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## STATUTORY INSTRUMENTS

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### 2010 No. 60

## The Criminal Procedure Rules 2010

### PART 63

#### APPEAL TO THE CROWN COURT

##### **Constitution of the Crown Court**

**63.10.** On the hearing of an appeal—

- (a) the general rule is that the Crown Court must comprise—
  - (i) a judge of the High Court, a Circuit judge or a Recorder, and
  - (ii) no less than two and no more than four justices of the peace, none of whom took part in the decision under appeal; and
- (b) if the appeal is from a youth court—
  - (i) each justice of the peace must be qualified to sit as a member of a youth court, and
  - (ii) the Crown Court must include a man and a woman; but
- (c) the Crown Court may include only one justice of the peace and need not include both a man and a woman if—
  - (i) the presiding judge decides that otherwise the start of the appeal hearing will be delayed unreasonably, or
  - (ii) one or more of the justices of the peace who started hearing the appeal is absent.

*[Note. See sections 73 and 74 of the Senior Courts Act 1981(1), section 45 of the Children and Young Persons Act 1933(2) and section 9 of the Courts Act 2003(3).]*

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(1) 1981 c. 54; section 73(2) was amended by article 3 of, and paragraphs 11 and 12(b) of the Schedule to, [S.I. 2004/2035](#). Section 74 was amended by sections 79 and 106 of, and Table (4) of Part V of Schedule 15 to, the Access to Justice Act 1999 (c. 22), article 3 of, and paragraphs 11 and 12(c) of the Schedule to, [S.I. 2004/2035](#) and section 15 of, and paragraphs 114 and 133 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4). The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(2) 1933 c. 12; section 45 was substituted by section 50 of the Courts Act 2003 (c. 39) and amended by section 15 of, and paragraph 20 of Schedule 4 to, the Constitutional Reform Act 2005 (c. 4).

(3) 2003 c. 39.