



Criminal Appeal Act 1995

1995 CHAPTER 35

PART I

THE COURT OF APPEAL

7 Appeals in cases of death.

(1) Immediately before section 45 of the 1968 Act insert—

“44A Appeals in cases of death.

(1) Where a person has died—

- (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Court of Appeal; and
- (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (a) above or by a reference by the Criminal Cases Review Commission, any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.

(2) In this section “relevant appeal” means—

- (a) an appeal under section 1, 9, 12 or 15 of this Act; or
- (b) an appeal under section 33 of this Act from any decision of the Court of Appeal on an appeal under any of those sections.

(3) Approval for the purposes of this section may only be given to—

- (a) the widow or widower of the dead person;
- (b) a person who is the personal representative (within the meaning of section 55(1)(xi) of the Administration of Estates Act 1925) of the dead person; or
- (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 7. (See end of Document for details)

financial or other interest in the determination of a relevant appeal relating to him.

- (4) Except in the case of an appeal begun by a reference by the Criminal Cases Review Commission, an application for such approval may not be made after the end of the period of one year beginning with the date of death.
- (5) Where this section applies, any reference in this Act to the appellant shall, where appropriate, be construed as being or including a reference to the person approved under this section.
- (6) The power of the Court of Appeal to approve a person under this section may be exercised by a single judge in the same manner as by the Court of Appeal and subject to the same provisions; but if the single judge refuses the application, the applicant shall be entitled to have the application determined by the Court of Appeal.”

(2) After section 47 of the 1980 Act insert—

“47A Appeals in cases of death.

- (1) Where a person has died—
 - (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Court of Appeal; and
 - (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (a) above or by a reference by the Criminal Cases Review Commission, any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.
- (2) In this section “relevant appeal” means—
 - (a) an appeal under section 1, 8, 9, 12 or 13A of this Act; or
 - (b) an appeal under section 31 of this Act from any decision of the Court of Appeal on an appeal under any of those sections.
- (3) Approval for the purposes of this section may only be given to—
 - (a) the widow or widower of the dead person;
 - (b) a person who is the personal representative (within the meaning of the Wills and Administration Proceedings (Northern Ireland) Order 1994) of the dead person; or
 - (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.
- (4) Except in the case of an appeal begun by a reference by the Criminal Cases Review Commission, an application for such approval may not be made after the end of the period of one year beginning with the date of death.
- (5) Where this section applies, any reference in this Act to the appellant shall, where appropriate, be construed as being or including a reference to the person approved under this section.”

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 7. (See end of Document for details)

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Commencement Information

- II** S. 7 wholly in force at 31.3.1997; s. 7 not in force at Royal Assent see s. 32(1); s. 7 in force for certain purposes at 1.1.1996 by S.I. 1995/3061, art. 3(b); S. 7 in force at 31.3.1997 to the extent not already in force by S.I. 1997/402, art. 3(b) (subject to transitional provisions in art. 4)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 7.