



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

Supplementary powers

18 Government documents etc. relating to current or old cases.

- (1) Section 17 does not apply to any document or other material in the possession or control of a person serving in a government department if the document or other material—
- (a) is relevant to a case to which this subsection applies, and
 - (b) is in the possession or control of the person in consequence of the Secretary of State's consideration of the case.
- (2) Subsection (1) applies to a case if the Secretary of State—
- (a) is, immediately before the day on which the repeal by this Act of section 17 of the 1968 Act or of section 14 of the 1980 Act comes into force, considering the case with a view to deciding whether to make a reference under that section or whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction by a magistrates' court, or
 - (b) has at any earlier time considered the case with a view to deciding whether to make such a reference or whether so to recommend [^{F1}or
 - (c) is considering the case, or has at any earlier time considered the case, with a view to deciding whether to make a reference under section 34 of the Court Martial Appeals Act or whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction by the Court Martial or the Service Civilian Court].
- (3) The Secretary of State shall give to the Commission any document or other material which—

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 18. (See end of Document for details)

- (a) contains representations made to him in relation to any case to which this subsection applies, or
- (b) was received by him in connection with any such case otherwise than from a person serving in a government department,

and may give to the Commission any document or other material which is relevant to any such case but does not fall within paragraph (a) or (b).

(4) Subsection (3) applies to a case if—

- (a) the Secretary of State is, immediately before the day on which the repeal by this Act of section 17 of the 1968 Act or of section 14 of the 1980 Act comes into force, considering the case with a view to deciding whether to make a reference under that section or whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction by a magistrates' court, or
- (b) the Secretary of State has at any earlier time considered the case with a view to deciding whether to make such a reference, or whether so to recommend, and the Commission at any time notify him that they wish subsection (3) to apply to the case.

[^{F2}(5) The Secretary of State shall, if required by the Commission to do so, give to the Commission any document or other material which—

- (a) contains representations made to him in relation to any case to which this subsection applies, or
- (b) was received by him in connection with any such case otherwise than from a person serving in a government department,

and may give to the Commission any document or other material which is relevant to any such case but does not fall within paragraph (a) or (b).

(6) Subsection (5) applies to a case if the Secretary of State is considering the case, or has at any earlier time considered the case, as mentioned in subsection (2)(c).]

Textual Amendments

- F1** S. 18(2)(c) and preceding word added (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. 11 para. 7\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** S. 18(5)(6) added (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. 11 para. 7\(3\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 18.