



Criminal Procedure and Investigations Act 1996

1996 CHAPTER 25

PART VII

MISCELLANEOUS AND GENERAL

Tainted acquittals

55 Conditions for making order

- (1) The first condition is that it appears to the High Court likely that, but for the interference or intimidation, the acquitted person would not have been acquitted.
- (2) The second condition is that it does not appear to the Court that, because of lapse of time or for any other reason, it would be contrary to the interests of justice to take proceedings against the acquitted person for the offence of which he was acquitted.
- (3) The third condition is that it appears to the Court that the acquitted person has been given a reasonable opportunity to make written representations to the Court.
- (4) The fourth condition is that it appears to the Court that the conviction for the administration of justice offence will stand.
- (5) In applying subsection (4) the Court shall—
 - (a) take into account all the information before it, but
 - (b) ignore the possibility of new factors coming to light.
- (6) Accordingly, the fourth condition has the effect that the Court shall not make an order under section 54(3) if (for instance) it appears to the Court that any time allowed for giving notice of appeal has not expired or that an appeal is pending.