



Access to Justice Act 1999

1999 CHAPTER 22

PART IV

APPEALS, COURTS, JUDGES AND COURT PROCEEDINGS

High Court

61 Cases stated by Crown Court.

For section 28A of the [^{F1}Senior Courts Act 1981](proceedings on case stated by magistrates' court) substitute—

“28A Proceedings on case stated by magistrates' court or Crown Court.

- (1) This section applies where a case is stated for the opinion of the High Court—
 - (a) by a magistrates' court under section 111 of the ^{M1}Magistrates' Courts Act 1980; or
 - (b) by the Crown Court under section 28(1) of this Act.
- (2) The High Court may, if it thinks fit, cause the case to be sent back for amendment and, where it does so, the case shall be amended accordingly.
- (3) The High Court shall hear and determine the question arising on the case (or the case as amended) and shall—
 - (a) reverse, affirm or amend the determination in respect of which the case has been stated; or
 - (b) remit the matter to the magistrates' court, or the Crown Court, with the opinion of the High Court,and may make such other order in relation to the matter (including as to costs) as it thinks fit.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: High Court. (See end of Document for details)

- (4) Except as provided by the ^{M2}Administration of Justice Act 1960 (right of appeal to House of Lords in criminal cases), a decision of the High Court under this section is final.”

Textual Amendments

- F1** S. 61: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

Marginal Citations

- M1** 1980 c.43.
M2 1960 c.65.

62 Power to vary committal in default.

In the [^{F2}Senior Courts Act 1981], after section 43 insert—

“43ZA Power of High Court to vary committal in default.

- (1) Where the High Court quashes the committal of a person to prison or detention by a magistrates’ court or the Crown Court for—
- (a) a default in paying a sum adjudged to be paid by a conviction; or
 - (b) want of sufficient distress to satisfy such a sum,
- the High Court may deal with the person for the default or want of sufficient distress in any way in which the magistrates’ court or Crown Court would have power to deal with him if it were dealing with him at the time when the committal is quashed.
- (2) If the High Court commits him to prison or detention, the period of imprisonment or detention shall, unless the High Court otherwise directs, be treated as having begun when the person was committed by the magistrates’ court or the Crown Court (except that any time during which he was released on bail shall not be counted as part of the period).”

Textual Amendments

- F2** S. 62: for the words "Supreme Court Act 1981" wherever they occur there is substituted (1.10.2009) the words "Senior Courts Act 1981" by virtue of [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 1\(2\)](#); S.I. 2009/1604, [art. 2](#)

63 Criminal causes and matters.

- (1) In section 1(1)(a) of the Administration of Justice Act 1960 (appeal to House of Lords from decision of Divisional Court of the Queen’s Bench Division in a criminal cause or matter), for “a Divisional Court of the Queen’s Bench Division” substitute “ the High Court ”.
- (2) In sections 4(2) and (3) and 9(2) of that Act (bail pending appeal), for “a Divisional Court” substitute “ the High Court ”.

Changes to legislation: There are currently no known outstanding effects for the Access to Justice Act 1999, Cross Heading: High Court. (See end of Document for details)

64 Contempt of court.

- (1) Section 13(2) of the Administration of Justice Act 1960 (appeals in cases of contempt of court) is amended as follows.
- (2) In paragraph (a) (appeal from inferior courts from which appeal does not lie to Court of Appeal to lie to a Divisional Court of the High Court), omit “a Divisional Court of”.
- (3) In paragraph (b) (appeal to Court of Appeal from county court or single judge of High Court), for “decision, of a single” substitute “ decision (other than a decision on an appeal under this section) of a single ”.
- (4) In paragraph (c) (appeal from Divisional Court or Court of Appeal to House of Lords), insert at the beginning “ from a decision of a single judge of the High Court on an appeal under this section, ”.

65 Habeas corpus.

- (1) In the ^{M3}Administration of Justice Act 1960, omit—
 - (a) section 14(1) (order for release on criminal application for habeas corpus to be refused only by Divisional Court of Queen’s Bench Division), and
 - (b) section 15(2) (no appeal to House of Lords from order made by single judge on criminal application for habeas corpus).
- (2) In section 15 of that Act (appeals in habeas corpus cases)—
 - (a) in subsection (3) (no restriction on grant of leave to appeal to House of Lords against decision of Divisional Court on a criminal application for habeas corpus), and
 - (b) in subsection (4) (exceptions to right to be discharged in case of appeal to House of Lords against order of Divisional Court on such an application), for “a Divisional Court” substitute “ the High Court ”.

Marginal Citations

M3 1960 c.65.

Changes to legislation:

There are currently no known outstanding effects for the Access to Justice Act 1999, Cross
Heading: High Court.