



Criminal Appeal Act 1968

1968 CHAPTER 19

PART II

APPEAL TO HOUSE OF LORDS FROM COURT OF APPEAL (CRIMINAL DIVISION)

Supplementary

42^{F1}

Textual Amendments

F1 S. 42 repealed by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), ss. 123, 170, Sch. 8 para. 16, [Sch. 16](#)

43 **Effect of appeal on sentence.**

- (1) Where a person subject to a sentence is [^{F2}granted] bail under section 36 or 37 of this Act, the time during which he is [^{F2}released on bail] shall be disregarded in computing the term of his sentence.
- (2) Subject to the foregoing subsection, any sentence passed on an appeal to [^{F3}the Supreme Court] in substitution for another sentence shall, unless [^{F3}the Supreme Court] or the Court of Appeal otherwise direct, begin to run from the time when the other sentence would have begun to run.

Textual Amendments

F2 Word substituted by [Bail Act 1976 \(c. 63\)](#), [Sch. 2 para. 44](#)

F3 Words in s. 43 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 9 para. 16\(8\)](#); S.I. 2009/1604, art. 2(d)

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44 Powers of Court of Appeal under Part II which are exercisable by single judge.

[^{F4}(1) There may be exercised by a single judge—

- (a) the powers of the Court of Appeal under this Part of the Act—
 - (i) to extend the time for making an application for leave to appeal;
 - (ii) to make an order for or in relation to bail; and
 - (iii) to give leave for a person to be present at the hearing of any proceedings preliminary or incidental to an appeal; and
- (b) their powers to make orders for the payment of costs under sections 16 and 17 of the ^{M1}Prosecution of Offences Act 1985 in proceedings under this Part of this Act.]

, but where the judge refuses an application to exercise any of the said powers the applicant shall be entitled to have the application determined by the Court of Appeal.

[^{F5}(2) The power of the Court of Appeal to suspend a person’s disqualification under [^{F6}section 40(3) of the Road Traffic Offenders Act 1988] may be exercised by a single judge, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.]

[^{F7}(3) 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, but where the judge refuses an application to exercise that power the applicant shall be entitled to have the application determined by the Court of Appeal.]

Textual Amendments

- F4** Words substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, Sch. 8 para. 16, **Sch. 15 para. 31**
- F5** S. 44(2) added by [Road Traffic Act 1974 \(c. 50\)](#), **Sch. 6 para. 11**
- F6** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 4(2)**
- F7** S. 44(3) inserted (24.11.2005) by [Licensing Act 2003 \(c. 17\)](#), s. 201(2), **Sch. 6 para. 41** (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

Modifications etc. (not altering text)

- C1** S. 44 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)

Marginal Citations

- M1** [1985 c.23 \(39:1\)](#).

[^{F8}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

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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 [^{F9}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

- F8** 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)
- F9** 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)

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