

SCHEDULES

SCHEDULE 8

APPEALS IN CRIMINAL CASES

PART 2

AMENDMENTS OF CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1980

Detention of defendant pending appeal to Supreme Court

- 24 (1) Section 36 (detention of defendant on appeal by Crown) is amended as follows.
- (2) In subsection (1) for the words from “may make” to the end substitute “shall make—
- (a) an order providing for his detention, or directing that he shall not be released except on bail (which may be granted by the Court as under section 35 above), so long as the appeal is pending, or
 - (b) an order that he be released without bail.”
- (3) After subsection (1) insert—
- “(1A) The Court may make an order under subsection (1)(b) only if it thinks that it is in the interests of justice that the defendant should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.”
- (4) In subsection (2) for “subsection (1)” substitute “subsection (1)(a)”.
- (5) In subsection (3) for “this section” (in each place where it occurs) substitute “subsection (1)(a)”.
- (6) In subsection (3A) for “this section” (in the first place where it occurs) substitute “subsection (1)(a)”.
- (7) For subsection (4) substitute—
- “(4) The defendant shall not be liable to be detained again as a result of the decision of the Supreme Court on the appeal if—
- (a) the Court of Appeal has made an order under subsection (1)(b), or
 - (b) the Court has made an order under subsection (1)(a) but the order has ceased to have effect by virtue of subsection (2) or the defendant has been released or discharged by virtue of subsection (3) or (3A).”