



# Courts Act 2003

## 2003 CHAPTER 39

### PART 8

#### MISCELLANEOUS

##### *Provisions relating to criminal procedure and appeals*

#### **86 Alteration of place fixed for Crown Court trial**

An application under section 76(3) of the 1981 Act (application for variation of place fixed for Crown Court trial) is no longer required to be heard in open court by a judge of the High Court; and accordingly section 76(4) of the 1981 Act ceases to have effect.

#### **87 Appeals to Court of Appeal: procedural directions**

(1) In section 31 of the 1968 Act (powers of the Court of Appeal under Part 1 of that Act exercisable by single judge), in subsection (2), after paragraph (h) insert—

“(i) to make orders under section 23(1)(a).”

(2) In section 31A of the 1968 Act (powers of Court of Appeal under Part 1 of that Act exercisable by registrar), in subsection (2), after paragraph (c) insert—

“(d) to make orders under section 23(1)(a).”, and at the end of paragraph (b), omit “and”.

(3) After section 31A of the 1968 Act insert—

##### **“31B Procedural directions: powers of single judge and registrar**

(1) The power of the Court of Appeal to determine an application for procedural directions may be exercised by—

- (a) a single judge, or
- (b) the registrar.

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- (2) “Procedural directions” means directions for the efficient and effective preparation of—
  - (a) an application for leave to appeal, or
  - (b) an appeal,
 to which this section applies.
- (3) A single judge may give such procedural directions as he thinks fit—
  - (a) when acting under subsection (1);
  - (b) on a reference from the registrar;
  - (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit—
  - (a) when acting under subsection (1);
  - (b) of his own motion.
- (5) This section applies to an appeal, and an application to the Court of Appeal for leave to appeal, under—
  - (a) this Part,
  - (b) section 9 of the Criminal Justice Act 1987, or
  - (c) section 35 of the Criminal Procedure and Investigations Act 1996.

### **31C Appeals against procedural directions**

- (1) Subsection (2) applies if a single judge gives, or refuses to give, procedural directions.
- (2) The Court of Appeal may, on an application to it under subsection (5)—
  - (a) confirm, set aside or vary any procedural directions given by the single judge, and
  - (b) give such procedural directions as it thinks fit.
- (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.
- (4) A single judge may, on an application to him under subsection (5)—
  - (a) confirm, set aside or vary any procedural directions given by the registrar, and
  - (b) give such procedural directions as he thinks fit.
- (5) An application under this subsection may be made by—
  - (a) an appellant;
  - (b) a respondent, if the directions—
    - (i) relate to an application for leave to appeal and appear to need the respondent’s assistance to give effect to them,
    - (ii) relate to an application for leave to appeal which is to be determined by the Court of Appeal, or
    - (iii) relate to an appeal.
- (6) In this section—

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“appellant” includes a person who has given notice of application for leave to appeal under any of the provisions mentioned in section 31B(5);

“respondent” includes a person who will be a respondent if leave to appeal is granted.”

- (4) Sections 31B to 31C of the 1968 Act apply to—
- (a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and
  - (b) appeals in relation to which—
    - (i) a certificate under Part 1 of the 1968 Act that the case is fit for appeal, or
    - (ii) leave to appeal, is granted on or after that date.
- (5) “The 1968 Act” means the Criminal Appeal Act 1968 (c. 19).

VALID FROM 01/04/2005

## **88 Extension of time for criminal appeals to House of Lords**

- (1) Amend section 2 of the Administration of Justice Act 1960 (c. 65) (applications for leave to appeal to House of Lords) as follows.
- (2) In subsection (1)—
- (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of that court” substitute “ relevant date ”.
- (3) After subsection (1) insert—
- “(1A) In subsection (1), “the relevant date” means—
- (a) the date of the decision of the court below, or
  - (b) if later, the date on which that court gives reasons for its decision.”
- (4) Amend section 34 of the 1968 Act (applications for leave to appeal to the House of Lords) as follows.
- (5) In subsection (1)—
- (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of the Court” substitute “ relevant date ”.
- (6) After subsection (1) insert—
- “(1A) In subsection (1), “the relevant date” means—
- (a) the date of the Court of Appeal’s decision, or
  - (b) if later, the date on which the Court gives reasons for its decision.”

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VALID FROM 01/04/2005

## 89 Retirement age of Registrar of Criminal Appeals

- (1) In section 92 of the 1981 Act (tenure of offices in Supreme Court)—
  - (a) in subsection (2) (offices with retirement age of 70, but with possibility of extensions to not beyond 75), omit “except the office of Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals”,
  - (b) omit subsections (2D) and (2E) (retirement age of 62 for that office), and
  - (c) in subsection (4) (offices to which subsection (1), (2A) or (2D) applies to be held during good behaviour), for “to which subsection (1), (2A) or (2D) applies” substitute “ listed in column 1 of Part 1 or 2 of Schedule 2 ”.
- (2) In Schedule 5 to the Judicial Pensions and Retirement Act 1993 (c. 8) (retirement), after the entry relating to a Deputy or temporary Master, Queen’s Bench Division, insert— “ Queen’s Coroner and Attorney and Master of the Crown Office and Registrar of Criminal Appeals ”.

VALID FROM 01/04/2005

## 90 Appeals to Courts-Martial Appeal Court: procedural directions

- (1) In section 36 of the Courts-Martial (Appeals) Act 1968 (c. 20) (powers of the Appeal Court under Part 2 of that Act exercisable by single judge), in subsection (1), after paragraph (g) insert—
  - “(h) to make orders under section 28(1)(a).”, and at the end of paragraph (f), omit “and”.
- (2) In section 36A of that Act (powers of the Appeal Court under Part 2 of that Act exercisable by registrar), in subsection (1), at the end of paragraph (b) insert “and—
  - (c) to make orders under section 28(1)(a).”, and at the end of paragraph (a), omit “and”.
- (3) After section 36A of that Act insert—

### “36B Procedural directions: powers of single judge and registrar

- (1) The power of the Appeal Court to determine an application for procedural directions may be exercised by—
  - (a) a judge of the Appeal Court, or
  - (b) the registrar.
- (2) “Procedural directions” means directions for the efficient and effective preparation of—
  - (a) an application for leave to appeal, or
  - (b) an appeal,
 under this Part.

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- (3) A judge of the Appeal Court may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);
  - (b) on a reference from the registrar;
  - (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);
  - (b) of his own motion.

### **36C Appeals against procedural directions**

- (1) Subsection (2) applies if a judge of the Appeal Court gives, or refuses to give, procedural directions.
- (2) The Appeal Court may, on an application to it under subsection (5)—
- (a) confirm, set aside or vary any procedural directions given by the judge, and
  - (b) give such procedural directions as it thinks fit.
- (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.
- (4) A judge of the Appeal Court may, on an application to him under subsection (5)—
- (a) confirm, set aside or vary any procedural directions given by the registrar, and
  - (b) give such procedural directions as he thinks fit.
- (5) An application under this subsection may be made by—
- (a) an appellant;
  - (b) the Defence Council, if the directions—
    - (i) relate to an application for leave to appeal and appear to need the Defence Council's assistance to give effect to them,
    - (ii) relate to an application for leave to appeal which is to be determined by the Appeal Court, or
    - (iii) relate to an appeal.”
- (4) Sections 36B to 36C of that Act apply to—
- (a) applications for leave to appeal falling to be determined on or after the date on which this section comes into force, and
  - (b) appeals in relation to which leave to appeal is granted on or after that date.

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VALID FROM 01/04/2005

**91 Extension of time for appeals from Courts-Martial Appeal Court**

- (1) Amend section 40 of the Courts-Martial (Appeals) Act 1968 (c. 20) (applications for leave to appeal to House of Lords) as follows.
- (2) In subsection (1)—
  - (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of the Court” substitute “ relevant date ”.
- (3) After subsection (1) insert—

“(1A) In subsection (1), “the relevant date” means—

  - (a) the date of the Appeal Court’s decision, or
  - (b) if later, the date on which the Court gives reasons for its decision.”

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