



# 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.
- 3A Power to substitute conviction of alternative offence after guilty plea
- 4 Power to re-sentence where appellant remains convicted of related offences.
- 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.

*Status: Point in time view as at 01/01/2010.*

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- 13 Disposal of appeal under s. 12.
- 14 Substitution of findings of unfitness to plead etc.
- 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.

*Appeal against order made in cases of insanity or unfitness to plead*

- 16A Right of appeal against hospital order etc.
- 16B Disposal of appeal under s. 16A

*Appeals following references by the CCRC*

- 16C Power to dismiss certain appeals following references by the CCRC

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

- 17 Appeal to Court of Appeal in Criminal Cases

*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.
- 24—28 Appeal to Court of Appeal in Criminal Cases

*Other matters depending on result of appeal*

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

*Supplementary*

- 30A Effect of interim hospital orders
- 31 Powers of Court ...which are exercisable by single judge.
- 31A Powers of Court under Part I which are exercisable by registrar.
- 31B Procedural directions: powers of single judge and registrar
- 31C Appeals against procedural directions
- 32 Transcripts.

**PART II**

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

*The appeal*

- 33 Right of appeal to Supreme Court .

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- 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.
- 37A Continuation of community treatment order on appeal by the Crown
- 38 Presence of defendant at hearing.
- 39—41 Matters preliminary to hearing

*Supplementary*

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

*Evidence*

- 1 On a retrial, paragraphs 1 and 2 of Schedule 2...
- 2 Paragraph 5 of Schedule 3 to the Crime and Disorder...

*Sentence on conviction at retrial*

- 2 (1) Where a person ordered to be retried is again...
- 3 Procedural and Other Provisions Applicable on Order for Retrial

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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 .....

2 .....

*Appeal to Supreme Court*

3 .....

4 .....

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...

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## SCHEDULE 7 — Repeals

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