



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART V **E+W**

#### APPEAL AND CASE STATED

##### *Appeal*

#### **108 Right of appeal to the Crown Court. **E+W****

- (1) A person convicted by a magistrates' court may appeal to the Crown Court—
- (a) if he pleaded guilty, against his sentence;
  - (b) if he did not, against the conviction or sentence.

[<sup>F1</sup>(1A) [<sup>F2</sup>Section 82 of the Sentencing Code] (under which a conviction of an offence for which <sup>F3</sup>... an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.]

- (2) A person sentenced by a magistrates' court for an offence in respect of which <sup>F4</sup>... an order for conditional discharge has been previously made may appeal to the Crown Court against the sentence.

[<sup>F5</sup>(2A) A person convicted under section 16H may not appeal under this section against the conviction or sentence, except a sentence imposed under section 16M(5)(b).]

- (3) In this section "sentence" includes any order made on conviction by a magistrates' court, not being—
- <sup>F6</sup>(a) .....
  - (b) an order for the payment of costs;
  - (c) an order under <sup>F7</sup>... [<sup>F8</sup>section 37(1) of the Animal Welfare Act 2006] (which enables a court to order the destruction of an animal); or
  - (d) an order made in pursuance of any enactment under which the court has no discretion as to the making of the order or its terms

*Changes to legislation: Magistrates' Courts Act 1980, Section 108 is up to date with all changes known to be in force on or before 26 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) View outstanding changes*

[<sup>F9</sup>and also includes a [<sup>F10</sup>declaration of relevance, within the meaning of section 23 of] the Football Spectators Act 1989].

[<sup>F11</sup>(4) Subsection (3)(d) above does not prevent an appeal against a surcharge imposed under [<sup>F12</sup>section 42 of the Sentencing Code].]

[<sup>F13</sup>(5) Subsection (3) does not prevent an appeal against an order under [<sup>F14</sup>section 46 of the Sentencing Code] (criminal courts charge).]

#### Textual Amendments

- F1** S. 108(1A) inserted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 66\(2\)](#)
- F2** Words in s. 108(1A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 54\(2\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2
- F3** Words in s. 108(1A) repealed (1.10.1992) by [Criminal Justice Act 1991 \(c. 53, SIF 39:1\), s. 101\(2\), Sch. 13](#); S.I. 1992/333, art. 2(2), [Sch. 2](#).
- F4** Words in s. 108(2) repealed (30.9.1998) by 1998 c. 37, ss. 119, 120(2), Sch. 8 para. 43, [Sch. 10](#); S.I. 1998/2327, [art. 2](#)
- F5** S. 108(2A) inserted (7.11.2023) by [Judicial Review and Courts Act 2022 \(c. 35\), s. 51\(4\), Sch. 2 para. 1\(5\)](#); S.I. 2023/1194, reg. 2(e)
- F6** S. 108(3)(a) repealed by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), Sch. 16](#)
- F7** Words in s. 108(3)(c) repealed (28.8.2000) by 2000 c. 25, s. 1, [Sch. 3](#); S.I. 2000/2125, [art. 2](#)
- F8** Words in s. 108(3)(c) substituted (27.3.2007 for W. and 6.4.2007 for E.) by [Animal Welfare Act 2006 \(c. 45\), ss. 64, 68, Sch. 3 para. 10](#) (with ss. 1(2), 58(1), 59, and 60); S.I. 2007/1030 {art. 2}; S.I. 2007/499, [art. 2\(2\)\(l\)](#)
- F9** Words inserted by [Football Spectators Act 1989 \(c. 37, SIF 45A\), s. 23\(3\)\(c\)](#)
- F10** Words in s. 108(3) substituted (6.4.2007) by [Violent Crime Reduction Act 2006 \(c. 38\), ss. 52, 66\(2\), Sch. 3 para. 14\(2\)\(b\)](#); S.I. 2007/858, [art. 2\(k\)](#)
- F11** S. 108(4) inserted (1.4.2007) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(1\), 60, Sch. 10 para. 10](#); S.I. 2007/602, [art. 2\(c\)](#)
- F12** Words in s. 108(4) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 54\(3\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2
- F13** S. 108(5) inserted (13.4.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\), s. 95\(1\), Sch. 12 para. 4](#); S.I. 2015/778, art. 3, Sch. 1 para. 78
- F14** Words in s. 108(5) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 54\(4\)](#) (with [Sch. 24 para. 447, Sch. 27](#)); S.I. 2020/1236, reg. 2

#### Modifications etc. (not altering text)

- C1** S. 108(1) extended (31.3.1997) by 1995 c. 35, [s. 11\(2\)\(3\)](#); S.I. 1997/402, [art. 3](#)
- C2** S. 108(1)(b) extended (19.2.2001) by 2000 c. 11, [s. 7\(7\)\(b\)](#); S.I. 2001/421, [art. 2](#)  
S. 108(1)(b) extended (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\), s. 12\(7\)\(d\)](#)
- C3** S. 108(1)(b) extended (15.12.2011) by [Terrorism Prevention and Investigation Measures Act 2011 \(c. 23\), s. 31\(2\), Sch. 3 para. 4\(5\)\(d\)](#) (with Sch. 8)
- C4** S. 108(1)(b) applied (12.2.2015) by [Counter-Terrorism and Security Act 2015 \(c. 6\), s. 52\(5\), Sch. 4 para. 4\(5\)\(d\)](#)
- C5** S. 108(1)(b) applied (20.12.2023) by [National Security Act 2023 \(c. 32\), s. 100\(1\), Sch. 9 para. 4\(4\)\(d\)](#) (with s. 97); S.I. 2023/1272, reg. 2(b)

**Changes to legislation:**

Magistrates' Courts Act 1980, Section 108 is up to date with all changes known to be in force on or before 26 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.

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

- Act applied by [2017 anaw 2 Sch. 3 para. 18\(5\)](#)

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

- s. 1(6A) inserted by [2003 c. 44 Sch. 36 para. 8\(5\)](#)
- s. 1(6A) words substituted by [2015 c. 2 Sch. 11 para. 3\(4\)](#) (Effect not applied as (6A) was only inserted prospectively.)
- s. 1(7A) inserted by [2003 c. 44 Sch. 36 para. 8\(6\)](#)
- s. 12(2A) inserted by [2022 c. 35 s. 4\(3\)](#)
- s. 12(5A)-(5F) inserted by [2022 c. 35 s. 4\(6\)](#)
- s. 17A(1A) inserted by [2022 c. 35 Sch. 2 para. 6\(2\)\(b\)](#)
- s. 17B(1A)-(1F) substituted for s. 17B(1) by [2022 c. 35 s. 9\(2\)\(b\)](#)
- s. 17B(5) inserted by [2022 c. 35 s. 9\(2\)\(d\)](#)
- s. 17BA inserted by [2022 c. 35 s. 7](#)
- s. 17ZA-17ZC inserted by [2022 c. 35 s. 6\(2\)](#)
- s. 18(1)-(1B) substituted for s. 18(1) by [2022 c. 35 Sch. 2 para. 6\(7\)\(a\)](#)
- s. 18(4A)(4B) inserted by [2022 c. 35 Sch. 2 para. 6\(7\)\(b\)](#)
- s. 18(6) inserted by [2022 c. 35 Sch. 2 para. 6\(7\)\(c\)](#)
- s. 20(7A)(7B) inserted by [2022 c. 35 Sch. 2 para. 6\(8\)\(c\)](#)
- s. 22(2A)-(2E) inserted by [2022 c. 35 Sch. 2 para. 6\(9\)\(a\)](#)
- s. 22A(1A)-(1E) inserted by [2022 c. 35 s. 6\(3\)\(b\)](#)
- s. 23(1A)-(1G) substituted for s. 23(1) by [2022 c. 35 s. 9\(4\)\(b\)](#)
- s. 23(4A)(4B) inserted by [2022 c. 35 s. 9\(4\)\(d\)](#)
- s. 24A(1A) inserted by [2022 c. 35 Sch. 2 para. 6\(11\)\(b\)](#)
- s. 24BA inserted by [2022 c. 35 s. 9\(5\)](#)
- s. 24ZA24ZB inserted by [2022 c. 35 s. 8](#)
- s. 75A inserted by [2013 c. 22 s. 26\(1\)](#)
- s. 85(5) inserted by [2013 c. 22 s. 26\(4\)](#)
- s. 139A inserted by [2013 c. 22 s. 26\(6\)](#)
- s. 145(1A) inserted by [2010 c. 26 Sch. 3 para. 8\(3\)](#) (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. 145(1A) repealed by [2010 c. 26 Sch. 4 Pt. 2](#) (This amendment not applied to legislation.gov.uk. Sch. 4 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))
- Sch. 6A (entry) by [2000 c. 43 Sch. 7 para. 69](#)