

CRIMINAL JUSTICE (NORTHERN IRELAND) ORDER 2004

S.I. 2004 No. 1500 (N.I. 9)

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Part IV - Prosecution appeals

Introduction

31. **Article 16** sets out basic criteria for a prosecution appeal under this Part of the Order. The right of appeal arises only in trials on indictment and lies to the Court of Appeal.
32. **Paragraph 2** prohibits the prosecution from appealing rulings on discharge of the jury and those rulings that may be appealed by the prosecution under other legislation, (eg. appeals from preparatory hearings against rulings on admissibility of evidence and other points of law).
33. **Paragraph 4** provides that the prosecution must obtain leave to appeal, either from the judge of the court of trial or the Court of Appeal.