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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 63**

**APPEAL TO THE CROWN COURT AGAINST CONVICTION OR SENTENCE**

**Documents to be sent to Crown Court**

**63.3.**—(1) The magistrates' court officer shall as soon as practicable send to the Crown Court officer any notice of appeal to the Crown Court given to the magistrates' court officer.

(2) The magistrates' court officer shall send to the Crown Court officer, with the notice of appeal, a copy of the extract of the magistrates' court register relating to that decision and of the last known or usual place of abode of the parties to the appeal.

(3) Where any person, having given notice of appeal to the Crown Court, has been granted bail for the purposes of the appeal the magistrates' court officer for the court from whose decision the appeal is brought shall before the day fixed for the hearing of the appeal send to the Crown Court officer a copy of the record made in pursuance of section 5 of the Bail Act 1976(1).

(4) Where a notice of appeal is given in respect of a hospital order or guardianship order made under section 37 of the Mental Health Act 1983(2) (powers of courts to order hospital admission or guardianship), a magistrates' court officer for the court from which the appeal is brought shall send with the notice to the Crown Court officer any written evidence considered by the court under section 37(2) of the 1983 Act.

(5) Where a notice of appeal is given in respect of an appeal against conviction by a magistrates' court the magistrates' court officer shall send with the notice to the Crown Court officer any admission of facts made for the purposes of the summary trial under section 10 of the Criminal Justice Act 1967(3) (proof by formal admission).

(6) Where a notice of appeal is given in respect of an appeal against sentence by a magistrates' court, and where that sentence was a custodial sentence, the magistrates' court officer shall send with the notice to the Crown Court officer a statement of whether the magistrates' court obtained and considered a pre-sentence report before passing such sentence.

*[Note. Formerly rule 74 of the Magistrates' Courts Rules 1981(4).]*

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- (1) 1976 c. 63; section 5 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 27 and Schedule 3, paragraph 1(a), and by the Criminal Justice and Police Act 2001, section 129(1) and is further amended by the Criminal Justice Act 2003 (c. 44), Schedule 37, Part 12 with effect from a date to be appointed.
- (2) Section 37 was amended by the Crime (Sentences) Act 1997 (c. 43), section 55 and Schedule 4, paragraph 12, by the Youth Justice and Criminal Evidence Act 1999 (c. 23), section 67 and Schedule 4, paragraph 11, and by the Powers of Criminal Courts (Sentencing) Act 2000, section 165(1) and Schedule 9, paragraph 90, it was modified by the Criminal Justice and Court Services Act 2000 (c. 43), section 43 and is further amended by the Criminal Justice Act 2003 (c. 44), Schedule 32, Part 1, paragraphs 37 and 38, with effect from a date to be appointed.
- (3) 1967 c. 80; section 10 was modified by S.I. 1991/2684.
- (4) S.I. 1981/552; amending instruments relevant to this Part are S.I. 1992/2072, 1993/1183, 2001/610.