [2022 c. 35 s. 12\(5\)\(b\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1C) inserted by [2010 c. 17 s. 40\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 40 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A inserted by [2010 c. 17 s. 41\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 8A repealed by [2014 c. 12 Sch. 11 para. 24\(c\)](#)
- s. 9(2)(d) and word inserted by [2010 c. 17 s. 41\(4\)\(b\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2)(d) and word omitted by [2014 c. 12 Sch. 11 para. 26\(4\)\(a\)](#)
- s. 9(2AA) inserted by [2010 c. 17 s. 41\(4\)\(c\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 41 repealed (23.3.2015) without ever being in force by 2014 c. 12, Sch. 11 para. 46; S.I. 2015/373, art. 4(f)(x))
- s. 9(2AA) repealed by [2014 c. 12 Sch. 11 para. 26\(5\)](#)
- s. 41(5)(i)(ii) words substituted by [2021 c. 11 Sch. 13 para. 37\(3\)](#)
- s. 47(A1) inserted by [2022 c. 35 s. 12\(2\)](#)
- s. 47(1)-(1F) substituted for s. 47(1) by [2022 c. 35 s. 12\(3\)](#)
- s. 47(4)(a) word substituted by [2022 c. 35 s. 12\(6\)\(b\)](#)
- s. 47(4)(a) words renumbered as s. 47(4)(a) by [2022 c. 35 s. 12\(6\)\(a\)](#)
- s. 47(4)(b) and word inserted by [2022 c. 35 s. 12\(6\)\(c\)](#)
- s. 47(4A) inserted by [2022 c. 35 s. 12\(7\)](#)
- s. 50A(6) inserted by [2022 c. 35 Sch. 2 para. 8\(2\)\(b\)](#)
- s. 51(2A)-(2E) inserted by [2022 c. 35 s. 10\(4\)](#)
- s. 51(3A)(3B) substituted for s. 51(3)-(12) by [2022 c. 35 s. 10\(5\)](#)
- s. 51A(A1) inserted by [2022 c. 35 s. 10\(7\)](#)
- s. 51A(3A)-(3E) inserted by [2022 c. 35 s. 10\(9\)](#)
- s. 51A(4A)(4B) substituted for s.0051A(4)-(10) by [2022 c. 35 s. 10\(10\)](#)
- s. 52(2A) inserted by [2022 c. 35 s. 10\(11\)](#)
- Sch. 3 para. 3(11A) inserted by [2003 c. 44 Sch. 3 para. 71\(d\)](#)