



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

References to court

13 Conditions for making of references.

- (1) A reference of a conviction, verdict, finding or sentence shall not be made under any of sections 9 to [F112B] unless—
- (a) the Commission consider that there is a real possibility that the conviction, verdict, finding or sentence would not be upheld were the reference to be made,
 - (b) the Commission so consider—
 - (i) in the case of a conviction, verdict or finding, because of an argument, or evidence, not raised in the proceedings which led to it or on any appeal or application for leave to appeal against it, or
 - (ii) in the case of a sentence, because of an argument on a point of law, or information, not so raised, and
 - (c) an appeal against the conviction, verdict, finding or sentence has been determined or leave to appeal against it has been refused.
- (2) Nothing in subsection (1)(b)(i) or (c) shall prevent the making of a reference if it appears to the Commission that there are exceptional circumstances which justify making it.

Textual Amendments

- F1** Word in s. 13(1) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 11 para. 3**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 13.