

SCHEDULE 2

Transitional and Saving Provisions

Appeals in criminal cases

8.—(1) The amendments made by paragraph 18 of Schedule 8 to the 2008 Act (Powers of court to substitute different sentence) apply in relation to an appeal under Part 1 of the 1980 Act if the proceedings on appeal begin on or after 14 July 2008.

(2) For the purposes of this paragraph, the proceedings on appeal begin—

- (a) if the appellant appeals with leave of the Court of Appeal, on the date the application for leave is served on the proper officer,
- (b) if leave to appeal is not required, on the date the notice of appeal is served on the proper officer,
- (c) if the judge of the court of trial grants a certificate that the case is fit for appeal—
 - (i) on the date the application for the certificate is made to the court of trial or lodged with the proper officer, or
 - (ii) in a case where a certificate is granted without any application being made, on the date the certificate is granted, or
- (d) if the Criminal Cases Review Commission refer the case to the Court of Appeal under Part 2 of the Criminal Appeal Act 1995, on the date the reference is made.

(3) In this paragraph, “proper officer” has the same meaning as in the Criminal Appeal (Northern Ireland) Rules 1968(1).