
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 43

APPEAL OR REFERENCE TO THE SUPREME COURT

Determination of detention pending appeal, etc.

43.3. On an application for permission to appeal, the Court of Appeal must—

- (a) decide whether to order the detention of a defendant who would have been liable to be detained but for the decision of the court; and
- (b) determine any application for—
 - (i) bail pending appeal,
 - (ii) permission to attend any hearing in the Supreme Court, or
 - (iii) a representation order.

[Note. For the liability of a defendant to be detained pending a prosecutor's appeal to the Supreme Court and afterwards, see—

- (a) *section 37 of the Criminal Appeal Act 1968*(1);
- (b) *article 19 of the Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006*(2).

For the grant of legal aid for proceedings in the Supreme Court, see sections 14, 16 and 19 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012(3).]

(1) 1968 c. 19; section 37 was amended by section 65(1) of, and paragraph 39 of Schedule 3 to, the Mental Health (Amendment) Act 1982 (c. 51), section 148 of, and paragraph 23 of Schedule 4 to, the Mental Health Act 1983 (c. 20), section 58(1) of, and paragraph 5 of Schedule 10 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 40 of, and paragraph 16 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4) and section 47 of, and paragraphs 1 and 13 of Schedule 8 to, the Criminal Justice and Immigration Act 2008 (c. 4).

(2) S.I. 2006/2135.

(3) 2012 c. 10.