



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 3

#### APPEALS

##### *Appeals by defendant*

#### **42 Power to dismiss certain appeals following references by the CCRC: England and Wales**

After section 16B of the Criminal Appeal Act 1968 (c. 19) insert—

*“Appeals following references by the CCRC*

##### **16C Power to dismiss certain appeals following references by the CCRC**

- (1) This section applies where there is an appeal under this Part following a reference by the Criminal Cases Review Commission under section 9(1)(a), (5) or (6) of the Criminal Appeal Act 1995 or section 1(1) of the Criminal Cases Review (Insanity) Act 1999.
- (2) Notwithstanding anything in section 2, 13 or 16 of this Act, the Court of Appeal may dismiss the appeal if—
  - (a) the only ground for allowing it would be that there has been a development in the law since the date of the conviction, verdict or finding that is the subject of the appeal, and
  - (b) the condition in subsection (3) is met.
- (3) The condition in this subsection is that if—
  - (a) the reference had not been made, but

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Appeals by defendant is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the appellant had made (and had been entitled to make) an application for an extension of time within which to seek leave to appeal on the ground of the development in the law,  
the Court would not think it appropriate to grant the application by exercising the power conferred by section 18(3).”

**Commencement Information**

**I1** S. 42 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 21

**43 Power to dismiss certain appeals following references by the CCRC: Northern Ireland**

After section 13A of the Criminal Appeal (Northern Ireland) Act 1980 (c. 47) insert—

*“Appeals following references by the CCRC*

**13B Power to dismiss certain appeals following references by the CCRC**

- (1) This section applies where there is an appeal under this Part following a reference by the Criminal Cases Review Commission under section 10(1)(a), (6) or (7) of the Criminal Appeal Act 1995 or section 1(1) of the Criminal Cases Review (Insanity) Act 1999.
- (2) Notwithstanding anything in section 2, 12 or 13A of this Act, the Court of Appeal may dismiss the appeal if—
- (a) the only ground for allowing it would be that there has been a development in the law since the date of the conviction, verdict or finding that is the subject of the appeal, and
- (b) the condition in subsection (3) is met.
- (3) The condition in this subsection is that if—
- (a) the reference had not been made, but
- (b) the appellant had made (and had been entitled to make) an application for an extension of time within which to seek leave to appeal on the ground of the development in the law,  
the Court would not think it appropriate to grant the application by exercising the power conferred by section 16(2).”

**Commencement Information**

**I2** S. 43 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 22

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 7 para. 5A and cross-heading inserted by [2008 c. 25 Sch. 1 para. 90\(3\)](#)