

---

*Status: This is the original version (as it was originally enacted).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

---

## SCHEDULES

### SCHEDULE 4

#### MISCELLANEOUS AMENDMENTS OF ENACTMENTS RELATING TO CRIMINAL APPEAL.

##### *THE CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1930 (C. 45)*

- 9 In section 3(2) (consequences of appeal against conviction being allowed) for the words " direct a judgment and verdict of acquittal to be entered " there shall be substituted the words " an order of the Court quashing a conviction shall, except when under section 17 of the Criminal Justice Act (Northern Ireland) 1966 the appellant is ordered to be retried, operate as a direction to the clerk of the Crown and peace acting for the court before whom the appellant was convicted to enter, instead of the record of conviction, a judgment and verdict of acquittal ".
- 10 In section 4 (powers of court on appeal in special cases) the following shall be substituted for subsection (1) :—
- “(1) Where a person appeals under this Act against conviction on an indictment containing two or more counts and the Court allow the appeal in respect of part of the indictment, they may in respect of any count on which he remains convicted pass such sentence, in substitution for the sentence passed thereon at the trial, as they think proper and is authorised by law for the offence of which he remains convicted on that count”.
- 11 In section 5(1) (re-vesting and restitution of property) for the words (in paragraph (a)) " ten days after " there shall be substituted the words " twenty-eight days from ";
- and for the words (in paragraph (b)) " leave to appeal is given within ten days after " there shall be substituted the words " of application for leave to appeal is given within twenty-eight days from ".
- 12 In section 7(1) (time for appealing or applying for leave to appeal), the word " convicted " shall be omitted and for the words from " within ten days " to " against sentence " there shall be substituted the words " within twenty-eight days from the date of the conviction, verdict or finding appealed against or, in the case of appeal against sentence, from the date on which sentence was passed or, in the case of an order made or treated as made on conviction, from the date of the making of the order. "
- 13 In section 12 (costs of appeal)—
- (a) the following shall be substituted for subsection (1):—
- “(1) Except as may be provided by any enactment of the Parliament of Northern Ireland, no costs shall be allowed on the hearing or determination of an appeal under this Act, or of any proceedings preliminary or incidental to such an appeal”;

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

---

- (b) in subsection (2), for the words " in the same manner as the expenses of a prosecution in cases of felony " there shall be substituted the words " by the Ministry ".
- 14 In section 13(4) (time spent on bail pending appeal not to count as part of sentence) for the words from " and subject to " to the end of the subsection there shall be substituted the words " shall not count as part of any term of imprisonment under his sentence ".
- 15 In section 20 (definitions) for the words " a person who has been convicted and desires to appeal under this Act " there shall be substituted the words " a person who has given notice of application for leave to appeal ".