



Senior Courts Act 1981

1981 CHAPTER 54

PART III

PRACTICE AND PROCEDURE

THE CROWN COURT

Composition of court

73 General provisions.

- (1) Subject to the provisions of section 8(1)(c), 74 and 75(2) as respects courts comprising justices of the peace, all proceedings in the Crown Court shall be heard and disposed of before a single judge of that court.
- (2) [^{F1}Rules of court] may authorise or require a judge of the High Court, Circuit judge or Recorder, in such circumstances as are specified by the rules, at any stage to continue with any proceedings with a court from which any one or more of the justices initially constituting the court has withdrawn, or is absent for any reason.
- (3) Where a judge of the High Court, Circuit judge or Recorder sits with justices of the peace he shall preside, and—
 - (a) the decision of the Crown Court may be a majority decision; and
 - (b) if the members of the court are equally divided, the judge of the High Court, Circuit judge or Recorder shall have a second and casting vote.

Textual Amendments

- F1** Words in s. 73(2) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/3175\)](#), art. 3, [Sch. para. 12\(b\)](#) (with art. 2(2))

Status: Point in time view as at 01/09/2004.

Changes to legislation: Senior Courts Act 1981 is up to date with all changes known to be in force on or before 29 February 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)

74 Appeals and committals for sentence.

- (1) On any hearing by the Crown Court—
- (a) of any appeal; ^{F2} . . .
 - ^{F2}(b)
- the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder who, subject to the following provisions of this section, shall sit with not less than two nor more than four justices of the peace.
- (2) [^{F3}Rules of court] may, with respect to hearings falling within subsection (1)—
- (a) prescribe the number of justices of the peace constituting the court (within the limits mentioned in that subsection); and
 - (b) prescribe the qualifications to be possessed by any such justices of the peace; and the rules may make different provision for different descriptions of cases, different places of sitting or other different circumstances.
- (3) [^{F3}Rules of court] may authorise or require a judge of the High Court, Circuit judge or Recorder, in such circumstances as are specified by the rules, to enter on, or at any stage to continue with, any proceedings with a court not comprising the justices required by subsections (1) and (2).
- (4) The Lord Chancellor may from time to time, having regard to the number of justices, or the number of justices with any prescribed qualifications, available for service in the Crown Court, give directions providing that, in such descriptions of proceedings as may be specified by the Lord Chancellor, the provisions of subsections (1) and (2) shall not apply.
- (5) Directions under subsection (4) may frame descriptions of proceedings by reference to the place of trial, or by reference to the time of trial, or in any other way.
- (6) No decision of the Crown Court shall be questioned on the ground that the court was not constituted as required by or under subsections (1) and (2) unless objection was taken by or on behalf of a party to the proceedings not later than the time when the proceedings were entered on, or when the alleged irregularity began.
- (7) [^{F3}Rules of court] may make provision as to the circumstances in which—
- (a) a person concerned with a decision appealed against is to be disqualified from hearing the appeal;
 - ^{F4}(b)
 - (c) proceedings on the hearing of an appeal ^{F5} . . . are to be valid notwithstanding that any person taking part in them is disqualified.

Textual Amendments

- F2** S. 74(1)(b) and the preceding “or” repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**
- F3** Words in s. 74(2)(3)(7) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 12(c)** (with art. 2(2))
- F4** S. 74(7)(b) repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**
- F5** Words in s. 74(7)(c) repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**

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Distribution of business

75 Allocation of cases according to composition of court, etc.

- (1) The cases or classes of cases in the Crown Court suitable for allocation respectively to a judge of the High Court and to a Circuit judge or Recorder, and all other matters relating to the distribution of Crown Court business, shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.
- (2) Subject to section 74(1), the cases or classes of cases in the Crown Court suitable for allocation to a court comprising justices of the peace (including those by way of trial on indictment which are suitable for allocation to such a court) shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

76 Committal for trial: alteration of place of trial.

- (1) Without prejudice to the provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions, or further directions, altering the place of any trial on indictment, whether by varying the decision of a magistrates' court under section 7 of the ^{M1}Magistrates' Courts Act 1980 or [^{F6}by substituting some other place for the place specified in a notice under [^{F7}a relevant transfer provision] (notices of transfer from magistrates' court to Crown Court) or by varying] a previous decision of the Crown Court.
- (2) Directions under subsection (1) may be given on behalf of the Crown Court by an officer of the court.

[^{F8}(2A) Where a preparatory hearing has been ordered under section 7 of the Criminal Justice Act 1987, directions altering the place of trial may be given under subsection (1) at any time before the jury are sworn.]

- (3) The defendant or the prosecutor, if dissatisfied with the place of trial as fixed by the magistrates' court, [^{F9}as specified in a notice under [^{F10}a relevant transfer provision] or as fixed] by the Crown Court, may apply to the Crown Court for a direction, or further direction, varying the place of trial; and the court shall take the matter into consideration and may comply with or refuse the application, or give a direction not in compliance with the application, as the court thinks fit.

(4) ^{F11}

[^{F12}(5) In this section "relevant transfer provision" means—

- (a) section 4 of the Criminal Justice Act 1987, or
- (b) section 53 of the Criminal Justice Act 1991.]

Textual Amendments

F6 Words inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, [Sch. 2 para. 10\(a\)](#)

F7 Words in s. 76(1) substituted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), [Sch. 9 para. 17\(a\)](#) (by words at the end of para. 17 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 51 of Schedule 4 to this Act); [S.I. 1995/127, art. 2\(1\)](#), [Sch. 1](#), Appendix A

F8 S. 76(2A) inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, [Sch. 2 para. 10\(b\)](#)

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- F9** Words substituted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, **Sch. 2 para. 10(c)**
- F10** Words in [s. 76\(3\)](#) substituted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 17(b)** (by words at the end of para. 17 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); [S.I. 1995/127, art. 2\(1\)](#), **Sch. 1**, Appendix A
- F11** [S. 76\(4\)](#) repealed (1.5.2004) by [Courts Act 2003 \(c. 39\)](#), ss. 86, 109(3), 110, **Sch. 10**; [S.I. 2004/1104, art. 3\(a\)\(h\)\(ii\)\(i\)](#)
- F12** [S. 76\(5\)](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 17(c)** (by words at the end of para. 17 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); [S.I. 1995/127, art. 2\(1\)](#), **Sch. 1**, Appendix A

Marginal Citations

- M1** [1980 c. 43](#).

77 Committal for trial: date of trial.

- (1) [^{F13}Criminal Procedure Rules] shall prescribe the minimum and the maximum period which may elapse between a person's committal for trial [^{F14}or the giving of a notice of transfer under [^{F15}a relevant transfer provision]] and the beginning of the trial; and such rules may make different provision for different places of trial and for other different circumstances.
- (2) The trial of a person committed by a magistrates' court [^{F16}or in respect of whom a notice of transfer under a relevant transfer provision has been given]—
- (a) shall not begin until the prescribed minimum period has expired except with his consent and the consent of the prosecutor; and
 - (b) shall not begin later than the expiry of the prescribed maximum period unless a judge of the Crown Court otherwise orders.
- (3) For the purposes of this section the prescribed minimum and maximum periods shall begin with the date of committal for trial [^{F17}or of a notice of transfer] and the trial shall be taken to begin when the defendant is arraigned.
- [^{F18}(4) In this section “relevant transfer provision” means—
- (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.]

Textual Amendments

- F13** Words in [s. 77\(1\)](#) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/2035\)](#), art. 3, **Sch. para. 13** (with art. 2(2))
- F14** Words inserted by [Criminal Justice Act 1987 \(c. 38, SIF 39:1\)](#), s. 15, **Sch. 2 para. 11**
- F15** Words in [s. 77\(1\)](#) substituted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 18(a)** (by words at the end of para. 18 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); [S.I. 1995/127, art. 2\(1\)](#), **Sch. 1**, Appendix A
- F16** Words in [s. 77\(2\)](#) inserted (3.2.1995) by [1994 c. 33, s. 168\(1\)](#), **Sch. 9 para. 18(b)** (by words at the end of para. 18 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); [S.I. 1995/127, art. 2\(1\)](#), **Sch. 1**, Appendix A

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- F17** Words in s. 77(3) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 18(c)** (by words at the end of para. 18 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); **S.I. 1995/127, art. 2(1), Sch. 1**, Appendix A
- F18** S. 77(4) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 18(d)** (by words at the end of para. 18 it is provided that amendments made by this paragraph shall cease to have effect on the coming into force of the amendments made by paragraph 52 of Schedule 4 to this Act); **S.I. 1995/127, art. 2(1), Sch. 1**, Appendix A

Sittings

78 Sittings.

- (1) Any Crown Court business may be conducted at any place in England or Wales, and the sittings of the Crown Court at any place may be continuous or intermittent or occasional.
- (2) Judges of the Crown Court may sit simultaneously to take any number of different cases in the same or different places, and may adjourn cases from place to place at any time.
- (3) The places at which the Crown Court sits, and the days and times at which the Crown Court sits at any place, shall be determined in accordance with directions given by the Lord Chancellor.

Other provisions

79 Practice and procedure in connection with indictable offences and appeals.

- (1) All enactments and rules of law relating to procedure in connection with indictable offences shall continue to have effect in relation to proceedings in the Crown Court.
- (2) Without prejudice to the generality of subsection (1), that subsection applies in particular to—
 - (a) the practice by which, on any one indictment, the taking of pleas, the trial by jury and the pronouncement of judgment may respectively be by or before different judges;
 - (b) the release, after respite of judgment, of a convicted person on recognizance to come up for judgment if called on, but meanwhile to be of good behaviour;
 - (c) the manner of trying any question relating to the breach of a recognizance;
 - (d) the manner of execution of any sentence on conviction, or the manner in which any other judgment or order given in connection with trial on indictment may be enforced.
- (3) The customary practice and procedure with respect to appeals to the Crown Court, and in particular any practice as to the extent to which an appeal is by way of rehearing of the case, shall continue to be observed.

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80 Process to compel appearance.

- (1) Any direction to appear and any condition of a recognizance to appear before the Crown Court, and any summons or order to appear before that court, may be so framed as to require appearance at such time and place as may be directed by the Crown Court, and if a time or place is specified in the direction, condition, summons or order, it may be varied by any subsequent direction of the Crown Court.
- (2) Where an indictment has been signed although the person charged has not been committed for trial, the Crown Court may issue a summons requiring that person to appear before the Crown Court, or may issue a warrant for his arrest.
- (3) Section 4 of the ^{M2}Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to process issued under this section as it applies to process issued under the ^{M3}Magistrates' Courts Act 1980 by a magistrates' court.

Marginal Citations

M2 1881 c. 24.

M3 1980 c. 43.

81 Bail.

- (1) The Crown Court may [^{F19},subject to section 25 of the Criminal Justice and Public Order Act 1994,] grant bail to any person—
 - (a) who has been committed in custody for appearance before the Crown Court [^{F20}or in relation to whose case a notice of transfer has been given under [^{F21}a relevant transfer provision][^{F22}or who has been sent in custody to the Crown Court for trial under section 51 of the Crime and Disorder Act 1998]]; or
 - (b) who is in custody pursuant to a sentence imposed by a magistrates' court, and who has appealed to the Crown Court against his conviction or sentence; or
 - (c) who is in the custody of the Crown Court pending the disposal of his case by that court; or
 - (d) who, after the decision of his case by the Crown Court, has applied to that court for the statement of a case for the High Court on that decision; or
 - (e) who has applied to the High Court for [^{F23}a quashing order] to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application; [^{F24}or
 - (f) to whom the Crown Court has granted a certificate under section 1(2) or 11(1A) of the Criminal Appeal Act 1968 or under subsection (1B) below;][^{F25}or
 - (g) who has been remanded in custody by a magistrates' court on adjourning a case under [^{F26}section 11 of the Powers of Criminal Courts (Sentencing) Act 2000 (remand for medical examination) or]—
 - (i) section 5 (adjournment of inquiry into offence);
 - (ii) section 10 (adjournment of trial); [^{F27}or]
 - (iii) section 18 (initial procedure on information against adult for offence triable either way); ^{F28} . . .
 - ^{F28}(iv)]

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and the time during which a person is released on bail under any provision of this subsection shall not count as part of any term of imprisonment or detention under his sentence.

- [^{F29}(1A) The power conferred by subsection (1)(f) does not extend to a case to which section 12 or 15 of the Criminal Appeal Act 1968 (appeal against verdict of not guilty by reason of insanity or against [^{F30}findings that the accused is under a disability and that he did the act or made the omission charged against him]) applies.
- (1B) A certificate under this subsection is a certificate that a case is fit for appeal on a ground which involves a question of law alone.
- (1C) The power conferred by subsection (1)(f) is to be exercised—
- (a) where the appeal is under section 1 or 9 of the Criminal Appeal Act 1968, by the judge who tried the case; and
 - (b) where it is under section 10 of that Act, by the judge who passed the sentence.
- (1D) The power may only be exercised within twenty-eight days from the date of the conviction appealed against, or in the case of appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order.
- (1E) The power may not be exercised if the appellant has made an application to the Court of Appeal for bail in respect of the offence or offences to which the appeal relates.
- (1F) It shall be a condition of bail granted in the exercise of the power that, unless a notice of appeal has previously been lodged in accordance with subsection (1) of section 18 of the Criminal Appeal Act 1968—
- (a) such a notice shall be so lodged within the period specified in subsection (2) of that section; and
 - (b) not later than 14 days from the end of that period, the appellant shall lodge with the Crown Court a certificate from the registrar of criminal appeals that a notice of appeal was given within that period.
- (1G) If the Crown Court grants bail to a person in the exercise of the power, it may direct him to appear—
- (a) if a notice of appeal is lodged within the period specified in section 18(2) of the Criminal Appeal Act 1968 at such time and place as the Court of Appeal may require; and
 - (b) if no such notice is lodged within that period, at such time and place as the Crown Court may require.]

[^{F31}(1H) Where the Crown Court grants a person bail under subsection (1)(g) it may direct him to appear at a time and place which the magistrates' court could have directed and the recognizance of any surety shall be conditioned accordingly.

(1J) The Crown Court may only grant bail to a person under subsection (1)(g) if the magistrates' court which remanded him in custody has certified under section 5(6A) of the Bail Act 1976 that it heard full argument on his application for bail before it refused the application.]

(2) Provision may be made by [^{F32}rules of court] as respects the powers of the Crown Court relating to bail, including any provision—

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- (a) except in the case of bail in criminal proceedings (within the meaning of the ^{M4}Bail Act 1976), allowing the court instead of requiring a person to enter into a recognizance, to consent to his giving other security;
 - (b) allowing the court to direct that a recognizance shall be entered into or other security given before a magistrates' court or a justice of the peace, or, if the rules so provide, a person of such other description as is specified in the rules;
 - (c) prescribing the manner in which a recognizance is to be entered into or other security given, and the persons by whom and the manner in which the recognizance or security may be enforced;
 - (d) authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody in pursuance of the powers;
 - (e) making provision corresponding to sections 118 and 119 of the ^{M5}Magistrates' Courts Act 1980 (varying or dispensing with requirements as to sureties, and postponement of taking recognizances).
- (3) Any reference in any enactment to a recognizance shall include, unless the context otherwise requires, a reference to any other description of security given instead of a recognizance, whether in pursuance of subsection (2)(a) or otherwise.
- (4) The Crown Court, on issuing a warrant for the arrest of any person, may endorse the warrant for bail, and in any such case—
- (a) the person arrested under the warrant shall, unless the Crown Court otherwise directs, be taken to a police station; and
 - (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognizances of such amount as may be fixed by the endorsement:
- Provided that in the case of bail in criminal proceedings (within the meaning of the ^{M6}Bail Act 1976) the person arrested shall not be required to enter into a recognizance.
- (5) A person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before that court shall be brought forthwith before either the Crown Court or a magistrates' court.
- (6) A magistrates' court shall have jurisdiction, and a justice of the peace may act, under or in pursuance of rules under subsection (2) whether or not the offence was committed, or the arrest was made, within the court's area, or the area for which he was appointed.
- [^{F33}(7) In subsection (1) above "relevant transfer provision" means—
- (a) section 4 of the Criminal Justice Act 1987, or
 - (b) section 53 of the Criminal Justice Act 1991.]

Textual Amendments

- F19** Words in s. 81(1) inserted (3.2.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 48**; S.I. 1995/721, art. 2, **Sch.** Appendix A
- F20** Words inserted by Criminal Justice Act 1987 (c. 38 SIF 39:1), s. 15, Sch. 2 para. 12
- F21** Words in s. 81(1)(a) substituted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 19(a)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A
- F22** Words in s. 81(1)(a) inserted (4.1.1999 for certain purposes and otherwise 15.1.2001) (after the words "Criminal Justice Act 1987" which words had been previously replaced by the substitution made by

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1994 c. 33, **Sch. 9 para. 19(a)**) by 1998 c. 37, s. 119, **Sch. 8 para. 48**; S.I. 1998/2327, **art.4(2)(c)**; S.I. 2000/3283, **art. 2(c)**

- F23** Words in s. 81(1)(e) substituted (1.5.2004) by The Civil Procedure (Modification of Supreme Court Act 1981) Order 2004 (S.I. 2004/1033), **art. 6**
- F24** S. 81(1)(f) and the preceding word “or” added by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 29(1)(a)**
- F25** S. 81(1)(g) and the preceding word “or” added by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 60(1)(a)**
- F26** Words in s. 81(1)(g) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 87(a)**
- F27** Word in s. 81(1)(g)(ii) inserted (25.8.2000) by 2000 c. 6, ss. 165(1), 168(1), **Sch. 9 para. 87(b)**
- F28** S. 81(1)(g)(iv) and the word “or” immediately preceding it repealed (25.8.2000) by 2000 c. 6, ss. 165(1)(4), 168(1), **Sch. 9 para. 87(c)**, **Sch. 12 Pt. I** (with Sch. 11 paras. 1, 2)
- F29** S. 81(1A)–(1G) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 29(1)(b)**
- F30** Words in s. 81(1A) substituted (01.01.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1) ss. 7, 8, Sch. 3 para. 6; S.I. 1991/2488, **art. 2**.
- F31** S. 81(1H)(1J) inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 60(1)(b)**
- F32** Words in s. 81(2) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), **art. 3**, **Sch. para. 14** (with art. 2(2))
- F33** S. 81(7) inserted (3.2.1995) by 1994 c. 33, s. 168(1), **Sch. 9 para. 19(b)**; S.I. 1995/127, art. 2(1), **Sch. 1**, Appendix A

Modifications etc. (not altering text)

- C1** S. 81(5) excluded (4.4.2005) by Criminal Justice Act 2003 (c. 44), **ss. 89(6)**, 336; S.I. 2005/950, **art. 2**, **Sch. 1** (subject to **Sch. 2**)

Marginal Citations

- M4** 1976 c. 63.
- M5** 1980 c. 43.
- M6** 1976 c. 63.

82 Duties of officers of Crown Court.

- (1) The officers of the Crown Court shall be responsible for the keeping of the records of the proceedings of the court, the signing of indictments, the notification to the parties or their legal advisers of the place and time appointed for any proceedings, and such other formal or administrative matters as may be specified by directions given by the Lord Chancellor.
- (2) Officers of the Crown Court shall in particular give effect to any orders or directions of the court for taking into custody, and detaining, any person committing contempt of court, and shall execute any order or warrant duly issued by the court for the committal of any person to prison for contempt of court.

^{F34}**83**

Textual Amendments

- F34** S. 83 repealed (31.7.2000) by 1999 c. 22, s. 106, **Sch. 15 Pt. II** (with Sch. 14 paras. 7(2), 36(9)); S.I. 2000/1920, **art. 2(c)**

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