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**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Powers of Court to substitute different sentence is up to date with all changes known to be in force on or before 24 February 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)

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## SCHEDULES

### SCHEDULE 8

#### APPEALS IN CRIMINAL CASES

##### PART 1

##### AMENDMENTS OF CRIMINAL APPEAL ACT 1968

##### *Powers of Court to substitute different sentence*

- 6 (1) Section 4 (sentence when appeal allowed on part of indictment) is amended as follows.
- (2) For the heading substitute “ Power to re-sentence where appellant remains convicted of related offences ”.
- (3) For subsection (1) substitute—
- “(1) This section applies where—
- (a) two or more related sentences are passed,
- (b) the Court of Appeal allow an appeal against conviction in respect of one or more of the offences for which the sentences were passed (“the related offences”), but
- (c) the appellant remains convicted of one or more of those offences.”
- (4) In subsection (2)—
- (a) for “in respect of any count on which the appellant remains convicted” substitute “ in respect of any related offence of which the appellant remains convicted ”, and
- (b) omit “for the offence of which he remains convicted on that count”.
- (5) In subsection (3)—
- (a) for “on the indictment as a whole” substitute “ (taken as a whole) for all the related offences of which he remains convicted ”, and
- (b) for “for all offences of which he was convicted on the indictment” substitute “ for all the related offences ”.
- (6) After subsection (3) insert—
- “ (4) For the purposes of subsection (1)(a), two or more sentences are related if—
- (a) they are passed on the same day,
- (b) they are passed on different days but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence, or

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- (c) they are passed on different days but in respect of counts on the same indictment.
- (5) Where—
- (a) two or more sentences are related to each other by virtue of subsection (4)(a) or (b), and
  - (b) any one or more of those sentences is related to one or more other sentences by virtue of subsection (4)(c),
- all the sentences are to be treated as related for the purposes of subsection (1)(a).”

**Annotations:**

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**Commencement Information**

**II** Sch. 8 para. 6 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 26** (with Sch. 2 para. 4)

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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\(3\)](#)