



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

27 Restitution of property

- (1) Except as provided by this section the operation of an order made on a conviction on indictment for the restitution of property to any person shall be suspended—
 - (a) in any case until the expiration of twenty-eight days from the date of conviction ; and
 - (b) in cases where notice of appeal or of application for leave to appeal is given within twenty-eight days from the date of conviction, until the determination of the appeal.
- (2) Subsection (1) of this section shall not apply where the court of trial directs to the contrary in any case in which, in the court's opinion, the title to the property is not in dispute.
- (3) In cases where the operation of any such order is suspended until the determination of the appeal, the order shall not take effect as to the property in question if the conviction is quashed on appeal.
- (4) Provision may be made by rules of court for securing the safe custody of any property pending the suspension of the operation of any such order.
- (5) The Court of Appeal may by order annul or vary an order made by the court of trial for the restitution of property to any person, although the conviction is not quashed; and the order, if annulled, shall not take effect and, if varied, shall take effect as so varied.

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- (6) References in this section to an order for the restoration of property include references to—
- (a) an order made under section 27 of the Theft Act (Northern Ireland) 1969; and
 - (b) a compensation order made under Article 3 of the Criminal Justice (Northern Ireland) Order 1980.

28 Costs

- (1) Except as provided by the 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) The following expenses shall be defrayed, up to an amount allowed by the Master (Taxing Office), by the Secretary of State
 - (a) the expenses of any solicitor or counsel assigned to an appellant under this Part of this Act;
 - (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; to
 - (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.
- (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 Secretary of State up to an amount allowed by the Court.

29 Computation of sentence

- (1) The time during which an appellant, pending the determination of his appeal, is not detained in custody shall not count as part of any term of imprisonment or detention under his sentence.
- (2) The time during which an appellant is in custody pending the determination of his appeal shall, subject to any direction which the Court of Appeal may give to the contrary, be reckoned as part of the term of any sentence to which he is for the time being subject.
- (3) Where the Court gives a direction under subsection (2) of this section, the Court shall state the reasons for giving it and the Court shall not give any such direction where
 - (a) leave to appeal has been granted; or
 - (b) a certificate has been given under section 1 of this Act; or
 - (c) the case has been referred to the Court under section 14 of this Act.
- (4) The term of any sentence passed by the Court in the exercise of its powers under section 13(2) of this Act shall, unless the Court otherwise directs, begin to run from

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the time when it would have begun to run if passed in the proceedings from which the appeal lies.