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STATUTORY INSTRUMENTS

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**2005 No. 384**

The Criminal Procedure Rules 2005

PART 64

APPEAL TO THE HIGH COURT BY WAY OF CASE STATED

**Application to a magistrates' court to state a case**

**64.1.**—(1) An application under section 111(1) of the Magistrates' Courts Act 1980<sup>(1)</sup> shall be made in writing and signed by or on behalf of the applicant and shall identify the question or questions of law or jurisdiction on which the opinion of the High Court is sought.

(2) Where one of the questions on which the opinion of the High Court is sought is whether there was evidence on which the magistrates' court could come to its decision, the particular finding of fact made by the magistrates' court which it is claimed cannot be supported by the evidence before the magistrates' court shall be specified in such application.

(3) Any such application shall be sent to a court officer for the magistrates' court whose decision is questioned.

*[Note. Formerly rule 76 of the Magistrates' Courts Rules 1981<sup>(2)</sup>. As to the procedure to be followed in the High Court, see Part 52 of the Civil Procedure Rules 1998<sup>(3)</sup>.]*

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(1) 1980 c. 43.

(2) S.I. 1981/552, modified by S.I. 1991/2684 and amended by S.I. 2001/610; there are other amending instruments but none is relevant to this Part.

(3) S.I. 1998/3132.