



# Criminal Appeal Act 1968

## 1968 CHAPTER 19

### PART I

#### APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

##### *The hearing*

##### **[<sup>F1</sup>23A Power to order investigations.**

- (1) On an appeal against conviction [<sup>F2</sup>or an application for leave to appeal against conviction,] the Court of Appeal may direct the Criminal Cases Review Commission to investigate and report to the Court on any matter if it appears to the Court that—
  - (a) [<sup>F3</sup>in the case of an appeal,] the matter is relevant to the determination of the [<sup>F4</sup>appeal] and ought, if possible, to be resolved before the [<sup>F4</sup>appeal] is determined;
  - <sup>F5</sup>(aa) [ in the case of an application for leave to appeal, the matter is relevant to the determination of the application and ought, if possible, to be resolved before the application is determined;]
  - (b) an investigation of the matter by the Commission is likely to result in the Court being able to resolve it; and
  - (c) the matter cannot be resolved by the Court without an investigation by the Commission.
- <sup>F6</sup>(1A) [ A direction under subsection (1) above may not be given by a single judge, notwithstanding that, in the case of an application for leave to appeal, the application may be determined by a single judge as provided for by section 31 of this Act.]
- (2) A direction by the Court of Appeal under subsection (1) above shall be given in writing and shall specify the matter to be investigated.
- (3) Copies of such a direction shall be made available to the appellant and the respondent.
- (4) Where the Commission have reported to the Court of Appeal on any matter which they have been directed under subsection (1) above to investigate, the Court—

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 23A. (See end of Document for details)*

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- (a) shall notify the appellant and the respondent that the Commission have reported; and
- (b) may make available to the appellant and the respondent the report of the Commission and any statements, opinions and reports which accompanied it.

[ In this section “respondent” includes a person who will be a respondent if leave to <sup>F7</sup>(5) appeal is granted.]]

#### **Textual Amendments**

- F1** S. 23A inserted (31.3.1997) by 1995 c. 35, s. 5(1); S.I. 1997/402, art. 3(a) (with art. 4)
- F2** Words in s. 23A(1) inserted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(2), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))
- F3** Words in s. 23A(1)(a) inserted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(3)(a), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))
- F4** Words in s. 23A(1)(a) substituted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(3)(b), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))
- F5** S. 23A(1)(aa) inserted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(4), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))
- F6** S. 23A(1A) inserted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(5), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))
- F7** S. 23A(5) inserted (1.9.2004) by Criminal Justice Act 2003 (c. 44), ss. 313(6), 336(3)(4); S.I. 2004/1629, art. 3(1)(2)(a) (with art. 3(3))

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 23A.