



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART III

PREPARATORY HEARINGS

Appeals

35 Appeals to Court of Appeal.

- (1) An appeal shall lie to the Court of Appeal from any ruling of a judge under section 31(3), [^{F1}from the refusal by a judge of an application to which section 45 of the Criminal Justice Act 2003 applies or from an order of a judge under section ^{F2}... 44 of that Act which is made on the determination of such an application,] but only with the leave of the judge or of the Court of Appeal.
- (2) The judge may continue a preparatory hearing notwithstanding that leave to appeal has been granted under subsection (1), but [^{F3}the preparatory hearing shall not be concluded] until after the appeal has been determined or abandoned.
- (3) On the termination of the hearing of an appeal, the Court of Appeal may confirm, reverse or vary the decision appealed against.
- (4) Subject to rules of court made under section 53(1) of the ^{M1}[^{F4}Senior Courts Act 1981] (power by rules to distribute business of Court of Appeal between its civil and criminal divisions)—
 - (a) the jurisdiction of the Court of Appeal under subsection (1) above shall be exercised by the criminal division of the court;
 - (b) references in this Part to the Court of Appeal shall be construed as references to that division.

Changes to legislation: *Criminal Procedure and Investigations Act 1996, Section 35 is up to date with all changes known to be in force on or before 25 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*

Textual Amendments

- F1** Words in s. 35(1) inserted (24.7.2006 for certain purposes and otherwise prosp.) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 45(9)**, 336; S.I. 2006/1835, **art. 2(e)** (subject to art. 3)
- F2** Words in s. 35(1) repealed (1.5.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), s. 120, **Sch. 10 Pt. 10** (with s. 97)
- F3** Words in s. 35(2) substituted (24.7.2006) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, **Sch. 36 Pt. 4 para. 69**; S.I. 2006/1835, {art. 2h} (subject to art. 3)
- F4** Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), **Sch. 11 para. 1(2)**; S.I. 2009/1604, art. 2(d)

Modifications etc. (not altering text)

- C1** S. 35(1) modified (8.1.2007) by [Domestic Violence, Crime and Victims Act 2004 c. 28](#), **ss. 18(5)**, 60 (with **ss. 19(7)** and **21(2)**); S.I. 2006/3423, **art. 2** (subject to art. 3)

Marginal Citations

- M1** 1981 c. 54.

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. 1(6) added by [1997 c. 39 s. 9\(4\)](#)
- s. 5(1A) amendment to earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8 by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(i\)](#)
- s. 5(1A) inserted by [2015 c. 9 \(N.I.\) Sch. 2 para. 8](#)
- s. 5(1A) words substituted in earlier affecting provision 2015 c. 9 (N.I.), Sch. 2 para. 8(1) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(ii\)](#)
- s. 13(1)(ba)(b) substituted for s. 13(1)(b) by 2015 c. 9 (N.I.), Sch. 2 para. 8(2) (as inserted) by [2022 c. 4 \(N.I.\) s. 4\(9\)\(f\)\(iii\)](#)
- Sch. 4 para. 4(f) and word added by [S.I. 2003/1247 \(N.I.\) Sch. 1 para. 16](#)