



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

Investigations and assistance

15 Investigations for Court of Appeal [^{F1}and Court Martial Appeal Court].

- (1) Where a direction [^{F2}(a relevant direction)] is given by the Court of Appeal under section 23A(1) of the 1968 Act or section 25A(1) of the 1980 Act [^{F3}or by the Court Martial Appeal Court under section 29A(1) of the Court Martial Appeals Act,] the Commission shall investigate the matter specified in the direction in such manner as the Commission think fit.
- (2) Where, in investigating a matter specified in such a direction, it appears to the Commission that—
 - (a) another matter (a “related matter”) which is relevant to the determination of the [^{F4}appeal or application for leave to appeal] by the [^{F5}relevant Court] ought, if possible, to be resolved before the [^{F4}appeal or application for leave to appeal] is determined by that Court, and
 - (b) an investigation of the related matter is likely to result in the Court’s being able to resolve it,the Commission may also investigate the related matter.
- (3) The Commission shall—
 - (a) keep the [^{F6}relevant Court] informed as to the progress of the investigation of any matter specified in a [^{F7}relevant direction], and
 - (b) if they decide to investigate any related matter, notify the [^{F8}relevant Court] of their decision and keep the Court informed as to the progress of the investigation.
- (4) The Commission shall [^{F9}report to the relevant Court on the investigation of any matter specified in a relevant direction] when—

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- (a) they complete the investigation of that matter and of any related matter investigated by them, or
 - (b) they are directed to do so by the [^{F10}relevant Court],
whichever happens first.
- (5) A report under subsection (4) shall include details of any inquiries made by or for the Commission in the investigation of the matter specified in the direction or any related matter investigated by them.
- (6) Such a report shall be accompanied—
- (a) by any statements and opinions received by the Commission in the investigation of the matter specified in the direction or any related matter investigated by them, and
 - (b) subject to subsection (7), by any reports so received.
- (7) Such a report need not be accompanied by any reports submitted to the Commission under section 20(6) by an investigating officer.
- [^{F11}(8) In this section “relevant Court”, in relation to a direction, means the court that gave the direction.]

Textual Amendments

- F1** Words in s. 15 heading inserted (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. 5\(2\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 15(1) inserted (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. 5\(3\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F3** Words in s. 15(1) inserted (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. 5\(3\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F4** Words in s. 15(2)(a) substituted (1.9.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), [Sch. 36 para. 97](#); S.I. 2004/1629, art. 3(1)(2)(g)
- F5** Words in s. 15(2) 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. 5\(4\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F6** Words in s. 15(3)(a) 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. 5\(5\)\(a\)\(i\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F7** Words in s. 15(3)(a) 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. 5\(5\)\(a\)\(ii\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F8** Words in s. 15(3)(b) 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. 5\(5\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F9** Words in s. 15(4) 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. 5\(6\)\(a\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F10** Words in s. 15(4) 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. 5\(6\)\(b\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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F11 S. 15(8) added (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. 5\(7\)](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

16 Assistance in connection with prerogative of mercy.

(1) Where the Secretary of State refers to the Commission any matter which arises in the consideration of whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to a conviction and on which he desires their assistance, the Commission shall—

(a) consider the matter referred, and

(b) give to the Secretary of State a statement of their conclusions on it;

and the Secretary of State shall, in considering whether so to recommend, treat the Commission's statement as conclusive of the matter referred.

(2) Where in any case the Commission are of the opinion that the Secretary of State should consider whether to recommend the exercise of Her Majesty's prerogative of mercy in relation to the case they shall give him the reasons for their opinion.

[^{F12}(2A) Where the Minister in charge of the Department of Justice in Northern Ireland refers to the Commission any matter which arises in the consideration of whether Her Majesty's prerogative of mercy should be exercised on Her behalf under section 23(2) of the Northern Ireland Act 1998 in relation to a conviction and on which the Minister desires the Commission's assistance, the Commission shall—

(a) consider the matter referred, and

(b) give to the Minister a statement of their conclusions on it;

and for the purposes of the consideration of whether Her Majesty's prerogative of mercy should be so exercised, the Commission's statement shall be treated as conclusive of the matter referred.

(2B) Where in any case the Commission are of the opinion that Her Majesty's prerogative of mercy should be so exercised, they shall give the Minister reasons for their opinion.]

[^{F13}(3) In subsection (1) "conviction" includes a conviction by the Court Martial or the Service Civilian Court, and in subsection (2) "case" includes the case of such a conviction.]

Textual Amendments

F12 S. 16(2A)(2B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), art. 1\(2\), Sch. 6 para. 6\(2\)](#) (with arts. 28-31, Sch. 6 para. 6(3))

F13 S. 16(3) added (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. 6](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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