



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART II

APPEAL TO HOUSE OF LORDS [F¹FROM COURT OF APPEAL]

Matters depending on result of appeal

39 Computation of sentence.

- (1) If a person subject to a sentence is admitted to bail pending an appeal under this Part of this Act, the time during which he is at large after being so admitted shall be disregarded in computing the term of his sentence.
- (2) Subject to the foregoing subsection, any sentence passed on such an appeal in substitution for another sentence shall, unless the House of Lords or the Court of Appeal otherwise directs, begin to run from the time when the other sentence would have begun to run.

40 Restitution of property.

- (1) Where the operation of an order for the restitution of property made on conviction on indictment is suspended until the determination of an appeal to the Court of Appeal, then, if the conviction is not quashed on that appeal, the operation of the order shall continue to be suspended—
 - (a) in any case until the expiration of the time within which an application for leave to appeal under this Part of this Act may be made (disregarding any extension of time which may be granted under section 32(2) of this Act); and
 - (b) if any such application is made within that time, so long as the appeal under this Part of this Act is pending.
- (2) Where the operation of any such order is suspended under this section—

Status: Point in time view as at 01/04/2008.

Changes to legislation: Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Matters depending on result of appeal is up to date with all changes known to be in force on or before 06 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)

- (a) the order shall not take effect if the conviction is quashed on appeal to the House of Lords; and
 - (b) such steps shall be taken for the safe custody of the property in question during the period during which the operation of the order is suspended as may be prescribed.
- (3) Where by reason of the quashing by the Court of a person's conviction such an order does not take effect and on an appeal under this Part of this Act the conviction is restored by the House of Lords, that House may make any order for the restitution of property which could be made on his conviction by the court which convicted him.
- (4) References in this section to an order for the restitution of property include references to—
- (a) an order made under section 27 of the ^{M1}Theft Act (Northern Ireland) 1969; and
 - (b) a compensation order made under [^{F1}Article 14 of the Criminal Justice (Northern Ireland) Order 1994].

Textual Amendments

F1 Words in s. 40(4)(b) substituted (9.1.1995) by [S.I. 1994/2795 \(N.I. 15\)](#) art. 26(1), Sch. 2 para. 8; [S.R. 1994/446](#), [art.2](#)

Marginal Citations

M1 [1969 c. 16 \(N.I.\)](#)

41 Costs.

- (1) Where the Court of Appeal or the House of Lords dismisses an application for leave to appeal under this Part of this Act, the Court or the House may, if it thinks fit,—
- (a) where the application was made by the prosecutor, order the payment by the Secretary of State to the defendant of such sums as appear to the Court or the House reasonably sufficient to compensate the defendant for any expenses properly incurred by him in resisting the application; or
 - (b) where the application was made by the defendant, order him to pay the whole or any part of the costs of the application.
- (2) Where an appeal to the House of Lords from the Court under this Part of this Act is determined in favour of the defendant, the House of Lords may, if it thinks fit, order the payment by the Secretary of State of such sums as appear to the House reasonably sufficient to compensate the defendant for any expenses properly incurred by him—
- (a) in the appeal to the House of Lords or in the proceedings before the Court, as the case may be (including the cost of any application for leave to appeal); or
 - (b) in carrying on his defence before the Crown Court, at the preliminary investigation or preliminary enquiry and before any other court before which proceedings for the offence in respect of which he was committed for trial were begun but not concluded.
- (3) Where in any proceedings on an appeal or application for leave to appeal to the House of Lords under this Part of this Act, an interpreter is required because of a defendant'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 House of Lords.

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- (4) Except as provided by this section, no costs shall be allowed on the hearing or determination of an appeal under this Part of this Act or of any proceedings preliminary or incidental to such an appeal.

42 Taxation of costs.

- (1) Any amount which the Court of Appeal orders to be paid under section 41(1) of this Act shall, except where it is a specific amount ordered to be paid towards the costs of the application as a whole, be ascertained as soon as practicable by the Court.
- (2) Any amount which the House of Lords orders to be paid under section 41(1) or (2) of this Act shall, except as aforesaid, be ascertained as soon as practicable by such officer or officers, and in such manner, as may be prescribed by order of the House of Lords.
- (3) Where the Court or the House of Lords orders the payment of costs by the defendant under section 41 of this Act, the order shall be enforceable in the same manner as an order for payment of costs made by the High Court in a civil case.

Status:

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