
Changes to legislation: Criminal Appeal Act 1968 is up to date with all changes known to be in force on or before 27 July 2019. 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



Criminal Appeal Act 1968

1968 CHAPTER 19

An Act to consolidate certain enactments relating to appeals in criminal cases to the criminal division of the Court of Appeal, and thence to the House of Lords. [8th May 1968]

Extent Information

E1 Act extends to England and Wales; for exceptions in Sch. 5 see s. 55(3)

Modifications etc. (not altering text)

C1 By Criminal Justice Act 1991 (c. 53, SIF 39:1), S. 101(1), **Sch. 12 para. 23**; S.I. 1991/2208, art. 2(1), **Sch. 1** it is provided (14.10.1991) that in relation to any time before the commencement of s. 70 of that 1991 Act (which came into force on 1.10.1992 by S.I. 1992/333, art. 2(2), **Sch. 2**) references in any enactment amended by that 1991 Act to youth courts shall be construed as references to juvenile courts.

Commencement Information

II Act not in force at Royal Assent, Act wholly in force at 1.9.1968 see s. 55(2).

PART I

APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

Appeal against conviction on indictment

1 Right of appeal.

(1) [^{F1}Subject to subsection (3) below] a person convicted of an offence on indictment may appeal to the Court of Appeal against his conviction.

[^{F2}(2) An appeal under this section lies only—

(a) with the leave of the Court of Appeal; or

Changes to legislation: *Criminal Appeal Act 1968 is up to date with all changes known to be in force on or before 27 July 2019. 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*

Marginal Citations

M4 1985 c.23 (39:1).

[^{F186}44A Appeals in cases of death.

- (1) Where a person has died—
 - (a) any relevant appeal which might have been begun by him had he remained alive may be begun by a person approved by the Court of Appeal; and
 - (b) where any relevant appeal was begun by him while he was alive or is begun in relation to his case by virtue of paragraph (a) above or by a reference by the Criminal Cases Review Commission, any further step which might have been taken by him in connection with the appeal if he were alive may be taken by a person so approved.
- (2) In this section “relevant appeal” means—
 - (a) an appeal under section 1, 9, 12 or 15 of this Act; or
 - (b) an appeal under section 33 of this Act from any decision of the Court of Appeal on an appeal under any of those sections.
- (3) Approval for the purposes of this section may only be given to—
 - (a) the widow or widower [^{F187}or surviving civil partner] of the dead person;
 - (b) a person who is the personal representative (within the meaning of section 55(1)(xi) of the Administration of Estates Act 1925) of the dead person; or
 - (c) any other person appearing to the Court of Appeal to have, by reason of a family or similar relationship with the dead person, a substantial financial or other interest in the determination of a relevant appeal relating to him.
- (4) Except in the case of an appeal begun by a reference by the Criminal Cases Review Commission, an application for such approval may not be made after the end of the period of one year beginning with the date of death.
- (5) Where this section applies, any reference in this Act to the appellant shall, where appropriate, be construed as being or including a reference to the person approved under this section.
- (6) The power of the Court of Appeal to approve a person under this section may be exercised by a single judge in the same manner as by the Court of Appeal and subject to the same provisions; but if the single judge refuses the application, the applicant shall be entitled to have the application determined by the Court of Appeal.]

Textual Amendments

F186 S. 44A inserted (1.1.1996 for specified purposes and otherwise 31.3.1997) by 1995 c. 35, s. 7(1); S.I. 1995/3061, art. 3(b) (with art. 4); S.I. 1997/402, art. 3(a) (with art. 4)

F187 Words in s. 44A(3)(a) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), Sch. 27 para. 26; S.I. 2005/3175, art. 2(2)