



Senior Courts Act 1981

1981 CHAPTER 54

PART II

JURISDICTION

THE CROWN COURT

48 Appeals to Crown Court.

- (1) The Crown Court may, in the course of hearing any appeal, correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) On the termination of the hearing of an appeal the Crown Court—
 - (a) may confirm, reverse or vary [^{F1}any part of the decision appealed against, including a determination not to impose a separate penalty in respect of an offence]; or
 - (b) may remit the matter with its opinion thereon to the authority whose decision is appealed against; or
 - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) [^{F2}Subject to section 11(6) of the Criminal Appeal Act 1995, if]the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.
- (6) In this section “sentence” includes any order made by a court when dealing with an offender, including—

Changes to legislation: Senior Courts Act 1981, Section 48 is up to date with all changes known to be in force on or before 27 April 2024. 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

- (a) a hospital order under [^{F3}Part III of the Mental Health Act 1983], with or without [^{F4}a restriction order, and an interim hospital order under [^{F3}that Act]]; and
 - (b) a recommendation for deportation made when dealing with an offender.
- [^{F5}(7) The fact that an appeal is pending against an interim hospital order under [^{F6}the said Act of 1983] shall not affect the power of the magistrates' court that made it to renew or terminate the order or to deal with the appellant on its termination; and where the Crown Court quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or released on bail pending his being dealt with by that magistrates' court.
- (8) Where the Crown Court makes an interim hospital order by virtue of subsection (2)—
- (a) the power of renewing or terminating the order and of dealing with the appellant on its termination shall be exercisable by the magistrates' court whose decision is appealed against and not by the Crown Court; and
 - (b) that magistrates' court shall be treated for the purposes of [^{F7}section 38(7) of the said Act of 1983] (absconding offenders) as the court that made the order.]

Textual Amendments

- F1** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123(6), 156, **Sch. 8 para. 16**
- F2** Words in [s. 48\(4\)](#) substituted (31.3.1997) by 1995 c. 35, s. 29(1), **Sch. 2 para.14**; S.I. 1997/402. art.3(d)
- F3** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, **Sch. 4 para. 58(a)**
- F4** Words substituted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), s. 65(1), **Sch. 3 para. 61(a)**
- F5** [S. 48\(7\)\(8\)](#) inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51, SIF 85\)](#), **Sch. 3 para. 61(b)**
- F6** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, **Sch. 4 para. 58(b)**
- F7** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 43, **Sch. 4 para. 58(c)**

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. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)