



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART III

#### PRACTICE AND PROCEDURE

##### THE CROWN COURT

##### *Composition of court*

#### 73 General provisions.

- (1) Subject to the provisions of section 8(1)(c), 74 and 75(2) as respects courts comprising justices of the peace, all proceedings in the Crown Court shall be heard and disposed of before a single judge of that court.
- (2) [<sup>F1</sup>Rules of court] may authorise or require a judge of the High Court, Circuit judge [<sup>F2</sup>, Recorder or qualifying judge advocate ], in such circumstances as are specified by the rules, at any stage to continue with any proceedings with a court from which any one or more of the justices initially constituting the court has withdrawn, or is absent for any reason.
- (3) Where a judge of the High Court, Circuit judge [<sup>F3</sup>, Recorder or qualifying judge advocate ] 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 [<sup>F3</sup>, Recorder or qualifying judge advocate ] shall have a second and casting vote.

#### Textual Amendments

- F1** Words in s. 73(2) substituted (1.9.2004) by [The Courts Act 2003 \(Consequential Amendments\) Order 2004 \(S.I. 2004/3175\)](#), art. 3, [Sch. para. 12\(b\)](#) (with art. 2(2))
- F2** Words in s. 73(2) substituted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\)](#), s. 32(3), [Sch. 2 para. 2](#); [S.I. 2012/669](#), art. 4(c)

*Status: Point in time view as at 02/04/2012.*

*Changes to legislation: Senior Courts Act 1981, Cross Heading: Composition of court is up to date with all changes known to be in force on or before 24 January 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)*

**F3** Words in s. 73(3) substituted (2.4.2012) by [Armed Forces Act 2011 \(c. 18\), s. 32\(3\), Sch. 2 para. 2; S.I. 2012/669, art. 4\(c\)](#)

**74 Appeals and committals for sentence.**

(1) On any hearing by the Crown Court—

(a) of any appeal; <sup>F4</sup> . . .

<sup>F4</sup>(b) . . . . .

the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder [<sup>F5</sup> or a qualifying judge advocate ] 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) [<sup>F6</sup>Rules of court] may, with respect to hearings falling within subsection (1)—

(a) prescribe the number of justices of the peace constituting the court (within the limits mentioned in that subsection); and

(b) 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) [<sup>F6</sup>Rules of court] may authorise or require a judge of the High Court, Circuit judge [<sup>F7</sup> , Recorder or qualifying judge advocate, ] 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).

(4) 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) shall not apply.

(5) Directions under subsection (4) 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.

[<sup>F8</sup>(5A) Before exercising any functions under subsection (4), the Lord Chancellor must consult the Lord Chief Justice.]

(6) No decision of the Crown Court shall be questioned on the ground that the court was not constituted as required by or under subsections (1) and (2) unless objection was taken 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.

(7) [<sup>F6</sup>Rules of court] may make provision as to the circumstances in which—

(a) a person concerned with a decision appealed against is to be disqualified from hearing the appeal;

<sup>F9</sup>(b) . . . . .

(c) proceedings on the hearing of an appeal <sup>F10</sup> . . . are to be valid notwithstanding that any person taking part in them is disqualified.

[<sup>F11</sup>(8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

*Status: Point in time view as at 02/04/2012.*

*Changes to legislation: Senior Courts Act 1981, Cross Heading: Composition of court is up to date with all changes known to be in force on or before 24 January 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)*

### Textual Amendments

- F4** S. 74(1)(b) and the preceding “or” repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**
- F5** Words in s. 74(1) inserted (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 3(a)**; S.I. 2012/669, art. 4(c)
- F6** Words in s. 74(2)(3)(7) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 12(c)** (with art. 2(2))
- F7** Words in s. 74(3) substituted (2.4.2012) by Armed Forces Act 2011 (c. 18), s. 32(3), **Sch. 2 para. 3(b)**; S.I. 2012/669, art. 4(c)
- F8** S. 74(5A) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 133(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 paras. 10, 11(p)
- F9** S. 74(7)(b) repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**
- F10** Words in s. 74(7)(c) repealed (12.11.1999) by 1999 c. 22, s. 106, **Sch. 15 Pt. V(4)** (with Sch. 14 paras. 7(2), 27, 36(9)); S.I. 1999/2657, **art. 4**
- F11** S. 74(8) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 133(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 10, 11(p)

**Status:**

Point in time view as at 02/04/2012.

**Changes to legislation:**

Senior Courts Act 1981, Cross Heading: Composition of court is up to date with all changes known to be in force on or before 24 January 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.