



# Magistrates' Courts Act 1980

## 1980 CHAPTER 43

### PART V

#### APPEAL AND CASE STATED

##### *Appeal*

#### **108 Right of appeal to the Crown Court.**

- (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 14 of the <sup>M1</sup>Powers of Criminal Courts(Sentencing) Act 2000] (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.

- (3) In this section “sentence” includes any order made on conviction by a magistrates' court, not being—

- (a) . . . . . <sup>F5</sup>
- (b) an order for the payment of costs;
- (c) an order under [<sup>F6</sup>section 31 of the Public Order Act 1986 or under] section 2 of the <sup>M2</sup>Protection of Animals Act 1911 (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

[<sup>F7</sup>and also includes a declaration of relevance under the Football Spectators Act 1989].

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*Status: Point in time view as at 25/08/2000. This version of this provision has been superseded.*

**Changes to legislation:** Magistrates' Courts Act 1980, Section 108 is up to date with all changes known to be in force on or before 06 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)

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#### 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 (25.8.2000) by 2000 c. 6, ss. 165, 168(1), **Sch. 9 para. 71**
- F3** Words in s. 108(1A) repealed (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), s. 101(2), **Sch. 13**; S.I. 1992/333, art. 2(2), **Sch. 2**.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(3)(a) repealed by Criminal Justice Act 1982 (c. 48, SIF 39:1), **Sch. 16**
- F6** Words in s. 108(3)(c) inserted (27.9.1999) by 1999 c. 21, **ss. 7(2)(c), 12(2)** (with s. 12(3))
- F7** Words inserted by Football Spectators Act 1989 (c. 37, SIF 45A), **s. 23(3)(c)**

#### 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**

#### Marginal Citations

- M1** 2000 c. 6.
- M2** 1911 c. 27.

**Status:**

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