



Supreme Court 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) Crown Court Rules may authorise or require a judge of the High Court, Circuit judge or Recorder, 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with any proceedings with a court from which any one or more of the justices initially constituting the court has withdrawn, or is absent for any reason.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 or Recorder 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 or Recorder shall have a second and casting vote.

74 Appeals and committals for sentence

- (1) On any hearing by the Crown Court—
 - (a) of any appeal; or
 - (b) of proceedings on committal to the Crown Court for sentence,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

the Crown Court shall consist of a judge of the High Court or a Circuit judge or a Recorder 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) Crown Court Rules 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) Crown Court Rules may authorise or require a judge of the High Court, Circuit judge or Recorder, 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.
- (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) Crown Court Rules 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;
 - (b) a person concerned with the committal of a person to the Crown Court for sentence is to be disqualified from hearing proceedings on the committal; and
 - (c) proceedings on the hearing of an appeal or on committal to the Crown Court for sentence are to be valid notwithstanding that any person taking part in them is disqualified.