



Courts Act 1971

1971 CHAPTER 23

PART II

THE CROWN COURT

4 Establishment of the Crown Court

- (1) There shall be a Crown Court in England and Wales which shall be a superior court of record.
- (2) The jurisdiction and powers of the Crown Court shall be exercised by—
 - (a) any judge of the High Court, or
 - (b) any Circuit judge or Recorder, or
 - (c) subject to and in accordance with the provisions of the next following section, a judge of the High Court, Circuit judge or Recorder sitting with justices of the peace,and any such persons when exercising the jurisdiction and powers of the Crown Court shall be judges of the Crown Court.
- (3) Any judge of the Court of Appeal may, on the request of the Lord Chancellor, sit and act as a judge of the Crown Court, and when so sitting and acting shall be regarded for the purposes of this Part of this Act, or of any other enactment relating to the Crown Court, as a judge of the High Court.
- (4) Subject to the provisions of the next following section as respects a court comprising justices of the peace, all proceedings in the Crown Court shall be heard and disposed of before a single judge, and—
 - (a) any Crown Court business may be conducted at any place in England or Wales,
 - (b) sittings of the Crown Court at any place may be continuous or intermittent or occasional,
 - (c) judges may sit simultaneously to take any number of different cases in the same or in different places, and all or any of them may adjourn cases from place to place at any time.

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- (5) The cases or classes of cases suitable for allocation respectively to a judge of the High Court, and to a Circuit judge or Recorder, and all other matters relating to the distribution of Crown Court business, shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor given by him or on his behalf.
- (6) The places at which the Crown Court sits, and the days and times when the Crown Court sits at any place, shall be determined in accordance with directions given by or on behalf of the Lord Chancellor.
- (7) When the Crown Court sits in the City of London it shall be known as the Central Criminal Court, and, notwithstanding the provisions of subsection (4) above requiring proceedings to be heard and disposed of before a single judge, the Lord Mayor of the City and any Alderman of the City shall be entitled to sit as judges of the Central Criminal Court with any judge of the High Court or any Circuit judge or Recorder.
- (8) Subject to section 8 of the Criminal Procedure (Attendance of Witnesses) Act 1965 (which in criminal cases substitutes the procedure in that Act for procedure by way of subpoena), and to any provision contained in or having effect under this Act, the Crown Court shall, in relation to the attendance and examination of witnesses, any contempt of court, the enforcement of its orders and all other matters incidental to its jurisdiction have the like powers, rights, privileges and authority as the High Court.
- (9) The fees to be taken in any proceedings in the Crown Court shall be such, if any, as the Lord Chancellor, with the concurrence of the Treasury may from time to time prescribe by order in a statutory instrument.
- (10) The officers of the Crown Court shall be responsible for the keeping of the records of the proceedings of the court, the signing of indictments, the notification to those concerned of the place and time appointed for any proceedings or other business, and such other formal or administrative matters as may be specified by directions given by or on behalf of the Lord Chancellor.
- (11) Officers of the Crown Court shall in particular give effect to any orders or directions of the court for taking into custody, and detaining, any person committing contempt of court, and shall execute any order or warrant duly issued by the court for the committal of any person to prison for contempt of court.

5 Justices as judges of the Crown Court

- (1) On any hearing by the Crown Court—
 - (a) of any appeal, or
 - (b) of proceedings on committal to the Court for sentence,the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder who, subject to the following provisions of this section, shall sit with not less than two nor more than four justices of the peace.
- (2) Crown Court rules may, subject to subsection (1) above, prescribe the number of justices of the peace constituting the Court on any hearing within subsection (1)(a) or (b) above, and may prescribe the qualifications to be possessed by any such justices of the peace ; and the rules may make different provision for different descriptions of cases, different places of sitting or other different circumstances.

- (3) Without prejudice to the provisions of subsection (1) above, any jurisdiction or power of the Crown Court may be exercised by a judge of the High Court, Circuit judge or Recorder sitting with not more than four justices of the peace.
- (4) Subject to the provisions of subsections (1) and (2) above, the cases or classes of cases suitable for allocation to a court comprising justices of the peace (including those by way of trial on indictment which are suitable for allocation to such a court) shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.
- (5) The Lord Chancellor may from time to time, having regard to the number of justices, or the number of justices with any prescribed qualifications, available for service in the Crown Court, give directions providing that, in such descriptions of proceedings as may be specified by the Lord Chancellor, the provisions of subsections (1) and (2) above shall not apply.

Directions under this subsection may frame descriptions of proceedings by reference to the place of trial, or by reference to the time of trial, or in any other way.

- (6) Crown Court rules may authorise or require a judge of the High Court, Circuit judge or Recorder, in such circumstances as are specified by the rules, to enter on, or at any stage to continue with, any proceedings with a court not comprising the justices required by subsections (1) and (2) above or at any stage to continue with any proceedings with a court from which any one or more of the justices initially comprising the court has withdrawn, or is absent for any reason.
- (7) No decision of a court shall be questioned on the ground that it was not constituted as required by subsections (1) and (2) above unless objection was taken on that ground by or on behalf of a party to the proceedings not later than the time when the proceedings were entered on, or when the alleged irregularity began.
- (8) When a judge of the High Court, Circuit judge or Recorder sits with justices of the peace he shall preside, and—
 - (a) the decision of the Crown Court may be a majority decision, and
 - (b) if the members of the court are equally divided, the judge of the High Court, Circuit judge or Recorder shall have a second and casting vote.
- (9) A justice of the peace shall not be disqualified from acting as a judge of the Crown Court for the reason that the proceedings are not at a place within the area for which he was appointed as a justice, or because the proceedings are not related to that area in any other way.

Trial on indictment

6 Exclusive jurisdiction in trial on indictment

- (1) All proceedings on indictment shall be brought before the Crown Court.
- (2) The jurisdiction conferred on the Crown Court by subsection (1) above shall include jurisdiction in proceedings on indictment for offences wherever committed, and including in particular proceedings on indictment for offences within the jurisdiction of the Admiralty of England.

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- (3) Subject to any provision contained in or having effect under this Act, all enactments and rules of law relating to procedure in connection with indictable offences shall have effect subject only to such modifications as are rendered necessary by the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section.
- (4) Subject to any provision contained in or having effect under this Act, and without prejudice to the generality of subsection (3) above, the transfer of jurisdiction to the Crown Court in accordance with the preceding provisions of this section shall not affect—
- (a) the practice by which, on any one indictment, the taking of pleas, the trial by jury and the pronouncement of judgment may respectively be by or before different judges,
 - (b) the release, after respite of judgment, of a convicted person on recognizance to come up for judgment if called on, but meanwhile to be of good behaviour,
 - (c) the manner of trying any question relating to the breach of a recognizance,
 - (d) the manner of execution of any sentence on conviction, or the manner in which any other judgment or order given in connection with trial on indictment may be enforced.

7 Committal for trial on indictment

- (1) A magistrates' court committing a person for trial shall specify the place at which he is to be tried, and in selecting that place shall have regard to—
- (a) the convenience of the defence, the prosecution and the witnesses,
 - (b) the expediting of the trial, and
 - (c) any direction given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor under section 4(5) of this Act.
- (2) Without prejudice to the preceding provisions of this Act about the distribution of Crown Court business, the Crown Court may give directions, or further directions, altering the place of any trial on indictment, whether by varying the decision of a magistrates' court under subsection (1) above, or a previous decision of the Crown Court.
- (3) The defendant or the prosecutor, if dissatisfied with the place of trial as fixed by the magistrates' court, or by the Crown Court, may apply to the Crown Court for a direction, or further direction, varying the place of trial; and the court shall take the matter into consideration and may comply with or refuse the application, or give a direction not in compliance with the application, as the court thinks fit.

Any application under this subsection shall be heard in open court by a judge of the High Court.

- (4) The trial of a person committed by a magistrates' court—
- (a) shall not begin until the expiration of the prescribed period beginning with the date of his committal, except with his consent and the consent of the prosecutor, and
 - (b) shall, unless the Crown Court has otherwise ordered, begin not later than the expiration of the prescribed period beginning with the date of his committal (that is to say a period longer than the period prescribed for the purposes of paragraph (a) above for the proceedings in question).

For the purposes of this subsection—

- (i) " the prescribed period" means such period for the respective purposes of paragraphs (a) and (b) of this subsection as may be prescribed by Crown Court rules, and the rules may make different provision for different places of trial, or for other different circumstances;
 - (ii) the trial shall be deemed to begin when the defendant is arraigned.
- (5) Without prejudice to the provisions of section 4(10) of this Act, directions under subsection (2) of this section may be given on behalf of the Crown Court by an officer of the Crown Court, but the power to make orders conferred on the Crown Court by subsection (4)(b) above shall be exercisable only by a judge of the court.

Other jurisdiction

8 Transfer to Crown Court of quarter sessions jurisdiction

Schedule 1 to this Act (which transfers to the Crown Court all the appellate jurisdiction of quarter sessions, and, subject to the provisions of this Act, all their other jurisdiction) shall have effect.

9 Appeals to Crown Court

- (1) The Crown Court may in the course of hearing any appeal correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) On the termination of the hearing of an appeal the Crown Court—
 - (a) may confirm, reverse or vary the decision appealed against, or
 - (b) may remit the matter with their opinion thereon to the authority whose decision is appealed against, or
 - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) above has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.
- (6) Subject to any provision contained in or having effect under this Act, the transfer of appellate jurisdiction to the Crown Court from quarter sessions shall not affect the customary practice or procedure on any such appeal, and in particular shall not affect the extent to which the appeal is by way of re-hearing of the case.

10 High Court jurisdiction in Crown Court proceedings

- (1) Subsections (2) and (3) below have effect as respects any order, judgment or other decision of the Crown Court—
 - (a) other than a judgment or other decision relating to trial on indictment, and

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- (b) other than any decision under the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964 and the Gaming Act 1968 which, by any provision of any of those Acts, is to be final.
- (2) Any decision as respects which this subsection has effect may be questioned by any party to the proceedings on the ground that it is wrong in law or is in excess of jurisdiction.
- (3) The decision shall be questioned by applying to the Crown Court to have a case stated by the Crown Court for the opinion of the High Court.
- (4) Section 99(1)(b) of the Judicature Act 1925 (rules about appeals to the High Court) shall apply as if any case stated under this section were an appeal.
- (5) In relation to the jurisdiction of the Crown Court, other than its jurisdiction in matters relating to trial on indictment, the High Court shall have all such jurisdiction to make orders of mandamus, prohibition or certiorari as the High Court possesses in relation to the jurisdiction of an inferior court.
- (6) So much of any enactment, other than the enactments mentioned in subsection (1)(b) above, as provides, in relation to any quarter sessions jurisdiction transferred by this Act to the Crown Court, that the decision of quarter sessions shall be final, or final and conclusive, or that it shall not be questioned by certiorari or in any other manner, shall cease to have effect.

Trial on indictment and other jurisdiction

11 Sentences imposed and other decisions made by Crown Court

- (1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed, unless the court otherwise directs.
- (2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of 28 days beginning with the day on which the sentence or other order was imposed or made, or where subsection (3) below applies, within the time allowed by that subsection.
- (3) Where two or more persons are jointly tried on an indictment, then, subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court on conviction of any of those persons on the indictment may be varied or rescinded by the Crown Court not later than the expiration of whichever is the shorter of the following periods, that is—
 - (a) the period of 28 days beginning with the date of conclusion of the joint trial,
 - (b) the period of 56 days beginning with the day on which the sentence or other order was imposed or made.

For the purposes of this subsection the joint trial is concluded on the latest of the following dates, that is any date on which any of the persons jointly tried is sentenced, or is acquitted, or on which a special verdict is brought in.

- (4) A sentence or other order shall not be varied or rescinded under this section except by the court constituted as it was when the sentence or other order was imposed or made,

or, where that court comprised one or more justices of the peace, a court so constituted except for the omission of any one or more of those justices.

- (5) Where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs:

Provided that for the purposes of section 18(2) of the Criminal Appeal Act 1968 (time limit for notice of appeal or of application for leave to appeal) the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

- (6) Crown Court rules—

- (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictments, provide for extending the period prescribed by subsection (2) above,
- (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by the Crown Court.

12 Right of audience

- (1) The Lord Chancellor may at any time direct that solicitors may appear in, conduct, defend and address the court in any proceedings in the Crown Court, or in proceedings in the Crown Court of such description as is specified in the direction.
- (2) A direction under this section may have effect as respects all places where the Crown Court sits, or as respects a specified area, region or circuit, or as respects one or more specified places where the Crown Court sits.
- (3) In considering whether to exercise his powers under this section as respects any one or more places where the Crown Court sits the Lord Chancellor shall have regard to any shortage of counsel in the area in question, any rights of audience formerly exercised by solicitors at any court of quarter sessions in the locality in question, and to any other circumstances affecting the public interest.
- (4) Any direction given under this section may be subject to such conditions and restrictions as appear to the Lord Chancellor to be necessary or expedient.

13 Process to compel appearance before Crown Court

- (1) 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 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.
- (3) Where any person charged with or convicted of an offence has entered into a recognizance conditioned for his appearance before the Crown Court and in breach of that recognizance fails to appear, the Crown Court may, without prejudice to the enforcement of the recognizance, issue a warrant for his arrest.

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- (4) The Crown Court may admit to bail, or direct the admission to bail of, 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,

and the time during which a person is admitted to 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—
- (a) 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 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.
- (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 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 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.

14 Practice and procedure: power to make rules

- (1) Crown Court rules may be made for the purpose of regulating and prescribing the procedure and the practice to be followed in the Crown Court.
- (2) Without prejudice to the generality of subsection (1) above, Crown Court rules may provide for the procedure and practice as respects appeals to the Crown Court, and in particular may make provision as respects—
 - (a) the time within which notice of appeal is to be given, and the circumstances in which further time may be allowed,
 - (b) any particulars to be included in the notice of appeal,
 - (c) the persons on whom notice of appeal is to be served, and the particulars, if any, to accompany the notice,
 - (d) the abandonment of an appeal,
 - (e) the circumstances in which a person concerned with the decision appealed against is to be disqualified from hearing the appeal, and the circumstances in which proceedings on the hearing of an appeal are to be valid notwithstanding that any person hearing the appeal is disqualified,
 - (f) the amendment or repeal of any enactment about appeals to the Crown Court so far as it relates to any matter within this subsection.
- (3) No rule which may involve an increase of expenditure out of public funds shall be made under this section except with the concurrence of the Treasury, but the validity of Crown Court rules shall not in any proceedings in any court be called in question either by the court or by any party to the proceedings on the ground only that it was a rule to which the concurrence of the Treasury was necessary and that the Treasury did not concur or are not expressed to have concurred in the making thereof.

15 Crown Court rules

- (1) In this or any other Act "Crown Court rules" means rules made under this section.
- (2) Crown Court rules shall be made by the Lord Chancellor together with any four or more of the following persons, namely—
 - (a) the Lord Chief Justice,
 - (b) two other judges of the Supreme Court,
 - (c) two Circuit judges,
 - (d) the registrar of criminal appeals,
 - (e) a justice of the peace,
 - (f) two practising barristers, and

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(g) two practising solicitors.

The said persons acting under this subsection shall be called " the Crown Court rule committee ".

- (3) The said persons to act under subsection (2) above with the Lord Chancellor (other than the Lord Chief Justice and the registrar of criminal appeals) shall be appointed by the Lord Chancellor for such time as he may think fit.
- (4) Before appointing a person under paragraph (f) or paragraph (g) of subsection (2) above the Lord Chancellor shall consult, if under paragraph (f), the Chairman of the General Council of the Bar, and if under paragraph (g), the President of the Law Society.
- (5) Crown Court rules shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.