



Prevention of Terrorism Act 2005

2005 CHAPTER 2

Appeals and other proceedings

12 Effect of court's decisions on convictions

- (1) This section applies where—
 - (a) a control order, a renewal of a control order or an obligation imposed by a control order is quashed by the court in control order proceedings, or on an appeal from a determination in such proceedings; and
 - (b) before it was quashed a person had been convicted by virtue of section 9(1) or (2) of an offence of which he could not have been convicted had the order, renewal or (as the case may be) obligation been quashed before the proceedings for the offence were brought.
- (2) The person convicted may appeal against the conviction—
 - (a) in the case of a conviction on indictment in England and Wales or Northern Ireland, to the Court of Appeal;
 - (b) in the case of a conviction on indictment or summary conviction in Scotland, to the High Court of Justiciary;
 - (c) in the case of a summary conviction in England and Wales, to the Crown Court; and
 - (d) in the case of a summary conviction in Northern Ireland, to the county court.
- (3) On an appeal under this section to any court, that court must allow the appeal and quash the conviction.
- (4) An appeal under this section to the Court of Appeal against a conviction on indictment—
 - (a) may be brought irrespective of whether the appellant has previously appealed against his conviction;
 - (b) may not be brought more than 28 days after the date of the quashing of the order, renewal or obligation; and

Status: This is the original version (as it was originally enacted).

- (c) is to be treated as an appeal under section 1 of the Criminal Appeal Act 1968 (c. 19) or, in Northern Ireland, under section 1 of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47), but does not require leave in either case.
- (5) An appeal under this section to the High Court of Justiciary against a conviction on indictment—
- (a) may be brought irrespective of whether the appellant has previously appealed against his conviction;
 - (b) may not be brought more than two weeks after the date of the quashing of the order, renewal or obligation; and
 - (c) is to be treated as an appeal under section 106 of the Criminal Procedure (Scotland) Act 1995 (c. 46) for which leave has been granted.
- (6) An appeal under this section to the High Court of Justiciary against a summary conviction—
- (a) may be brought irrespective of whether the appellant pleaded guilty;
 - (b) may be brought irrespective of whether the appellant has previously appealed against his conviction;
 - (c) may not be brought more than two weeks after the date of the quashing of the order, renewal or obligation;
 - (d) is to be by note of appeal, which shall state the ground of appeal;
 - (e) is to be treated as an appeal for which leave has been granted under Part 10 of the Criminal Procedure (Scotland) Act 1995; and
 - (f) must be in accordance with such procedure as the High Court of Justiciary may, by Act of Adjournal, determine.
- (7) An appeal under this section to the Crown Court or to the county court in Northern Ireland against a summary conviction—
- (a) may be brought irrespective of whether the appellant pleaded guilty;
 - (b) may be brought irrespective of whether he has previously appealed against his conviction or made an application in respect of the conviction under section 111 of the Magistrates' Courts Act 1980 (c. 43) or Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (case stated);
 - (c) may not be brought more than 21 days after the date of the quashing of the order, renewal or obligation; and
 - (d) is to be treated as an appeal under section 108(1)(b) of that Act or, in Northern Ireland, under Article 140(1)(b) of that Order.
- (8) In section 133(5) of the Criminal Justice Act 1988 (c. 33) (compensation for miscarriages of justice), at the end of paragraph (c) insert “or
- (d) on an appeal under section 12 of the Prevention of Terrorism Act 2005.”