



# Criminal Appeal Act 1995

## 1995 CHAPTER 35

### PART I

#### THE COURT OF APPEAL

#### **2 Grounds for allowing and dismissing appeals**

- (1) In section 2 of the 1968 Act (disposal of appeal against conviction), for subsection (1) (grounds on which Court of Appeal are to allow or dismiss appeal), including the proviso, substitute—

“(1) Subject to the provisions of this Act, the Court of Appeal—

- (a) shall allow an appeal against conviction if they think that the conviction is unsafe; and
- (b) shall dismiss such an appeal in any other case.”

- (2) In section 2 of the 1980 Act (disposal of appeal against conviction), for subsection (1) (grounds on which Court of Appeal is to allow or dismiss appeal), including the proviso, substitute—

“(1) Subject to the provisions of this Act, the Court of Appeal—

- (a) shall allow an appeal against conviction if it thinks that the conviction is unsafe; and
- (b) shall dismiss such an appeal in any other case.”

- (3) In section 13 of the 1968 Act (disposal of appeal against verdict of not guilty by reason of insanity), for subsections (1) and (2) (grounds on which Court of Appeal are to allow or dismiss appeal) substitute—

“(1) Subject to the provisions of this section, the Court of Appeal—

- (a) shall allow an appeal under section 12 of this Act if they think that the verdict is unsafe; and
- (b) shall dismiss such an appeal in any other case.”

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*Status: This is the original version (as it was originally enacted).*

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- (4) In section 12 of the 1980 Act (appeal against finding of not guilty on ground of insanity), for subsections (2) and (3) (grounds on which Court of Appeal is to allow or dismiss appeal) substitute—

“(2) Subject to subsection (4) below, the Court—

- (a) shall allow an appeal under this section if it thinks that the finding is unsafe; and
- (b) shall dismiss such an appeal in any other case.”

- (5) In section 16 of the 1968 Act (disposal of appeal against finding of disability), for subsection (1) (grounds on which Court of Appeal are to allow or dismiss appeal) substitute—

“(1) The Court of Appeal—

- (a) shall allow an appeal under section 15 of this Act against a finding if they think that the finding is unsafe; and
- (b) shall dismiss such an appeal in any other case.”

- (6) In section 13A of the 1980 Act (appeal against finding of unfitness to be tried), for subsections (3) and (4) (grounds on which Court of Appeal is to allow or dismiss appeal) substitute—

“(3) The Court—

- (a) shall allow an appeal under this section if it thinks that the finding is unsafe; and
- (b) shall dismiss such an appeal in any other case (except one to which subsection (5) below applies).”