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STATUTORY INSTRUMENTS

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**2008 No. 1863**

The Serious Crime Act 2007 (Appeals  
under Section 24) Order 2008

PART 4

Appeals to the Supreme Court: England and Wales

**Application for leave to appeal**

**39.**—(1) An application to the Supreme Court for leave to appeal shall be made in writing within 28 days beginning with the date on which the application for leave to appeal is refused by the Court of Appeal.

(2) The Supreme Court may, upon an application made at any time by a person who was a party to the appeal before the Court of Appeal, extend the time within which an application may be made by that person to the Supreme Court under paragraph (1).

**Hearing and disposal of appeal**

**40.** For the purposes of disposing of an appeal, the Supreme Court may exercise any powers of the Court of Appeal or may remit the case to the Court of Appeal.

**Powers of Court of Appeal under Part 4 which are exercisable by a single judge**

**41.** The powers of the Court of Appeal under this Part to extend the time for making an application for leave to appeal, may be exercised by a single judge but where the judge refuses an application on the part of a person who is party to the appeal to exercise this power that person shall be entitled to have the application determined by the Court of Appeal.

**Award of costs in favour of subject or party under section 24(2)**

**42.**—(1) Where the Supreme Court determines an appeal to which the person who is the subject of the serious crime prevention order was a party it may make a costs order in favour of that person.

(2) Where the Supreme Court determines an appeal to which a party under section 24(2) was a party it may make a costs order in favour of that person.

(3) Subject to paragraphs (4) and (5), an order under this article shall be for the payment out of central funds of such amounts as the Supreme Court considers reasonably sufficient to compensate the person in whose favour the order is made for any expenses that person has properly incurred in the appeal.

(4) Where the Supreme Court makes an order under this article but is of the opinion that there are circumstances which make it inappropriate that the person in whose favour the order is made should recover the full amount mentioned in paragraph (3) it shall—

(a) assess what amount would, in its opinion, be just and reasonable; and

- (b) specify that amount in the order.
- (5) Subject to paragraph (4), the amount to be paid out of central funds in pursuance of an order under this article shall—
  - (a) be specified in the order, in any case where the Supreme Court considers it appropriate for the amount to be specified and the person in whose favour the order is made agrees the amount; and
  - (b) in any other case, shall be determined by such officer as may be prescribed by order of the Supreme Court.

### **Transitional provisions in relation to the Supreme Court**

**43.**—(1) In the application of Parts 2 to 4 before the commencement of paragraph 16(3)(b) of Schedule 9 to the Constitutional Reform Act 2005 (amendment of section 33(2) of the Criminal Appeal Act 1968<sup>(1)</sup>), references to the Supreme Court are to be read as references to the House of Lords.

(2) During the time that this Part is to be read as referring to the House of Lords in accordance with paragraph (1)—

- (a) an appeal shall not be heard and determined by the House of Lords unless there are present at least three of the persons designated Lords of Appeal by section 5 of the Appellate Jurisdiction Act 1876<sup>(2)</sup>; and
- (b) any order of the House of Lords which provides for the hearing of applications for leave to appeal by a committee constituted in accordance with section 5 of that Act may direct that the decision of that committee shall be taken on behalf of the House.

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<sup>(1)</sup> 1968 c. 19.

<sup>(2)</sup> 1876 c. 59. Section 5 has been prospectively repealed by sections 145 and 146 of, and paragraph 9 of Part 2 of Schedule 17 and Part 5 of Schedule 18 to, the Constitutional Reform Act 2005.