

**Changes to legislation:** Criminal Justice and Immigration Act 2008, Cross Heading: Detention of defendant pending appeal from High Court to Supreme Court is up to date with all changes known to be in force on or before 08 October 2023. 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

## SCHEDULES

### SCHEDULE 8

#### APPEALS IN CRIMINAL CASES

#### PART 3

#### AMENDMENTS OF OTHER ACTS

##### *Detention of defendant pending appeal from High Court to Supreme Court*

- 26 (1) Section 5 of the Administration of Justice Act 1960 (c. 65) (power to order detention or admission to bail of defendant) is amended as follows.
- (2) In subsection (1) for the words from “may make” to the end substitute “shall make—
- (a) an order providing for the detention of the defendant, or directing that he shall not be released except on bail (which may be granted by the court as under section 4 above), so long as the appeal is pending, or
- (b) an order that the defendant be released without bail.”
- (3) After subsection (1) insert—
- “(1A) The court may make an order under subsection (1)(b) only if it thinks that it is in the interests of justice that the defendant should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.”
- (4) In subsection (3) for “subsection (1)” substitute “ subsection (1)(a) ”.
- (5) In subsection (4) for “the said subsection (1)” substitute “ the said subsection (1)(a) ”.
- (6) In subsection (4A) for “the said subsection (1)” substitute “ the said subsection (1)(a) ”.
- (7) For subsection (5) substitute—
- “(5) The defendant shall not be liable to be detained again as a result of the decision of the Supreme Court on the appeal if—
- (a) the court has made an order under subsection (1)(b), or
- (b) the court has made an order under subsection (1)(a) but the order has ceased to have effect by virtue of subsection (3) or the defendant has been released or discharged by virtue of subsection (4) or (4A).”

#### Commencement Information

**II** Sch. 8 para. 26 in force at 14.7.2008 by S.I. 2008/1586, art. 2(1), Sch. 1 para. 26 (with Sch. 2 para. 1114)

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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\(3\)](#)