



Criminal Justice Act 2003

2003 CHAPTER 44

PART 10

RETRIAL FOR SERIOUS OFFENCES

Application for retrial

76 Application to Court of Appeal

- (1) A prosecutor may apply to the Court of Appeal for an order—
 - (a) quashing a person's acquittal in proceedings within section 75(1), and
 - (b) ordering him to be retried for the qualifying offence.
- (2) A prosecutor may apply to the Court of Appeal, in the case of a person acquitted elsewhere than in the United Kingdom, for—
 - (a) a determination whether the acquittal is a bar to the person being tried in England and Wales for the qualifying offence, and
 - (b) if it is, an order that the acquittal is not to be a bar.
- (3) A prosecutor may make an application under subsection (1) or (2) only with the written consent of the Director of Public Prosecutions.
- (4) The Director of Public Prosecutions may give his consent only if satisfied that—
 - (a) there is evidence as respects which the requirements of section 78 appear to be met,
 - (b) it is in the public interest for the application to proceed, and
 - (c) any trial pursuant to an order on the application would not be inconsistent with obligations of the United Kingdom under Article 31 or 34 of the Treaty on European Union relating to the principle of *ne bis in idem*.
- (5) Not more than one application may be made under subsection (1) or (2) in relation to an acquittal.