
STATUTORY INSTRUMENTS

1997 No. 402 (C.20)

**CRIMINAL LAW, ENGLAND AND
WALES
CRIMINAL LAW, NORTHERN IRELAND**

**The Criminal Appeal Act 1995 (Commencement
No. 4 and Transitional Provisions) Order 1997**

Made - - - - 17th February 1997

In exercise of the powers conferred on him by section 32 of the Criminal Appeal Act 1995(1) the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Criminal Appeal Act 1995 (Commencement No. 4 and Transitional Provisions) Order 1997.

2. In this Order—

“the 1968 Act” means the Criminal Appeal Act 1968(2),

“the 1980 Act” means the Criminal Appeal (Northern Ireland) Act 1980(3),

“the 1995 Act” means the Criminal Appeal Act 1995.

3. Subject to article 4 below, the following provisions of the 1995 Act shall come into force on 31st March 1997—

(a) sections 3 and 5;

(b) section 7, to the extent not already in force;

(c) sections 9 to 25;

(d) section 29 insofar as, to bring provisions in Schedules 2 and 3 into force, it is not already in force;

(e) Schedule 2, to the extent not already in force; and

(f) Schedule 3, to the extent not already in force.

4.—(1) In relation to the exercise before 31st March 1997 of the power to make a reference in respect of any person to the Court of Appeal under section 17 of the 1968 Act or section 14 of the

(1) 1995 c. 35.

(2) 1968 c. 19.

(3) 1980 c. 47.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

1980 Act, paragraph 7 of Schedule 3 to the Parliamentary Commissioner Act 1967⁽⁴⁾ shall continue to have effect as if this Order had not been made.

(2) In relation to a reference made by the Secretary of State under section 17(1)(b) of the 1968 Act or section 14(1)(b) of the 1980 Act in which the opinion of the Court of Appeal on the point referred has not been furnished when the repeal of that section takes effect, section 14(3) of the 1995 Act shall apply as if the reference had been made by the Commission under the said section 14(3).

(3) In relation to a reference made under section 17 of the 1968 Act or section 14 of the 1980 Act before 31st March 1997, section 133 of the Criminal Justice Act 1988⁽⁵⁾ shall continue to have effect as if this Order had not been made.

Home Office
17th February 1997

Michael Howard
One of Her Majesty's Principal Secretaries of
State

(4) 1967 c. 13.
(5) 1988 c. 33.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 31st March 1997 all the provisions of the Criminal Appeal Act 1995 not already in force. These concern mainly the powers of the Criminal Cases Review Commission, the body established under section 8 of that Act, to consider claims of miscarriages of justice.

Article 4 contains transitional provisions and savings in relation to references by the Secretary of State, before then, of cases to the Court of Appeal.