



# Criminal Justice Act 1982

## 1982 CHAPTER 48

### PART II

PARTIAL SUSPENSION OF SENTENCES, EARLY RELEASE, RELEASE ON LICENCE OR BAIL ETC.

#### *Bail*

#### **29 Power of Crown Court to grant bail pending appeal**

- (1) In subsection 81 of the Supreme Court Act 1981—
- (a) in subsection (1) (which lists cases in which the Crown Court may grant bail) at the end of paragraph (e) there shall be added—
    - “or
    - (f) to whom the Crown Court has granted a certificate under section 1(2) or 11(1 A) of the Criminal Appeal Act 1968 or under subsection (1B) below;”;
  - (b) the following subsections shall be inserted after that subsection—
    - “(1A) The power conferred by subsection (1)(f) does not extend to a case to which section 12 or 15 of the Criminal Appeal Act 1968 (appeal against verdict of not guilty by reason of insanity or against finding of disability) applies.
    - (1B) A certificate under this subsection is a certificate that a case is fit for appeal on a ground which involves a question of law alone.
    - (1C) The power conferred by subsection (1)(f) is to be exercised—
      - (a) where the appeal is under section 1 or 9 of the Criminal Appeal Act 1968, by the judge who tried the case ; and
      - (b) where it is under section 10 of that Act, by the judge who passed the sentence.

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*Status: This is the original version (as it was originally enacted).*

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- (1D) The power may only be exercised within twenty-eight days from the date of the conviction appealed against, or in the case of appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order.
- (1E) The power may not be exercised if the appellant has made an application to the Court of Appeal for bail in respect of the offence or offences to which the appeal relates.
- (1F) It shall be a condition of bail granted in the exercise of the power that, unless a notice of appeal has previously been lodged in accordance with sub section (1) of section 18 of the Criminal Appeal Act 1968—
  - (a) such a notice shall be so lodged within the period specified in subsection (2) of that section; and
  - (b) not later than 14 days from the end of that period, the appellant shall lodge with the Crown Court a certificate from the registrar of criminal appeals that a notice of appeal was given within that period.
- (1G) If the Crown Court grants bail to a person in the exercise of the power, it may direct him to appear
  - (a) if a notice of appeal is lodged within the period specified in section 18(2) of the Criminal Appeal Act 1968 at such time and place as the Court of Appeal may require ; and
  - (b) if no such notice is lodged within that period, at such time and place as the Crown Court may require.”.
- (2) In the Criminal Appeal Act 1968—
  - (a) in section 11—
    - (i) in subsection (1), for the word " An " there shall be substituted the words " Subject to subsection (1A) below, an "; and
    - (ii) the following subsection shall be inserted after that subsection—
 

“(1A) If the judge who passed the sentence grants a certificate that the case is fit for appeal under section 9 or 10 of this Act, an appeal lies under this section without the leave of the Court of Appeal.”;
  - (b) the following section shall be substituted for section 19—

**“19 Bail**

- (1) The Court of Appeal may, if they think fit.—
  - (a) grant an appellant bail pending the determination of his appeal; or
  - (b) revoke bail granted to an appellant by the Crown Court under paragraph (f) of section 81(1) of the Supreme Court Act 1981; or
  - (c) vary the conditions of bail granted to an appellant in the exercise of the power conferred by that paragraph.
- (2) The powers conferred by subsection (1) above may be exercised—

- (a) on the application of an appellant; or
  - (b) if it appears to the registrar of criminal appeals of the Court of Appeal (hereafter referred to as " the registrar ") that any of them ought to be exercised, on a reference to the court by him.”;
  - (c) the following paragraph shall be substituted for section 31(2)(e)—
    - “(e) to exercise the powers conferred by section 19 of this Act;”.
- (3) The following subsection shall be inserted after section 30(7) of the Legal Aid Act 1974—
- “(7A) Where a certificate that a case is fit for appeal has been issued under the Criminal Appeal Act 1968 or under section 81(1B) of the Supreme Court Act 1981, legal aid which may be ordered to be given by a legal aid order under section 28(7) above shall include legal aid for the purposes of an application for the grant of bail by the Crown Court.”.