



# Criminal Appeal Act 1968

## CHAPTER 19

### CRIMINAL APPEAL ACT 1968

#### PART I

##### APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

###### *Appeal against conviction on indictment*

- 1 Right of appeal.
- 2 Grounds for allowing appeal under s. 1.
- 3 Power to substitute conviction of alternative offence.
- 4 Sentence when appeal allowed on part of an indictment.
- 5 Disposal of appeal against conviction on special verdict.
- 6 Substitution of finding of insanity or findings of unfitness to plead etc.

###### *Retrial*

- 7 Power to order retrial.
- 8 Supplementary provisions as to retrial.

###### *Appeal against sentence*

- 9 Appeal against sentence following conviction on indictment.
- 10 Appeal against sentence in other cases dealt with at assizes or quarter sessions.
- 11 Supplementary provisions as to appeal against sentence.

###### *Appeal in cases of insanity*

- 12 Appeal against verdict of not guilty by reason of insanity.
- 13 Disposal of appeal under s. 12.
- 14 Substitution of findings of unfitness to plead etc.

*Status: Point in time view as at 01/10/1997.*

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14A Substitution of verdict of acquittal.

*Unfitness to stand trial*

- 15 Right of appeal against finding of disability.  
16 Disposal of appeal under s. 15.

*Review by Court of Appeal of cases tried on indictment*

- 17 Reference by Home Secretary.

*Procedure from notice of appeal to hearing*

- 18 Initiating procedure.  
18A Appeals in cases of contempt of court.  
19 Bail.  
20 Disposal of groundless appeal or application for leave to appeal.  
21 Preparation of case for hearing.

*The hearing*

- 22 Right of appellant to be present.  
23 Evidence.  
23A Power to order investigations.  
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*Other matters depending on result of appeal*

- 29 Effect of appeal on sentence.  
30 Restitution of property.

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- 31 Powers of Court under Part I which are exercisable by single judge.  
31A Powers of Court under Part I which are exercisable by registrar.  
32 Transcripts.

**PART II**

APPEAL TO HOUSE OF LORDS FROM COURT OF APPEAL (CRIMINAL DIVISION)

*The appeal*

- 33 Right of appeal to House of Lords.  
34 Application for leave to appeal.  
35 Hearing and disposal of appeal.

*Matters preliminary to hearing*

- 36 Bail on appeal by defendant.  
37 Detention of defendant on appeal by the Crown.  
38 Presence of defendant at hearing.  
39—41 .....

*Supplementary*

- 42 .....
- 43 Effect of appeal on sentence.

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- 44 Powers of Court of Appeal under Part II which are exercisable by single judge.
- 44A Appeals in cases of death.

### PART III

#### MISCELLANEOUS AND GENERAL

- 45 Construction of references in Parts I and II to Court of Appeal and a single judge.
- 46 .....
- 47 .....
- 48 Appeal in capital cases.
- 49 Saving for prerogative of mercy.
- 50 Meaning of “sentence”.
- 51 Interpretation.
- 52 Consequential amendment of enactments.
- 53 Transitional provisions.
- 54 Repeals.
- 55 Short title, commencement and extent.

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### SCHEDULES

#### SCHEDULE 1 —

- 1 .....
- 2 .....
- 3 .....

#### SCHEDULE 2 — Procedural and Other Provisions Applicable on Order for Retrial

##### *Depositions*

- 1 On a retrial, section 13(3) of the Criminal Justice Act...
- 1A Subject to paragraph 1 above, evidence given orally at the...

##### *Sentence on conviction at retrial*

- 2 (1) Where a person ordered to be retried is again...
- 3 .....

#### SCHEDULE 3 — Application of Provisions in Part III of Mental Health Act 1983 where Order made under Section 16(3) of this Act

- 1 .....

##### *Order for continued detention under Act of 1983*

- 2 Where an order is made by the Court of Appeal...

#### SCHEDULE 4 — Procedural and other Modifications for Capital Cases

##### *Appeal to Court of Appeal*

- 1 In the case of a conviction involving sentence of death...
- 2 In the case of a conviction involving sentence of death—...

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*Appeal to House of Lords*

- 3 In a case involving sentence of death, the power of...
- 4 (1) Any application for leave to appeal under Part II...

SCHEDULE 5 — Amendment of Enactments

Part I — MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

...

...

*The Sentence of Death (Expectant Mothers) Act 1931 (c. 24)*

*The Children and Young Persons Act (c. 12)*

*The Costs in Criminal Cases Act 1952 (c. 48)*

Section 7 After the word “Act” there shall be inserted...

*The Prison Act 1952 (c. 52)*

*The Geneva Conventions Act 1957 (c. 52)*

(1) Where a protected prisoner of war or protected internee...

...

...

*The Criminal Justice Administration Act 1962 (c. 15)*

...

Part II — ...

SCHEDULE 6 — Transitional Provisions

- 1 (1) Any right of appeal subsisting immediately before the commencement...
- 2 (1) In so far as any order made, direction given...
- 3 (1) The mention of particular matters in this Schedule shall...

SCHEDULE 7 — Repeals

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