



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART V

APPEAL AND CASE STATED

Appeal

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.
- (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 [F1rules of court] .

Textual Amendments

- F1** 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)

Status:

Point in time view as at 01/09/2004.

Changes to legislation:

Magistrates' Courts Act 1980, Section 109 is up to date with all changes known to be in force on or before 22 May 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.