

SCHEDULES

SCHEDULE 4

MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO CRIMINAL APPEAL.

THE CRIMINAL APPEAL ACT 1966 (C. 31)

- 35 In section 4 (powers of Court of Appeal on determination of appeals) the following shall be substituted for subsection (2) :—
- “(2) Section 5(1) of the 1907 Act shall not authorise the Court of Appeal to pass any sentence such that the appellant's sentence on the indictment as a whole will, in consequence of the appeal, be of greater severity than the sentence (taken as a whole) which was passed at the trial for all offences of which he was convicted on the indictment.”
- 36 In section 5 (duty to admit evidence on appeal) for the words " at the trial " where they occur in paragraph (a) of the section there shall be substituted the words " in the proceedings from which the appeal lies "; and for those words where they occur in paragraph (b) of the section there shall be substituted the words " in those proceedings ".
- 37 In section 7 (record of proceedings at trial)—
- (a) in subsection (1) the words " at assizes or quarter sessions " shall be omitted ; and
- (b) in subsection (3) for the words " at a court of assize or quarter sessions " there shall be substituted the words " at any court ".
- 38 In section 8(2) (ascertainment of witnesses' expenses) for the words " the proper officer " there shall be substituted the words " the registrar of Criminal appeals ".
- 39 In section 12(5) (construction of Act as applying to Northern Ireland), after the word " Ireland " there shall be inserted the words " and proceedings from which such appeals lie ".
- 40 In paragraph 8(2) of Schedule 1 (witnesses' costs on appeal to Courts-Martial Appeal Court), for the words " the proper officer " there shall be substituted the words " the registrar ".