



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART I

APPEAL TO COURT OF APPEAL FROM CROWN COURT

Matters depending on result of appeal

28 Costs.

- (1) Except as provided by the ^{M1}Costs in Criminal Cases Act (Northern Ireland) 1968 or any other Northern Ireland legislation, no costs shall be allowed on the hearing and determination of an appeal under this Part of this Act, or of proceedings preliminary or incidental to such an appeal.
- (2) [^{F1}The following expenses, that is to say—]
- ^{F2}(a)
- (b) the expenses of any witnesses attending on the order of the Court of Appeal, or examined in any proceedings incidental to the appeal;
- (c) the expenses of the appearance of an appellant on the hearing of his appeal, or in proceedings preliminary or incidental thereto;
- (d) all expenses of or incidental to any examination of witnesses conducted by a person appointed by the Court for the purpose; and
- (e) all expenses of or incidental to any reference of a question to a special commissioner appointed by the Court, or of any person appointed as assessor to the Court [^{F3}shall, up to an amount allowed by the Master (Taxing Office) be defrayed, ^{F4}... by the [^{F5}Director of Public Prosecutions]].
- [^{F6}(2AA) The expenses of any solicitor or counsel assigned to a person pursuant to a grant of legal aid under section 19(1A) or (1B) of this Act shall, up to an amount allowed by the Master (Taxing Office), be defrayed by the Lord Chancellor.]

Changes to legislation: *Criminal Appeal (Northern Ireland) Act 1980, Section 28 is up to date with all changes known to be in force on or before 27 March 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*

F⁷(2A)
 F⁷(2B)
 F⁷(2C)
 F⁷(2D)
 F⁷(2E)
 F⁷(2F)
 F⁷(2G)

- (3) Where in any proceedings on an appeal to the Court under this Part of this Act or preliminary or incidental to such an appeal an interpreter is required because of an appellant's lack of English, the expenses properly incurred on his employment shall be defrayed by the [F⁸Department of Justice] up to an amount allowed by the Court.

Textual Amendments

- F1** Words substituted by [S.I. 1982/159, art. 4, Sch. para. 4](#)
F2 S. 28(2)(a) repealed (N.I.) (24.3.2016) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\), art. 1\(2\), Sch. 5](#) (with art. 45); [S.R. 2016/199, art. 2\(1\), Sch. \(with art. 2\(2\)\)](#)
F3 Words inserted by [S.I. 1982/159, art. 4, Sch. para. 4](#)
F4 Words in s. 28(2) repealed (N.I.) (24.3.2016) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\), art. 1\(2\), Sch. 5](#) (with art. 45); [S.R. 2016/199, art. 2\(1\), Sch. \(with art. 2\(2\)\)](#)
F5 Words in s. 28(2) substituted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 12, Sch. 14 para. 16\(2\)](#) (with arts. 28-31)
F6 S. 28(2AA) inserted (8.1.2007) by [Criminal Justice Act 2003 \(2003 c. 44\), ss. 331, 336, Sch. 36 Pt. 6 para. 93\(3\); S.I. 2006/3422, art. 2\(c\)](#)
F7 S. 28(2A)-(2G) repealed (N.I.) (24.3.2016) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\), art. 1\(2\), Sch. 5](#) (with art. 45); [S.R. 2016/199, art. 2\(1\), Sch. \(with art. 2\(2\)\)](#)
F8 Words in s. 28(3) substituted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\), arts. 1\(2\), 12, Sch. 14 para. 16\(3\)](#) (with arts. 28-31)

Modifications etc. (not altering text)

- C1** S. 28 applied (N.I.) (15.4.2016) by [The Criminal Defence Services \(Remuneration\) Order \(Northern Ireland\) 2016 \(S.R. 2016/198\), arts. 1, 3\(2\)](#)
C2 Functions of the Secretary of State under s. 28(2) so far as relating to the expenses mentioned in para. (a) of that subsection now exercisable by the Lord Chancellor: [S.I. 1982/159, arts. 2\(1\)\(c\), 4](#)

Marginal Citations

- M1** 1968 c. 10 (N.I.)

Changes to legislation:

Criminal Appeal (Northern Ireland) Act 1980, Section 28 is up to date with all changes known to be in force on or before 27 March 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.

[View outstanding changes](#)

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