



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 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 or 38 above.
- (4) Section 37(6) of the 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 Criminal Justice Act 1967.

Status: This is the original version (as it was originally enacted).

114 Recognizance's 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) the clerk of a magistrates' court shall not be required to deliver the case to the applicant until the applicant has paid him the fees payable for the case and for the recognizance's.