



# Criminal Appeal (Northern Ireland) Act 1980

## 1980 CHAPTER 47

### PART I

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

*[<sup>F1</sup> Appeal against finding of unfitness to be tried.*

#### Textual Amendments

**F1** S. 13A inserted by S.I. 1986/595 (N.I. 4), arts. 51(6), 136(1), Sch. 5 Pt. I

#### **13A Appeal against finding of unfitness to be tried.**

(1) Where there has been a determination under Article 49 of the Mental Health Order of the question of a person's fitness to be tried, and [<sup>F2</sup>there has been][<sup>F3</sup>findings that he is unfit to be tried and that he did the act or made the omission charged against him, the person may appeal to the Court of Appeal against either or both of those findings.]

[ An appeal under this section lies only—

- <sup>F4</sup>(2) (a) with the leave of the Court; or  
(b) if [<sup>F5</sup>, within 28 days from the date of the finding that the person did the act or made the omission charged,] the judge of the court of trial grants a certificate that the case is fit for appeal.]

[ The Court—

- <sup>F6</sup>(3) (a) shall allow an appeal under this section if it thinks that [<sup>F7</sup>a finding] is unsafe; and  
(b) shall dismiss such an appeal in any other case <sup>F8</sup>. . . .]

(5) . . . . .

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*Changes to legislation: Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Appeal against finding of unfitness to be tried. is up to date with all changes known to be in force on or before 05 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*

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- (6) [<sup>F9</sup>Where the Court of Appeal allows an appeal under this section against a finding that the appellant is unfit to be tried], the appellant may be tried accordingly for the offence with which he was charged, and the Court may make such orders as appear to it to be necessary or expedient pending any such trial for his custody, admission to bail or continued detention under the Mental Health Order.
- (7) Where an order is made by the Court under subsection (6) above for a person's continued detention under the Mental Health Order, Part III of that Order shall apply to him as if he had been ordered under that subsection to be kept in custody pending trial and were detained in pursuance of a transfer direction together with a restriction direction.]
- [<sup>F10</sup>(8) Where, otherwise than in a case falling within subsection (6) above, the Court of Appeal allows an appeal under this section against a finding that the appellant did the act or made the omission charged against him, the Court shall, in addition to quashing the finding, direct a verdict of acquittal to be recorded (but not a verdict of not guilty by reason of insanity).]

#### Textual Amendments

- F2** Words in s. 13A(1) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(1\), 60, Sch. 10 para. 12](#); S.I. 2005/579, [art. 3\(g\)](#)
- F3** Words in s. 13A(1) substituted (1.1.1998) by S.I. 1996/3160(N.I. 24) art. 58(1), Sch. 5 para. 7(a); S.R. 1997/523, [art. 2\(g\)](#)
- F4** S. 13A(2) substituted (1.1.1996) by 1995 c. 35, [ss. 1\(6\)](#), 32(1); S.I. 1995/3061, [art. 3\(a\)](#)
- F5** Words in s. 13A(2)(b) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 47, 153\(7\)\(8\), Sch. 8 para. 17](#); S.I. 2008/1586, [art. 2\(1\)\(3\)](#), Sch. 1 para. 26 (subject to Sch. 2)
- F6** S. 13A(3) substituted (1.1.1996) for s. 13A(3)(4) by 1995 c. 35, [s. 2\(6\)](#); S.I. 1995/3061, [art. 3\(a\)](#)
- F7** Words in s. 13A(3)(a) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 148, 153\(7\)\(8\), Sch. 26 para. 6](#); S.I. 2008/1586, [art. 2\(1\)\(3\)](#), Sch. 1 para. 48(d) (subject to Sch. 2)
- F8** Words in s. 13A(3) repealed (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1)(3), Sch. 5 para. 7(b), [Sch. 7](#); S.R. 1997/523, [art. 2\(g\)\(i\)\(k\)](#)
- F9** Words in s. 13A(6) substituted (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), [Sch. 5 para. 7\(d\)](#); S.R. 1997/523, [art. 2\(g\)](#)
- F10** S. 13A(8) added (1.1.1998) by S.I. 1996/3160 (N.I. 24), art. 58(1), [Sch. 5 para. 7\(e\)](#); S.R. 1997/523, [art. 2\(g\)](#)

**Changes to legislation:**

Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Appeal against finding of unfitness to be tried. is up to date with all changes known to be in force on or before 05 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.

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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)