Criminal Justice and Immigration Act 2008

2008 CHAPTER 4

PART 3

APPEALS

Appeals by prosecution

44 Determination of prosecution appeals: England and Wales

In section 61 of the Criminal Justice Act 2003 (c. 44) (determination of prosecution appeal by Court of Appeal) for subsection (5) substitute—

"(5) But the Court of Appeal may not make an order under subsection (4)(c) in respect of an offence unless it considers that the defendant could not receive a fair trial if an order were made under subsection (4)(a) or (b)."

Commencement Information

I1 S. 44 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 23**

45 Determination of prosecution appeals: Northern Ireland

In Article 20 of the Criminal Justice (Northern Ireland) Order 2004 (S.I. 2004/1500 (N.I.9)) (determination of prosecution appeal by Court of Appeal) for paragraph (5) substitute—

"(5) But the Court of Appeal may not make an order under paragraph (4)(c) in respect of an offence unless it considers that the defendant could not receive a fair trial if an order were made under paragraph (4)(a) or (b)."

Status: *Point in time view as at 14/07/2008.*
Changes to legislation: *Criminal Justice and Immigration Act 2008, Cross Heading: Appeals by prosecution is up to date with all changes known to be in force on or before 22 August 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)*

Commencement Information

I2 S. 45 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), **Sch. 1 para. 24**

Status:
Point in time view as at 14/07/2008.

Changes to legislation:
Criminal Justice and Immigration Act 2008, Cross Heading: Appeals by prosecution is up to date with all changes known to be in force on or before 22 August 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.