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STATUTORY INSTRUMENTS

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**2010 No. 60**

**The Criminal Procedure Rules 2010**

**PART 74**

**APPEAL OR REFERENCE TO THE SUPREME COURT**

**Determination of detention pending appeal, etc.**

**74.3.** On an application for permission to appeal, the Court of Appeal must—

- (a) decide whether to order the detention of a defendant who would have been liable to be detained but for the decision of the court; and
- (b) determine any application for—
  - (i) bail pending appeal,
  - (ii) permission to attend any hearing in the Supreme Court, or
  - (iii) a representation order.

*[Note. For the liability of a defendant to be detained pending a prosecutor's appeal to the Supreme Court and afterwards, see—*

- (a) *section 37 of the Criminal Appeal Act 1968*(1).
- (b) *article 19 of The Serious Organised Crime and Police Act 2005 (Appeals under Section 74) Order 2006*(2).

*For the grant of a representation order for proceedings in the Supreme Court, see—*

- (a) *Access to Justice Act 1999, sections 12 and 14 and Schedule 3*(3), and
- (b) *The Criminal Defence Service (General) (No. 2) Regulations 2001*(4).]

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(1) 1968 c. 19; section 37 was amended by section 65(1) of, and paragraph 39 of Schedule 3 to, the Mental Health (Amendment) Act 1982 (c. 51), section 148 of, and paragraph 23 of Schedule 4 to, the Mental Health Act 1983 (c. 20), section 58(1) of, and paragraph 5 of Schedule 10 to, the Domestic Violence, Crime and Victims Act 2004 (c. 28), section 40 of, and paragraph 16 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4) and section 47 of, and paragraphs 1 and 13 of Schedule 8 to, the Criminal Justice and Immigration Act 2008 (c. 4).

(2) S.I. 2006/2135.

(3) 1999 c. 22; section 12 was amended by section 182 of the Extradition Act 2003 (c. 41) and article 8 of, and paragraph 4 of the Schedule to, S.I. 2005/3429; section 14 was amended by article 8 of, and paragraph 4 of the Schedule to, S.I. 2005/3429 and section 56 of the Criminal Justice and Immigration Act 2008 (c. 4).

(4) S.I. 2001/1437; amended by S.I. 2002/712, 2004/1196, 2006/2490 and S.I. 2007/2936.