

---

*Status: Point in time view as at 14/07/2008.*

*Changes to legislation: Criminal Justice and Immigration Act 2008, Section 44 is up to date with all changes known to be in force on or before 05 January 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)*

---



# 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**

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

**Status:**

Point in time view as at 14/07/2008.

**Changes to legislation:**

Criminal Justice and Immigration Act 2008, Section 44 is up to date with all changes known to be in force on or before 05 January 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.