



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART III

#### PRACTICE AND PROCEDURE

##### THE COURT OF APPEAL

###### *Composition of court*

#### **55 Court of criminal division.**

- (1) This section relates to the criminal division of the Court of Appeal; and in this section “court” means a court of that division.
- (2) [<sup>F1</sup>Subject to subsection (6),] a court shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of an uneven number of judges not less than three.
- (3) Where—
  - (a) part of any proceedings before a court has been heard by an uneven number of judges greater than three; and
  - (b) one or more members of the court are unable to continue,the court shall remain duly constituted for the purpose of those proceedings so long as the number of members (whether even or uneven) is not reduced to less than three.
- (4) [<sup>F1</sup>Subject to subsection (6),] a court shall, if it consists of two judges, be duly constituted for every purpose except—
  - (a) determining an appeal against—
    - (i) conviction; or
    - (ii) a verdict of not guilty by reason of insanity; or
    - (iii) a finding <sup>F2</sup>... under section 4 of the <sup>M1</sup>Criminal Procedure (Insanity) Act 1964 (unfitness to plead) that a person is under a disability;
  - [<sup>F3</sup>(aa) reviewing sentencing under Part IV of the Criminal Justice Act 1988;]

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*Changes to legislation: Senior Courts Act 1981, Section 55 is up to date with all changes known to be in force on or before 19 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*

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- (b) determining an application for leave to appeal to the [<sup>F4</sup>Supreme Court]; and
  - (c) refusing an application for leave to appeal to the criminal division against conviction or any such verdict or finding as is mentioned in paragraph (a)(ii) or (iii), other than an application which has been refused by a single judge.
- (5) Where an appeal has been heard by a court consisting of an even number of judges and the members of the court are equally divided, the case shall be re-argued before and determined by an uneven number of judges not less than three.
- [<sup>F5</sup>(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.]

#### Textual Amendments

- F1** Words in s. 55(2)(4) inserted (11.1.1995) by 1994 c. 33, s. 52(7)(a); S.I. 1994/3258, art.2
- F2** Words in s. 55(4)(a)(iii) repealed (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), ss. 58(1)(2), 60, Sch. 10 para. 14, Sch. 11; S.I. 2005/579, art. 3(i)(v)
- F3** S. 55(4)(aa) added by Criminal Justice Act 1988 (c. 33, SIF 39:1), ss. 123(6), 170(1), Sch. 8 para. 16, Sch. 15 para. 80
- F4** Words in s. 55(4)(b) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148(1), Sch. 9 para. 36(5); S.I. 2009/1604, art. 2(d)
- F5** S. 55(6) inserted (11.1.1995) by 1994 c. 33, s. 52(7)(b); S.I. 1994/3258, art.2

#### Marginal Citations

- M1** 1964 c. 84.

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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\(2\)](#)