



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART V

APPEAL AND CASE STATED

Appeal

108 Right of appeal to the Crown Court.

- (1) A person convicted by a magistrates' court may appeal to the Crown Court—
 - (a) if he pleaded guilty, against his sentence;
 - (b) if he did not, against the conviction or sentence.

[^{F1}(1A) [^{F2}Section 14 of the ^{M1}Powers of Criminal Courts(Sentencing) Act 2000] (under which a conviction of an offence for which ^{F3} . . . an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.]

- (2) A person sentenced by a magistrates' court for an offence in respect of which ^{F4} . . . an order for conditional discharge has been previously made may appeal to the Crown Court against the sentence.

- (3) In this section "sentence" includes any order made on conviction by a magistrates' court, not being—

- (a) ^{F5}
- (b) an order for the payment of costs;
- (c) an order under ^{F6} . . . [^{F7}section 37(1) of the Animal Welfare Act 2006] (which enables a court to order the destruction of an animal); or
- (d) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or its terms

[^{F8}and also includes a [^{F9}declaration of relevance, within the meaning of section 23 of] the Football Spectators Act 1989].

Status: Point in time view as at 13/04/2015.

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Appeal is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F10}(4) Subsection (3)(d) above does not prevent an appeal against a surcharge imposed under section 161A of the Criminal Justice Act 2003.]

[^{F11}(5) Subsection (3) does not prevent an appeal against an order under section 21A of the Prosecution of Offences Act 1985 (criminal courts charge).]

Textual Amendments

- F1** S. 108(1A) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 66(2)**
- F2** Words in s. 108(1A) substituted (25.8.2000) by [2000 c. 6, ss. 165, 168\(1\)](#), **Sch. 9 para. 71**
- F3** Words in s. 108(1A) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\)](#), s. 101(2), **Sch. 13; S.I. 1992/333, art. 2(2)**, **Sch. 2**.
- F4** Words in s. 108(2) repealed (30.9.1998) by [1998 c. 37, ss. 119, 120\(2\)](#), Sch. 8 para. 43, **Sch. 10; S.I. 1998/2327, art. 2**
- F5** S. 108(3)(a) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **Sch. 16**
- F6** Words in s. 108(3)(c) repealed (28.8.2000) by [2000 c. 25, s. 1](#), **Sch. 3; S.I. 2000/2125, art. 2**
- F7** Words in s. 108(3)(c) substituted (27.3.2007 for W. and 6.4.2007 for E.) by [Animal Welfare Act 2006 \(c. 45\), ss. 64, 68](#), **Sch. 3 para. 10** (with ss. 1(2), 58(1), 59, and 60); [S.I. 2007/1030 {art. 2}](#); [S.I. 2007/499, art. 2\(2\)\(l\)](#)
- F8** Words inserted by [Football Spectators Act 1989 \(c. 37, SIF 45A\)](#), **s. 23(3)(c)**
- F9** Words in s. 108(3) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 52, 66\(2\)](#), **Sch. 3 para. 14(2)(b); S.I. 2007/858, art. 2(k)**
- F10** S. 108(4) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(1\), 60](#), **Sch. 10 para. 10; S.I. 2007/602, art. 2(c)**
- F11** S. 108(5) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\)](#), **Sch. 12 para. 4; S.I. 2015/778, art. 3, Sch. 1 para. 78**

Modifications etc. (not altering text)

- C1** S. 108(1) extended (31.3.1997) by [1995 c. 35, s. 11\(2\)\(3\)](#); [S.I. 1997/402, art. 3](#)
- C2** S. 108(1)(b) extended (19.2.2001) by [2000 c. 11, s. 7\(7\)\(b\)](#); [S.I. 2001/421, art. 2](#)
S. 108(1)(b) extended (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 12\(7\)\(d\)](#)
- C3** S. 108(1)(b) extended (15.12.2011) by [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\), s. 31\(2\)](#), **Sch. 3 para. 4(5)(d)** (with Sch. 8)
- C4** S. 108(1)(b) applied (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\), s. 52\(5\)](#), **Sch. 4 para. 4(5)(d)**

Marginal Citations

- M1** [2000 c. 6](#).

109 Abandonment of appeal.

- (1) Where notice to abandon an appeal has been duly given by the appellant—
- (a) the court against whose decision the appeal was brought may issue process for enforcing that decision, subject to anything already suffered or done under it by the appellant; and
 - (b) the said court may, on the application of the other party to the appeal, order the appellant to pay to that party such costs as appear to the court to be just and reasonable in respect of expenses properly incurred by that party in connection with the appeal before notice of the abandonment was given to that party.

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- (2) In this section “appeal” means an appeal from a magistrates’ court to the Crown Court, and the reference to a notice to abandon an appeal is a reference to a notice shown to the satisfaction of the magistrates’ court to have been given in accordance with [^{F12}rules of court] .

Textual Amendments

F12 Words in s. 109(2) substituted (1.9.2004) by Courts Act 2003 (c. 39), ss. 109(1), 110, Sch. 8 para. 234; S.I. 2004/2066, art. 2(c)(xi) (subject to art. 3)

110 Enforcement of decision of the Crown Court.

After the determination by the Crown Court of an appeal from a magistrates’ court the decision appealed against as confirmed or varied by the Crown Court, or any decision of the Crown Court substituted for the decision appealed against, may, without prejudice to the powers of the Crown Court to enforce the decision, be enforced—

- (a) by the issue by the court by which the decision appealed against was given of any process that it could have issued if it had decided the case as the Crown Court decided it;
- (b) so far as the nature of any process already issued to enforce the decision appealed against permits, by that process;

and the decision of the Crown Court shall have effect as if it had been made by the magistrates’ court against whose decision the appeal is brought.

Status:

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Changes to legislation:

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