

## **ACCESS TO JUSTICE ACT 1999**

---

### **EXPLANATORY NOTES**

#### **C.**

#### **APPEALS, COURTS, ETC. (PART IV - SECTIONS 54-73)**

##### ***Summary***

203. Part IV of the Act contains provisions to reform the system of appeals in civil and family cases (including appeals by way of case stated); makes various changes relating to the High Court and the Crown Court; facilitates the secondment of British judges to international courts; enables inquests to be adjourned where a public inquiry has been established that will investigate the deaths; prohibits the publication of information likely to identify a child who is subject to proceedings under the Children Act 1989 in the High Court or a county court; and allows for children under 14 to attend adult criminal trials.
- *Appeal by way of case stated* is a form of appeal where the outcome of proceedings is questioned on the basis that it was wrong in law or outside the jurisdiction of the court. The person questioning the outcome of the proceedings applies to the court to state a case in writing for the opinion of the High Court.
204. In relation to civil appeals, the Act will:
- provide that permission to appeal may be required at all levels in the system;
  - provide that, where a second appeal would lie to the Court of Appeal, it will be allowed to proceed only in limited circumstances;
  - introduce a power for the Lord Chancellor to vary appeal routes by secondary legislation, with a view to ensuring that appeals generally go to the lowest appropriate level of judge;
  - ensure that cases which merit the consideration of the Court of Appeal can reach that court; and
  - give the Civil Division of the Court of Appeal flexibility to exercise its jurisdiction in courts of one, two or more judges.
205. Together, these proposals are intended to ensure that appeals are heard at the right level, and dealt with in a way which is proportionate to their weight and complexity; that the appeals system can adapt quickly to other developments in the civil justice system; and that existing resources are used efficiently, enabling the Court of Appeal (Civil Division) to tackle its workload more expeditiously.
206. The provisions relating to the High Court will:
- place on a statutory footing the powers of the High Court to deal with appeals by way of case stated coming from the Crown Court;

*These notes refer to the Access to Justice Act 1999  
(c.22) which received Royal Assent on 27th July 1999*

- allow judicial review applications, appeals by way of case stated and applications for *habeas corpus* which relate to criminal matters, plus appeals from inferior courts and tribunals in contempt of court cases, to be heard by a single judge of the High Court, rather than, as now, by a Divisional Court of two or more judges;
- enable the High Court to impose a different sentence when it finds that a fine defaulter has been committed to prison illegally; and
- create a statutory post of Vice-President of the Queen's Bench Division.