



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART XI

#### MISCELLANEOUS

##### *Reports of criminal proceedings*

#### **159 Crown Court proceedings— orders restricting or preventing reports or restricting public access.**

- (1) A person aggrieved may appeal to the Court of Appeal, if that court grants leave, against—
  - (a) an order under section 4 or 11 of the <sup>M1</sup>Contempt of Court Act 1981 made in relation to a trial on indictment;
  - [<sup>F1</sup>(aa) an order made by the Crown Court under section 58(7) or (8) of the <sup>M2</sup>Criminal Procedure and Investigations Act 1996 in a case where the Court has convicted a person on a trial on indictment;]
  - (b) any order restricting the access of the public to the whole or any part of a trial on indictment or to any proceedings ancillary to such a trial; and
  - (c) any order restricting the publication of any report of the whole or any part of a trial on indictment or any such ancillary proceedings;and the decision of the Court of Appeal shall be final.
- (2) Subject to Rules of Court, the jurisdiction of the Court of Appeal under this section shall be exercised by the criminal division of the Court, and references to the Court of Appeal in this section shall be construed as references to that division.
- (3) On an application for leave to appeal under this section a judge shall have power to give such directions as appear to him to be appropriate and, without prejudice to the generality of this subsection, power—
  - (a) to order the production in court of any transcript or note of proceedings or other document;

*Status: Point in time view as at 01/09/2004. This version of this provision has been superseded.*

*Changes to legislation: Criminal Justice Act 1988, Section 159 is up to date with all changes known to be in force on or before 26 January 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)*

- (b) to give directions as to persons who are to be parties to the appeal or who may be parties to it if they wish and as to service of documents on any person; and the Court of Appeal shall have the same powers as the single judge.
- (4) Subject to Rules of Court made by virtue of subsection (6) below, any party to an appeal under this section may give evidence before the Court of Appeal orally or in writing.
- (5) On the hearing of an appeal under this section the Court of Appeal shall have power—
- (a) to stay any proceedings in any other court until after the appeal is disposed of;
  - (b) to confirm, reverse or vary the order complained of; and
  - (c) to make such order as to costs as it thinks fit.
- (6)<sup>F2</sup>. . . Rules of Court may make in relation to trials satisfying specified conditions special provision as to the practice and procedure to be followed in relation to hearings in camera and appeals from orders for such hearings and may in particular, but without prejudice to the generality of this subsection, provide that subsection (4) above shall not have effect.
- (7) In the application of this section to Northern Ireland—
- (a) subsection (2) shall be omitted; and
  - <sup>F3</sup>(b) in subsection (6), before “Rules of Court” there shall be inserted Without prejudice to the generality of sections 52 and 55 of the Judicature (Northern Ireland) Act 1978.]

#### Textual Amendments

- F1** S. 159(1)(aa) inserted (1.4.1997) by 1996 c. 25, s. 61(6) (with s. 78(1)); SI. 1997/682, art. 2(1)(b)
- F2** Words in s. 159(6) omitted (1.9.2004) by virtue of The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 27(2)** (with art. 2(2))
- F3** S. 159(7)(b) substituted (1.9.2004) by The Courts Act 2003 (Consequential Amendments) Order 2004 (S.I. 2004/2035), art. 3, **Sch. para. 27(3)** (with art. 2(2))

#### Modifications etc. (not altering text)

- C1** S. 159(4) excluded by S.R.&O. 1968/218, rule 22B(9) (as inserted by S.R. 1989/295, **rule 4**)

#### Marginal Citations

- M1** 1981 c. 49.
- M2** 1996 c. 25.

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