



# Criminal Appeal Act 1968

## 1968 CHAPTER 19

### PART I

#### APPEAL TO COURT OF APPEAL IN CRIMINAL CASES

##### *Supplementary*

### 31 Powers of Court under Part I which are exercisable by single judge.

[<sup>F1</sup>(1) There may be exercised by a single judge in the same manner as by the Court of Appeal and subject to the same provisions—

(a) the powers of the Court of Appeal under this Part of this Act specified in subsection (2) below;

[ the power to give leave under section 14(4B) of the Criminal Appeal Act  
<sup>F2</sup>(aa) 1995;]

(b) the power to give directions under section 4(4) of the Sexual Offences (Amendment) Act 1976; and

(c) the powers to make orders for the payment of costs under sections 16 to 18 of the Prosecution of Offences Act 1985 in proceedings under this Part of this Act.

(2) The powers mentioned in subsection (1)(a) above] are the following:—

(a) to give leave to appeal;

(b) to extend the time within which notice of appeal or of application for leave to appeal may be given;

(c) to allow an appellant to be present at any proceedings;

[<sup>F3</sup>(ca) to give a live link direction under section 22(4);]

(d) to order a witness to attend for examination;

[<sup>F4</sup>(e) to exercise the powers conferred by section 19 of this Act;]

(f) to make orders under section 8(2) of this Act and discharge or vary such orders;

<sup>F5</sup>(g) .....

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- (h) to give directions under section 29(1) of this Act;  
 [F<sup>6</sup>(i) to make orders under section 23(1)(a).]
- [F<sup>7</sup>(2A) The power of the Court of Appeal to suspend a person’s disqualification under [F<sup>8</sup>section 40(2) of the Road Traffic Offenders Act 1988] may be exercised by a single judge in the same manner as it may be exercised by the Court.]
- [F<sup>9</sup>(2B) The power of the Court of Appeal to grant leave of appeal under section 159 of the Criminal Justice Act 1988 may be exercised by a single judge in the same manner as it may be exercised by the Court]
- [F<sup>10</sup>(2C) The power of the Court of Appeal, under section 130 of the Licensing Act 2003, to suspend an order under section 129 of that Act may be exercised by a single judge in the same manner as it may be exercised by the Court.]
- (3) If the single judge refuses an application on the part of an appellant to exercise in his favour any of the powers above specified, the appellant shall be entitled to have the application determined by the Court of Appeal.

#### Textual Amendments

- F1** S. 31(1)(2) substituted for s. 31(1)(2) (to and including the word “powers” in s. 31(2)) by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, [Sch. 15 para. 29](#)
- F2** S. 31(1)(aa) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 87](#); [S.I. 2005/950, art. 2\(1\)](#), [Sch. 1 para. 43\(c\)](#) (with Sch. 2) (as explained (29.7.2005) by [S.I. 2005/2122, art. 2](#); and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, [Sch. 28 Pt. 2](#); [S.I. 2008/1586, Sch. 1 paras. 48\(s\), 50\(2\)\(d\)](#)); (30.11.2009) by [S.I. 2009/3111, art. 2](#); (3.12.2012) by [S.I. 2012/2905, art. 4](#); (3.12.2012) by 2012 c. 10, [Sch. 14 para. 17](#); [S.I. 2012/2906, art. 2\(i\)](#))
- F3** S. 31(2)(ca) inserted (15.1.2007) by [Police and Justice Act 2006 \(c. 48\)](#), [ss. 48\(3\)](#), 53(1); [S.I. 2006/3364, art. 2\(i\)](#)
- F4** S. 31(2)(e) substituted by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 29\(2\)\(c\)](#)
- F5** S. 31(2)(g) repealed by [Costs in Criminal Cases Act 1973 \(c. 14\)](#), [Sch. 2](#)
- F6** S. 31(2)(i) inserted (1.5.2004) by [Courts Act 2003 \(c. 39\)](#), [ss. 87\(1\)](#), 110(1); [S.I. 2004/1104, art. 3\(b\)](#)
- F7** S. 31(2A) inserted by [Road Traffic Act 1974 \(c. 50\)](#), [Sch. 6 para. 10](#)
- F8** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 4\(1\)](#)
- F9** S. 31(2B) inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 15 para. 30](#) (with [Sch. 8 para. 16](#))
- F10** S. 31(2C) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), [Sch. 6 para. 40](#) (with [ss. 2\(3\), 15\(2\), 195](#)); [S.I. 2005/3056, art. 2\(2\)](#)

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

- C1** S. 31 restricted (11.1.1995) by 1981 c. 54, [s. 9\(6A\)](#) (as inserted (11.1.1995) by 1994 c. 33, [s. 52\(5\)](#); [S.I. 1994/3258, art. 2](#))

#### [F<sup>11</sup>31A Powers of Court under Part I which are exercisable by registrar.

- (1) The powers of the Court of Appeal under this Part of this Act which are specified in subsection (2) below may be exercised by the registrar.
- (2) The powers mentioned in subsection (1) above are the following—
- (a) to extend the time within which notice of appeal or of application for leave to appeal may be given;

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- (b) to order a witness to attend for examination; <sup>F12</sup>...
  - (c) to vary the conditions of bail granted to an appellant by the Court of Appeal or the Crown Court;
  - <sup>F13</sup>(d) [ to make orders under section 23(1)(a).]
- (3) No variation of the conditions of bail granted to an appellant may be made by the registrar unless he is satisfied that the respondent does not object to the variation; but, subject to that, the powers specified in that subsection are to be exercised by the registrar in the same manner as by the Court of Appeal and subject to the same provisions.
- (4) If the registrar refuses an application on the part of an appellant to exercise in his favour any of the powers specified in subsection (2) above, the appellant shall be entitled to have the application determined by a single judge.
- [ In this section “respondent” includes a person who will be a respondent if leave to <sup>F14</sup>(5) appeal is granted.]]

#### Textual Amendments

- F11** S. 31A inserted (1.1.1996) by 1995 c. 35, s. 6; S.I. 1995/3061, art. 3(a) (with art. 4)
- F12** Word in s. 31A(2) repealed (1.5.2004) by Courts Act 2003 (c. 39), ss. 87(2), 110(1), Sch. 10; S.I. 2004/1104, art. 3(b)
- F13** S. 31A(2)(d) inserted (1.5.2004) by Courts Act 2003 (c. 39), ss. 87(2), 110(1); S.I. 2004/1104, art. 3(b)
- F14** S. 31A(5) inserted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), Sch. 36 para. 88; S.I. 2005/950, art. 2(1), Sch. 1 para. 43(c) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(l))

#### [<sup>F15</sup>31B Procedural directions: powers of single judge and registrar

- (1) The power of the Court of Appeal to determine an application for procedural directions may be exercised by—
- (a) a single judge, or
  - (b) the registrar.
- (2) “Procedural directions” means directions for the efficient and effective preparation of—
- (a) an application for leave to appeal, or
  - (b) an appeal,
- to which this section applies.
- (3) A single judge may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);
  - (b) on a reference from the registrar;
  - (c) of his own motion, when he is exercising, or considering whether to exercise, any power of his in relation to the application or appeal.
- (4) The registrar may give such procedural directions as he thinks fit—
- (a) when acting under subsection (1);

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- (b) of his own motion.
- (5) This section applies to an appeal, and an application to the Court of Appeal for leave to appeal, under—
  - (a) this Part,
  - (b) section 9 of the Criminal Justice Act 1987, or
  - (c) section 35 of the Criminal Procedure and Investigations Act 1996.

**Textual Amendments**

**F15** Ss. 31B, 31C inserted (1.5.2004) by *Courts Act 2003 (c. 39)*, ss. 87(3)(4), 110(1); S.I. 2004/1104, art. 3(b)

**31C Appeals against procedural directions**

- (1) Subsection (2) applies if a single judge gives, or refuses to give, procedural directions.
- (2) The Court of Appeal may, on an application to it under subsection (5)—
  - (a) confirm, set aside or vary any procedural directions given by the single judge, and
  - (b) give such procedural directions as it thinks fit.
- (3) Subsection (4) applies if the registrar gives, or refuses to give, procedural directions.
- (4) A single judge may, on an application to him under subsection (5)—
  - (a) confirm, set aside or vary any procedural directions given by the registrar, and
  - (b) give such procedural directions as he thinks fit.
- (5) An application under this subsection may be made by—
  - (a) an appellant;
  - (b) a respondent, if the directions—
    - (i) relate to an application for leave to appeal and appear to need the respondent’s assistance to give effect to them,
    - (ii) relate to an application for leave to appeal which is to be determined by the Court of Appeal, or
    - (iii) relate to an appeal.
- (6) In this section—
  - “appellant” includes a person who has given notice of application for leave to appeal under any of the provisions mentioned in section 31B(5);
  - “respondent” includes a person who will be a respondent if leave to appeal is granted.]

**Textual Amendments**

**F15** Ss. 31B, 31C inserted (1.5.2004) by *Courts Act 2003 (c. 39)*, ss. 87(3)(4), 110(1); S.I. 2004/1104, art. 3(b)

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## **32 Transcripts.**

- (1) Rules of court may provide—
  - (a) for the making of a record (whether by means of shorthand notes, by mechanical means or otherwise) of any proceedings in respect of which an appeal lies (with or without leave) to the Court of Appeal; and
  - (b) for the making and verification of a transcript of any such record and for supplying the transcript (on payment of such charge, if any, as may be fixed for the time being by the Treasury) to the registrar for the use of the Court of Appeal or any judge exercising the powers of a judge of the Court, and to such other persons and in such circumstances as may be prescribed by the rules.
- (2) Without prejudice to subsection (1) above, the Secretary of State may, if he thinks fit, in any case direct that a transcript shall be made of any such record made in pursuance of the rules and be supplied to him.
- (3) The cost—
  - (a) of making any such record in pursuance of the rules; and
  - (b) of making and supplying in pursuance of this section any transcript ordered to be supplied to the registrar or the Secretary of State,shall be defrayed, in accordance with scales of payment fixed for the time being by the Treasury, out of moneys provided by Parliament; and the cost of providing and installing at a court any equipment required for the purpose of making such a record or transcript shall also be defrayed out of moneys so provided.

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