



# Access to Justice Act 1999

## 1999 CHAPTER 22

### PART IV

#### APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

##### *Appeals*

#### **54 Permission to appeal**

- (1) Rules of court may provide that any right of appeal to—
  - (a) a county court,
  - (b) the High Court, or
  - (c) the Court of Appeal,may be exercised only with permission.
- (2) This section does not apply to a right of appeal in a criminal cause or matter.
- (3) For the purposes of subsection (1) rules of court may make provision as to—
  - (a) the classes of case in which a right of appeal may be exercised only with permission,
  - (b) the court or courts which may give permission for the purposes of this section,
  - (c) any considerations to be taken into account in deciding whether permission should be given, and
  - (d) any requirements to be satisfied before permission may be given,and may make different provision for different circumstances.
- (4) No appeal may be made against a decision of a court under this section to give or refuse permission (but this subsection does not affect any right under rules of court to make a further application for permission to the same or another court).
- (5) For the purposes of this section a right to make an application to have a case stated for the opinion of the High Court constitutes a right of appeal.
- (6) For the purposes of this section a right of appeal to the Court of Appeal includes—

- (a) the right to make an application for a new trial, and
- (b) the right to make an application to set aside a verdict, finding or judgment in any cause or matter in the High Court which has been tried, or in which any issue has been tried, by a jury.

## **55 Second appeals**

- (1) Where an appeal is made to a county court or the High Court in relation to any matter, and on hearing the appeal the court makes a decision in relation to that matter, no appeal may be made to the Court of Appeal from that decision unless the Court of Appeal considers that—
  - (a) the appeal would raise an important point of principle or practice, or
  - (b) there is some other compelling reason for the Court of Appeal to hear it.
- (2) This section does not apply in relation to an appeal in a criminal cause or matter.

## **56 Power to prescribe alternative destination of appeals**

- (1) The Lord Chancellor may by order provide that appeals which would otherwise lie to—
  - (a) a county court,
  - (b) the High Court, or
  - (c) the Court of Appeal,
 shall lie instead to another of those courts, as specified in the order.
- (2) This section does not apply to an appeal in a criminal cause or matter.
- (3) An order under subsection (1)—
  - (a) may make different provision for different classes of proceedings or appeals, and
  - (b) may contain consequential amendments or repeals of enactments.
- (4) Before making an order under subsection (1) the Lord Chancellor shall consult—
  - (a) the Lord Chief Justice,
  - (b) the Master of the Rolls,
  - (c) the President of the Family Division, and
  - (d) the Vice-Chancellor.
- (5) An order under subsection (1) shall be made by statutory instrument.
- (6) No such order may be made unless a draft of it has been laid before and approved by resolution of each House of Parliament.
- (7) For the purposes of this section an application to have a case stated for the opinion of the High Court constitutes an appeal.

## **57 Assignment of appeals to Court of Appeal**

- (1) Where in any proceedings in a county court or the High Court a person appeals, or seeks permission to appeal, to a court other than the Court of Appeal or the House of Lords—
  - (a) the Master of the Rolls, or

- (b) the court from which or to which the appeal is made, or from which permission to appeal is sought,  
may direct that the appeal shall be heard instead by the Court of Appeal.
- (2) The power conferred by subsection (1)(b) shall be subject to rules of court.

## **58 Criminal appeals: minor amendments**

- (1) In section 40(6) of the Criminal Justice Act 1991 (order returning offender to prison for unserved portion of sentence to be treated for purposes of appeal provisions as sentence passed for original offence), for the words from “any enactment” to “made” substitute “sections 9 and 10 of the Criminal Appeal Act 1968, any order made by the Crown Court under subsection (2) above, or made under subsection (3A) above.”.
- (2) In section 8(1B)(b) of the Criminal Appeal Act 1968 (power of Court to direct entry of judgment and verdict of acquittal on applications relating to order for retrial), after “to” insert “set aside the order for retrial and”.
- (3) In section 9(2) of that Act (right of appeal against sentence for summary offence), insert at the end “or sub-paragraph (4) of that paragraph.”
- (4) Section 10 of that Act (appeal to Court of Appeal by person dealt with by Crown Court for offence of which he was not convicted on indictment) is amended in accordance with subsections (5) to (7).
- (5) In subsection (2) (proceedings from which an appeal lies), insert at the end “; or
  - (c) having been released under Part II of the Criminal Justice Act 1991 after serving part of a sentence of imprisonment or detention imposed for the offence, is ordered by the Crown Court to be returned to prison or detention.”
- (6) In subsection (3) (cases where person may appeal), in paragraph (cc) (order under section 40(3A)), for “40(3A)” substitute “40(2) or (3A)”.
- (7) In subsection (4) (calculation of length of term of imprisonment), after “imprisonment” insert “or detention”.