



# Criminal Justice and Public Order Act 1994

## 1994 CHAPTER 33

### PART III

#### COURSE OF JUSTICE: EVIDENCE, PROCEDURE, ETC.

##### *Criminal appeals*

#### **52 Circuit judges to act as judges of criminal division of Court of Appeal.**

(1) Section 9 of the <sup>M1</sup>Supreme Court Act 1981 (which provides for certain judges to act on request in courts other than that to which they were appointed) shall have effect with the amendments specified in subsections (2) to (5) below.

(2) In subsection (1)—

- (a) after the words “Table may”, there shall be inserted the words “, subject to the proviso at the end of that Table, ”;
- (b) in the Table, in column 2, in the entry specifying the court relating to entry 5 in column 1 (Circuit judges), after the words “High Court” there shall be inserted the words “ and the Court of Appeal ”; and
- (c) at the end of the Table there shall be inserted the following— “ The entry in column 2 specifying the Court of Appeal in relation to a Circuit judge only authorises such a judge to act as a judge of a court in the criminal division of the Court of Appeal. ”.

(3) In subsection (2)—

- (a) in the definition of “the appropriate authority” after the words “High Court” there shall be inserted the words “ or a Circuit judge ”; and
- (b) at the end, there shall be inserted the following— “ but no request shall be made to a Circuit judge to act as a judge of a court in the criminal division of the Court of Appeal unless he is approved for the time being by the Lord Chancellor for the purpose of acting as a judge of that division. ”.

*Status: Point in time view as at 26/01/2004.*

*Changes to legislation: Criminal Justice and Public Order Act 1994, Cross Heading: Criminal appeals is up to date with all changes known to be in force on or before 07 May 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)*

(4) In subsection (5), for the words “subsection (6)” there shall be substituted the words “ subsections (6) and (6A) ”.

(5) After subsection (6) there shall be inserted the following subsection—

“(6A) A Circuit judge or Recorder shall not by virtue of subsection (5) exercise any of the powers conferred on a single judge by sections 31 and 44 of the <sup>M2</sup>Criminal Appeal Act 1968 (powers of single judge in connection with appeals to the Court of Appeal and appeals from the Court of Appeal to the House of Lords).”.

(6) The further amendments specified in subsections (7) to (9) below (which supplement the foregoing amendments) shall have effect.

(7) In section 55 of the Supreme Court Act 1981 (composition of criminal division of Court of Appeal)—

(a) in subsections (2) and (4), at the beginning, there shall be inserted the words “ Subject to subsection (6), ”; and

(b) after subsection (5), there shall be inserted the following subsection—

“(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.”.

(8) <sup>F1</sup> .....

(9) After the section 56A of the <sup>M3</sup>Supreme Court Act 1981 inserted by subsection (8) above there shall be inserted the following section—

**“56B Allocation of cases in criminal division.**

(1) The appeals or classes of appeals suitable for allocation to a court of the criminal division of the Court of Appeal in which a Circuit judge is acting under section 9 shall be determined in accordance with directions given by or on behalf of the Lord Chief Justice with the concurrence of the Lord Chancellor.

(2) In subsection (1) “appeal” includes the hearing of, or any application in proceedings incidental or preliminary to, an appeal.”.

**Textual Amendments**

**F1** S. 52(8) repealed (26.1.2004) by Courts Act 2003 (c. 39), ss. 109(3), 110, **Sch. 10**; S.I. 2003/3345, **art. 2(c)(iii)**

**Marginal Citations**

**M1** 1981 c. 54.

**M2** 1968 c. 19.

**M3** 1981 c. 54.

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### 53 Expenses in criminal appeals in Northern Ireland Court of Appeal.

(1) After section 28(2) of the <sup>M4</sup>Criminal Appeal (Northern Ireland) Act 1980 (certain expenses to be defrayed up to amount allowed by the Master (Taxing Office)) there shall be inserted the following subsections—

“(2A) Where a solicitor or counsel is dissatisfied with the amount of any expenses allowed by the Master (Taxing Office) under subsection (2)(a) above, he may apply to that Master to review his decision.

(2B) On a review under subsection (2A) the Master (Taxing Office) may confirm or vary the amount of expenses allowed by him.

(2C) An application under subsection (2A) shall be made, and a review under that subsection shall be conducted, in accordance with rules of court.

(2D) Where a solicitor or counsel is dissatisfied with the decision of the Master (Taxing Office) on a review under subsection (2A) above, he may appeal against that decision to the High Court and the Lord Chancellor may appear and be represented on any such appeal.

(2E) Where the Lord Chancellor is dissatisfied with the decision of the Master (Taxing Office) on a review under subsection (2A) above in relation to the expenses of a solicitor or counsel, he may appeal against that decision to the High Court and the solicitor or barrister may appear or be represented on any such appeal.

(2F) On any appeal under subsection (2D) or (2E) above the High Court may confirm or vary the amount of expenses allowed by the Master (Taxing Office) and the decision of the High Court shall be final.

(2G) The power of the Master (Taxing Office) or the High Court to vary the amount of expenses allowed under subsection (2)(a) above includes power to increase or reduce that amount to such extent as the Master or (as the case may be) the High Court thinks fit; and the reference in subsection (2) above to the amount allowed by the Master (Taxing Office) shall, in a case where that amount has been so varied, be construed as a reference to that amount as so varied.”.

(2) Subsection (1) above does not have effect in relation to expenses allowed by the Master (Taxing Office) under section 28(2)(a) of the <sup>M5</sup>Criminal Appeal (Northern Ireland) Act 1980 before the date on which that subsection comes into force.

#### Marginal Citations

M4 1980 c. 47.

M5 1980 c. 47.

**Status:**

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**Changes to legislation:**

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