



Criminal Justice Act 2003

2003 CHAPTER 44

PART 10

RETRIAL FOR SERIOUS OFFENCES

Cases that may be retried

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- (1) This Part applies where a person has been acquitted of a qualifying offence in proceedings—
 - (a) on indictment in England and Wales,
 - (b) on appeal against a conviction, verdict or finding in proceedings on indictment in England and Wales, or
 - (c) on appeal from a decision on such an appeal.
- (2) A person acquitted of an offence in proceedings mentioned in subsection (1) is treated for the purposes of that subsection as also acquitted of any qualifying offence of which he could have been convicted in the proceedings because of the first-mentioned offence being charged in the indictment, except an offence—
 - (a) of which he has been convicted,
 - (b) of which he has been found not guilty by reason of insanity, or
 - (c) in respect of which, in proceedings where he has been found to be under a disability (as defined by section 4 of the Criminal Procedure (Insanity) Act 1964 (c. 84)), a finding has been made that he did the act or made the omission charged against him.
- (3) References in subsections (1) and (2) to a qualifying offence do not include references to an offence which, at the time of the acquittal, was the subject of an order under section 77(1) or (3).
- (4) This Part also applies where a person has been acquitted, in proceedings elsewhere than in the United Kingdom, of an offence under the law of the place where the proceedings were held, if the commission of the offence as alleged would have

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amounted to or included the commission (in the United Kingdom or elsewhere) of a qualifying offence.

- (5) Conduct punishable under the law in force elsewhere than in the United Kingdom is an offence under that law for the purposes of subsection (4), however it is described in that law.
- (6) This Part applies whether the acquittal was before or after the passing of this Act.
- (7) References in this Part to acquittal are to acquittal in circumstances within subsection (1) or (4).
- (8) In this Part “qualifying offence” means an offence listed in Part 1 of Schedule 5.