
STATUTORY INSTRUMENTS

2014 No. 1610

The Criminal Procedure Rules 2014

PART 64

APPEAL TO THE HIGH COURT BY CASE STATED

When this Part applies

- 64.1.** This Part applies where a person wants to appeal to the High Court by case stated—
- (a) under section 111 of the Magistrates' Courts Act 1980(1), against a decision of a magistrates' court; or
 - (b) under section 28 of the Senior Courts Act 1981(2), against a decision of the Crown Court.

[Note. Under section 111 of the Magistrates' Courts Act 1980, 'any person who was a party to any proceeding before a magistrates' court or is aggrieved by the conviction, order, determination or other proceeding of the court may question the proceeding on the ground that it is wrong in law or is in excess of jurisdiction by applying to the justices composing the court to state a case for the opinion of the High Court on the question of law or jurisdiction involved'.

Under section 28 of the Senior Courts Act 1981, 'any order, judgment or other decision of the Crown Court may be questioned by any party to the proceedings, on the ground that it is wrong in law or is in excess of jurisdiction, by applying to the Crown Court to have a case stated by that court for the opinion of the High Court.'

Under section 28A of the 1981 Act(3), the High Court may 'reverse, affirm or amend the determination in respect of which the case has been stated; or remit the matter to the magistrates' court, or the Crown Court, with the opinion of the High Court, and may make such other order ... as it thinks fit.' Under that section, the High Court also may send the case back for amendment, if it thinks fit.]

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- (1) 1980 c. 43.
 - (2) 1981 c. 54; section 28 was amended by section 2 of, and paragraph 27 of Schedule 3 to, the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 24 of, and paragraphs 21 and 22 of Schedule 4 to, the Access to Justice Act 1999 (c. 22), section 199 of, and Schedule 7 to, the Licensing Act 2003 (c. 17) and section 356 of, and Schedule 17 to, the Gambling Act 2005 (c. 19). The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
 - (3) 1981 c. 54; section 28A was inserted by section 1 of, and paragraph 9 of Schedule 2 to, the Statute Law (Repeals) Act 1993 (c. 50), and amended by section 61 of the Access to Justice Act 1999 (c. 22) and section 40 of, and paragraph 36 of Schedule 9 to, the Constitutional Reform Act 2005 (c. 4).