

## SCHEDULES

### SCHEDULE 5

#### AMENDMENTS

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

4. In section 9 (appeal in other cases dealt with by Crown Court)—
  - (a) in subsection (2)—
    - (i) in paragraph (a) for “probation order” substitute “community order within the meaning of Article 2(2) of the Criminal Justice (Northern Ireland) Order 1996”;
    - (ii) paragraph (b) for “probation order” substitute “community order”;
  - (b) in subsection (3)—
    - (i) for paragraphs (c) and (d) substitute—
      - “(c) upon whom a fine is imposed under paragraph 4(1)(a) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996;”;
    - (ii) omit “sentence” in the first and third places where it occurs and “passing that sentence”.
5. In section 11 (appeal against conviction: substitution of finding of insanity)—
  - (a) in subsection (1)(b) for the words from “Article 50” onwards substitute “Article 50A(2) of the Mental Health Order (powers to deal with persons found not guilty by reason of insanity)”;
  - (b) in subsection (2)—
    - (i) for “finding that the accused was unfit to be tried” substitute “findings that the accused was unfit to be tried and that he did the act or made the omission charged against him”;
    - (ii) in paragraph (b) for the words from “Article 49” onwards substitute “Article 50A(2) of the Mental Health Order (powers to deal with persons found unfit to be tried)”.
6. In section 13 (disposal of appeal allowed under section 12)—
  - (a) in subsection (5A) for the words from “a finding” onwards substitute “findings that the accused was unfit to be tried and that he did the act or made the omission charged against him, the court may make any such order as may be made under Article 50A(2) of the Mental Health Order (powers to deal with persons found not guilty of insanity)”;
  - (b) in subsection (6)—
    - (i) for “Article 50(2)” in the first place where it occurs substitute “Article 50A(2)”;
    - (ii) for the words from “the Court may” to “Article 50(2)” in the second place where it occurs substitute “the Court shall make an order that the appellant be admitted for assessment to such hospital as may be specified by the Department of Health and Social Services”.
7. In section 13A (appeal against finding of unfitness to be tried)—

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in subsection (1) for the words from “a finding” onwards substitute “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”;
  - (b) in subsection (3) omit “(except one to which subsection (5) below applies)”;
  - (c) omit subsection (5);
  - (d) in subsection (6) for the words from the beginning to “allowed” substitute “Where the Court of Appeal allows an appeal under this section against a finding that the appellant is unfit to be tried”;
  - (e) at the end of subsection (7) add—
    - “(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)”.
- 8.** In section 30 (interpretation of Part I) at the end add—
  - “(4) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (under which a conviction of an offence for which an order for conditional or absolute discharge is made is deemed not to be a conviction for certain purposes) shall not prevent an appeal under this Act, whether against conviction or otherwise.”.