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SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO PROCEDURE, APPEALS, ETC.

PART I

ENGLAND AND WALES

- 2 (1) Where a person is convicted of murder, he shall not by virtue of section six of this Act be sentenced to death by reason of a previous conviction of another murder done in Great Britain on a different occasion, unless—
- (a) at least three days before the trial notice is given to him and to the clerk of assize that it is intended to prove the previous conviction; and
 - (b) before he is sentenced, his previous conviction of the other murder, and the fact that the murders were done in Great Britain on different occasions, are admitted by him or found by the verdict of a jury:

Provided that head (a) of this sub-paragraph shall not apply where he is convicted of both murders at the same assizes (or before the same court of assize held by virtue of a special commission).

- (2) The said jury shall be the trial jury, that is to say the jury to whom he was given in charge to be tried for the murder for which the sentence is in question, and the members of the jury need not be re-sworn:

Provided that—

- (a) if any member of the trial jury, either before or after the conviction, dies or is discharged by the court as being through illness incapable of continuing to act or for any other cause, the inquiry under this paragraph shall proceed without him; and
 - (b) where there is no trial jury, a jury shall be constituted as if to try whether or not he was fit to plead, and shall be sworn in such manner as the court may direct.
- (3) Where a person is sentenced to death by virtue of a verdict given by a jury in proceedings under this paragraph, he shall have the like right of appeal under the Criminal Appeal Act, 1907, against the sentence as if the appeal were against a conviction involving sentence of death:

Provided that, he shall not by virtue of this sub-paragraph have a right of appeal against a sentence passed on a conviction of capital murder, unless he appeals against that conviction.

- (4) On any such appeal against sentence, the court shall have the same powers as to allowing or dismissing the appeal as on an appeal against a conviction; and where the court allow the appeal, and it appears to the court that having regard to the decision

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on the appeal the sentence is not warranted in law, the court shall quash the sentence and pass the appropriate sentence in substitution for it.

- (5) The proviso to section thirteen of the Criminal Law Act, 1827 (which provides that a pardon of a felony shall not affect the punishment on a subsequent conviction for felony), so far as it relates to free pardons, shall not apply for the purposes of section six of this Act.