



Criminal Justice Act 1948

1948 CHAPTER 58

PART I

POWERS AND PROCEEDINGS OF COURTS.

Miscellaneous provisions relating to procedure, appeals, evidence, etc.

37 Bail on appeal, case stated or application for certiorari.

- (1) Without prejudice to the powers vested before the commencement of this Act in any court to admit or direct the admission of a person to bail—
- (a) the High Court may release from custody a person who has given notice of appeal to a court of quarter sessions against a conviction or sentence of a court of summary jurisdiction, on his entering into a recognizance conditioned for his appearance at the hearing of the appeal;
 - (b) the High Court or a court of quarter sessions may release from custody a person who, having appealed to the court of quarter sessions against such a conviction or sentence as aforesaid, has applied to that court under section twenty of the Criminal Justice Act, 1925, to have a case stated for the opinion of the High Court on the point of law, on his entering into a recognizance conditioned for his appearance (unless the judgment of the High Court otherwise directs) at the sessions at which, under section twenty-five of the Supreme Court of Judicature (Consolidation) Act, 1925, that judgment is entered, or the appeal to quarter sessions is entered for re-hearing, as the case may be;
 - (c) the High Court may release from custody a person who, having been convicted or sentenced by a court of summary jurisdiction, has applied to the court of summary jurisdiction for the statement of a case for the opinion of the High Court on a point of law, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced

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that person, unless the determination in respect of which the case is stated is reversed by that judgment;

- (d) the High Court may release from custody a person who has been convicted or sentenced by a court of summary jurisdiction and has applied to the High Court for an order of certiorari to remove the proceedings of the court of summary jurisdiction into the High Court, or has applied to the High Court for leave to make such application, on his entering into a recognizance conditioned for his appearance, within ten days after the judgment of the High Court shall have been given, before a court of summary jurisdiction acting for the same petty sessional division or place as the court which convicted or sentenced that person, unless the conviction or sentence is quashed by that judgment.

- (2) A recognizance entered into for the purposes of the last foregoing subsection shall be in such reasonable sum as the court thinks necessary to fix, and the court may require the recognizance to be entered into with or without sureties and may, in lieu of requiring a person to enter into a recognizance, consent to his giving other security.
- (3) The High Court may, in exercising any power conferred on it by this section to release a person from custody, direct that a recognizance shall be entered into or other security given before a court of quarter sessions or a court of summary jurisdiction or a justice of the peace.
- (4) Rules of court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925.—
- (a) for prescribing the manner in which a recognizance shall be entered into or other security given for the purposes of this section and the persons by whom and the manner in which any such recognizance or security as aforesaid may be enforced;
- (b) for authorising the recommittal, in such cases and by such courts or justices as may be prescribed by the rules, of persons released from custody under this section ;

and the powers conferred by this subsection shall be in addition to the powers conferred by the said section ninety-nine.

- (5) The power conferred by paragraph (b) of subsection (1) of this section on a court of quarter sessions may be exercised—
- (a) in the case of quarter sessions for a county other than the County of London, by the chairman or a deputy chairman of the appeal committee of the quarter sessions;
- (b) in the case of quarter sessions for a borough, by the recorder or any deputy recorder;
- (c) in the case of quarter sessions for the County of London, by the paid chairman or a paid deputy chairman of quarter sessions (including any person appointed under section two of the Quarter Sessions (London) Act, 1896, or under section fifty-four of the London County Council (General Powers) Act, 1947, to act temporarily in the office of paid chairman or deputy chairman or as an additional deputy chairman);

and may be exercised either within or outside the county or borough for which the quarter sessions are held.

- (6) The time during which a person is admitted to bail under paragraph (b), (c) or (d) of subsection (1) of this section shall not count as part of any term of imprisonment

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under his sentence; and any sentence of imprisonment imposed by a court of summary jurisdiction, or, on appeal, by a court of quarter sessions, after the imposition of which a person is so admitted to bail, shall be deemed to begin to run or to be resumed as from the day on which he is received in prison under the sentence; and for the purposes of this subsection the expression " prison " shall be deemed to include a detention centre and remand home and the expression " imprisonment " shall be construed accordingly.