
Changes to legislation: Criminal Justice and Immigration Act 2008, Cross Heading: Detention of defendant pending appeal to Supreme Court is up to date with all changes known to be in force on or before 20 May 2019. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 8

APPEALS IN CRIMINAL CASES

PART 1

AMENDMENTS OF CRIMINAL APPEAL ACT 1968

Detention of defendant pending appeal to Supreme Court

- 13 (1) Section 37 (detention of defendant on appeal by Crown) is amended as follows.
- (2) In subsection (2) for the words from “may make” to the end substitute “shall make—
- (a) an order providing for his detention, or directing that he shall not be released except on bail (which may be granted by the Court as under section 36 above), so long as the appeal is pending, or
- (b) an order that he be released without bail.”
- (3) After subsection (2) insert—
- “(2A) The Court may make an order under subsection (2)(b) only if they think that it is in the interests of justice that the defendant should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.”
- (4) In subsection (3) for “this section” substitute “ subsection (2)(a) ”.
- (5) In subsection (4) for “this section” (in each place where it occurs) substitute “ subsection (2)(a) ”.
- (6) In subsection (4A) for “this section” (in the first place where it occurs) substitute “ subsection (2)(a) ”.
- (7) For subsection (5) substitute—
- “(5) The defendant shall not be liable to be detained again as a result of the decision of the Supreme Court on the appeal if—
- (a) the Court of Appeal have made an order under subsection (2)(b), or
- (b) the Court have made an order under subsection (2)(a) but the order has ceased to have effect by virtue of subsection (3) or the defendant has been released or discharged by virtue of subsection (4) or (4A).”

Annotations:

Commencement Information

II Sch. 8 para. 13 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 26 (with Sch. 2 para. 714)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)