



# Criminal Justice and Immigration Act 2008

## 2008 CHAPTER 4

### PART 3

#### APPEALS

##### *Appeals by prosecution*

#### **45 Determination of prosecution appeals: Northern Ireland**

In Article 20 of the Criminal Justice (Northern Ireland) Order 2004 ([S.I. 2004/1500 \(N.I.9\)](#)) (determination of prosecution appeal by Court of Appeal) for paragraph (5) substitute—

“(5) But the Court of Appeal may not make an order under paragraph (4)(c) in respect of an offence unless it considers that the defendant could not receive a fair trial if an order were made under paragraph (4)(a) or (b).”