



# Crime and Disorder Act 1998

## 1998 CHAPTER 37

### PART III

#### CRIMINAL JUSTICE SYSTEM

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

#### **[<sup>F1</sup>51 Sending cases to the Crown Court: adults**

- (1) Where an adult appears or is brought before a magistrates' court ("the court") charged with an offence and any of the conditions mentioned in subsection (2) below is satisfied, the court shall send him forthwith to the Crown Court for trial for the offence.
- (2) Those conditions are—
  - (a) that the offence is an offence triable only on indictment other than one in respect of which notice has been given under section 51B or 51C below;
  - (b) that the offence is an either-way offence and the court is required under section 20(9)(b), 21, [<sup>F2</sup>22A(2)(b),] 23(4)(b) or (5) or 25(2D) of the Magistrates' Courts Act 1980 to proceed in relation to the offence in accordance with subsection (1) above;
  - (c) that notice is given to the court under section 51B or 51C below in respect of the offence.
- (3) Where the court sends an adult for trial under subsection (1) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
  - (a) (if it is an either-way offence) appears to the court to be related to the offence mentioned in subsection (1) above; or
  - (b) (if it is a summary offence) appears to the court to be related to the offence mentioned in subsection (1) above or to the either-way offence, and which fulfils the requisite condition (as defined in subsection (11) below).

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*Changes to legislation: Crime and Disorder Act 1998, Section 51 is up to date with all changes known to be in force on or before 19 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*

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- (4) Where an adult who has been sent for trial under subsection (1) above subsequently appears or is brought before a magistrates' court charged with an either-way or summary offence which—
- (a) appears to the court to be related to the offence mentioned in subsection (1) above; and
  - (b) (in the case of a summary offence) fulfils the requisite condition,
- the court may send him forthwith to the Crown Court for trial for the either-way or summary offence.
- (5) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1) or (3) above;
  - (b) another adult appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an either-way offence; and
  - (c) that offence appears to the court to be related to an offence for which A was sent for trial under subsection (1) or (3) above,
- the court shall where it is the same occasion, and may where it is a subsequent occasion, send the other adult forthwith to the Crown Court for trial for the either-way offence.
- (6) Where the court sends an adult for trial under subsection (5) above, it shall at the same time send him to the Crown Court for trial for any either-way or summary offence with which he is charged and which—
- (a) (if it is an either-way offence) appears to the court to be related to the offence for which he is sent for trial; and
  - (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the either-way offence, and which fulfils the requisite condition.
- (7) Where—
- (a) the court sends an adult (“A”) for trial under subsection (1), (3) or (5) above; and
  - (b) a child or young person appears or is brought before the court on the same or a subsequent occasion charged jointly with A with an indictable offence for which A is sent for trial under subsection (1), (3) or (5) above, or an indictable offence which appears to the court to be related to that offence,
- the court shall, if it considers it necessary in the interests of justice to do so, send the child or young person forthwith to the Crown Court for trial for the indictable offence.
- (8) Where the court sends a child or young person for trial under subsection (7) above, it may at the same time send him to the Crown Court for trial for any indictable or summary offence with which he is charged and which—
- (a) (if it is an indictable offence) appears to the court to be related to the offence for which he is sent for trial; and
  - (b) (if it is a summary offence) appears to the court to be related to the offence for which he is sent for trial or to the indictable offence, and which fulfils the requisite condition.
- (9) Subsections (7) and (8) above are subject to sections 24A and 24B of the Magistrates' Courts Act 1980 (which provide for certain cases involving children and young persons to be tried summarily).

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- (10) The trial of the information charging any summary offence for which a person is sent for trial under this section shall be treated as if the court had adjourned it under section 10 of the 1980 Act and had not fixed the time and place for its resumption.
- (11) A summary offence fulfils the requisite condition if it is punishable with imprisonment or involves obligatory or discretionary disqualification from driving.
- (12) In the case of an adult charged with an offence—
- (a) if the offence satisfies paragraph (c) of subsection (2) above, the offence shall be dealt with under subsection (1) above and not under any other provision of this section or section 51A below;
  - (b) subject to paragraph (a) above, if the offence is one in respect of which the court is required to, or would decide to, send the adult to the Crown Court under—
    - (i) subsection (5) above; or
    - (ii) subsection (6) of section 51A below,the offence shall be dealt with under that subsection and not under any other provision of this section or section 51A below.
- (13) The functions of a magistrates' court under this section, and its related functions under section 51D below, may be discharged by a single justice.]

#### Textual Amendments

- F1** Ss. 51-51E substituted for s. 51 (4.4.2005 for specified purposes, 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. 3 para. 18](#); S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 29\(a\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by S.I. 2005/2122, [art. 2](#); and as amended: (14.7.2008) by 2008 c. 4, [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); S.I. 2008/1586, [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by S.I. 2009/3111, [art. 2](#); (3.12.2012) by S.I. 2012/2905, [art. 4](#); (3.12.2012) by 2012 c. 10, [Sch. 14 para. 17](#); S.I. 2012/2906, [art. 2\(1\)](#); S.I. 2012/1320, [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see S.I. 2012/2574, [art. 4\(2\)](#) and S.I. 2013/1103, [art. 4](#)); S.I. 2012/2574, [art. 2\(2\)\(3\)\(c\)](#), [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\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F2** Word in s. 51(2)(b) inserted (12.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), [ss. 52\(2\)](#), [95\(1\)](#)

**Changes to legislation:**

Crime and Disorder Act 1998, Section 51 is up to date with all changes known to be in force on or before 19 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.

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

- s. 51(1) substituted by [2022 c. 35 s. 10\(2\)](#)
- s. 51(2)(b) words substituted by [2022 c. 35 s. 10\(3\)\(a\)](#)
- s. 51(2)(b) words substituted by [2022 c. 35 s. 10\(3\)\(b\)](#)

**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\(d\)](#)