



Criminal Justice and Public Order Act 1994

1994 CHAPTER 33

PART III

COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

Criminal appeals

52 Circuit judges to act as judges of criminal division of Court of Appeal.

- (1) Section 9 of the [^{F1}Senior Courts Act 1981] (which provides for certain judges to act on request in courts other than that to which they were appointed) shall have effect with the amendments specified in subsections (2) to (5) below.
- (2) In subsection (1)—
- (a) after the words “Table may”, there shall be inserted the words “, subject to the proviso at the end of that Table,”;
 - (b) in the Table, in column 2, in the entry specifying the court relating to entry 5 in column 1 (Circuit judges), after the words “High Court” there shall be inserted the words “ and the Court of Appeal ”; and
 - (c) at the end of the Table there shall be inserted the following— “ The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal. ”.
- (3) In subsection (2)—
- (a) in the definition of “the appropriate authority” after the words “High Court” there shall be inserted the words “ or a Circuit judge ”; and
 - (b) at the end, there shall be inserted the following— “ but no request shall be made to a Circuit judge to act as a judge of a court in the criminal division of the Court of Appeal unless he is approved for the time being by the Lord Chancellor for the purpose of acting as a judge of that division. ”.

Changes to legislation: Criminal Justice and Public Order Act 1994, Section 52 is up to date with all changes known to be in force on or before 06 August 2023. 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) View outstanding changes

(4) In subsection (5), for the words “subsection (6)” there shall be substituted the words “subsections (6) and (6A)”.

(5) After subsection (6) there shall be inserted the following subsection—

“(6A) A Circuit judge or Recorder shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31 and 44 of the ^{M1}Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the House of Lords).”.

(6) The further amendments specified in subsections (7) to (9) below (which supplement the foregoing amendments) shall have effect.

(7) In section 55 of the [^{F1}Senior Courts Act 1981] (composition of criminal division of Court of Appeal)—

(a) in subsections (2) and (4), at the beginning, there shall be inserted the words “Subject to subsection (6), ”; and

(b) after subsection (5), there shall be inserted the following subsection—

“(6) A court shall not be duly constituted if it includes more than one Circuit judge acting as a judge of the court under section 9.”.

^{F2}(8)

(9) After the section 56A of the [^{F1}Senior Courts Act 1981] inserted by subsection (8) above there shall be inserted the following section—

“56B Allocation of cases in criminal division.

(1) The appeals or classes of appeals suitable for allocation to a court of the criminal division of the Court of Appeal in which a Circuit judge is acting under section 9 shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

(2) In subsection (1) “appeal” includes the hearing of, or any application in proceedings incidental or preliminary to, an appeal.”.

Textual Amendments

F1 Words in Act substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 1\(2\)](#); [S.I. 2009/1604](#), art. 2(d)

F2 [S. 52\(8\)](#) repealed (6.4.2011) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 10](#); [S.I. 2010/2921](#), art. 3(c)

Marginal Citations

M1 [1968 c. 19](#).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(10)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 11\(3\)](#)