



# Criminal Appeal (Northern Ireland) Act 1980

## CHAPTER 47

### CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1980

#### PART I

##### APPEAL TO COURT OF APPEAL FROM CROWN COURT

###### *Appeal against conviction on indictment*

- 1 Right of appeal against conviction on indictment.
- 2 Grounds for allowing appeal against conviction.
- 3 Power to substitute conviction of alternative offence.
- 3A Power to substitute conviction of alternative offence after guilty plea
- 4 Alteration of sentence on appeal against conviction.
- 5 Appeal against conviction on special verdict.

###### *Retrial*

- 6 Power to order retrial.
- 7 Supplementary provisions as to retrial.

###### *Appeal against sentence*

- 8 Appeal against sentence following conviction on indictment.
- 9 Appeal in other cases dealt with by Crown Court.
- 10 Supplementary provisions as to appeals against sentence.
- 10A Quashing of certain confiscation orders: supplementary

###### *Appeal in cases of insanity*

- 11 Appeal against conviction: substitution of finding of insanity.

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- 12 Appeal against finding of not guilty on ground of insanity.
- 13 Disposal of appeal allowed under s. 12.

*Appeal against finding of unfitness to be tried.*

- 13A Appeal against finding of unfitness to be tried.

*Appeals following references by the CCRC*

- 13B Power to dismiss certain appeals following references by the CCRC

*Review of cases*

- 14 Reference by Secretary of State.

*Reference of point of law*

- 15 Reference of point of law following acquittal on indictment.

*Procedure from notice of appeal to hearing*

- 16 Notice of appeal or application for leave.
- 16A Appeals in cases of contempt of court.
- 17 Bail.
- 18 Groundless appeals or applications for leave to appeal.
- 19 Legal aid.
- 20 Preparation of case for hearing.

*Transcripts, documents, etc.*

- 21 Transcripts.
- 22 Trial documents, etc.
- 23 Judge's notes and report.

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- 24 Right of appellant to be present.
- 25 Evidence.
- 25A Power to order investigations.
- 26 Additional powers of Court.

*Matters depending on result of appeal*

- 27 Restitution of property.
- 28 Costs.
- 29 Computation of sentence.

*Supplementary*

- 29A Effect of interim hospital orders
- 30 Interpretation of Part I.

**PART II**

APPEAL TO HOUSE OF LORDS FROM COURT OF APPEAL

*The appeal*

- 31 Right of appeal to House of Lords.

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- 32 Application for leave to appeal.
- 33 Hearing and disposal of appeal.

*Reference of point of law*

- 34 Further reference to Supreme Court of point of law following acquittal on indictment.

*Matters preliminary to hearing*

- 35 Bail.
- 36 Detention of defendant pending appeal by Crown.
- 37 Legal aid.
- 38 Presence of defendant at hearing.

*Matters depending on result of appeal*

- 39 Computation of sentence.
- 40 Restitution of property.
- 41 Costs.
- 42 Taxation of costs.

**PART III**

MISCELLANEOUS AND SUPPLEMENTARY

*Exercise of jurisdiction under this Act by Court of Appeal*

- 43 Jurisdiction of Court of Appeal under this Act.
- 44 Composition of Court of Appeal sitting under this Act.
- 45 Powers of Court which are exercisable by single judge.
- 46 Judgment.

*Supplementary*

- 47 Rules of court.
- 47A Appeals in cases of death.
- 48 Appeal in capital cases.
- 49 Saving for prerogative of mercy.
- 50 Interpretation.
- 51 Consequential amendments, repeals and transitional provisions.
- 52 Short title and commencement.

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**SCHEDULES**

**SCHEDULE 1 — Provisions Applicable on Retrial**

*Legal Aid*

- 1 .....

*Evidence*

- 2.— (1) Evidence given at a retrial ordered under section 6...
- 2A Subject to paragraph 2 above, evidence given orally at the...

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*Conviction and sentence*

- 3 Notwithstanding any rule of law to the contrary, a person...
- 4 Without prejudice to the power of the court to impose...
- 5 Where the person convicted on retrial is sentenced to imprisonment...

SCHEDULE 2 — Consequences and Effect of Order under Section 13(6) for Detention in Hospital

- 1 (1) An order for detention under section 13(6) of this...
- 2 A person who is detained in hospital in pursuance of...

SCHEDULE 3 —

*Appeal to Court of Appeal*

- 1 The power of the Court of Appeal under section 16...
- 2 In the case of a conviction involving sentence of death—...

*Appeal to House of Lords*

- 3 The power of the Court of Appeal or the House...
- 4 An application for leave to appeal under Part II of...
- 5 Where an appeal to the Court of Appeal is dismissed...
- 6 Section 32(3) of this Act applies for the construction of...

SCHEDULE 4 — Amendments.

*The Criminal Justice Act (Northern Ireland) 1945 (c. 15).*

- 1 In section 33(4) for the words from “may appeal” to...
- 2 .....

*The Geneva Convention Act 1957 (c. 52).*

- 3 In section 4 in subsection (1) for the words “section...
- 4, 5 .....

*The Costs in Criminal Cases Act (Northern Ireland) 1968 (c. 10).*

- 6 In section 3(4) for the words “section 13 of the...
- 7 In section 4 . . . in subsection (2) for the...
- 8 In section 6 for the words “section 32(2) of the...

*The Children and Young Persons Act (Northern Ireland) 1968 (c. 34).*

- 9 In section 76(6)(b) for the words “the Criminal Appeal (Northern...

*The Criminal Jurisdiction Act 1975 (c. 59).*

- 10 In Part II of Schedule 4, in paragraph 5(1)(b) for...

*The Treatment of Offenders (Northern Ireland) Order 1976 (S.I. 1976/226 (N.I.4)).*

- 11 In Article 4 for the words “or (5)a” substitute the...
- 12 .....
- 13 .....

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*THE NORTHERN IRELAND (EMERGENCY PROVISIONS) ACT 1978 (C. 5).*

14 .....

*THE JUDICATURE (NORTHERN IRELAND) ACT 1978 (C. 23).*

- 15 In section 36(1) for the words “and section 48 of...
- 16 In section 44(6) for the words “Part II” substitute the...
- 17 In section 49(6) for the words “section 20(1)” substitute the...
- 18 In section 120(1) in the definition of “Criminal Appeal Act”...

SCHEDULE 5 — Repeals.

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**Changes and effects yet to be applied to :**

- s. 7(3) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 3(2)(a)
- s. 7(3)(b) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 3(3)
- s. 10(5) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 4
- s. 11 words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 5
- s. 12(1) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 6
- s. 13(5A) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 7(2)
- s. 13(6) repealed by 2016 c. 18 (N.I.) Sch. 10 para. 7(3)Sch. 11
- s. 13A(1) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 8(2)
- s. 13A(6) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 8(3)
- s. 13A(7) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 8(4)(a)
- s. 13A(7) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 8(4)(b)
- s. 19(1A)(a) words inserted by 2004 c. 28 Sch. 10 para. 13
- s. 29A(1) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 9(2)
- s. 29A(2) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 9(3)
- s. 30(1) words inserted by 2016 c. 18 (N.I.) Sch. 10 para. 10(2)
- s. 30(1) words inserted by 2016 c. 18 (N.I.) Sch. 10 para. 10(3)
- s. 36(3) word substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(2)(d)
- s. 36(3) words inserted by 2016 c. 18 (N.I.) Sch. 10 para. 11(2)(a)
- s. 36(3) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(2)(b)
- s. 36(3) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(2)(c)
- s. 36(3A) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(3)(a)
- s. 45(3ZA) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 12
- s. 50(1) words inserted by 2016 c. 18 (N.I.) Sch. 10 para. 13(2)
- s. 50(1A) repealed by 2016 c. 18 (N.I.) Sch. 10 para. 13(3)Sch. 11
- Sch. 2 repealed by 2016 c. 18 (N.I.) Sch. 10 para. 14
- Sch. 4 para. 11 repealed by S.I. 2008/1216 (N.I.) Sch. 6 Pt. 1

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 7(3A) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 3(3)(a)
- s. 7(3A) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 3(3)(b)
- s. 7(3A) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 3(3)(c)
- s. 36(3)(b) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(3)(b)(i)
- s. 36(3)(b) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(3)(b)(ii)
- s. 36(3)(c) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(3)(c)(i)
- s. 36(3)(c) words substituted by 2016 c. 18 (N.I.) Sch. 10 para. 11(3)(c)(ii)