



Criminal Appeal Act 1968

1968 CHAPTER 19

PART I

APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

^{F1}Appeal against order made in cases of insanity or unfitness to plead

Textual Amendments

F1 Ss. 16A, 16B and cross-heading inserted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), ss. 25, 60; S.I. 2005/579, art. 3(b)

16A Right of appeal against hospital order etc.

- (1) A person in whose case the Crown Court—
 - (a) makes a hospital order or interim hospital order by virtue of section 5 or 5A of the Criminal Procedure (Insanity) Act 1964, or
 - (b) makes a supervision order under section 5 of that Act,may appeal to the Court of Appeal against the order.
- (2) An appeal under this section lies only—
 - (a) with the leave of the Court of Appeal; or
 - (b) if the judge of the court of trial grants a certificate that the case is fit for appeal.

16B Disposal of appeal under s. 16A

- (1) If on an appeal under section 16A of this Act the Court of Appeal consider that the appellant should be dealt with differently from the way in which the court below dealt with him—
 - (a) they may quash any order which is the subject of the appeal; and

*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Cross
Heading: Appeal against order made in cases of insanity or unfitness to plead. (See end of Document for details)*

- (b) they may make such order, whether by substitution for the original order or by variation of or addition to it, as they think appropriate for the case and as the court below had power to make.
- (2) The fact that an appeal is pending against an interim hospital order under the Mental Health Act 1983 shall not affect the power of the court below to renew or terminate the order or deal with the appellant on its termination.
- ^{F2}(3)
- (4) The fact that an appeal is pending against a supervision order under section 5 of the Criminal Procedure (Insanity) Act 1964 shall not affect the power of the court below to revoke the order, or of a magistrates' court to revoke or amend it.
- (5) Where the Court of Appeal make a supervision order by virtue of this section, the power of revoking or amending it shall be exercisable as if the order had been made by the court below.]

Textual Amendments

F2 S. 16B(3) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), s. 153(7), Sch. 8 para. 7(d), **Sch. 28 Pt. 3**; S.I. 2008/1586, art. 2(1), Sch. 1 paras. 26, 50(3)(a) (with Sch. 2 para. 5)

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