



Criminal Appeal Act 1968

1968 CHAPTER 19

PART III

MISCELLANEOUS AND GENERAL

51 Interpretation.

(1) In this Act, except where the context otherwise requires—

“appeal”, where used in Part I or II of this Act, means appeal under that Part, and “appellant” has a corresponding meaning and in Part I includes a person who has given notice of application for leave to appeal;

“the court of trial”, in relation to an appeal, means the court from which the appeal lies;

^{F1}

[^{F2}“duly approved”, in relation to a registered medical practitioner, means approved for the purposes of section 12 of the Mental Health Act 1983 by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder;]

[^{F3}“the judge of the court of trial” means, where the Crown Court comprises justices of the peace, the judge presiding;]

[^{F4}“registered medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 [^{F5}who holds a licence to practise];]

“under disability” has the meaning assigned to it by section 4 of the ^{M1}Criminal Procedure (Insanity) Act 1964 (unfitness to plead); and

^{F6}

[^{F7}(1A) In Part 2 of this Act “the defendant”—

- (a) in relation to an appeal under section 33(1) of this Act against a decision of the Court of Appeal on an appeal under Part 1 of this Act, means the person who was the appellant before the Court of Appeal,
- (b) in relation to an appeal under section 33(1) of this Act against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court of Appeal, and

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Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 51. (See end of Document for details)

(c) in relation to an appeal under section 33(1B) of this Act, shall be construed in accordance with section 33(4) of this Act; and ^{F8} ... “prosecutor” shall be construed accordingly.]

(2) Any expression used in this Act which is defined in [^{F9}section 145(1) [^{F10}and (1AA)] of the Mental Health Act 1983] has the same meaning in this Act as in that Act.

[^{F11}(2A) Subsections (2) and (3) of section 54 of the Mental Health Act 1983 shall have effect with respect to proof of the appellant’s mental condition for the purposes of section [^{F12}6 or 14] of this Act as they have effect with respect to proof of an offender’s mental condition for the purposes of section 37(2)(a) of that Act.]

^{F13}(3)

Textual Amendments

- F1** Words in s. 51(1) repealed (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 36 para. 90(2), **Sch. 37 Pt. 12**; S.I. 2005/950, art. 2(1), Sch. 1 para. 43(c) (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(l))
- F2** Definition in s. 51(1) inserted (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), ss. 7, 8, **Sch. 3 para. 5(1)(a)**; S.I. 1991/2488, **art. 2**
- F3** Definition substituted by Courts Act 1971 (c. 23), **Sch. 8 para. 57(3)**
- F4** Definition in s. 51(1) inserted (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), ss. 7, 8, **Sch. 3 para. 5(1)(b)**; S.I. 1991/2488, **art. 2**
- F5** Words in s. 51(1) inserted (16.11.2009 as notified in the Gazettes) by The Medical Act 1983 (Amendment) Order 2002 (S.I. 2002/3135), art. 1(2)(3), **Sch. 1 para. 6** (with Sch. 2)
- F6** Definition of "recommendation for deportation" repealed by Immigration Act 1971 (c. 77), **Sch. 6**
- F7** S. 51(1A) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 36 para. 90(3)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 43(c) (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(l))
- F8** Words in s. 51(1A) repealed (1.4.2008) by Serious Crime Act 2007 (c. 27), s. 94(1), Sch. 8 para. 145, **Sch. 14**; S.I. 2008/755, art. 2(1)(a)(d) (with arts. 3-14)
- F9** Words substituted by Mental Health Act 1983 (c. 20, SIF 85), **Sch. 4 para. 23(j)**
- F10** Words in s. 51(2) inserted (1.4.2000) S.I. 2000/90, art. 3(2), **Sch. 2 Pt. I para. 1** (with art. 2(5))
- F11** S. 51(2A) inserted (1.1.1992) by Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25, SIF 39:1), ss. 7, 8, **Sch. 3 para. 5(2)**; S.I. 1991/2488, **art. 2**
- F12** Words in s. 51(2A) substituted (31.3.2005) by Domestic Violence, Crime and Victims Act 2004 (c. 28), s. 60, **Sch. 10 para. 6** (with Sch. 12 para. 8); S.I. 2005/579, art. 3(g)
- F13** S. 51(3) repealed by Supreme Court Act 1981 (c. 54, SIF 37), **Sch. 7**

Marginal Citations

- M1** 1964 c. 84.

Status:

Point in time view as at 16/11/2009. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 51.