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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 68**

**APPEAL TO THE COURT OF APPEAL  
AGAINST CONVICTION OR SENTENCE**

**Dismissal of appeal against hospital order**

**68.28.** If the court dismisses an appeal or an application for leave to appeal by an appellant who is subject to a hospital order under the Mental Health Act 1983(1) or an order under section 5(1) of the Criminal Procedure (Insanity) Act 1964(2) (power to deal with persons not guilty by reason of insanity or unfit to plead etc.) or the court affirms the order and the appellant has been released on bail pending his appeal, the court shall give such directions as it thinks fit for his conveyance to the hospital from which he was released on bail and for his detention, if necessary, in a place of safety as defined in section 55 of the 1983 Act pending his admission to the said hospital.

*[Note. Formerly rule 14 of the Criminal Appeal Rules 1968.]*

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- (1) 1983 c. 20; section 145(1) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 66(1) and Schedule 9, paragraph 24(9), by the Mental Health (Amendment) Act 1994 (c. 6), section 1, by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 107(14), by the Health Act 1999 (c. 8), sections 41(2) and 65 and Schedule 5, by the Care Standards Act 2000 (c. 14), section 116 and Schedule 4, paragraphs 9(1) and (10)(c), by the National Health Service Reform and Health Care Professionals Act 2002 (c. 17), section 2(5) and Schedule 2, Part 2, paragraphs 42 and 49, by the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), section 34 and Schedule 4, paragraphs 50 and 57, and by S.I. 2000/90, 2002/2469.
- (2) 1964 c. 84; section 5 was amended by the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c. 25), section 3.