
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

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).]

(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.