

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 unfitness to plead

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 Hospital order on disposal of appeal

Unfitness to stand trial

- 15 Right of appeal against finding of disability 16. Disposal of appeal under s. 15
- 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
- 19 Bail
- 20 Disposal of groundless appeal
- 21 Preparation of case for hearing

The hearing

- 22 Right of appellant to be present
- 23 Evidence

Costs, etc.

- 24 Award of costs to successful appellant
- 25 Costs on dismissal of appeal
- Witnesses' expenses
- 27 Expenses of appellant's appearance
- 28 Provisions supplementary to ss. 24 to 27

Other matters depending on result of appeal

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

Supplementary

- 31 Powers of Court under Part I which are exercisable by single judge
- 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

Costs

39 Award of costs to defendant (whether appellant or respondent)

- 40 Costs against defendant
- 41 General provision as to costs and expenses

Supplementary

- 42 Restitution of property
- 43 Effect of appeal on sentence
- Powers of Court of Appeal under Part II which are exercisable by single judge

PART III

MISCELLANEOUS AND GENERAL

- 45 Jurisdiction of Court of Appeal under this Act
- 46 Rules of court
- 47 Legal aid
- 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

SCHEDULES

SCHEDULE 1 — Consequences and Effect of Order for Admission to Hospital under s.6 or s.14

- 1 (1) An order for admission to hospital under section 6...
- 2 A person who is admitted to hospital in pursuance of...
- 3 A person who is admitted to a hospital in pursuance...

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

Depositions

1 On a retrial, section 13(3) of the Criminal Justice Act...

Sentence on conviction at retrial

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

Costs where retrial results in acquittal

3 If the person ordered to be retried is acquitted on...

SCHEDULE 3 — Application of Provisions in Part V of Mental Health Act 1959 where Order made under Section 16(3) of this Act

Order for custody pending trial

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

Order for continued detention under Act of 1959

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—...

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 PROSECUTION OF OFFENCES ACT 1879 (c. 22)

Section 2

THE SUPREME COURT OF JUDICATURE (CONSOLIDATION) ACT 1925 (c. 49)
Section 31(1)

THE SENTENCE OF DEATH (EXPECTANT MOTHERS) ACT 1931 (c. 24)
Section 2(4)

THE CHILDREN AND YOUNG PERSONS ACT 1933 (c. 12)

Section 55(5)

THE COSTS IN CRIMINAL CASES ACT 1952 (c. 48)

Section 7

Section 8

Section 10

Section 11(1)

Section 12

Section 17(2)

THE PRISON ACT 1952 (c. 52)

Section 22(1)

Section 47(4)

THE GENEVA CONVENTIONS ACT 1957 (c. 52)

Section 4

THE MENTAL HEALTH ACT 1959 (c. 72)

Section 73(2)

THE ADMINISTRATION OF JUSTICE ACT 1960 (c. 65)

Section 13(6)

THE CRIMINAL JUSTICE ADMINISTRATION ACT 1962 (c. 15)
Section 18(1)

THE CRIMINAL PROCEDURE (INSANITY) ACT 1964 (c. 84)

THE CRIMINAL APPEAL ACT 1966 (c. 31)

Section 1(2)

PART II — AMENDMENTS (PROSPECTIVE) OF HOMICIDE ACT 1957, SCHEDULE 1

Paragraph 2(3) Paragraph 5

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