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*Status: Point in time view as at 31/03/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, SCHEDULE 4. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 4

Section 48.

#### PROCEDURAL AND OTHER MODIFICATIONS FOR CAPITAL CASES

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

- 1 In the case of a conviction involving sentence of death the power of the criminal division of the Court of Appeal under section 18(3) of this Act to extend the time for giving notice of appeal, or notice of application for leave to appeal, shall not be exercisable.
- 2 In the case of a conviction involving sentence of death—
  - (a) the sentence shall not in any case be executed until after the expiration of the time within which notice of appeal or of application for leave to appeal under Part I of this Act may be given; and
  - (b) if notice is so given, the appeal or application shall be heard and determined with as much expedition as is practicable, and the sentence shall not be executed until after the determination of the appeal or, in cases where an application for leave to appeal is finally refused, of the application.

##### *Appeal to House of Lords*

- 3 In a case involving sentence of death, the power of the criminal division of the Court of Appeal or the House of Lords under section 34(2) of this Act to extend the time within which an application by the defendant may be made to that division or the House for leave to appeal under Part II of this Act shall not be exercisable.
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  - (1) Any application for leave to appeal under Part II of this Act in a case involving sentence of death, and any appeal for which leave is granted on such an application, shall be heard and determined with as much expedition as practicable.
  - (2) Where an appeal to the criminal division of the Court of Appeal is dismissed in a case involving sentence of death, the sentence shall not in any case be executed until after the expiration of the time within which an application for leave to appeal to the House of Lords may be made; and if such an application is duly made the sentence shall not be executed while that application, and any appeal for which leave is granted thereon, is pending.
  - (3) Section 34(3) of this Act applies for the construction of this paragraph.

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