



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART V

APPEAL AND CASE STATED

Supplemental provisions as to appeal and case stated

113 Bail on appeal or case stated.

- (1) Where a person has given notice of appeal to the Crown Court against the decision of a magistrates' court or has applied to a magistrates' court to state a case for the opinion of the High Court, then, if he is in custody, the magistrates' court may [^{F1}, subject to section 25 of the Criminal Justice and Public Order Act 1994,] grant him bail.
- (2) If a person is granted bail under subsection (1) above, the time and place at which he is to appear (except in the event of the determination in respect of which the case is stated being reversed by the High Court) shall be—
 - (a) if he has given notice of appeal, the Crown Court at the time appointed for the hearing of the appeal;
 - (b) if he has applied for the statement of a case, the magistrates' court at such time within 10 days after the judgment of the High Court has been given as may be specified by the magistrates' court;and any recognizance that may be taken from him or from any surety for him shall be conditioned accordingly.
- (3) Subsection (1) above shall not apply where the accused has been committed to the Crown Court for sentence under section 37 [^{F2}section 3 of the Powers of Criminal Courts (Sentencing) Act 2000].
- (4) Section 37(6) of the ^{M1}Criminal Justice Act 1948 (which relates to the currency of a sentence while a person is released on bail by the High Court) shall apply to a person released on bail by a magistrates' court under this section pending the hearing of a case stated as it applies to a person released on bail by the High Court under section 22 of the ^{M2}Criminal Justice Act 1967.

Status: Point in time view as at 11/07/2020.

Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Supplemental provisions as to appeal and case stated is up to date with all changes known to be in force on or before 07 July 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)

Textual Amendments

- F1** Words in s. 113(1) inserted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 44**; S.I. 1995/721, art. 2, **Sch. Appendix A**
- F2** Words in s. 113(3) substituted (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 72**

Marginal Citations

- M1** 1948 c. 58.
- M2** 1967 c. 80.

114 Recognizances and fees on case stated.

Justices to whom application has been made to state a case for the opinion of the High Court on any proceeding of a magistrates' court shall not be required to state the case until the applicant has entered into a recognizance, with or without sureties, before the magistrates' court, conditioned to prosecute the appeal without delay and to submit to the judgment of the High Court and pay such costs as that Court may award; and (except in any criminal matter) [^{F3}a [^{F4}designated officer for the court]] shall not be required to deliver the case to the applicant until the applicant has paid [^{F5}the fees payable for the case and for the recognizances to the [^{F6}designated officer]^{F7} ...].

Textual Amendments

- F3** Words in s. 114 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 235(a)**; S.I. 2005/910, {art. 3(y)}
- F4** Words in s. 114 substituted (6.4.2020) by Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 7(a)**; S.I. 2020/24, reg. 3(b)
- F5** Words in s. 114 substituted (1.4.2001) by 1999 c. 22, s. 90, Sch. 13 paras. 95, **113** (with s. 107, Sch. 14 para. 7(2)); S.I. 2001/916, **art. 2(a)(ii)** (with Sch. 2 para. 2)
- F6** Words in s. 114 substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 235(b)**; S.I. 2005/910, {art. 3(y)}
- F7** Words in s. 114 omitted (6.4.2020) by virtue of Courts and Tribunals (Judiciary and Functions of Staff) Act 2018 (c. 33), s. 4(3), **Sch. para. 7(b)**; S.I. 2020/24, reg. 3(b)

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