



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—
- is relevant to a case to which this subsection applies, and
 - 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—
- 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
 - has at any earlier time considered the case with a view to deciding whether to make such a reference or whether so to recommend.
- (3) The Secretary of State shall give to the Commission any document or other material which—
- contains representations made to him in relation to any case to which this subsection applies, or
 - 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).

Status: This is the original version (as it was originally enacted).

- (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.