
STATUTORY INSTRUMENTS

2004 No. 1500

The Criminal Justice (Northern Ireland) Order 2004

PART IV

PROSECUTION APPEALS

Right of appeal in respect of evidentiary rulings

Determination of appeal by Court of Appeal

25.—(1) On an appeal under Article 21, the Court of Appeal may confirm, reverse or vary any ruling to which the appeal relates.

(2) In addition, the Court of Appeal must, in respect of the offence or each offence which is the subject of the appeal, do any of the following—

- (a) order that proceedings for that offence be resumed in the Crown Court;
- (b) order that a fresh trial may take place in the Crown Court for that offence;
- (c) order that the defendant in relation to that offence be acquitted of that offence.

(3) But no order may be made under paragraph (2)(c) in respect of an offence unless the prosecution has indicated that it does not intend to continue with the prosecution of that offence.