



Criminal Justice Act 1948

1948 CHAPTER 58 11 and 12 Geo 6

PART I

POWERS AND PROCEEDINGS OF COURTS

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

37 Bail on appeal, case stated or application for certiorari.

(1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—

(a)

[^{F2}(b) the High Court may [^{F3}, subject to section 25 of the Criminal Justice and Public Order Act 1994,] [^{F4}grant bail to] a person—

(i) who, after the decision of his case by the Crown Court, has applied to the Crown Court for the statement of a case for the High Court on that decision, or

(ii) who has applied to the High Court for an order of certiorari to remove proceedings in the Crown Court in his case into the High Court, or has applied to the High Court for leave to make such an application.]

(c)

[^{F6}(d) the High Court may [^{F3}, subject to section 25 of the Criminal Justice and Public Order Act 1994,] grant bail to a person who has been convicted or sentenced by a magistrates' court and has applied to the High Court for an order of certiorari to remove the proceedings into the High Court or has applied to the High Court for leave to make such an application.]

[^{F7}(1A) Where the court grants bail to a person under paragraph (d) of subsection (1) above—

(a) the time at which he is to appear in the event of the conviction or sentence not being quashed by the High Court shall be such time within ten days after the judgment of the High Court has been given as may be specified by the High Court; and

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice Act 1948, Section 37. (See end of Document for details)

(b) the place at which he is to appear in that event shall be a magistrates' court acting for the same petty sessions area as the court which convicted or sentenced him.]

(2) F8

[^{F9}(4) Criminal Procedure Rules may be made for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section.]

(5) F10

(6) The time during which a person is [^{F11}released on] bail under paragraph (b), . . . ^{F12} or (d) of subsection (1) of this section shall not count as part of any term of imprisonment under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by [^{F13}the Crown Court], after the imposition of which a person is so [^{F11}released on] bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes of this subsection the expression "prison" shall be deemed to include a detention centre and remand home and the expression "imprisonment" shall be construed accordingly.

Textual Amendments

- F1** S. 37(1)(a) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt. I](#)
- F2** S. 37(1)(b) substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8](#), para. 28(1)
- F3** Words in s. 37(1)(b)(d) inserted (10.4.1995) by 1994 c. 33, s. 168(2), [Sch. 10 para. 6](#); S.I. 1995/721, art. 2, [Sch. Appendix A](#)
- F4** Words substituted by [Bail Act 1976 \(c. 63\)](#), [Sch. 2 para. 11\(1\)\(2\)](#)
- F5** S. 37(1)(c) repealed by [Criminal Justice Act 1967 \(c. 80\)](#), [Sch. 7 Pt. I](#)
- F6** S. 37(1)(d) substituted by [Bail Act 1976 \(c. 63\)](#), [Sch. 2 para. 11\(1\)\(3\)](#)
- F7** S. 37(1A) substituted by [Bail Act 1976 \(c. 63\)](#), [Sch. 2 para. 11\(1\)\(4\)](#)
- F8** S. 37(2)(3) repealed by [Bail Act 1976 \(c. 63\)](#), [Sch. 3](#)
- F9** S. 37(4) substituted (1.9.2004) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 8 para. 83](#); S.I. 2004/2066, art. 2(c)(iii) (with art. 3)
- F10** S. 37(5) repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)
- F11** Words substituted by [Bail Act 1976 \(c. 63\)](#), [Sch. 2 para. 11\(1\)\(5\)](#)
- F12** Word repealed by [Criminal Justice Act 1967 \(c. 80\)](#), s. 22(5), [Sch. 7 Pt. I](#)
- F13** Words substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 24\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 37 applied by [Administration of Justice Act 1960 \(c. 65\)](#) s. 4(2)
- C2** S. 37(6) extended by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [s. 113\(4\)](#)
- C3** S. 37(6) applied by [Magistrates' Courts Act 1952 \(c. 55\)](#), [s. 89\(3\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Justice Act 1948, Section 37.