

Status: Point in time view as at 01/04/1995.

Changes to legislation: Criminal Justice Act 1988, Cross Heading: Criminal Appeal (Northern Ireland) Act 1980 (c. 47) is up to date with all changes known to be in force on or before 14 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)

SCHEDULES

SCHEDULE 15

MINOR AND CONSEQUENTIAL AMENDMENTS

Criminal Appeal (Northern Ireland) Act 1980 (c. 47)

- 71 The Criminal Appeal (Northern Ireland) Act 1980 shall be amended as follows.
- 72 The following subsection shall be substituted for subsection (4) of section 10 (supplementary provisions as to appeals against sentence)—

“(4) The power of the Court under section 4(2) of this Act or subsection (3) above to pass a sentence which the Crown Court has power to pass for an offence shall, notwithstanding that the Crown Court made no order under section 19(1) of the Treatment of Offenders Act (Northern Ireland) 1968 in respect of a suspended sentence or order for detention previously passed or made on or in relation to the appellant for another offence, include power to deal with the appellant in respect of that sentence or order for detention where the Crown Court made no order in respect of it.”.

- 73 The following section shall be inserted after section 16—

“16A Appeals in cases of contempt of court.

- (1) Subject to subsection (2) below, a person who wishes to appeal under section 44 of the 1978 c. 23. Judicature (Northern Ireland) 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.”.

- 74 The following section shall be substituted for section 17—

“17 Bail.

- (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

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

75 The following section shall be substituted for section 18—

“18 Groundless appeals or applications for leave to appeal.

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.”.

76 (1) In section 44(1) (constitution of Court of Appeal on appeals or references), after the word “Act” there shall be inserted the words “or section 36 of the Criminal Justice Act 1988”.

(2) In section 44(4)(b) (judge of the Court of Appeal not to hear or determine applications relating to reference under section 14 or 15 where he was the trial judge), after the word “Act” there shall be inserted the words “or section 36 of the Criminal Justice Act 1988.”.

77 The following paragraph shall be substituted for section 45(2)(d)—

“(d) to exercise the powers conferred by section 17 of this Act;”.

78 The following subsection shall be inserted after section 45(3)—

“(3A) The power of the Court of Appeal to grant leave to appeal under section 159 of the Criminal Justice Act 1988 may be exercised by a single judge in the same manner as it may be exercised by the Court.”.

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