



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

#### THE HIGH COURT

#### *Other particular fields of jurisdiction*

#### **28 Appeals from Crown Court and inferior courts.**

- (1) Subject to subsection (2), any order, judgment or other decision of the Crown Court may be questioned by any party to the proceedings, on the ground that it is wrong in law or is in excess of jurisdiction, by applying to the Crown Court to have a case stated by that court for the opinion of the High Court.
- (2) Subsection (1) shall not apply to—
  - (a) a judgment or other decision of the Crown Court relating to trial on indictment; or
  - (b) any decision of that court under <sup>F1</sup> . . . <sup>F2</sup> . . . <sup>F1</sup> <sup>F3</sup> . . . or the Local Government (Miscellaneous Provisions) Act 1982] which, by any provision of any of those Acts, is to be final.
- (3) Subject to the provisions of this Act and to rules of court, the High Court shall, in accordance with section 19(2), have jurisdiction to hear and determine—
  - (a) any application, or any appeal (whether by way of case stated or otherwise), which it has power to hear and determine under or by virtue of this or any other Act; and
  - (b) all such other appeals as it had jurisdiction to hear and determine immediately before the commencement of this Act.

<sup>F4</sup>(4) In subsection (2)(a) the reference to a decision of the Crown Court relating to trial on indictment does not include a decision relating to <sup>F5</sup>a requirement to make a payment

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*Changes to legislation: Senior Courts Act 1981, Section 28 is up to date with all changes known to be in force on or before 14 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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under regulations under section 23 or 24 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 [.]

#### Textual Amendments

- F1** Words in s. 28(2)(b) repealed (1.9.2007) by [Gambling Act 2005 \(c. 19\)](#), ss. 356, 358, **Sch. 17**; S.I. 2006/3272, **art. 2(4)** (with [Sch. 4](#))
- F2** Words in s. 28(2)(b) repealed (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), ss. 199, 201(2), **Sch. 7** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, **art. 2(2)**
- F3** Words substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), s. 2, **Sch. 3 para. 27(6)**
- F4** S. 28(4) inserted (2.4.2001) by [1999 c. 22](#), s. 24, **Sch. 4 para. 22** (with [Sch. 14 para. 7\(2\)](#)); S.I. 2001/916, **art. 3(a)(ii)** (with [Sch. 2 para. 2](#))
- F5** Words in s. 28(4) substituted (1.4.2013) by [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), **Sch. 5 para. 20**; S.I. 2013/453, art. 3(h) (with savings and transitional provisions in [S.I. 2013/534](#), art. 6)

**Changes to legislation:**

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**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. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)