



Criminal Appeal Act 1968

1968 CHAPTER 19

PART III

MISCELLANEOUS AND GENERAL

51 Interpretation.

(1) In this Act, except where the context otherwise requires—

“appeal”, where used in Part I or II of this Act, means appeal under that Part, and “appellant” has a corresponding meaning and in Part I includes a person who has given notice of application for leave to appeal;

“the court of trial”, in relation to an appeal, means the court from which the appeal lies;

^{F1}

[^{F2}“duly approved”, in relation to a registered medical practitioner, means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State^[F3], or by another person by virtue of section 12ZA or 12ZB of that Act,] as having special experience in the diagnosis or treatment of mental disorder;]

[^{F4}“the judge of the court of trial” means, where the Crown Court comprises justices of the peace, the judge presiding;]

[^{F5}“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 [^{F6}who holds a licence to practise];]

“under disability” has the meaning assigned to it by section 4 of the ^{M1}Criminal Procedure (Insanity) Act 1964 (unfitness to plead); and

^{F7}

[^{F8}(1A) In Part 2 of this Act “the defendant”—

- (a) in relation to an appeal under section 33(1) of this Act against a decision of the Court of Appeal on an appeal under Part 1 of this Act, means the person who was the appellant before the Court of Appeal,

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 51. (See end of Document for details)

- (b) in relation to an appeal under section 33(1) of this Act against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court of Appeal, and
- (c) in relation to an appeal under section 33(1B) of this Act, shall be construed in accordance with section 33(4) of this Act;
- and^{F9}... “prosecutor” shall be construed accordingly.]

(2) Any expression used in this Act which is defined in [^{F10}section 145(1) [^{F11}and (1AA)]] of the Mental Health Act 1983] has the same meaning in this Act as in that Act.

[^{F12}(2A) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof of the appellant’s mental condition for the purposes of section [^{F13}6 or 14] of this Act as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.]

^{F14}(3)

Textual Amendments

- F1** Words in s. 51(1) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 90\(2\)](#), [Sch. 37 Pt. 12](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 43\(c\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F2** Definition in s. 51(1) inserted (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), ss. 7, 8, [Sch. 3 para. 5\(1\)\(a\)](#); [S.I. 1991/2488](#), [art. 2](#)
- F3** Words in s. 51(1) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 38\(5\)\(b\)](#), [306\(4\)](#); [S.I. 2013/160](#), [art. 2\(2\)](#) (with arts. 7-9)
- F4** Definition substituted by [Courts Act 1971 \(c. 23\)](#), [Sch. 8 para. 57\(3\)](#)
- F5** Definition in s. 51(1) inserted (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), ss. 7, 8, [Sch. 3 para. 5\(1\)\(b\)](#); [S.I. 1991/2488](#), [art. 2](#)
- F6** Words in s. 51(1) inserted (16.11.2009 as notified in the Gazettes) by [The Medical Act 1983 \(Amendment\) Order 2002 \(S.I. 2002/3135\)](#), art. 1(2)(3), [Sch. 1 para. 6](#) (with [Sch. 2](#))
- F7** Definition of "recommendation for deportation" repealed by [Immigration Act 1971 \(c. 77\)](#), [Sch. 6](#)
- F8** S. 51(1A) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 90\(3\)](#); [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 43\(c\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), [Sch. 26 para. 78](#), [Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), [Sch. 1 paras. 48\(s\)](#), [50\(2\)\(d\)](#); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), [Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(l))
- F9** Words in s. 51(1A) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(1), [Sch. 8 para. 145](#), [Sch. 14](#); [S.I. 2008/755](#), art. 2(1)(a)(d) (with arts. 3-14)
- F10** Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [Sch. 4 para. 23\(j\)](#)
- F11** Words in s. 51(2) inserted (1.4.2000) [S.I. 2000/90](#), art. 3(2), [Sch. 2 Pt. I para. 1](#) (with art. 2(5))
- F12** S. 51(2A) inserted (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), ss. 7, 8, [Sch. 3 para. 5\(2\)](#); [S.I. 1991/2488](#), [art. 2](#)
- F13** Words in s. 51(2A) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 10 para. 6](#) (with [Sch. 12 para. 8](#)); [S.I. 2005/579](#), art. 3(g)
- F14** S. 51(3) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [Sch. 7](#)

Marginal Citations

- M1** [1964 c. 84](#).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 51.