



# Criminal Appeal Act 1995

## 1995 CHAPTER 35

### PART II

#### THE CRIMINAL CASES REVIEW COMMISSION

##### *Supplementary powers*

#### **19 Power to require appointment of investigating officers.**

- (1) Where the Commission believe that inquiries should be made for assisting them in the exercise of any of their functions in relation to any case they may require the appointment of an investigating officer to carry out the inquiries.
- (2) Where any offence to which the case relates was investigated by persons serving in a public body, a requirement under this section may be imposed—
  - (a) on the person who is the appropriate person in relation to the public body, or
  - (b) where the public body has ceased to exist, on any chief officer of police or on the person who is the appropriate person in relation to any public body which appears to the Commission to have functions which consist of or include functions similar to any of those of the public body which has ceased to exist.

[<sup>F1</sup>(2A) Where the Commission has power to impose a requirement under paragraph (a) of subsection (2) and the public body referred to in that paragraph is mentioned in section 22(4A), that power includes power to impose the requirement on the Provost Marshal for serious crime (instead of the person who is the appropriate person in relation to the public body).]

- (3) Where no offence to which the case relates was investigated by persons serving in a public body, a requirement under this section may be imposed on any chief officer of police [<sup>F2</sup>or Provost Marshal].
- (4) A requirement under this section imposed on a chief officer of police may be—
  - (a) a requirement to appoint a person serving in the police force in relation to which he is the chief officer of police, or

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- (b) a requirement to appoint a person serving [<sup>F3</sup>in a body selected by the chief officer which is—
    - (i) another police force,
    - (ii) a service police force, or
    - (iii) the tri-service serious crime unit.]
- [<sup>F4</sup>(4A) A requirement under this section imposed on [<sup>F5</sup>the Provost Marshal of a service police force] may be—
- (a) a requirement to appoint a person serving in [<sup>F6</sup>that service police force], or
  - [<sup>F7</sup>(b) a requirement to appoint a person serving in a body selected by the Provost Marshal which is—
    - (i) a police force,
    - (ii) another service police force, or
    - (iii) the tri-service serious crime unit.]
- [ A requirement under this section imposed on the Provost Marshal for serious crime <sup>F8</sup>(4B) may be—
- (a) a requirement to appoint a person serving in the tri-service serious crime unit, or
  - (b) a requirement to appoint a person serving either in a police force selected by the Provost Marshal or in a service police force selected by the Provost Marshal.]
- (5) A requirement under this section [<sup>F9</sup>imposed otherwise than on a chief officer of police or a Provost Marshal may be]—
- (a) a requirement to appoint a person serving in the public body [<sup>F10</sup>in relation to which the person on whom the requirement is imposed is the appropriate person], or
  - [<sup>F11</sup>(b) a requirement to appoint a person serving in a body selected by the appropriate person which is—
    - (i) a police force, a service police force or the tri-service serious crime unit, or
    - (ii) a public body (not falling within sub-paragraph (i)) having functions which consist of or include the investigation of offences.]
- (6) The Commission may direct—
- (a) that a person shall not be appointed, or
  - (b) that [<sup>F12</sup>a body mentioned in subsection (4)(b), (4A)(b), (4B)(b) or (5)(b)] shall not be selected,
- under subsection (4)[<sup>F13</sup>, (4A) [<sup>F14</sup>, (4B)]] or (5) without the approval of the Commission.
- (7) Where an appointment is made under this section by the person who is the appropriate person in relation to any public body [<sup>F15</sup>or by the Provost Marshal for serious crime], that person shall inform the Commission of the appointment; and if the Commission are not satisfied with the person appointed they may direct that—
- (a) the person who is the appropriate person in relation to the public body [<sup>F16</sup>or (as the case requires) the Provost Marshal for serious crime] shall, as soon as is reasonably practicable, select another person in his place and notify the Commission of the proposal to appoint the other person, and

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- (b) the other person shall not be appointed without the approval of the Commission.

[ In this section “tri-service serious crime unit” means the unit described in <sup>F17</sup>(8) section 375(1A) of the Armed Forces Act 2006.]]

#### Textual Amendments

- F1** S. 19(2A) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(2)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F2** Words in s. 19(3) 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. 8(2)**; 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. 19(4)(b) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(3)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F4** S. 19(4A) 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. 8(4)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F5** Words in s. 19(4A) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(4)(a)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F6** Words in s. 19(4A)(a) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(4)(b)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F7** S. 19(4A)(b) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(4)(c)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F8** S. 19(4B) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(5)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F9** Words in s. 19(5) 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. 8(5)(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. 19(5)(a) 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. 8(5)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F11** S. 19(5)(b) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(6)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F12** Words in s. 19(6)(b) substituted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(7)(a)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F13** Words in s. 19(6) 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. 8(6)(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F14** Word in s. 19(6) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(7)(b)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F15** Words in s. 19(7) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(8)(a)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

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- F16** Words in s. 19(7)(a) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(8)(b)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4
- F17** S. 19(8) inserted (1.5.2022 for specified purposes, 5.12.2022 in so far as not already in force) by Armed Forces Act 2021 (c. 35), s. 24(1), **Sch. 5 para. 4(9)**; S.I. 2022/471, reg. 2(e); S.I. 2022/1095, reg. 4

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 19.