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## SCHEDULES

### SCHEDULE 4

#### MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO CRIMINAL APPEAL.

##### *THE CRIMINAL APPEAL ACT 1907 (C. 23)*

- 1 In section 4(2) (consequence of appeal being allowed), the words " and direct a judgment and verdict of acquittal to be entered " shall be omitted, and the following shall be added at the end of the subsection:—
- “An order of the criminal division of the Court of Appeal quashing a conviction shall, except when under section 1 of the Criminal Appeal Act 1964 the appellant is ordered to be retried, operate as a direction to the court before whom the appellant was convicted to enter, instead of the record of conviction, a judgment and verdict of acquittal.”
- 2 In section 5 (powers of court in special cases of wrong conviction, etc.) the following subsection shall be substituted for subsection (1):—
- “(1) Where a person appeals under this Act against conviction on an indictment containing two or more counts, and the criminal division of the Court of Appeal allow the appeal in respect of part of the indictment, they may in respect of any count on which he remains convicted pass such sentence, in substitution for any sentence passed thereon at the trial, as they think proper and is authorised by law for the offence of which he remains convicted on that count, subject however to section 4(2) of the Criminal Appeal Act 1966 (which restricts the power to increase sentence on appeal).”
- 3 In section 6 (re-vesting and restitution of property), for the word " after ", where occurring in paragraph (a) and (b) there shall be substituted the word " from " ; and in paragraph (b) for the words " leave to appeal " there shall be substituted the words " of application for leave to appeal ".
- 4 In section 7(1) (time for appealing and applying for leave to appeal), for the words from " within twenty-eight days " to " considered by the court " there shall be substituted the words " within twenty-eight days from the date of the conviction, verdict or finding appealed against, or in the case of appeal against sentence, from the date on which sentence was passed, or in the case of an order made or treated as made on conviction, from the date of the making of the order ".
- 5 In section 9 (supplemental powers of court),
- (a) for the words " at the trial " where first occurring in paragraph (b) of the section there shall be substituted the words " in the proceedings from which the appeal lies ", and for those words where occurring for the second time in that paragraph there shall be substituted the words " in those proceedings ";
  - (b) for the words " at the trial " in paragraph (c) of the section there shall be substituted the words " in the proceedings from which the appeal lies "; and

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(c) the words from " and exercise in relation to " to the end of the section shall be omitted.

6 In section 11(1) (right of appellant to be present at hearing), the words " rules of court provide that he shall have the right to be present, or where " shall be omitted.

7 In section 15 (duties of registrar with respect to appeals), the following subsection shall be substituted for subsections (3) and (4):

“(3) Rules of court may enable an appellant to obtain from the registrar any documents or things, including copies or reproductions of documents, required for his appeal and may authorise the registrar to make charges for them in accordance with scales and rates fixed from time to time by the Treasury.”

8 For section 21 (definitions) there shall be substituted the following section:—

“**21** In this Act, unless the context otherwise requires.—

' appellant ' includes a person who has given notice of application for leave to appeal; and

' sentence ' in relation to an offence, includes any order made by a court when dealing with an offender (including a hospital order under Part V of the Mental Health Act 1959, with or without an order restricting discharge) and also includes a recommendation for deportation made under Part II of the Commonwealth Immigrants Act 1962 or under any order made under the Aliens Restriction Act 1914”.