
STATUTORY INSTRUMENTS

1981 No. 552

The Magistrates' Courts Rules 1981

APPEAL TO CROWN COURT

Documents to be sent to Crown Court

74.—(1) A clerk of a magistrates' court shall as soon as practicable send to the appropriate officer of the Crown Court any notice of appeal to the Crown Court given to the clerk of the court.

(2) The clerk of a magistrates' court shall send to the appropriate officer of the Crown Court, with the notice of appeal, a statement of the decision from which the appeal is brought and of the last known or usual place of abode of the parties to the appeal.

(3) Where any person, having given notice of appeal to the Crown Court, has been granted bail for the purposes of the appeal the clerk of the court from whose decision the appeal is brought shall before the day fixed for the hearing of the appeal send to the appropriate officer of the Crown Court—

- (a) in the case of bail in criminal proceedings, a copy of the record made in pursuance of section 5 of the Bail Act 1976 relating to such bail;
- (b) in the case of bail otherwise than in criminal proceedings, the recognizance entered into by the appellant relating to such bail.

(4) Where, in any such case as is referred to in paragraph 3(b), the recognizance in question has been entered into otherwise than before the magistrates' court from whose decision the appeal is brought, or the clerk of that court, the person who took the recognizance shall send it forthwith to that clerk.

(5) Where a notice of appeal is given in respect of a hospital order or guardianship order made under section 60 of the Mental Health Act 1959, the clerk of the magistrates' court from which the appeal is brought shall send with the notice to the appropriate officer of the Crown Court any written evidence considered by the court under subsection (1)(a) of the said section 60.

(6) Where a notice of appeal is given in respect of an appeal against conviction by a magistrates' court the clerk of the court shall send with the notice to the appropriate officer of the Crown Court any admission of facts made for the purposes of the summary trial under section 10 of the Criminal Justice Act 1967.

Abandonment of appeal

75. Where notice to abandon an appeal has been given by the appellant, any recognizance conditioned for the appearance of the appellant at the hearing of the appeal shall have effect as if conditioned for the appearance of the appellant before the court from whose decision the appeal was brought at a time and place to be notified to the appellant by the clerk of that court.