



# Criminal Appeal (Northern Ireland) Act 1980

## 1980 CHAPTER 47

### PART I

#### APPEAL TO COURT OF APPEAL FROM CROWN COURT

##### *Appeal against sentence*

#### **9 Appeal in other cases dealt with by Crown Court.**

- (1) This section has effect for providing rights of appeal to the Court of Appeal against sentence where a person is dealt with by the Crown Court otherwise than on conviction on indictment.
- (2) An offender who—
  - (a) has been made the subject of a [<sup>F1</sup>community order within the meaning of Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996][<sup>F2</sup>or a youth conference order] or an order for conditional discharge or an order under section 18(1) [<sup>F3</sup>or (1A)] of the <sup>M1</sup>Treatment of Offenders Act (Northern Ireland) 1968 (suspended sentence); and
  - (b) appears or is brought before the Crown Court in circumstances such that the Crown Court has power to deal with him in respect of the offence for which the [<sup>F4</sup>community order][<sup>F5</sup>or the youth conference order] or the order for conditional discharge or the order under the said section 18(1) [<sup>F3</sup>or (1A)] was made; and
  - (c) is sentenced by the Crown Court for that offence,shall have the like right of appeal to the Court of Appeal against that sentence as if the Crown Court had immediately before passing it convicted him on indictment for that offence and passed the sentence upon such conviction.
- (3) A person—

**Changes to legislation:** *Criminal Appeal (Northern Ireland) Act 1980, Section 9 is up to date with all changes known to be in force on or before 13 May 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*

- (a) against whom an order is made by the Crown Court under [<sup>F6</sup>Article 35 of the Criminal Justice (Children) (Northern Ireland) Order 1998;]
- (b) who is ordered by the Crown Court to be returned to prison or a young offenders centre under Article 3(1) or (5) of the <sup>M2</sup>Treatment of Offenders (Northern Ireland) Order 1976; or
- <sup>F7</sup>[(c) upon whom a fine is imposed under [<sup>F8</sup>paragraph (a), or against whom an order is made under paragraph (b) or (c), of paragraph 4(1)] of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996;

shall have the like right of appeal to the Court of Appeal against that order, <sup>F9</sup> . . . or fine as if the Crown Court had immediately before making that order, <sup>F10</sup> . . . or imposing that fine (as the case may be) convicted him on indictment and that order, <sup>F11</sup> . . . or fine were a sentence passed upon that conviction.

[<sup>F12</sup>(3A) A person may appeal to the Court of Appeal against a decision under paragraph 8 of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) not to revoke an order which is in force with respect to him; and on such an appeal the Court of Appeal may do anything which the Crown Court could do under that paragraph.

(3B) A person may appeal to the Court of Appeal against the dismissal of an application to the Crown Court under paragraph 5 of Schedule 1A to the Criminal Justice (Children) (Northern Ireland) Order 1998 (S.I. 1998/1504 (N.I. 9)) to make an order under sub-paragraph (1) of that paragraph.]

[<sup>F13</sup>(3C) A person who—

- (a) is convicted of any offence by a magistrates' court, and
- (b) is committed by that court to the Crown Court under section 218 of the Proceeds of Crime Act 2002 in respect of that offence,

may appeal to the Court of Appeal against any sentence passed on him for that offence by the Crown Court.]

(4) So much of the following provisions of this Act as have effect in relation to an appeal against sentence passed on conviction on indictment shall, with necessary modifications, have effect in relation to appeals under this section.

#### Textual Amendments

- F1** S. 9(2)(a) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 4(a)(i)**; S.R. 1997/523, **art. 2(i)**
- F2** Words in s. 9(2)(a) inserted (1.12.2003) by 2002 c. 26, ss. 85, 87, Sch. 12 para. 15(2)(a); S.R. 2003/488, **art. 2**, Sch.
- F3** Words inserted by S.I.1989/1344 (N.I. 15), art. 14(1), **Sch. 1 para. 28**
- F4** S. 9(2)(b) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), **Sch. 5 para. 4(a)(ii)**; S.R. 1997/523, **art. 2** (i)
- F5** Words in s. 9(2)(b) inserted (1.12.2003) by 2002 c. 26, ss. 85, 87, Sch. 12 para. 15(2)(b); S.R. 2003/488, **art. 2**, Sch.
- F6** Words in s. 9(3)(a) substituted (31.1.1999) by S.I. 1998/1504 (N.I. 9), s. 65(1), **Sch. 5 para. 13**; S.R. 1999/25, **art. 2(c)**
- F7** S. 9(3)(c) substituted (1.1.1998) for s. 9(3)(c)(d) by S.I. 1996/3160 (N.I. 24), art. 58(1)(3), **Sch. 5 para. 4(b)(i)**; S.R. 1997/523, **art. 2(i)**
- F8** Words in s. 9(3)(c) substituted (1.12.2003) by 2002 c. 26, ss. 85, 87, Sch. 12 para. 15(3); S.R. 2003/488, **art. 2**, Sch.

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- F9** Word in s. 9(3) repealed (1.1.1998) S.I. 1996/3160 (N.I. 24), art. 58(1)(3), Sch. 5 para. 4(b)(ii), **Sch. 7**; S.R. 1997/523, **art. 2(i)**
- F10** Words in s. 9(3) repealed (1.1.1998) S.I. 1996/3160 (N.I. 24), art. 58(1)(3), Sch. 5 para. 4(b)(ii), **Sch. 7**; S.R. 1997/523, **art. 2(i)**
- F11** Word in s. 9(3) repealed (1.1.1998) S.I. 1996/3160 (N.I. 24), art. 58(1)(3), Sch. 5 para. 4(b)(ii), **Sch. 7**; S.R. 1997/523, **art. 2(i)**
- F12** S. 9(3A)(3B) inserted (1.12.2003) by 2002 c. 26, ss. 85, 87, Sch. 12 para. 15(4); S.R. 2003/488, **art. 2**, Sch.
- F13** S. 9(3C) inserted (N.I.) (5.7.2011) by Justice Act (Northern Ireland) 2011 (c. 24), **ss. 99**, 111(3); S.R. 2011/224, **art. 2**

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#### Marginal Citations

- M1** 1968 c. 29 (N.I.)
- M2** S.I. 1976/226 (N.I. 4).

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