



# 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.

#### **[<sup>F1</sup>86A Requirement to give information in criminal proceedings**

- (1) A person who is a defendant in proceedings in a criminal court must provide his or her name, date of birth and nationality if required to do so at any stage of proceedings by the court.
- (2) Criminal Procedure Rules must specify the stages of proceedings at which requirements are to be imposed by virtue of subsection (1) (and may specify other stages of proceedings when such requirements may be imposed).
- (3) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement imposed by virtue of subsection (1), whether by providing false or incomplete information or by providing no information.
- (4) Information provided by a person in response to a requirement imposed by virtue of subsection (1) is not admissible in evidence in criminal proceedings against that person other than proceedings for an offence under this section.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to either or both of the following—

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- (a) imprisonment for a term not exceeding 51 weeks (or 6 months if the offence was committed before the commencement of section 281(5) of the Criminal Justice Act 2003), or
  - (b) a fine.
- (6) The criminal court before which a person is required to provide his or her name, date of birth and nationality may deal with any suspected offence under subsection (3) at the same time as dealing with the offence for which the person was already before the court.
- (7) In this section a “criminal court” is, when dealing with any criminal cause or matter—
- (a) the Crown Court;
  - (b) a magistrates' court.]

#### Textual Amendments

**F1** S. 86A inserted (31.1.2017 for specified purposes, 13.11.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 162**, 183(1)(5)(e); [S.I. 2017/1017](#), **reg. 2**

## 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.
- (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—

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- (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—
  - “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.

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(5) “The 1968 Act” means the Criminal Appeal Act 1968 (c. 19).

## 88 Extension of time for criminal appeals to [<sup>F2</sup>Supreme Court]

(1) Amend section 2 of the Administration of Justice Act 1960 (c. 65) (applications for leave to appeal to [<sup>F3</sup>Supreme Court]) 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 [<sup>F4</sup>Supreme Court]) as follows.

(5) In subsection (1)—

- (a) for “fourteen” (in both places) substitute “ 28 ”, and
- (b) for “date of the decision of the [<sup>F5</sup>Court of Appeal]” 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 [<sup>F6</sup>Court of Appeal] gives reasons for its decision.”

### Textual Amendments

- F2** S. 88: words in sidenote substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(2\)\(a\); S.I. 2009/1604, art. 2](#)
- F3** Words in s. 88(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(2\)\(a\); S.I. 2009/1604, art. 2](#)
- F4** Words in s. 88(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(2\)\(a\); S.I. 2009/1604, art. 2](#)
- F5** Words in s. 88(5)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(2\)\(b\); S.I. 2009/1604, art. 2](#)
- F6** Words in s. 88(6)(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(2\)\(c\); S.I. 2009/1604, art. 2](#)

## 89 Retirement age of Registrar of Criminal Appeals

(1) In section 92 of the 1981 Act (tenure of offices in [<sup>F7</sup>Senior Courts])—

- (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

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- (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”.

#### Textual Amendments

- F7** Words in s. 89(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, [Sch. 11 para. 4](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)

## 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.
- (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);

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- (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.

## **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 [<sup>F8</sup>Supreme Court]) as follows.
- (2) In subsection (1)—
  - (a) for “fourteen” (in both places) substitute “ 28 ”, and
  - (b) for “date of the decision of the [<sup>F9</sup>Appeal 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 [<sup>F10</sup>Appeal Court] gives reasons for its decision.”

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#### Textual Amendments

- F8** Words in s. 91(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(3\)\(a\)](#); S.I. 2009/1604, [art. 2](#)
- F9** Words in s. 91(2)(b) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(3\)\(b\)](#); S.I. 2009/1604, [art. 2](#)
- F10** Words in s. 91(3) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148\(1\), Sch. 9 para. 80\(3\)\(c\)](#); S.I. 2009/1604, [art. 2](#)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

**Commencement Orders yet to be applied to the Courts Act 2003**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences (2003 c. 39)