



# Powers of Criminal Courts Act 1973

## 1973 CHAPTER 62

### PART I

#### POWERS OF COURTS TO DEAL WITH OFFENDERS

##### *Criminal bankruptcy orders*

#### **40 Appeals in the case of criminal bankruptcy orders**

- (1) No appeal shall be against the making of a criminal bankruptcy order.
- (2) Where a person successfully appeals to the Court of Appeal against his conviction of an offence by virtue of which such an order was made, the court shall rescind the order unless he was convicted in the same proceedings of another offence of which he remains convicted and a criminal bankruptcy order could have been made without reference to loss or damage caused by the first-mentioned offence; and where, accordingly, it does not rescind the order it shall amend it by striking out so much of it as relates to such loss or damage.
- (3) Where on an appeal by a person against his conviction of an offence by virtue of which a criminal bankruptcy order was made the Court of Appeal substitutes a verdict of guilty of another offence, the court shall—
  - (a) rescind the order if a criminal bankruptcy order could not have been made against that person if he had originally been convicted of that other offence;
  - (b) in any other case, amend the order so far as may be required in consequence of the substitution of a verdict of guilty of the other offence.
- (4) Where the Court of Appeal rescinds or amends a criminal bankruptcy order, the rescission or amendment shall not take effect—
  - (a) in any case until the expiration of the time for applying for leave to appeal to the House of Lords against the Court of Appeal's decision on the appeal against conviction (disregarding any extension of time which may be granted under section 34 of the Criminal Appeal Act 1968);

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*Status: This is the original version (as it was originally enacted).*

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- (b) if an application for leave to appeal is made within that time, so long as an appeal to the House of Lords is pending; and
  - (c) if on such an appeal the conviction is restored by that House.
- (5) For the purposes of this section an appeal to the House of Lords shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this subsection an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made if it is not made within that time.