



Criminal Appeal Act 1968

1968 CHAPTER 19

PART I

APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

Appeal against sentence

9 Appeal against sentence following conviction on indictment.

[^{F1}(1)] A person who has been convicted of an offence on indictment may appeal to the Court of Appeal against any sentence (not being a sentence fixed by law) passed on him for the offence, whether passed on his conviction or in subsequent proceedings.

[^{F2}(1A) In subsection (1) of this section, the reference to a sentence fixed by law does not include a reference to an order made under [^{F3}section 321 of the Sentencing Code] in relation to a life sentence (as defined in [^{F4}section 324 of that Code]) that is fixed by law.]

[^{F1}(2) A person who on conviction on indictment has also been convicted of a summary offence under ^{F5}... [^{F6}or paragraph 6 of Schedule 3 to the Crime and Disorder Act 1998 (power of Crown Court to deal with summary offence where person sent for trial for indictable-only offence)] may appeal to the Court of Appeal against any sentence passed on him for the summary offence (whether on his conviction or in subsequent proceedings) under subsection (7) of that section [^{F7}or sub-paragraph (4) of that paragraph.]]

Textual Amendments

- F1** S. 9 renumbered to become s. 9(1) and s. 9(2) added by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para 16, [Sch. 15 para. 20](#),
- F2** S. 9(1A) inserted (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 271\(1\)](#), 336(2)
- F3** Words in s. 9(1A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 9\(a\)](#) (with [Sch. 24 para. 447](#), [Sch. 27](#)); S.I. 2020/1236, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 9. (See end of Document for details)

- F4** Words in s. 9(1A) substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 24 para. 9(b)** (with Sch. 24 para. 447, Sch. 27); S.I. 2020/1236, reg. 2
- F5** Words in s. 9(2) repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 3 para. 44(3), **Sch. 37 Pt. 4**; S.I. 2012/1320, art. 4(1)(c)(d)(2)(3) (with art. 5) (see S.I. 2012/2574, art. 4(2) and S.I. 2013/1103, art. 4); S.I. 2012/2574, art. 2(2)(3)(c)(d), Sch. (with arts. 34) (as amended (4.11.2012) by S.I. 2012/2761, art. 2) (with S.I. 2013/1103, art. 4); S.I. 2013/1103, art. 2(1)(c)(d)(2)(3) (with arts. 34)
- F6** Words in s. 9(2) inserted (4.1.1999 for specified purposes and otherwise 15.1.2001) by 1998 c. 37, s. 119, **Sch. 8 para. 12**; S.I. 1998/2327, art. 4(2)(c), **Sch. 2**; S.I. 2000/3283, **art. 2(c)** (subject to art. 3)
- F7** Words in s. 9(2) inserted (27.9.1999) by 1999 c. 22, **ss. 58(3)**, 108(3) (with s. 107, Sch. 14 para. 7(2))

Modifications etc. (not altering text)

- C1** S. 9 modified (25.8.2000) by 2000 c. 6, **ss. 116(9)**, 168(1)
- C2** S. 9 applied (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 5 para. 9** (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C3** S. 9 applied (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 179(3)**, 383(2) (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C4** S. 9 applied (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 205(4)**, 383(2) (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C5** S. 9 applied (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), **ss. 203(4)**, 383(2) (with s. 385); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- C6** S. 9 applied by 2020 c. 17, Sch. 16 para. 25(8B) (as modified by 2006 c. 52, Sch. 7 para. 13 (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), Sch. 25 paras. 19, 26 (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2))
- C7** S. 9 modified by 2020 c. 17, Sch. 10 para. 5A(4) (as modified by 2006 c. 52, s. 181(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 6** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2))
- C8** S. 9 modified by 2020 c. 17, Sch. 9 para. 22 (as modified by 2006 c. 52, s. 179(3) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 4** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2))
- C9** S. 9 applied by 2020 c. 17, Sch. 9 para. 22(5B) (as modified by 2006 c. 52, s. 203(4) (as substituted (1.12.2020) by Sentencing Act 2020 (c. 17), s. 416(1), **Sch. 25 para. 21** (with s. 416(7), Sch. 27); S.I. 2020/1236, reg. 2))

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 9.