

is considered, so the hearing consists entirely of legal argument by counsel.

Having heard and determined the question(s) of law, the High Court may reverse, affirm or amend the original determination in respect of which the case has been stated, or remit the matter to the justices with the opinion of the court, or make such an order in relation to the matter as the court may see fit.

Appeals before the Crown Court

The hearing at the Crown Court is an entirely fresh one and, by virtue of section 79(3) of the Supreme Court Act 1981, is a full re-hearing of the case. The judgment in the case of *R v Lamb* [2005] EWCA Crim 2487 recommended that circuit judges and above should be dealing with these cases.

Rectification of mistakes

Section 142 of the Magistrates' Courts Act 1980 gives the court power to vary or rescind a sentence or other order imposed or made by it when dealing with an offender, if it appears to the court to be in the interests of justice to do so. However, this section is intended to rectify mistakes and applies only to orders made when dealing with an offender in criminal proceedings. Therefore, this power would only be applicable to orders made on conviction, rather than on a stand-alone application.

Application for judicial review

Judicial review looks at the lawfulness of actions and decisions. An application can be made for the High Court to consider whether the magistrates' court has failed to exercise its jurisdiction properly or whether it has made an error of law, which appears on the face of the record.

The High Court has the power to quash the order or make a mandatory prohibiting order.

An application must be made promptly, and in any event within three months of the date on which the grounds for the application arose.