



# Criminal Appeal Act 1995

## 1995 CHAPTER 35

### PART I

#### THE COURT OF APPEAL

#### 4 Evidence.

(1) In section 23 of the 1968 Act (evidence)—

(a) in subsection (1) (power to receive evidence etc.), for paragraph (c) substitute—

“(c) receive any evidence which was not adduced in the proceedings from which the appeal lies.”,

(b) for subsection (2) (duty to receive evidence in certain circumstances) substitute—

“(2) The Court of Appeal shall, in considering whether to receive any evidence, have regard in particular to—

- (a) whether the evidence appears to the Court to be capable of belief;
- (b) whether it appears to the Court that the evidence may afford any ground for allowing the appeal;
- (c) whether the evidence would have been admissible in the proceedings from which the appeal lies on an issue which is the subject of the appeal; and
- (d) whether there is a reasonable explanation for the failure to adduce the evidence in those proceedings.”, and

(c) in subsection (3), after “any” insert “evidence of a ”.

(2) In section 25 of the 1980 Act (evidence)—

(a) in subsection (1) (power to receive evidence etc.), for paragraph (c) substitute—

“(c) receive any evidence which was not adduced at the trial.”,

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**Changes to legislation:** *There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 4. (See end of Document for details)*

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- (b) for subsection (2) (duty to receive evidence in certain circumstances) substitute—
  - “(2) The Court of Appeal shall, in considering whether to receive any evidence, have regard in particular to—
    - (a) whether the evidence appears to the Court to be capable of belief;
    - (b) whether it appears to the Court that the evidence may afford any ground for allowing the appeal;
    - (c) whether the evidence would have been admissible at the trial on an issue which is the subject of the appeal; and
    - (d) whether there is a reasonable explanation for the failure to adduce the evidence at the trial.”, and
- (c) in subsection (3), after “any” insert “evidence of a ”.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 4.