



# Administration of Justice Act 1960

## 1960 CHAPTER 65 8 and 9 Eliz 2

An Act to make further provision for appeals to the House of Lords in criminal cases; to amend the law relating to contempt of court, habeas corpus and certiorari; and for purposes connected with the matters aforesaid. [27th October 1960]

### *Appeal to House of Lords in Criminal Cases*

#### [<sup>F1</sup>1     **Right of appeal.**

- (1) Subject to the provisions of this section, an appeal shall lie to the House of Lords, at the instance of the defendant or the prosecutor,—
  - (a) from any decision of [<sup>F2</sup>the High Court] in a criminal cause or matter;
  - <sup>F3</sup>(b) .....
- (2) No appeal shall lie under this section except with the leave of the court below or of the House of Lords; and such leave shall not be granted unless it is certified by the court below that a point of law of general public importance is involved in the decision and it appears to that court or to the House of Lords, as the case may be, that the point is one which ought to be considered by that House.
- (3) Section five of the <sup>M1</sup> Appellate Jurisdiction Act 1876 (which regulates the composition of the House of Lords for the hearing and determination of appeals) shall apply to the hearing and determination of an appeal or application for leave to appeal under this section as it applies to the hearing and determination of an appeal under that Act; and any order of that House which provides for the hearing of such applications by a committee constituted in accordance with the said section five may direct that the decision of that committee shall be taken on behalf of the House.
- (4) For the purpose of disposing of an appeal under this section the House of Lords may exercise any powers of the court below or may remit the case to that court.
- (5) In this Act, unless the context otherwise requires, “leave to appeal” means leave to appeal to the House of Lords under this section. ]

*Status: Point in time view as at 01/04/2005.**Changes to legislation: Administration of Justice Act 1960 is up to date with all changes known to be in force on or before 11 May 2023.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)***Textual Amendments**

- F1** Ss. 1–5 repealed (N.I.) (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), **Sch. 6 para. 13**
- F2** Words in s. 1(1)(a) substituted (27.9.1999) by 1999 c. 22, **ss. 63(1)**, 108(3) (with s. 107 and [Sch. 14 para. 7\(2\)](#))
- F3** S. 1(1)(b) repealed by (E.W.) [Criminal Appeal Act 1968 \(c. 19\)](#), **Sch. 7** and (N.I.) [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#), **Sch. 5**

**Modifications etc. (not altering text)**

- C1** S. 1 applied (with modifications) (15.3.1996) by [S.I. 1996/716](#), **art. 7(5)**  
S. 1 applied (17.5.1996) by [S.I. 1996/1296](#), **art. 7(5)**  
S. 1 applied (with modifications) (1.9.2001) by 2001 c. 17, **s. 9(3)** (with [ss. 16\(5\)](#), 78); [S.I. 2001/2161](#), **art. 2** (subject to [art. 3](#))
- C2** S. 1(1) excluded (E.W.) (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), **ss. 274(4)**, 336(2)
- C3** S. 1(1) excluded (E.W.) (18.12.2003) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(2), **Sch. 22 para. 14(2)**

**Marginal Citations**

- M1** [1876 c. 59](#)

**[<sup>F4</sup>2 Application for leave to appeal.**

- (1) Subject to the provisions of this section, an application to the court below for leave to appeal shall be made within the period of [<sup>F5</sup>28] days beginning with the [<sup>F6</sup>relevant date]; and an application to the House of Lords for such leave shall be made within the period of [<sup>F5</sup>28] days beginning with the date on which the application is refused by the court below.

[ In subsection (1), “the relevant date” means—

- <sup>F7</sup>(1A) (a) the date of the decision of the court below, or  
(b) if later, the date on which that court gives reasons for its decision.]

<sup>F8</sup>(2) .....

- (3) <sup>F9</sup>... The House of Lords or the court below may, upon application made at any time by the defendant, extend the time within which an application may be made by him to that House or that court under subsection (1) of this section. ]

**Textual Amendments**

- F4** Ss. 1–5 repealed (N.I.) (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), **Sch. 6 para. 13**
- F5** Words in s. 2(1) substituted (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 88\(1\)\(2\)\(a\)](#), 110(1); [S.I. 2005/910](#), **art. 3(v)**
- F6** Words in s. 2(1) substituted (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), [ss. 88\(1\)\(2\)\(b\)](#), 110(1); [S.I. 2005/910](#), **art. 3(v)**
- F7** S. 1(1A) inserted (E.W.) (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), **ss. 88(3)**, 110(1); [S.I. 2005/910](#), **art. 3(v)**
- F8** S. 2(2) repealed by [Criminal Appeal Act 1968 \(c. 19\)](#), s. 55(3), **Sch. 7**

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**F9** Words in s. 2(3) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 111, **Sch. 10**; S.I. 2005/910, art. 3(y)

### **<sup>F10</sup>3 Special provisions as to capital cases.**

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#### **Textual Amendments**

**F10** S. 3 repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 8 para. 112, **Sch. 10**; S.I. 2005/910, art. 3(y)

### **[<sup>F11</sup>4 Admission of appellant to bail.**

- (1) ..... <sup>F12</sup>
- (2) The power of the High Court under any enactment or rule of law to grant bail in connection with proceedings pending before [<sup>F13</sup> the High Court ] shall [<sup>F14</sup>, subject to section 25 of the Criminal Justice and Public Order Act 1994, ] include power to grant bail to [<sup>F15</sup> an appellant under section 1 of this Act, or a person applying for leave to appeal thereunder, pending the appeal ] ; and in relation to [<sup>F16</sup> the time and place of appearance appointed and ] any recognizance to be entered into [<sup>F16</sup> by any surety ] under section thirty-seven of the <sup>M2</sup> Criminal Justice Act 1948 as applied by this subsection, any reference in that section to the judgment of the High Court shall be construed as a reference to the judgment of the House of Lords or, if the case is remitted by that House to the court below, to the judgment of that court on the case as so remitted.
- (3) Where application is made to [<sup>F13</sup> the High Court ] for leave to appeal, that court may give such directions as it thinks fit for discharging or enlarging any recognizances entered into by . . . <sup>F17</sup> any surety, under any enactment or otherwise, with reference to the proceedings of that court. ]

#### **Textual Amendments**

- F11** Ss. 1–5 repealed (N.I.) with saving by Judicature (Northern Ireland) Act 1978 (c. 23), **Sch. 6 para. 13**
- F12** Ss. 3(2), 4(1), 9(4) repealed by (E.W.) Criminal Appeal Act 1968 (c. 19), **Sch. 7** and (N.I.) Criminal Appeal (Northern Ireland) Act 1968 (c. 21), **Sch. 5**
- F13** Words in s. 4(2) and (3) substituted (27.9.1999) by 1999 c. 22, **ss. 63(2)**, 108(3) (with s. 107 and S Ch. 14 para. 7(2)).
- F14** Words in s. 4(2) substituted (10.4.1995) by 1994 c. 33, s. 168(2), **Sch. 10 para. 10**; S.I. 1995/721, art. 2, **Sch.**
- F15** Words substituted by Criminal Justice Act 1967 (c. 80), **Sch. 4 para. 24**
- F16** Words inserted by Bail Act 1976 (c. 63), **Sch. 2 para. 30**
- F17** Words repealed by Bail Act 1976 (c. 63), **Sch. 3**

#### **Marginal Citations**

**M2** 1948 c. 58 .

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(1) Where the defendant in any proceedings from which an appeal lies under section one of this Act would, but for the decision of the court below, be liable to be detained, and immediately after that decision the prosecutor is granted, or gives notice that he intends to apply for, leave to appeal, the court may make an order providing for the detention of the defendant, or directing that he shall not be released except on bail, [<sup>F19</sup>(which may be granted by the court as under section 4 above)] so long as any appeal under section one of this Act is pending.

(2) ..... <sup>F20</sup>

(3) An order under subsection (1) of this section shall (unless the appeal has previously been disposed of) cease to have effect at the expiration of the period for which the defendant would have been liable to be detained but for the decision of the court below.

(4) Any order made under the said subsection (1) for the detention of a defendant who, but for the decision of the court below, would be liable to be detained in pursuance of an order or direction under [<sup>F21</sup>Part III of the Mental Health Act 1983 (other than under section 35, 36, or 38)] , shall be an order authorising his continued detention in pursuance of the order or direction under [<sup>F21</sup>the said Part III] , and the provisions of the said Act with respect to persons so liable (including provisions as to the renewal of authority for detention and the removal or discharge of patients) shall apply accordingly.

[ Where an order is made under the said subsection (1) in the case of a defendant who, <sup>F22</sup>(4A) but for the decision of the court below, would be liable to be detained in pursuance of an interim hospital order under [<sup>F23</sup>section 38 of the Mental Health Act 1983], the order may, if the court thinks fit, be one authorising his continued detention in a hospital or mental nursing home and in that event—

- (a) subsection (3) of this section shall not apply to the order;
- (b) [<sup>F23</sup>Part III of the said Act of 1983] shall apply as if he had been ordered under this section to be detained in custody so long as any appeal under section 1 of this Act is pending and were detained in pursuance of a transfer direction together with a restriction direction; and
- (c) if the defendant is detained by virtue of this subsection and the appeal by the prosecutor succeeds, subsection (2) of [<sup>F23</sup>the said section 38] (power of court to make hospital order in the absence of an offender who is subject to an interim hospital order) shall apply as if the defendant were still subject to an interim hospital order.]

(5) Where the court below has power to make an order under subsection (1) of this section, and either no such order is made or the defendant is released or discharged by virtue of [<sup>F24</sup>subsection (3), (4) or (4A)] of this section before the appeal is disposed of, the defendant shall not be liable to be again detained as the result of the decision of the House of Lords on the appeal.]

**Textual Amendments**

**F18** Ss. 1–5 repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#) , [Sch. 6 para. 13](#)

**F19** Words inserted by [Criminal Justice Act 1967 \(c. 80\)](#) , [Sch. 4 para. 26\(a\)](#)

**F20** Ss. 5(2) , 6(2) repealed by [Criminal Justice Act 1967 \(c. 80\)](#) , [Sch. 7 Pts. I , III](#)

**F21** Words substituted by [Mental Health Act 1983 \(c. 20\)](#) , [Sch. 4 para. 17 \( a \)](#)

**F22** S.5(4A) inserted by [Mental Health \(Amendment\) Act 1982 \(c. 51\)](#) , [Sch. 3 para. 32](#)

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**F23** Words substituted by [Mental Health Act 1983 \(c. 20\)](#) , [Sch. 4 para. 17 \( b \)](#)

**F24** Words substituted by [Mental Health \(Amendment\) Act 1982 \(c. 51\)](#) , [Sch. 3 para. 32\(b\)](#)

**[<sup>F25</sup>6 Computation of sentence where bail granted.**

- (1) Where a person subject to a sentence is [<sup>F26</sup>admitted to][<sup>F26</sup>granted] bail pending an appeal under section one of this Act, the time during which he is [<sup>F26</sup>at large after being so admitted][<sup>F26</sup>released on bail] shall be disregarded in computing the term of his sentence.
- (2) ..... <sup>F27</sup>
- (3) Subject to the foregoing provisions of this section, any sentence passed on an appeal under section one of this Act in substitution for another sentence shall, unless the House of Lords or the court below otherwise directs, begin to run from the time when that other sentence would have begun to run.]

**Textual Amendments**

**F25** Ss. 6 , 9 , 13 , 15 , 17(1)(3)(4) , 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#) , [Sch. 6 para. 13](#) , [Sch. 7 Pt. I](#)

**F26** Word “granted” substituted (E.W.) for words “admitted to” and words “released on bail” substituted (E.W.) for words “at large after being so admitted” by [Bail Act 1976 \(c. 63\)](#) , [Sch. 2 para. 31](#)

**F27** Ss. 5(2) , 6(2) repealed by [Criminal Justice Act 1967 \(c. 80\)](#) , [Sch. 7 Pts. I , III](#)

**7, 8. .... <sup>F28</sup>**

**Textual Amendments**

**F28** Ss. 7, 8 repealed (E.W.) by 1968 (c. 19) s. 54 Sch. 7 and (N.I.) by 1968 (c. 21) s. 54 Sch. 5

**[<sup>F29</sup>9 Procedure.**

- (1) ..... <sup>F30</sup>
- (2) Subsection (4) of section thirty-seven of the Criminal Justice Act 1948 (which enables rules of court to be made with respect to the security given for the purposes of that section and the recommittal of persons admitted to bail thereunder) shall have effect as if references to that section included references to sections four and five of this Act so far as they relate to [<sup>F31</sup>the High Court].
- (3) A defendant who is detained pending an appeal under section one of this Act shall not be entitled to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto except where an order of the House of Lords [<sup>F32</sup>authorises][<sup>F32</sup>or rules of court, as the case may be, authorise] him to be present or where that House or the court below, as the case may be, gives him leave to be present.
- (4) ..... ] <sup>F33</sup>

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#### Textual Amendments

- F29** Ss. 6 , 9 , 13 , 15 , 17(1)(3)(4) , 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#) , [Sch. 6 para. 13](#) , [Sch. 7 Pt. I](#)
- F30** S. 9(1) repealed by (E.W.) [Criminal Justice Act 1967 \(c. 80\)](#) , [Sch. 7 Pt. I](#) and (N.I.) [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#) , [Sch. 5](#)
- F31** Words in s. 9(2) substituted (27.9.1999) by 1999 C. 22, Ss. 63(2), 108(3) (with s. 107 and Sch. 14 para. 7(2)).
- F32** Word “authorises” substituted (E.W.) for words “or rules of court, as the case may be, authorise” by [Criminal Justice Act 1967 \(c. 80\)](#) , [Sch. 4 para. 30](#)
- F33** Ss. 3(2) , 4(1) , 9(4) repealed by (E.W.) [Criminal Appeal Act 1968 \(c. 19\)](#) , [Sch. 7](#) and (N.I.) [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#) , [Sch. 5](#)

**10** ..... **F34**

#### Textual Amendments

- F34** S. 10 repealed by Courts- [Martial \(Appeals\) Act 1968 \(c. 20\)](#) , s. 60 , [Sch. 6](#)

*Contempt of court, habeas corpus and certiorari*

**11** ..... **F35**

#### Textual Amendments

- F35** S. 11 repealed by [Contempt of Court Act 1981 \(c. 49, SIF 39:3\)](#) , [s. 3\(4\)](#)

## **12 Publication of information relating to proceedings in private.**

- (1) The publication of information relating to proceedings before any court sitting in private shall not of itself be contempt of court except in the following cases, that is to say—

[<sup>F36</sup>(a) where the proceedings—

- (i) relate to the exercise of the inherent jurisdiction of the High Court with respect to minors;
- (ii) are brought under the Children Act 1989; or
- (iii) otherwise relate wholly or mainly to the maintenance or upbringing of a minor;]

- (b) where the proceedings are brought under Part VIII of the <sup>M3</sup>Mental Health Act 1959, or under any provision of that Act authorising an application or reference to be made to a Mental Health Review Tribunal or to a county court;
- (c) where the court sits in private for reasons of national security during that part of the proceedings about which the information in question is published;
- (d) where the information relates to a secret process, discovery or invention which is in issue in the proceedings;

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- (e) where the court (having power to do so) expressly prohibits the publication of all information relating to the proceedings or of information of the description which is published.
- (2) Without prejudice to the foregoing subsection, the publication of the text or a summary of the whole or part of an order made by a court sitting in private shall not of itself be contempt of court except where the court (having power to do so) expressly prohibits the publication.
- (3) In this section references to a court include references to a judge and to a tribunal and to any person exercising the functions of a court, a judge or a tribunal; and references to a court sitting in private include references to a court sitting in camera or in chambers.
- (4) Nothing in this section shall be construed as implying that any publication is punishable as contempt of court which would not be so punishable apart from this section.

#### Textual Amendments

**F36** S. 12(1)(a) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(5)(6), [Sch. 13 para. 14](#); [S.I. 1991/828](#), [art. 3\(2\)](#)

#### Marginal Citations

**M3** [1959 c. 72](#)

### [<sup>F37</sup>13 Appeal in cases of contempt of court.

- (1) Subject to the provisions of this section, an appeal shall lie under this section from any order or decision of a court in the exercise of jurisdiction to punish for contempt of court (including criminal contempt); and in relation to any such order or decision the provisions of this section shall have effect in substitution for any other enactment relating to appeals in civil or criminal proceedings.
- (2) An appeal under this section shall lie in any case at the instance of the defendant and, in the case of an application for committal or attachment, at the instance of the applicant; and the appeal shall lie—
  - (a) from an order or decision of any inferior court not referred to in the next following paragraph, to <sup>F38</sup> . . . the High Court;
  - (b) from an order or decision of a county court or any other inferior court from which appeals generally lie to the Court of Appeal, and from an order or [<sup>F39</sup>decision (other than a decision on an appeal under this section) of a single] judge of the High Court, or of any court having the powers of the High Court or of a judge of that court, to the Court of Appeal;
  - [<sup>F40</sup>(bb) from an order or decision of the Crown Court to the Court of Appeal].
  - (c) [<sup>F41</sup>from a decision of a single judge of the High Court on an appeal under this section,]from an order or decision of a Divisional Court or the Court of Appeal (including a decision of either of those courts on an appeal under this section), and from an order or decision of the Court of Appeal or the Courts-Martial Appeal Court, to the House of Lords.
- (3) The court to which an appeal is brought under this section may reverse or vary the order or decision of the court below, and make such other order as may be just; and



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without prejudice to the inherent powers of any court referred to in subsection (2) of this section, provision may be made by [<sup>F42</sup>rules of court][<sup>F42</sup>rules made under section seven of the <sup>M4</sup>Northern Ireland Act 1962] for authorising the release on bail of an appellant under this section.

- (4) Subsections (2) to (4) of section one and section two of this Act shall apply to an appeal to the House of Lords under this section as they apply to an appeal to that House under the said section one, except that so much of the said subsection (2) as restricts the grant of leave to appeal shall apply only where the decision of the court below is a decision on appeal to that court under this section.
- (5) In this section “court” includes any tribunal or person having power to punish for contempt; and references in this section to an order or decision of a court in the exercise of jurisdiction to punish for contempt of court include references—
- (a) to an order or decision of the High Court [<sup>F43</sup>the Crown Court] or a county court under any enactment enabling that court to deal with an offence as if it were contempt of court;
  - (b) to an order or decision of a county court, or of any court having the powers of a county court, under [<sup>F44</sup>section 14, 92 or 118 of the County Courts Act 1984];
  - (c) to an order or decision of a magistrates’ court under [<sup>F45</sup>subsection (3) of section 63 of the Magistrates’ Courts Act 1980] ,
- but do not include references to orders under section five of the <sup>M5</sup>Debtors Act 1869, or under any provision of [<sup>F45</sup>the Magistrates’ Court Act 1980] , or the <sup>M6</sup>County Courts Act [<sup>F46</sup>1984] , except those referred to in paragraphs (b) and (c) of this subsection and except [<sup>F47</sup>sections 38 and 142] of the last mentioned Act so far as those sections confer jurisdiction in respect of contempt of court.
- (6) This section does not apply to a conviction or sentence in respect of which an appeal lies under [<sup>F48</sup>Part I of the <sup>M7</sup>Criminal Appeal Act 1968, or to a decision of the criminal division of the Court of Appeal under that Part of that Act; . . . <sup>F49</sup>]]

#### Textual Amendments

- F37** Ss. 6 , 9 , 13 , 15 , 17(1)(3)(4) , 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#) , [Sch. 6 para. 13](#) , [Sch. 7 Pt. I](#)
- F38** Words in s. 13(2)(a) repealed (27.9.1999) by [1999 c. 22](#) , [ss. 64 \(1\)\(2\)](#) , 106, 108(3), [Sch. 15 Pt. III](#) (with s. 107 and [Sch. 14 paras. 7\(2\)](#) , 36(9)).
- F39** Words in s. 13(2)(b) substituted (27.9.1999) by [1999 c. 22](#) , [ss. 64\(1\)\(3\)](#) , 108(3) (with s. 107 and [Sch. 14 para. 7\(2\)](#) )
- F40** S. 13(2)(bb) inserted by [Courts Act 1971 \(c. 23\)](#) , [Sch. 8 Pt. II para. 40\(1\)](#)
- F41** Words in s. 13(2)(c) inserted (27.9.1999) by [1999 c. 22](#) , [ss. 64\(1\)\(4\)](#) , 108(3) (with s. 107 and [Sch. 14 para. 7\(2\)](#) ).
- F42** Words “rules” to “1962” substituted for words “rules of court” in application of s. 13 to N.I. by [Northern Ireland Act 1962 \(c. 30\)](#) , [Sch. 1 Pt. I](#)
- F43** Words inserted by [Courts Act 1971 \(c. 23\)](#) , [Sch. 8 Pt. II para. 40\(2\)](#)
- F44** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#) , s. 148(1) , [Sch. 2 Pt. V para. 25 \( a \)](#)
- F45** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#) , s. 154(1) , [Sch. 7 para. 36](#)
- F46** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#) , s. 148(1) , [Sch. 2 Pt. V para. 25 \( b \)](#)
- F47** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\)](#) , s. 148(1) , [Sch. 2 Pt. V para. 25 \( c \)](#)
- F48** Words substituted by [Criminal Appeal Act 1968 \(c. 19\)](#) , [Sch. 5](#)
- F49** Words repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#) , s. 152(4) , [Sch. 7](#)



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#### Modifications etc. (not altering text)

- C4** S. 13 extended (E.W.) by [Attachment of Earnings Act 1971 \(c. 32\)](#) , **s. 23(9)**
- C5** Reference to the Court of Appeal to be construed as reference to the civil division of the Court of Appeal as mentioned in [Criminal Appeal Act 1966 \(c. 31\)](#) , **s. 1(6)** ( c )
- C6** Reference to Court of Criminal Appeal to be construed as reference to the criminal division of the Court of Appeal as mentioned in [Criminal Appeal Act 1966 \(c. 31\)](#) , **s. 1(6)** ( a )

#### Marginal Citations

- M4** [1962 c. 30](#) .
- M5** [1869 c. 62](#) .
- M6** [1984 c. 22](#) .
- M7** [1968 c. 19](#) .

## 14 Procedure on application for habeas corpus.

- <sup>F50</sup>(1) .....
- (2) Notwithstanding anything in any enactment or rule of law, where a criminal or civil application for habeas corpus has been made by or in respect of any person, no such application shall again be made by or in respect of that person on the same grounds, whether to the same court or judge or to any other court or judge, unless fresh evidence is adduced in support of the application; and no such application shall in any case be made to the Lord Chancellor.
- (3) In every case where the person by or in respect of whom an application for habeas corpus is made is restrained as a person liable, or treated by virtue of any enactment as liable, to be detained in pursuance of an order or direction under Part V of the <sup>M8</sup>Mental Health Act 1959 (otherwise than by virtue of paragraph (e) or paragraph (f) of subsection (2) of section seventy-three of that Act), the application shall be deemed for the purposes of this section and of any appeal in the proceedings to constitute a criminal cause or matter.

#### Textual Amendments

- F50** S. 14(1) repealed (27.9.1999) by [1999 c. 22, ss. 65\(1\), 106, 108\(3\)](#), **Sch. 15 Pt. III** (with s. 107 and [Sch. 14 paras. 7\(2\), 36\(9\)](#)).

#### Marginal Citations

- M8** [1959 c. 72](#).

## [<sup>F51</sup>15 Appeal in habeas corpus proceedings.

- (1) Subject to the provisions of this section, an appeal shall lie, in any proceedings upon application for habeas corpus, whether civil or criminal, against an order for the release of the person restrained as well as against the refusal of such an order.

<sup>F52</sup>(2) .....

- (3) In relation to a decision of [<sup>F53</sup>the High Court] on a criminal application for habeas corpus, section one of this Act shall have effect as if so much of subsection (2) as restricts the grant of leave to appeal were omitted.

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- (4) Except as provided by section five of this Act in the case of an appeal against an order of [<sup>F53</sup>the High Court] on a criminal application, an appeal brought by virtue of this section shall not affect the right of the person restrained to be discharged in pursuance of the order under appeal and (unless an order under subsection (1) of that section is in force at the determination of the appeal) to remain at large regardless of the decision on appeal.]

#### Textual Amendments

- F51** Ss. 6, 9, 13, 15, 17(1)(3)(4), 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)
- F52** S. 15(2) repealed (27.9.1999) by [1999 c. 22](#), ss. 65(1)(b), 106, 108(3), [Sch. 15 Pt. III](#) (with s. 107 and [S Ch. 14 paras. 7\(2\), 36\(9\)](#)).
- F53** Words in s. 15(3) and (4) substituted (27.9.1999) by [1999 c. 22](#), ss. 65(2), 108(3) (with s. 107 and [Sch. 14 para. 7\(2\)](#)).

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..... <sup>F54</sup>

#### Textual Amendments

- F54** S. 16 repealed (N.I.) (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), s. 122(1)(2), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#) and (E.W.) by [Supreme Court Act 1981 \(c.54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

### Supplementary

## 17 Interpretation.

- [<sup>F55</sup>(1) In this Act any reference to the defendant shall be construed—
- (a) in relation to proceedings for an offence, and in relation to an application for an order of mandamus, prohibition or certiorari in connection with such proceedings, as a reference to the person who was or would have been the defendant in those proceedings;
  - (b) in relation to any proceedings or order for or in respect of contempt of court, as a reference to the person against whom the proceedings were brought or the order was made;
  - (c) in relation to a criminal application for habeas corpus, as a reference to the person by or in respect of whom that application was made,
- and any reference to the prosecutor shall be construed accordingly.]
- (2) In this Act “application for habeas corpus” means an application for a writ of habeas corpus ad subjiciendum and references to a criminal application or civil application shall be construed according as the application does or does not constitute a criminal cause or matter.
- [<sup>F55</sup>(3) In this Act any reference to the court below shall, in relation to any function of a Divisional Court, be construed as a reference to the Divisional Court or to a judge according as the function is by virtue of [<sup>F56</sup>rules of court][<sup>F56</sup>rules made under section

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seven of the <sup>M9</sup>Northern Ireland Act 1962] exercisable by the Divisional Court or a judge.

- (4) An appeal under section one of this Act shall be treated for the purposes of this Act as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this Act an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time.]

- (5) ..... <sup>F57</sup>

- (6) Any reference in this Act to any other enactment is a reference thereto as amended by or under any other enactment, including this Act.

#### Textual Amendments

- F55** Ss. 6, 9, 13, 15, 17(1)(3)(4), 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)
- F56** Words “rules” to “1962” substituted for words “rules of court” in application of s. 17(3) to N.I. by [Northern Ireland Act 1962 \(c. 30\)](#), [Sch. 1 Pt. I](#)
- F57** S. 17(5) repealed by [Criminal Appeal Act 1966 \(c. 31\)](#), [Sch. 3](#)

#### Marginal Citations

- M9** [1962 c. 30](#).

## 18 Provisions as to Northern Ireland.

- (1) ..... <sup>F58</sup>

- (2) ..... <sup>F59</sup>

- [<sup>F60</sup>(3) An appeal shall lie to the House of Lords from any decision of the Court of Appeal in Northern Ireland in proceedings begun by a civil application for habeas corpus in like manner and subject to the like conditions (including requirements as to leave to appeal) as an appeal from a decision of the Court of Appeal in England in such proceedings.]

- (4) This Act shall, in its application to Northern Ireland, have effect subject to the modifications set out in the Second Schedule to this Act; . . . <sup>F61</sup>

#### Textual Amendments

- F58** S. 18(1) repealed by [Criminal Appeal \(Northern Ireland\) Act 1968 \(c. 21\)](#), [Sch. 5](#)
- F59** S. 18(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)
- F60** Ss. 6, 9, 13, 15, 17(1)(3)(4), 18(3) repealed (N.I.) with saving by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)
- F61** Words repealed by [Statute Law \(Repeals\) Act 1978 \(c. 45\)](#), [Sch. 1 Pt. I](#)

## 19 Minor and consequential amendments and repeals.

- <sup>F62</sup>( 1 ) .....

- (2) ..... <sup>F63</sup>

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- (3) The repeals effected by subsection (2) of this section in section four of the <sup>M10</sup> Geneva Conventions Act 1957 shall not affect the power of Her Majesty under subsection (2) of section eight of that Act to extend the provisions of that Act outside the United Kingdom.

#### Textual Amendments

**F62** S. 19(1) repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. I** Group 1.

**F63** S. 19(2) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

#### Marginal Citations

**M10** 1957 c. 52.

## 20 Short title and extent.

- (1) This Act may be cited as the Administration of Justice Act 1960.
- (2) .....<sup>F64</sup>, this Act shall not extend to Scotland.

#### Textual Amendments

**F64** Words repealed by Courts- Martial (Appeals) Act 1968 (c. 20), **Sch. 6**

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FIRST SCHEDULE

. . . F65

Textual Amendments  
F65 Sch. 1 repealed by Courts-Martial (Appeals) Act 1968 (c. 20), s. 60, Sch. 6

SECOND SCHEDULE

Section 18.

MODIFICATIONS OF ACT IN RELATION TO NORTHERN IRELAND

PART I

GENERAL MODIFICATIONS

1 . . . . . F66

Textual Amendments  
F66 Sch. 2 Pt. I paras. 1, 3 and Pt. II (except so much thereof as modifies sections 12 and 14) repealed (with saving) by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), Sch. 6 para. 13, Sch. 7 Pt. I

2 . . . . . F67

Textual Amendments  
F67 Sch. 2 Pt. I para. 2 repealed (27.9.1999) by 1999 c. 22, ss. 106, 108(3), Sch. 15 Pt. III (with s. 107 and Sch. 14 paras. 7(2), 36(9)).

3 . . . . . F68

Textual Amendments  
F68 Sch. 2 Pt. I paras. 1, 3 and Pt. II (except so much thereof as modifies sections 12 and 14) repealed (with saving) by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), Sch. 6 para. 13, Sch. 7 Pt. I

4 . . . . . F69

Textual Amendments  
F69 Sch. 2 para. 4 repealed by Criminal Appeal (Northern Ireland) Act 1968 (c. 21), Sch. 5

5 . . . . . F70

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### Textual Amendments

**F70** Sch. 2 para. 5 repealed by Northern Ireland Act 1962 (c. 30), Sch. 4 Pt. III

- 6 Any reference in a provision of this Act to any other provision of this Act shall be construed as a reference to that other provision as modified by this Schedule, and any reference in this Act to an enactment shall be construed as including references to an enactment of the Parliament of Northern Ireland.

## PART II

### SPECIFIC MODIFICATIONS

. . . **F71**

### Textual Amendments

**F71** Sch. 2 Pt. I paras. 1, 3 and Pt. II (except so much thereof as modifies sections 12 and 14) repealed (with saving) by Judicature (Northern Ireland) Act 1978 (c. 23, SIF 38), Sch. 6 para. 13, Sch. 7 Pt. I

### Section twelve

[<sup>F72</sup>(1) For paragraph (a) of subsection (1) there shall be substituted the following paragraph:

“(a) where the proceedings—

- (i) relate to the exercise of the inherent jurisdiction of the High Court with respect to minors;
- (ii) are brought under the Children (Northern Ireland) Order 1995; or
- (iii) otherwise relate wholly or mainly to the maintenance or upbringing of a minor”

(2) For paragraph (b) of that subsection] there shall be substituted the following paragraph:—

“(b) where the proceedings are brought under the law for the time being in force in Northern Ireland with respect to the care or custody of, or to the property and affairs of, persons suffering from mental illness or other mental disorder;”.

### Textual Amendments

**F72** Sch. 2 para. relating to s. 12: s. 12(1)(2) substituted for para relating to s. 12 (4.11.1996) by S.I. 1995/755, art. 185(1), Sch. para. 13 (with Sch. 8 para. 1(1)); S.R. 1996/297 art. 2(2)

. . . **F73**

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#### Textual Amendments

**F73** [Sch. 2 Pt. I paras. 1, 3](#) and Pt. II (except so much thereof as modifies sections 12 and 14) repealed (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)

#### Textual Amendments

**F72** [Sch. 2](#) para. relating to s. 12: s. 12(1)(2) substituted for para relating to s. 12 (4.11.1996) by [S.I. 1995/755](#), art. 185(1), [Sch. para. 13](#) (with [Sch. 8 para. 1\(1\)](#)); [S.R. 1996/297](#) art. 2(2)

**F73** [Sch. 2 Pt. I paras. 1, 3](#) and Pt. II (except so much thereof as modifies sections 12 and 14) repealed (with saving) by [Judicature \(Northern Ireland\) Act 1978 \(c. 23, SIF 38\)](#), [Sch. 6 para. 13](#), [Sch. 7 Pt. I](#)

For paragraph(b) of subsection (1) there shall be substituted the following paragraph:—

“(b) where the proceedings are brought under the law for the time being in force in Northern Ireland with respect to the care or custody of, or to the property and affairs of, persons suffering from mental illness or other mental disorder;”.

. . .

### Section fourteen

- (1) In subsection (2) the words from “and no such application” to the end of the subsection shall be omitted.
- (2) In subsection (3) for any reference to a provision of the <sup>M11</sup>Mental Health Act 1959 there shall be substituted a reference to the corresponding provision of the enactments for the time being in force in Northern Ireland with respect to prisoners or other persons suffering from mental illness or other mental disorder.

#### Marginal Citations

**M11** [1959 c. 72](#).

#### Marginal Citations

**M11** [1959 c. 72](#).

## THIRD SCHEDULE

. . . **F75**

#### Textual Amendments

**F75** [Sch. 3](#) repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#) [Sch. 1 Pt. I](#) Group 1.



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FOURTH SCHEDULE

. . . F76

Textual Amendments

F76 Sch. 4 repealed by Statute Law (Repeals) Act 1974 (c. 22)

**Status:**

Point in time view as at 01/04/2005.

**Changes to legislation:**

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