



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART I

APPEAL TO COURT OF APPEAL FROM CROWN COURT

[^{F1}Supplementary]

Textual Amendments

- F1** Cross-heading preceding s. 30 substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 47, 153(7)(8), [Sch. 8 para. 20\(1\)](#); S.I. 2008/1586, [art. 2\(1\)\(3\)](#), Sch. 1 para. 26 (subject to Sch. 2)

[^{F2}29A Effect of interim hospital orders

- (1) This section applies where the Court of Appeal—
 - (a) makes an interim hospital order by virtue of any provision of this Part, or
 - (b) renews an interim hospital order so made.
- (2) The Crown Court shall be treated for the purposes of Article 45(6) of the Mental Health Order (absconding offenders) as the court that made the order.]

Textual Amendments

- F2** S. 29A inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 47, 153(7)(8), [Sch. 8 para. 20\(2\)](#); S.I. 2008/1586, [art. 2\(1\)\(3\)](#), Sch. 1 para. 26 (subject to Sch. 2)

Changes to legislation: Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

30 Interpretation of Part I.

[^{F3}(1)] In this Part of this Act, unless the context otherwise requires,—

“appellant” includes a person who has given notice of application for leave to appeal;

“the court of trial” means, in relation to an appeal, the court from which the appeal lies;

“insane person” has the meaning given to it by section 1 of the ^{M1}Criminal Justice Act (Northern Ireland) 1966, and “insanity” shall be construed accordingly; and

“sentence” includes any order of the court of trial made on conviction with reference to the person convicted or his wife or children, and any recommendation of that court as to the making of a deportation order in the case of a person convicted [^{F4}, but does not include any order under Article 31 of the Access to Justice (Northern Ireland) Order 2003] ;

and a power of the Court of Appeal to pass sentence includes power to make any such order or recommendation which could lawfully have been made by the court of trial.

^{F5}(2)

[^{F6}(3)] In this Part of this Act “sentence” also includes—

- (a) a confiscation order made by the Crown Court under the Proceeds of Crime (Northern Ireland) Order 1996;
- (b) an order varying such an order;^{F7} . . .
- (c) an order made by the Crown Court varying a confiscation order which was made by the High Court by virtue of Article 24 of the Order of 1996.]

[^{F8}(d) a confiscation order under Part 4 of the Proceeds of Crime Act 2002; [^{F9}(but not a determination under section 160A of that Act)]

- (e) an order which varies a confiscation order made under Part 4 of the Proceeds of Crime Act 2002 if the varying order is made under section 171, 172 or 179 of that Act (but not otherwise).]

[^{F10}(4) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (under which a conviction of an offence for which an order for conditional or absolute discharge is made is deemed not to be a conviction for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.]

Textual Amendments

- F3** S. 30 renumbered s. 30(1) (3.2.1995) by 1993 c. 36, **Sch. 5 Pt. 1 para. 3**; S.I. 1995/43 arts. 2, 3(3)(b)
- F4** Words in s. 30(1) inserted (N.I.) (1.4.2015) by Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435), art. 1(2), **Sch. 4 para. 5(3)** (with art. 45); S.R. 2015/194, art. 2, Sch. (with art. 3)
- F5** S. 30(2) repealed (25.8.1996) by virtue of 1996 c. 22, ss. 62(1), 63(7), **Sch. 7 Pt. 1** (with s. 62(2))
- F6** S. 30(3) inserted (25.8.1996) by S.I. 1996/1299 (N.I. 9) arts. 1(2), 57(1), Sch. 3 para. 5
- F7** S. 30(3)(b): word repealed (24.3.2003) by 2002 c. 29, ss. 456, 457, 458(1)(3), Sch. 11 para. 9(2), Sch. 12; S. I. 2003/333, **art. 2** Sch. (subject to arts. 3-10 (as amended by S.I. 2003/531, arts. 3, 4))
- F8** S. 30(3)(d)(e) inserted (24.3.2003) by 2002 c. 29, ss. 456, 458(1)(3), Sch. 11 para. 9(2); S. I. 2003/333, **art. 2** Sch. (subject to arts. 3-10 (as amended by S.I. 2003/531, arts. 3, 4))
- F9** Words in s. 30(3)(d) inserted (1.6.2015) by Serious Crime Act 2015 (c. 9), s. 88(3)(b), **Sch. 4 para. 4**; S.R. 2015/190, reg. 3(2)(a)
- F10** S. 30(4) inserted (1.1.1998) by S.I. 1996/3160 (NI 24) art. 58(1), Sch. 5 para. 8; S.R. 1997/523 art. 2(i)

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Marginal Citations

M1 [1966 c. 20](#)

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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\(3\)\(c\)\(ii\)](#)