



Criminal Appeal (Northern Ireland) Act 1980

CHAPTER 47

CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1980

PART I

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- 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.

Status: Point in time view as at 01/02/2010.

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

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

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

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- 14 Reference by Secretary of State.

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- 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.

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- 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.

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

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- 30 Interpretation of Part I.

PART II

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- 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.

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- 39 Computation of sentence.
- 40 Restitution of property.
- 41 Costs.
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PART III

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- 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.

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

SCHEDULES

SCHEDULE 1 — Provisions Applicable on Retrial

Legal Aid

- 1 Article 29 of the Legal Aid, Advice and Assistance (Northern...

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).

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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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