



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

Investigations and assistance

16 Assistance in connection with prerogative of mercy.

- (1) Where the Secretary of State refers to the Commission any matter which arises in the consideration of whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction and on which he desires their assistance, the Commission shall—
 - (a) consider the matter referred, and
 - (b) give to the Secretary of State a statement of their conclusions on it;and the Secretary of State shall, in considering whether so to recommend, treat the Commission's statement as conclusive of the matter referred.
- (2) Where in any case the Commission are of the opinion that the Secretary of State should consider whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to the case they shall give him the reasons for their opinion.
- [^{F1}(2A) Where the Minister in charge of the Department of Justice in Northern Ireland refers to the Commission any matter which arises in the consideration of whether Her Majesty's prerogative of mercy should be exercised on Her behalf under section 23(2) of the Northern Ireland Act 1998 in relation to a conviction and on which the Minister desires the Commission's assistance, the Commission shall—
 - (a) consider the matter referred, and
 - (b) give to the Minister a statement of their conclusions on it;and for the purposes of the consideration of whether Her Majesty's prerogative of mercy should be so exercised, the Commission's statement shall be treated as conclusive of the matter referred.

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 16. (See end of Document for details)

(2B) Where in any case the Commission are of the opinion that Her Majesty’s prerogative of mercy should be so exercised, they shall give the Minister reasons for their opinion.]

[^{F2}(3) In subsection (1) “conviction” includes a conviction by the Court Martial or the Service Civilian Court, and in subsection (2) “case” includes the case of such a conviction.]

Textual Amendments

- F1** S. 16(2A)(2B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 1(2), **Sch. 6 para. 6(2)** (with arts. 28-31, Sch. 6 para. 6(3))
- F2** S. 16(3) added (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), **Sch. 11 para. 6**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 16.