



Courts Act 2003

2003 CHAPTER 39

PART 8

MISCELLANEOUS

Provisions relating to criminal procedure and appeals

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.

Changes to legislation: Courts Act 2003, Section 87 is up to date with all changes known to be in force on or before 20 April 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) View outstanding changes

- (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—
 - “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—

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- (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).

Changes to legislation:

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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](#))