



Criminal Cases Review Commission

CASEWORK POLICY

Policy Title: **Investigations for the Court of Appeal (s.15)**

Reference: **CW-POL-25**

Version: **1.0**

Contents

Key Points.....	2
Definitions	2
1 General Information	2
2 Procedure	3
Relevant CCRC Documents	3
Document Control.....	4
Appendix 1 - Criminal Appeal Act 1995 (excerpt)	4

The CCRC’s Quality Statement

The CCRC is committed to achieving high-quality case reviews as quickly as possible. In order to achieve this, we operate under a Quality Management System; please see ‘Q-POL-01 CCRC Quality Policy’ for further information. Our policy documents are available on our website: www.ccrcc.gov.uk.

If you or someone you represent has difficulty accessing the internet then please contact us via 0300 456 2669 (calls charged at local rate) and we will send a hardcopy of the relevant policy free of charge.

This is a quality-controlled document. Significant changes from the last issue are in grey highlight: like this. Significant deletions are shown as: [text deleted].

Introduction

This policy states the CCRC’s approach to conducting investigations on behalf of the Court of Appeal and Court Martial Appeal Court using the CCRC’s powers under section 15 of the Criminal Appeal Act 1995.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-25	Investigations for the Court of Appeal (s.15)	Date Issued: 15/07/2021
Page 1 of 5	Uncontrolled When Printed	Version: 1.0

Key Points

- 1) Unless otherwise stated, all references to 'sections' are in relation to the Criminal Appeal Act 1995.
- 2) The CCRC can be asked to carry out investigations on cases during the first instance appeal before the Court of Appeal (or the Court Martial Appeal Court) or during the application for leave to appeal.
- 3) The case will be allocated to a Case Review Manager immediately. The Director of Casework Operations (DCO) will assign a Commissioner to act as a Nominated Decision Maker in the case.
- 4) The DCO will arrange for the report to be forwarded to the Registrar as soon as it has been approved by a committee of three Commissioners.

Definitions

Key Word	Meaning
CMAC	Court Martial Appeal Court
CoA	Court of Appeal (Criminal Division)
DCO	Director of Casework Operations
The Registrar	The Registrar of Criminal Appeals

1 General Information

- 1.1 Most of the CCRC's work relates to its reviews of cases which have already been considered and turned down by the Court of Appeal (CoA), in order to determine whether any of those cases should be referred back to the Court for reconsideration.
- 1.2 Section 15 of the Criminal Appeal Act 1995 (see [Appendix 1](#)) addresses situations in which the Court of Appeal or the Court Martial Appeal Court (CMAC) has directed the CCRC to investigate a discrete issue(s) on the Court's behalf.¹
- 1.3 As a result, the CCRC can be asked to carry out investigations on cases during the first instance appeal before the CoA / CMAC, or during the application for leave to appeal.

¹ The Court's power to make such directions is in section 23A(1) Criminal Appeal Act 1968 and section 25A(1) Criminal Appeal (Northern Ireland) Act 1980.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-25	Investigations for the Court of Appeal (s.15)	Date Issued: 15/07/2021
Page 2 of 5	Uncontrolled When Printed	Version: 1.0

2 Procedure

- 2.1 As a general rule, the CCRC will prioritise section 15 investigations.²
- 2.2 The Registrar of Criminal Appeals (the Registrar) will notify the CCRC when an Order is made by the Court.
- 2.3 The case will be allocated to a Case Review Manager immediately. The Director of Casework Operations (DCO) will assign a Commissioner to act as a Nominated Decision Maker in the case.
- 2.4 A provisional timetable for completion will be agreed. The DCO will arrange for the Registrar to be provided with the provisional completion date and will provide updates, as appropriate.
- 2.5 The investigation will proceed following the directions issued by the CoA. If the CCRC determines the need to do something that is not provided for in the CoA's directions, then the CoA will be contacted to obtain permission for the additional / alternative work.
- 2.6 The DCO will arrange for the report to be forwarded to the Registrar as soon as it has been approved by a committee of three Commissioners.

Appendices

1 [Criminal Appeal Act 1995 \(excerpt\)](#)

Page 4

Relevant CCRC Documents

Q-MAN-01 CCRC Quality Manual
Q-POL-01 CCRC Quality Policy
CW-POL-04 Case Review Process

Legal Documents (available for free from www.legislation.gov.uk)

Criminal Appeal Act 1968
Criminal Appeal Act 1995
Criminal Appeal (Northern Ireland) Act 1980

² See 'CW-POL-04 Case Review Process' for further information.

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-25	Investigations for the Court of Appeal (s.15)	Date Issued: 15/07/2021
Page 3 of 5	Uncontrolled When Printed	Version: 1.0

Document Control

Document author: Head of Legal

Issue authorised by: Director of Casework Operations

Version History

Date Issued	Version	Brief Details of Change	DCR
15/07/2021	1.0	First Issue	21/04

Appendix 1 - Criminal Appeal Act 1995 (excerpt)

****The law stated below is provided here for information only. It is correct at the time this policy document was published. However, you should always check the www.legislation.gov.uk website for the latest version of the law****

15 Investigations for Court of Appeal and Court Martial Appeal Court

(1) Where a direction (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 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 appeal or application for leave to appeal by the relevant Court ought, if possible, to be resolved before the 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 relevant Court informed as to the progress of the investigation of any matter specified in a relevant direction, and

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-25	Investigations for the Court of Appeal (s.15)	Date Issued: 15/07/2021
Page 4 of 5	Uncontrolled When Printed	Version: 1.0

- (b) if they decide to investigate any related matter, notify the relevant Court of their decision and keep the Court informed as to the progress of the investigation.
- (4) The Commission shall report to the relevant Court on the investigation of any matter specified in a relevant direction when -
- (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 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.
- (8) In this section “relevant Court”, in relation to a direction, means the court that gave the direction.

*****END OF DOCUMENT*****

OFFICIAL - Criminal Cases Review Commission		
Document Ref: CW-POL-25	Investigations for the Court of Appeal (s.15)	Date Issued: 15/07/2021
Page 5 of 5	Uncontrolled When Printed	Version: 1.0