



Criminal Justice Act 1925

1925 CHAPTER 86

PART II

JURISDICTION AND PROCEDURE

Quarter Sessions

20 Court of quarter sessions on appeal to state case on point of law

- (1) After the determination by a court of quarter sessions of any appeal against a conviction by a court of summary jurisdiction or the sentence imposed on such a conviction, either party to the proceedings may, if dissatisfied with the determination of the court of quarter sessions as being erroneous in point of law, make an application in writing to the court of quarter sessions at any time within seven days after the date of the determination of the appeal to have a case stated for the opinion of the High Court on the point of law.

Any such application may be made by delivering it to the clerk of the peace, and for the purpose of the making of any such application, the court of quarter sessions shall, if and so far as necessary, be deemed to have been adjourned until the next subsequent sitting of the court.

- (2) The applicant shall, before the case is stated and delivered to him by the court of quarter sessions, enter before a justice having jurisdiction in the county or place for which the court of quarter sessions acts into a recognizance, with or without sureties and in such sum as the justice considers proper, having regard to the means of the applicant, conditioned to prosecute the appeal without delay and to submit to the judgment of the High Court, and pay such costs as may be awarded by that court, and the applicant shall before the case is delivered to him pay to the clerk of the peace his fees for and in respect of the case, and to the clerk to the justices his fee for and in respect of the recognizances.
- (3) If a court of quarter sessions is of opinion that an application under this section is frivolous, it may refuse to state a case, and where the court does so it shall, if the

Status: This is the original version (as it was originally enacted).

applicant so requires, cause the clerk of the peace to deliver to him a certificate of the refusal, and the reasons for the refusal shall be stated in the certificate:

Provided that the court shall not refuse to state a case where the application is made by or on behalf of the Attorney-General.

- (4) Where a court of quarter sessions refuses to state a case, the applicant may apply to the High Court for a rule calling on the court of quarter sessions and the other party to the proceedings to show cause why a case should not be stated, and the High Court may make such order on the application as the High Court thinks fit.