

*Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 52.

#### AMENDMENT OF ENACTMENTS

##### Modifications etc. (not altering text)

- C1** The text of s. 52, Sch. 5, is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### PART I

##### MISCELLANEOUS CONSEQUENTIAL AMENDMENTS

... *F1*

##### Textual Amendments

- F1** Sch. 5 Pt. I: entries relating to [Prosecution of Offences Act 1879 \(c. 22\)](#), repealed by [Prosecution of Offences Act 1979 \(c. 31\)](#), **Sch. 2 Pt. II**

... *F2*

##### Textual Amendments

- F2** Sch. 5 Pt. I: entries relating to [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**

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

#### Section 2(4)

For the words “under the Criminal Appeal Act 1907 to the Court of Criminal Appeal” there shall be substituted the words “under Part I of the Criminal Appeal Act 1968 to the criminal division of the Court of Appeal”.

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

#### Section 55(5)

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In paragraph (b), for the words “to the Court of Criminal Appeal in accordance with the Criminal Appeal Act 1907” there shall be substituted the words “to the criminal division of the Court of Appeal in accordance with Part I of the Criminal Appeal Act 1968”.

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

#### **Section 7**

After the word “Act” there shall be inserted the words “or the Criminal Appeal Act 1968”.

#### **Section 8**

In subsection (1) (as amended by paragraph 22 of Schedule 4 to the <sup>M1</sup>Criminal Justice Act 1967), for the words “under section 3(2) of this Act” there shall be substituted the words “under section 24 of the Criminal Appeal Act 1968”.

#### **Marginal Citations**

**M1** 1967 c. 80.

#### **Section 10**

For subsection (2) there shall be substituted the following subsection:—

“(2) Where the criminal division of the Court of Appeal order the payment of costs by the appellant under section 25 of the Criminal Appeal Act 1968, or that division or the House of Lords order the payment of costs by the defendant under section 40 of that Act, the payment shall be enforceable in the same manner as an order for payment of costs made by the High Court in a civil case.”

In subsection (5), after the word “Act” there shall be inserted the words “or the Criminal Appeal Act 1968”.

#### **Section 11(1)**

After the word “Act” there shall be inserted the words “or the Criminal Appeal Act 1968”.

#### **Section 12**

For this section there shall be substituted the following:—

#### **Regulations.**

“12 (1) The Secretary of State may by statutory instrument make regulations generally for carrying this Act and the associated provisions of the Criminal Appeal Act 1968 into effect and in particular may by regulations so made prescribe—

- (a) rates or scales of payment of any costs payable out of local funds under this Act or the said associated provisions and the conditions under which such costs may be allowed;
- (b) the manner in which an officer of the court making a payment to any person in respect of his attendance to give evidence is to be repaid out of local funds;
- (c) the form of orders, certificates and notices under the Act or the said associated provisions, and the giving of information when certificates are sent under this Act by the officer of any magistrates’ court;

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and any provision of this Act or the said Act of 1968 enabling any sum to be paid out of local funds shall have effect subject to the regulations.

- (2) In subsection (1) of this section “the associated provisions of the Criminal Appeal Act 1968” means the following provisions of that Act, namely, sections 24 to 28 and 39 to 41.”

## Section 17(2)

After the words “the Act” there shall be inserted the words “or the Criminal Appeal Act 1968”.

### Marginal Citations

M1 1967 c. 80.

## *The Prison Act 1952 (c. 52)*

## Section 22(1)

For the words “the Criminal Appeal Act 1907” there shall be substituted the words “Part I of the Criminal Appeal Act 1968”.

## Section 47(4)

In paragraph (c), for the words “the Criminal Appeal Act 1907” there shall be substituted the words “Part I of the Criminal Appeal Act 1968”.

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

## Section 4

For subsection (1) there shall be substituted the following subsections —

- “(1) Where a protected prisoner of war or protected internee has been sentenced to death or to imprisonment for a term of two years or more, the time within which he must give notice of appeal or notice of his application for leave to appeal to the criminal division of the Court of Appeal, the High Court of Justiciary or the Court of Criminal Appeal in Northern Ireland, as the case may be, shall, notwithstanding anything in the enactment relating to such appeals, be the period from the date of his conviction or, in the case of an appeal against sentence, of his sentence to the expiration of twenty-eight days after the date on which he received notice given—

- (a) in the case of a protected prisoner of war, by an officer of Her Majesty’s forces;
- (b) in the case of a protected internee, by or on behalf of the governor of the prison in which he is confined,

that the protecting power has been notified of his conviction and sentence; and, in a case to which the foregoing provisions of this subsection apply, a reference to the period aforesaid shall be substituted for the reference in section 30(1)(a) of the Criminal Appeal Act 1968 and section 31(1)(a) of the Criminal Appeal (Northern Ireland) Act 1968 (revesting and restitution of property) to the period of twenty-eight days from the date of conviction.

- (1A) In the case of an appeal to the House of Lords under any of the Acts specified in the left-hand column of the following Table by a protected prisoner of war or protected internee, the period specified in the provision of that Act specified in relation thereto in

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the right-hand column (the provisions there listed being those which lay down the time for applying for leave to appeal) shall be extended until fourteen days after the date on which the applicant receives notice, given as mentioned in subsection (1)(a) or (b) of this section, that the protecting power has been notified of the decision of the court from which the appeal lies, or of the refusal of that court of the application for leave to appeal, as the case may be.

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**Table**

The Administration of Justice Act 1960	Section 2(1)
The Criminal Appeal Act 1968	Section 34(1)
The Criminal Appeal (Northern Ireland) Act 1968	Section 37(1)
The Courts-Martial (Appeals) Act 1968	Section 40(1)”

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. . . F3

**Textual Amendments**

**F3** Sch. 5 Pt. I: entries relating to [Mental Health Act 1959 \(c. 72\)](#), repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**

. . . F4

**Textual Amendments**

**F4** Sch. 5 Pt. I: entries relating to [Administration of Justice Act 1960 \(c. 65\)](#), repealed in part by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**

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

**Section 18(1)**

For the words “section 2(1) of the Criminal Appeal Act 1964” there shall be substituted the words “section 8(1) of the Criminal Appeal Act 1968”.

. . . F5

**Textual Amendments**

**F5** Entry in Sch. 5, Pt. I repealed (1.1.1992) by [Criminal Procedure \(Insanity and Unfitness to Plead\) Act 1991 \(c. 25, SIF 39:1\)](#), ss. 8(2)(3), **Sch.4**; S.I. 1991/2488, **art. 2**

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... **F6**

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**Textual Amendments**

**F6** Sch. 5 Pt. I: entries relating to [Criminal Appeal Act 1966 \(c. 31\)](#), repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), **Sch. 7**

**PART II**

... **F7**

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**Textual Amendments**

**F7** Sch. 5. Pt. II repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), **Sch. 1 Pt. V**

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