



Criminal Appeal Act 1968

1968 CHAPTER 19

PART I

APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

Appeal against sentence

10 Appeal against sentence in other cases dealt with at assizes or quarter sessions

- (1) This section has effect for providing rights of appeal against sentence when a person is dealt with by a court of assize or quarter sessions (otherwise than on appeal from a magistrates' court) for an offence of which he was not convicted on indictment.
- (2) The proceedings from which an appeal against sentence lies under this section are those where an offender convicted of an offence by a magistrates' court—
 - (a) is committed by the court to be dealt with for his offence at assizes or quarter sessions ; or
 - (b) having been made the subject of a probation order or an order for conditional discharge or given a suspended sentence, appears or is brought before a court of assize or quarter sessions to be further dealt with for his offence.
- (3) An offender dealt with for an offence at assizes or quarter sessions in a proceeding to which subsection (2) of this section applies may appeal to the Court of Appeal against sentence in any of the following cases:—
 - (a) where either for that offence alone or for that offence and other offences for which sentence is passed in the same proceeding, he is sentenced to imprisonment for a term of six months or more ; or
 - (b) where the sentence is one which the court convicting him had not power to pass; or
 - (c) where the court in dealing with him for the offence makes in respect of him—
 - (i) a recommendation for deportation; or
 - (ii) an order disqualifying him for holding or obtaining a licence to drive a motor vehicle under Part II of the Road Traffic Act 1960; or

Status: This is the original version (as it was originally enacted).

- (iii) an order under section 40 of the Criminal Justice Act 1967 (orders as to existing suspended sentence when person subject to the sentence is again convicted).
- (4) For purposes of subsection (3)(a) of this section, any two or more sentences are to be treated as passed in the same proceeding if—
 - (a) they are passed on the same day; or
 - (b) they are passed on different days but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence;and consecutive terms of imprisonment and terms which are wholly or partly concurrent are to be treated as a single term.