
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 34

APPEAL TO THE CROWN COURT

When this Part applies

34.1.—(1) This Part applies where—

- (a) a defendant wants to appeal under—
 - (i) section 108 of the Magistrates' Courts Act 1980⁽¹⁾,
 - (ii) section 45 of the Mental Health Act 1983⁽²⁾,
 - (iii) paragraph 10 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000⁽³⁾, or paragraphs 9(8) or 13(5) of Schedule 8 to the Criminal Justice Act 2003⁽⁴⁾,
 - (iv) section 42 of the Counter Terrorism Act 2008⁽⁵⁾;
- (b) the Criminal Cases Review Commission refers a defendant's case to the Crown Court under section 11 of the Criminal Appeal Act 1995⁽⁶⁾;
- (c) a prosecutor wants to appeal under—
 - (i) section 14A(5A) of the Football Spectators Act 1989⁽⁷⁾, or
 - (ii) section 147(3) of the Customs and Excise Management Act 1979⁽⁸⁾; or
- (d) a person wants to appeal under—
 - (i) section 1 of the Magistrates' Courts (Appeals from Binding Over Orders) Act 1956⁽⁹⁾,

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- (1) 1980 c. 43; section 108 was amended by sections 66(2) and 78 of, and Schedule 16 to, the Criminal Justice Act 1982 (c. 48), section 23(3) of the Football Spectators Act 1989 (c. 37), section 101(2) of, and Schedule 13 to, the Criminal Justice Act 1991 (c. 53), sections 119 and 120(2) of, and paragraph 43 of Schedule 8 and Schedule 10 to, the Crime and Disorder Act 1998 (c. 37), section 7(2) of the Football (Offences and Disorder) Act 1999 (c. 21), section 165(1) of, and paragraph 71 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), section 1 of, and Schedule 3 to, the Football (Disorder) Act 2000 (c. 25), section 58(1) of, and paragraph 10 of Schedule 10 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 52(2) of, and paragraph 14 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38) and section 64 of, and paragraph 10 of Schedule 3 to, the Animal Welfare Act 2006 (c. 45).
- (2) 1983 c. 20.
- (3) 2000 c. 6.
- (4) 2003 c. 44.
- (5) 2008 c. 28.
- (6) 1995 c. 35.
- (7) 1989 c. 37; section 14A(5A) was inserted by section 52 of, and paragraphs 1 and 3 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38).
- (8) 1979 c. 2.
- (9) 1956 c. 44; section 1 was amended by Part 1 of Schedule 7 to, the Criminal Justice Act 1967 (c. 80), Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and Schedule 9 to, the Magistrates' Courts Act 1980 (c. 43).

- (ii) section 12(5) of the Contempt of Court Act 1981(10),
- (iii) regulation 3C or 3H of the Costs in Criminal Cases (General) Regulations 1986(11),
- (iv) section 22 of the Football Spectators Act 1989(12), or
- (v) section 10(4) or (5) of the Crime and Disorder Act 1998(13).

(2) A reference to an ‘appellant’ in this Part is a reference to such a party or person.

[Note. An appeal to the Crown Court is by way of re-hearing: see section 79(3) of the Senior Courts Act 1981(14). For the powers of the Crown Court on an appeal, see section 48 of that Act.

A defendant may appeal from a magistrates’ court to the Crown Court—

- (a) *under section 108 of the Magistrates’ Courts Act 1980, against sentence after a guilty plea and after a not guilty plea against conviction, against a finding of guilt or against sentence;*
- (b) *under section 45 of the Mental Health Act 1983, where the magistrates’ court makes a hospital order or guardianship order without convicting the defendant;*
- (c) *under paragraph 10 of Schedule 3 to the Powers of Criminal Courts (Sentencing) Act 2000, or under paragraphs 9(8) or 13(5) of Schedule 8 to the Criminal Justice Act 2003, where the magistrates’ court revokes a community order and deals with the defendant in another way;*
- (d) *under section 42 of the Counter Terrorism Act 2008, where the magistrates’ court decides that an offence has a terrorist connection.*

See section 13 of the Criminal Appeal Act 1995(15) for the circumstances in which the Criminal Cases Review Commission may refer a conviction or sentence to the Crown Court.

Under section 14A(5A) of the Football Spectators Act 1989, a prosecutor may appeal to the Crown Court against a failure by a magistrates’ court to make a football banning order.

Under section 147(3) of the Customs and Excise Management Act 1979, a prosecutor may appeal to the Crown Court against any decision of a magistrates’ court in proceedings for an offence under any Act relating to customs or excise.

Under section 1 of the Magistrates’ Courts (Appeals from Binding Over Orders) Act 1956, a person bound over to keep the peace or be of good behaviour by a magistrates’ court may appeal to the Crown Court.

Under section 12(5) of the Contempt of Court Act 1981, a person detained, committed to custody or fined by a magistrates’ court for insulting a member of the court or another participant in the case, or for interrupting the proceedings, may appeal to the Crown Court.

(10) 1981 c. 49; section 12(5) was amended by section 165(1) of, and paragraph 83 of Schedule 9 to, the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(11) S.I. 1986/1335; regulation 3C was inserted by regulation 2 of The Costs in Criminal Cases (General) (Amendment) Regulations 1991 (SI 1991/789) and amended by regulation 5 of The Costs in Criminal Cases (General) (Amendment) Regulations 2004 (SI 2004/2408). Regulation 3H was inserted by regulation 7 of The Costs in Criminal Cases (General) (Amendment) Regulations 2004 (S.I. 2004/2408).

(12) 1989 c. 37; section 22 was amended by section 5 of the Football (Offences and Disorder) Act 1999 (c. 21), section 1 of, and paragraphs 9 – 11 and 17 of Schedule 2 to, the Football (Disorder) Act 2000 (c. 25) and section 109(1) and (3) of, and paragraph 335 of Schedule 8, and Schedule 10 to, the Courts Act 2003 (c. 39).

(13) 1998 c. 37; section 10 was amended by section 15 of, and paragraphs 276 and 277 of Schedule 4 to, the Constitutional Reform Act 2005 section 17 of, and paragraph 52 of Schedule 9 to, the Crime and Courts Act 2013 (c. 22). It is further amended by section 41 of the Crime and Security Act 2010 (c. 17), with effect from a date to be appointed.

(14) 1981 c. 54. The Act’s title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(15) 1995 c. 35; section 13 was amended by section 321 of, and paragraph 3 of Schedule 11 to, the Armed Forces Act 2006 (c.52).

Under regulation 3C of the Costs in Criminal Cases (General) Regulations 1986, a legal representative against whom a magistrates' court makes a wasted costs order under section 19A of the Prosecution of Offences Act 1985 and regulation 3B may appeal against that order to the Crown Court.

Under regulation 3H of the Costs in Criminal Cases (General) Regulations 1986, a third party against whom a magistrates' court makes a costs order under section 19B of the Prosecution of Offences Act 1985 and regulation 3F may appeal against that order to the Crown Court.

Under section 22 of the Football Spectators Act 1989, any person aggrieved by the decision of a magistrates' court making a football banning order may appeal to the Crown Court.

Under section 10(4) or (5) of the Crime and Disorder Act 1998, a person in respect of whom a magistrates' court makes a parenting order may appeal against that order to the Crown Court.]