



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART V

#### APPEAL AND CASE STATED

##### *Case stated*

#### **111 Statement of case by magistrates' court.**

- (1) Any person who was a party to any proceeding before a magistrates' court or is aggrieved by the conviction, order, determination or other proceeding of the court may question the proceeding on the ground that it is wrong in law or is in excess of jurisdiction by applying to the justices composing the court to state a case for the opinion of the High Court on the question of law or jurisdiction involved; but a person shall not make an application under this section in respect of a decision against which he has a right of appeal to the High Court or which by virtue of any enactment passed after 31st December 1879 is final.
- (2) An application under subsection (1) above shall be made within 21 days after the day on which the decision of the magistrates' court was given.
- (3) For the purpose of subsection (2) above, the day on which the decision of the magistrates' court is given shall, where the court has adjourned the trial of an information after conviction, be the day on which the court sentences or otherwise deals with the offender.
- (4) On the making of an application under this section in respect of a decision any right of the applicant to appeal against the decision to the Crown Court shall cease.
- (5) If the justices are of opinion that an application under this section is frivolous, they may refuse to state a case, and, if the applicant so requires, shall give him a certificate stating that the application has been refused; but the justices shall not refuse to state a case if the application is made by or under the direction of the Attorney General.

*Status: Point in time view as at 29/03/2011.*

*Changes to legislation: Magistrates' Courts Act 1980, Cross Heading: Case stated is up to date with all changes known to be in force on or before 12 June 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)*

- (6) Where justices refuse to state a case, the High Court may, on the application of the person who applied for the case to be stated, make an order of mandamus requiring the justices to state a case.

[<sup>F1</sup>(7) This section does not apply in relation to family proceedings within the meaning of section 111A of this Act]

#### Textual Amendments

**F1** S. 111(7) inserted (6.4.2009) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871), art. 4(2) (with art. 14)

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

**C1** S. 111 applied (1.7.1999) by S.I. 1999/1517, reg. 12(3), Sch. 4 para. 9(4)

**C2** S. 111 referred to (11.3.2005) by Prevention of Terrorism Act 2005 (c. 2), s. 12(7)(b)

### [<sup>F2</sup>111A Appeals on ground of error of law etc in family proceedings

- (1) This section applies in relation to family proceedings in a magistrates' court.
- (2) Any person who was a party to any proceeding before the court, or is aggrieved by the order, determination or other proceeding of the court, may question the proceeding on the ground that it is wrong in law or is in excess of jurisdiction by appealing to a county court.
- (3) But a person may not appeal under subsection (2) in respect of a decision if-
- (a) the person has a right of appeal to a county court against the decision otherwise than under this section, or
  - (b) the decision is final by virtue of any enactment passed after 31<sup>st</sup> December 1879.
- (4) A notice of appeal under subsection (2) shall be filed within 21 days after the day on which the decision of the magistrates' court was given.
- (5) In this section “family proceedings” means —
- (a) proceedings which, by virtue of section 65 of this Act, are or may be treated as family proceedings for the purposes of this Act; and
  - (b) proceedings under the Child Support Act 1991.]

#### Textual Amendments

**F2** S. 111A inserted (6.4.2009) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871), art. 4(3)

### 112 [<sup>F3</sup>Effect of decisions made on case stated or on appeal]

- <sup>F4</sup>(1) Any conviction, order, determination or other proceeding of a magistrates' court varied by the High Court on an appeal by case stated, and any judgment or order of the High Court on such an appeal, may be enforced as if it were a decision of the magistrates' court from which the appeal was brought.

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[<sup>F5</sup>(2) Any order, determination or other proceeding of a magistrates' court varied by a county court on an appeal under section 111A, and any judgment or order of a county court on such an appeal, may be enforced as if it were a decision of the magistrates' court from which the appeal was brought.]

**Textual Amendments**

- F3** S. 112 heading substituted (6.4.2009) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871), **art. 4(4)(a)** (with art. 14)
- F4** S. 112 renumbered as s. 112(1) (6.4.2009) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871), **art. 4(4)(b)** (with art. 14)
- F5** S. 112(2) inserted (6.4.2009) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009 (S.I. 2009/871), **art. 4(4)(c)** (with art. 14)

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