



Courts Act 1971

1971 CHAPTER 23

PART II

THE CROWN COURT

Other jurisdiction

8 Transfer to Crown Court of quarter sessions jurisdiction

Schedule 1 to this Act (which transfers to the Crown Court all the appellate jurisdiction of quarter sessions, and, subject to the provisions of this Act, all their other jurisdiction) shall have effect.

9 Appeals to Crown Court

- (1) The Crown Court may in the course of hearing any appeal correct any error or mistake in the order or judgment incorporating the decision which is the subject of the appeal.
- (2) On the termination of the hearing of an appeal the Crown Court—
 - (a) may confirm, reverse or vary the decision appealed against, or
 - (b) may remit the matter with their opinion thereon to the authority whose decision is appealed against, or
 - (c) may make such other order in the matter as the court thinks just, and by such order exercise any power which the said authority might have exercised.
- (3) Subsection (2) above has effect subject to any enactment relating to any such appeal which expressly limits or restricts the powers of the court on the appeal.
- (4) If the appeal is against a conviction or a sentence, the preceding provisions of this section shall be construed as including power to award any punishment, whether more or less severe than that awarded by the magistrates' court whose decision is appealed against, if that is a punishment which that magistrates' court might have awarded.
- (5) This section applies whether or not the appeal is against the whole of the decision.

Status: This is the original version (as it was originally enacted).

- (6) Subject to any provision contained in or having effect under this Act, the transfer of appellate jurisdiction to the Crown Court from quarter sessions shall not affect the customary practice or procedure on any such appeal, and in particular shall not affect the extent to which the appeal is by way of re-hearing of the case.

10 High Court jurisdiction in Crown Court proceedings

- (1) Subsections (2) and (3) below have effect as respects any order, judgment or other decision of the Crown Court—
- (a) other than a judgment or other decision relating to trial on indictment, and
 - (b) other than any decision under the Betting, Gaming and Lotteries Act 1963, the Licensing Act 1964 and the Gaming Act 1968 which, by any provision of any of those Acts, is to be final.
- (2) Any decision as respects which this subsection has effect may be questioned by any party to the proceedings on the ground that it is wrong in law or is in excess of jurisdiction.
- (3) The decision shall be questioned by applying to the Crown Court to have a case stated by the Crown Court for the opinion of the High Court.
- (4) Section 99(1)(b) of the Judicature Act 1925 (rules about appeals to the High Court) shall apply as if any case stated under this section were an appeal.
- (5) In relation to the jurisdiction of the Crown Court, other than its jurisdiction in matters relating to trial on indictment, the High Court shall have all such jurisdiction to make orders of mandamus, prohibition or certiorari as the High Court possesses in relation to the jurisdiction of an inferior court.
- (6) So much of any enactment, other than the enactments mentioned in subsection (1)(b) above, as provides, in relation to any quarter sessions jurisdiction transferred by this Act to the Crown Court, that the decision of quarter sessions shall be final, or final and conclusive, or that it shall not be questioned by certiorari or in any other manner, shall cease to have effect.