



Criminal Appeal Act 1968

1968 CHAPTER 19

PART I

APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

Appeal in cases of insanity

13 Disposal of appeal under s. 12.

[^{F1}(1) Subject to the provisions of this section, the Court of Appeal—

- (a) shall allow an appeal under section 12 of this Act if they think that the verdict is unsafe; and
- (b) shall dismiss such an appeal in any other case.]

(3) Where apart from this subsection—

- (a) an appeal under section 12 of this Act would fall to be allowed; and
- (b) none of the grounds for allowing it relates to the question of the insanity of the accused,

the Court of Appeal may dismiss the appeal if they are of opinion that, but for the insanity of the accused, the proper verdict would have been that he was guilty of an offence other than the offence charged.

(4) Where an appeal under section 12 of this Act is allowed, the following provisions apply:—

- (a) if the ground, or one of the grounds, for allowing the appeal is that the finding of the jury as to the insanity of the accused ought not to stand and the Court of Appeal are of opinion that the proper verdict would have been that he was guilty of an offence (whether the offence charged or any other offence of which the jury could have found him guilty), the Court—
 - (i) shall substitute for the verdict of not guilty by reason of insanity a verdict of guilty of that offence; and
 - (ii) shall, subject to subsection (5) below, have the like powers of punishing or otherwise dealing with the appellant, and other powers,

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1968, Section 13. (See end of Document for details)

as the court of trial would have had if the jury had come to the substituted verdict; and

- (b) in any other case, the Court of Appeal shall substitute for the verdict of the jury a verdict of acquittal.
- (5) The Court of Appeal shall not by virtue of subsection (4)(a) above sentence any person to death; but where under that paragraph they substitute a verdict of guilty of an offence for which apart from this subsection they would be required to sentence the appellant to death, their sentence shall (whatever the circumstances) be one of imprisonment for life.
- (6) An order of the Court of Appeal allowing an appeal in accordance with this section shall operate as a direction to the court of trial to amend the record to conform with the order.

Textual Amendments

- F1** S. 13(1) substituted for s. 13(1)(2) (1.1.1996) by 1995 c. 35, s. 2(3); S.I. 1995/3061, art. 3(a) (with art. 4)

Modifications etc. (not altering text)

- C1** S. 13 modified (27.7.1999) by 1999 c. 25, s. 2(2)
- C2** S. 13(1) modified (24.7.2002) by 1999 c. 23, s. 56(5) (with s. 63(2), Sch. 7 paras. 3(3), 5(2)); S.I. 2002/1739, art. 2

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