



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART II

APPEAL TO HOUSE OF LORDS [^{F1}FROM COURT OF APPEAL]

The appeal

31 Right of appeal to House of Lords.

(1) Subject to the provisions of this Part of this Act, an appeal lies to the [^{F1}Supreme Court], at the instance of the defendant or the prosecutor, from any decision of the Court of Appeal on an appeal to that Court under Part I of this Act [^{F2}or Article 8 (preparatory hearings) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988][^{F3}or Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals)].

(1A) ^{F4}

(2) No appeal lies under this Part of this Act except with the leave of the Court or of [^{F5}the Supreme Court]; and such leave shall not be granted unless it is certified by the Court that a point of law of general public importance is involved in the decision and it appears to the Court or to [^{F5}the Supreme Court](as the case may be) that the point is one which ought to be considered by [^{F5}the Supreme Court].

[^{F6}(3) In this Part of this Act “the defendant”—

- (a) in relation to an appeal under subsection (1) above against a decision of the Court on an appeal under Part 1 of this Act, means the person who was the appellants before the Court;
- (b) in relation to an appeal under subsection (1) above against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court;

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- (c) in relation to an appeal under subsection (1B) above, shall be construed in accordance with subsection (4) below; and ^{F7} . . . “prosecutor” shall be construed accordingly.]

Textual Amendments

- F1** Words in s. 31(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 33\(2\)\(a\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F2** Words added by S.I. 1988/1846 (N.I. 16), art. 12, [Sch. para. 5\(2\)](#)
- F3** Words in s. 31(1) inserted (N.I.) (18.4.2005) by [The Criminal Justice \(Northern Ireland\) Order 2004 \(S.I. 2004/1500 \(N.I. 9\)\)](#), [art. 27\(3\)](#); S.R. 2005/243, [art. 2](#)
- F4** S. 31(1A) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 74\(2\), 92, 94, Sch. 8 para. 146\(2\), Sch. 14](#); S.I. 2008/755, [art. 2\(d\)\(iii\)](#) (subject to arts. 3-14)
- F5** Words in s. 31(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 33\(2\)\(b\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F6** S. 31(3) substituted (18.4.2005) by [Criminal Justice Act 2003 \(c. 44\), ss. 331, 336, Sch. 36 Pt. 6 para. 94](#); S.I. 2005/950, [art. 3\(2\)\(c\)](#)
- F7** Words in s. 31(3) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\), ss. 74\(2\), 92, 94, Sch. 8 para. 146\(3\), Sch. 14](#); S.I. 2008/755, [art. 2\(d\)\(iii\)](#) (subject to arts. 3-14)

32 Application for leave to appeal.

- (1) Subject to subsection (2) below, an application to the Court of Appeal for leave to appeal under this Part of this Act shall be made within the period of [^{F8}28] days beginning with the [^{F9}relevant date] ; and an application to [^{F10}the Supreme Court] for such leave shall be made within the period of [^{F8}28] days beginning with the date on which the application is refused by the Court.

[^{F11}(1A) In subsection (1), “the relevant date” means—

- (a) the date of the Court of Appeal’s decision, or
 - (b) if later, the date on which the Court gives reasons for its decision.]
- (2) [^{F10}The Supreme Court] or the Court may, upon application made at any time by the defendant, extend the time within which an application may be made by him to [^{F10}the Supreme Court] or the Court under subsection (1) above.
- (3) An appeal under this Part of this Act shall be treated as pending until any application for leave to appeal is disposed of and, if leave to appeal is granted, until the appeal is disposed of; and for the purposes of this Part of this Act an application for leave to appeal shall be treated as disposed of at the expiration of the time within which it may be made, if it is not made within that time.

Textual Amendments

- F8** Word in s. 32(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), ss. 110, {s. 105 \(5\)\(a\)}](#); S.I. 2005/910, [art. 3\(x\)](#)
- F9** Words in s. 32(1) substituted (1.4.2005) by [Courts Act 2003 \(c. 39\), ss. 110, {s. 105 \(5\)\(b\)}](#); S.I. 2005/910, [art. 3\(x\)](#)
- F10** Words in s. 32 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 33\(3\)](#); S.I. 2009/1604, [art. 2\(d\)](#)
- F11** S. 32(1A) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\), ss. 110, {s. 105 \(6\)}](#); S.I. 2005/910, [art. 3\(x\)](#)

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33 Hearing and disposal of appeal.

- (1) ^{F12}
- (2) ^{F13}
- (3) For the purpose of disposing of an appeal under this Part of this Act, the [^{F14}Supreme Court] may exercise any powers of the Court or may remit the case to the Court.

Textual Amendments

- F12** S. 33(1) repealed (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 146, 148, Sch. 9 para. 33(4)(a), **Sch. 18 Pt. 5**; S.I. 2009/1604, **art. 2(d)**
- F13** S. 33(2) repealed (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 146, 148, Sch. 9 para. 33(4)(a), **Sch. 18 Pt. 5**; S.I. 2009/1604, **art. 2(d)**
- F14** Words in s. 33(3) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40, 148, **Sch. 9 para. 33(4)(b)**; S.I. 2009/1604, **art. 2(d)**

Changes to legislation:

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