



Criminal Appeal Act 1968

1968 CHAPTER 19

PART II

APPEAL TO HOUSE OF LORDS FROM COURT OF APPEAL (CRIMINAL DIVISION)

Matters preliminary to hearing

38 Presence of defendant at hearing.

A defendant who [^{F1}has been convicted of an offence, or in whose case an order under section 77 of the Criminal Justice Act 2003 or a declaration under section 77(4) of that Act has been made, and who] is detained pending an appeal to the [^{F2}Supreme Court] shall not be entitled to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto, except where an order of the [^{F2}Supreme Court] authorises him to be present, or where the [^{F2}Supreme Court] or the Court of Appeal, as the case may be, give him leave to be present.

Textual Amendments

- F1** Words in s. 38 substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), ss. 81\(5\), 336\(3\)\(4\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 5 \(with Sch. 2\)](#) (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\(1\)](#))
- F2** Words in s. 38 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 9 para. 16\(7\)](#); [S.I. 2009/1604, art. 2\(d\)](#))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 38.