



# Courts Act 1971

## 1971 CHAPTER 23

### <sup>F1</sup>PART II

#### THE CROWN COURT

##### Textual Amendments

**F1** Pts. I, II (ss. 1–15) repealed (E.W.) by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**<sup>F1</sup>4** Establishment of the Crown Court.

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**<sup>F1</sup>5** Justices as judges of Crown Court.

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*Trial on indictment*

**<sup>F1</sup>6** Exclusive jurisdiction in trial on indictment.

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**<sup>F1</sup>7** Committal for trial on indictment.

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*Changes to legislation: There are currently no known outstanding effects for the Courts Act 1971, Part II. (See end of Document for details)*

*Other jurisdiction*

**F18 Transfer to Crown Court of quarter sessions jurisdiction.**

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**F19 Appeals to Crown Court.**

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**F110 High Court jurisdiction in Crown Court proceedings.**

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*Trial on indictment and other jurisdiction*

**F111 Sentences imposed and other decisions made by Crown Court.**

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**F112 Right of audience.**

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**[F113 Process to compel appearance before Crown Court.**

(1) [F2Any direction to appear and] any condition of a recognizance to appear before the Crown Court, and any summons or order to appear before the Crown Court, may be framed so as to require appearance at such time and place as may be directed by the Crown Court, and if a time or place is specified in the [F2direction] condition, summons or order, it may be varied by any subsequent direction of the Crown Court.

(2) Where an indictment has been signed although the person charged has not been committed for trial, the Crown Court may issue a summons requiring that person to appear before the Crown Court, or may issue a warrant for his arrest.

F3(3) .....

(4) [F4The Crown Court may grant bail to any person]—

- (a) who has been committed in custody for appearance before the Crown Court, or
- (b) who is in custody pursuant to a sentence imposed by a magistrates’ court, and who has appealed to the Crown Court against his conviction or sentence, or
- (c) who is in the custody of the Crown Court pending the disposal of his case by the Crown Court, or
- (d) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or
- (e) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application,

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and the time during which a person is [<sup>F4</sup>released on] bail under any provision of this subsection shall not count as part of any term of imprisonment or detention under his sentence.

(5) Provision may be made by Crown Court rules as respects the powers of the Crown Court relating to bail, including any provision—

- [<sup>F5</sup>(a) except in the case of bail in criminal proceedings, allowing the court, instead of requiring a person to enter into a recognizance to consent to his giving other security,]
- (b) allowing the court to direct that a recognizance shall be entered into or other security given before a magistrates' court or a justice of the peace, or, if the rules so provide, a person of such other description as is specified in the rules,
  - (c) prescribing the manner in which a recognizance is to be entered into or other security given, and the persons by whom and the manner in which the recognizance or security may be enforced,
  - (d) authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody in pursuance of the powers,
  - (e) making provision corresponding to sections 94 and 95 of the <sup>M1</sup>Magistrates' Courts Act 1952 (varying or dispensing with requirements as to sureties, and postponement of taking recognizances).

Any reference in any enactment to a recognizance shall include, unless the context otherwise requires, a reference to any other description of security given instead of a recognizance, whether in pursuance of paragraph (a) above or otherwise.

(6) The Crown Court, on issuing a warrant for the arrest of any person, may endorse the warrant for bail, and in any such case—

- (a) the person arrested under the warrant shall, unless the Crown Court otherwise directs, be taken to a police station, and
- (b) the officer in charge of the station shall release him from custody if he, and any sureties required by the endorsement and approved by the officer, enter into recognizances of such amount as may be fixed by the endorsement.

[<sup>F6</sup>Provided that in the case of bail in criminal proceedings, the person arrested shall not be required to enter into a recognizance.]

(7) A person in custody in pursuance of a warrant issued by the Crown Court with a view to his appearance before the Crown Court shall be brought forthwith before either the Crown Court or a magistrates' court, and if he is brought before a magistrates' court—

- (a) the court shall commit him in custody or release him on bail until he can be brought or appear before the Crown Court at the time and place appointed by the Crown Court,
- (b) if the warrant is endorsed for bail, but the person in custody is unable to satisfy the conditions endorsed, the magistrates' court may vary those conditions, if satisfied that it is proper to do so.

(8) Section 4 of the <sup>M2</sup>Summary Jurisdiction (Process) Act 1881 (execution of process of English courts in Scotland) shall apply to process issued under this section as it applies to process issued under the <sup>M3</sup>Magistrates' Courts Act 1952 by a magistrates' court.

(9) A magistrates' court shall have jurisdiction, and a justice of the peace may act, under or in pursuance of this section whether or not the offence was committed, or the arrest was made, within the court's area, or the area for which he was appointed.

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[<sup>F7</sup>(10) In this section “bail in criminal proceedings” has the same meaning as in the <sup>M4</sup>Bail Act 1976.]]

**Textual Amendments**

- F2** Words inserted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 48(1)(2)**
- F3** [S. 13\(3\)](#) repealed by [Bail Act 1976 \(c. 63\)](#), **Sch. 3**
- F4** Words substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 48(1)(3)**
- F5** [S. 13\(5\)\(a\)](#) substituted by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 48(1)(4)**
- F6** Proviso added by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 48(1)(5)**
- F7** [S. 13\(10\)](#) added by [Bail Act 1976 \(c. 63\)](#), **Sch. 2 para. 48(1)(6)**

**Marginal Citations**

- M1** 1952 c. 55.
- M2** 1881 c. 24.
- M3** 1952 c. 55.
- M4** 1976 c. 63.

<sup>F1</sup>**14 Practice and procedure: power to make rules.**

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<sup>F1</sup>**15 Crown Court rules.**

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**Changes to legislation:**

There are currently no known outstanding effects for the Courts Act 1971, Part II.