



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART I **U.K.**

APPEAL TO COURT OF APPEAL FROM CROWN COURT

Procedure from notice of appeal to hearing

16 **Notice of appeal or application for leave.** **U.K.**

- (1) Subject to subsection (2) below, a person who wishes to appeal under this Part of this Act to the Court of Appeal, or to obtain the Court's leave to appeal, shall give notice of appeal, or of his application for leave to appeal, in the prescribed manner within twenty-eight days from the date of the conviction, verdict or finding appealed against or, in the case of an ^{F1} . . . application for leave to appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order.
- (2) The time for giving notice of appeal or of application for leave to appeal may be extended at any time by the Court.
- (3) The Master shall furnish the necessary forms and instructions in relation to notices of appeal, or notices of application under this Act, to any person who demands them, and to officers of courts, governors of prisons and such other persons as he thinks fit; and governors of prisons shall—
 - (a) cause the forms and instructions to be placed at the disposal of prisoners desiring to appeal or to make any application under this Act; and
 - (b) cause any such notice given by a prisoner in custody to be forwarded on behalf of the prisoner to the Master.

Changes to legislation: Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Procedure from notice of appeal to hearing is up to date with all changes known to be in force on or before 02 July 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

Textual Amendments

F1 Words in s. 16(1) repealed (1.1.1996) by 1995 c. 35, s. 29(1)(2), Sch. 2 para. 12(2), Sch. 3; S.I. 1995/3061, art. 3(h)

Modifications etc. (not altering text)

C1 S. 16(1) modified (N.I.) (24.3.2003) by 2002 c. 29, ss. 165(5)(a), 458(1)(3); S. I. 2003/333, art. 2 Sch. (subject to arts. 3-10 (as amended by S.I. 2003/531, arts. 3, 4))

C2 S. 16(1) modified (27.8.1991) by Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1), ss. 10(7), 69(1)

C3 S. 16(1) modified (N.I.) (14.1.2015) by Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (c. 2), s. 28(2), Sch. 2 para. 3(2)(a)

[^{F2}16A Appeals in cases of contempt of court. U.K.]

(1) Subject to subsection (2) below, a person who wishes to appeal under section 44 of the Judicature (Northern Ireland) ^{M1}Act 1978 from any order or decision of the Crown Court in the exercise of jurisdiction to punish for contempt of court shall give notice of appeal in the prescribed manner within twenty-eight days from the date of the order or decision appealed against.

(2) The time for giving notice under this section may be extended either before or after its expiry by the Court.]

Textual Amendments

F2 S. 16A inserted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 15 para. 73

Marginal Citations

M1 1978 c. 23 (38).

[^{F3}17 Bail. U.K.]

(1) The Court of Appeal may, if it thinks fit—

- (a) grant an appellant bail pending the determination of his appeal; or
- (b) vary the conditions of bail granted to an appellant in the exercise of the power conferred by paragraph (a) above; or
- (c) revoke bail granted to an appellant under paragraph (a) above.

(2) The powers conferred by subsection (1) above may be exercised—

- (a) on the application of the appellant; or
- (b) if it appears to the Master that any of them ought to be exercised, on a reference to the court by him.]

Textual Amendments

F3 S. 17 substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, Sch. 15 para. 74

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[^{F4}18 Groundless appeals or applications for leave to appeal. U.K.]

If it appears to the Master that a notice of appeal or of application for leave to appeal under this Part of this Act does not show any substantial ground of appeal, he may refer the appeal or application for leave to the Court of Appeal for summary determination; and the Court may then, if it considers that the appeal or application for leave is frivolous or vexatious, and can be determined without adjourning the proceedings for a full hearing, dismiss the appeal or application for leave summarily without calling on any one to attend the hearing or to appear for the Crown thereon.]

Textual Amendments

F4 S. 18 substituted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), s. 170, [Sch. 15 para. 75](#)

[^{F5}19 Legal aid. U.K.]

Textual Amendments

F5 S. 19 repealed (N.I.) (1.4.2015) by [Access to Justice \(Northern Ireland\) Order 2003 \(S.I. 2003/435 \(N.I. 10\)\)](#), art. 1(2), [Sch. 4 para. 5\(2\)](#), [Sch. 5](#) (with art. 45); [S.R. 2015/194](#), art. 2, [Sch.](#) (with art. 3); [S.R. 2015/237](#), art. 2, [Sch.](#) 1

20 Preparation of case for hearing. U.K.]

The Master shall—

- (a) subject to section 18 of this Act, take all necessary steps for obtaining a hearing of any appeal or application to the Court of Appeal under this Act, notice of which is given to him thereunder; and
- (b) obtain and lay before the Court in proper form all documents, exhibits and other things relating to the proceedings in the court of trial which appear necessary for the proper determination of the appeal or application.

Changes to legislation:

Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Procedure from notice of appeal to hearing is up to date with all changes known to be in force on or before 02 July 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.

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