



Criminal Appeal Act 1968

1968 CHAPTER 19

PART II

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

Supplementary

42 Restitution of property

- (1) Where the operation of an order for the restitution of property made on conviction on indictment is suspended until the determination of an appeal under Part I of this Act to the Court of Appeal, then, if the conviction is not quashed on that appeal, the operation of the order shall continue to be suspended—
 - (a) in any case, until the expiration of the time within which an application for leave to appeal to the House of Lords may be made (disregarding any extension of time which may be granted under section 34 of this Act);
 - (b) if any such application is made within that time, so long as the appeal to the House of Lords is pending.
- (2) Where the operation of any such order is suspended under this section,—
 - (a) the order shall not take effect if the conviction is quashed on appeal to the House of Lords ;
 - (b) such steps shall be taken for the safe custody of the property in question during the period during which the operation of the order is suspended as may be prescribed by rules of court.
- (3) Where by reason of the quashing by the Court of Appeal of a person's conviction any such order does not take effect, and on an appeal to the House of Lords the conviction is restored by that House, the House may make any order for the restitution of property which could be made on his conviction by the court which convicted him.
- (4) This section applies in relation to section 24(1) of the Sale of Goods Act 1893 (revesting of stolen property on conviction of thief) as it applies in relation to an order for the restitution of property; and without prejudice to the powers of the House

Status: This is the original version (as it was originally enacted).

of Lords under subsection (3) of this section, the said section 24 shall apply in any case where a conviction on indictment is restored by that House as it applies on the conviction of an offender.

43 Effect of appeal on sentence

- (1) Where a person subject to a sentence is admitted to bail under section 36 or 37 of this Act, the time during which he is at large after being so admitted shall be disregarded in computing the term of his sentence.
- (2) Subject to the foregoing subsection, any sentence passed on an appeal to the House of Lords in substitution for another sentence shall, unless that House or the Court of Appeal otherwise direct, begin to run from the time when the other sentence would have begun to run.

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

The following powers of the Court of Appeal under this Part of this Act, that is to say the power—

- (a) to extend the time for making an application for leave to appeal;
- (b) to make an order for or in relation to bail; or
- (c) to give leave for a person to be present at the hearing of any proceedings preliminary or incidental to an appeal,

may be exercised by a single judge, 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.