



# Criminal Appeal Act 1968

## 1968 CHAPTER 19

### PART I

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

##### *Appeal against conviction on indictment*

### 3 Power to substitute conviction of alternative offence.

- (1) This section applies on an appeal against conviction, where the appellant has been convicted of an offence [<sup>F1</sup>to which he did not plead guilty] and the jury could on the indictment have found him guilty of some other offence, and on the finding of the jury it appears to the Court of Appeal that the jury must have been satisfied of facts which proved him guilty of the other offence.
- (2) The Court may, instead of allowing or dismissing the appeal, substitute for the verdict found by the jury a verdict of guilty of the other offence, and pass such sentence in substitution for the sentence passed at the trial as may be authorised by law for the other offence, not being a sentence of greater severity.

---

#### Textual Amendments

- F1** Words in s. 3(1) inserted (1.9.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 316\(2\), 336\(3\)\(4\)](#); [S.I. 2004/1629](#), [art. 3\(1\)\(2\)\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 3.