



Criminal Appeal Act 1995

1995 CHAPTER 35

PART I

THE COURT OF APPEAL

5 Power to order investigations.

(1) After section 23 of the 1968 Act insert—

“23A Power to order investigations.

- (1) On an appeal against conviction the Court of Appeal may direct the Criminal Cases Review Commission to investigate and report to the Court on any matter if it appears to the Court that—
 - (a) the matter is relevant to the determination of the case and ought, if possible, to be resolved before the case is determined;
 - (b) an investigation of the matter by the Commission is likely to result in the Court being able to resolve it; and
 - (c) the matter cannot be resolved by the Court without an investigation by the Commission.
- (2) A direction by the Court of Appeal under subsection (1) above shall be given in writing and shall specify the matter to be investigated.
- (3) Copies of such a direction shall be made available to the appellant and the respondent.
- (4) Where the Commission have reported to the Court of Appeal on any matter which they have been directed under subsection (1) above to investigate, the Court—
 - (a) shall notify the appellant and the respondent that the Commission have reported; and

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 5. (See end of Document for details)

- (b) may make available to the appellant and the respondent the report of the Commission and any statements, opinions and reports which accompanied it.”

(2) After section 25 of the 1980 Act insert—

“25A Power to order investigations.

- (1) On an appeal against conviction the Court of Appeal may direct the Criminal Cases Review Commission to investigate and report to the Court on any matter if it appears to the Court that—
 - (a) the matter is relevant to the determination of the case and ought, if possible, to be resolved before the case is determined;
 - (b) an investigation of the matter by the Commission is likely to result in the Court being able to resolve it; and
 - (c) the matter cannot be resolved by the Court without an investigation by the Commission.
- (2) A direction by the Court under subsection (1) above shall be given in writing and shall specify the matter to be investigated.
- (3) Copies of such a direction shall be made available to the appellant and the respondent.
- (4) Where the Commission have reported to the Court of Appeal on any matter which they have been directed under subsection (1) above to investigate, the Court—
 - (a) shall notify the appellant and the respondent that the Commission have reported; and
 - (b) may make available to the appellant and the respondent the report of the Commission and any statements, opinions and reports which accompanied it.”

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 5.