



Judicature (Northern Ireland) Act 1978

1978 CHAPTER 23

PART IV

THE CROWN COURT

49 Sentences imposed and other decisions made by Crown Court.

- (1) A sentence imposed, or other order made, by the Crown Court when dealing with an offender shall take effect from the beginning of the day on which it is imposed or made, unless the court otherwise directs.
- (2) Subject to the following provisions of this section, a sentence imposed, or other order made, by the Crown Court when dealing with an offender may be varied or rescinded by the Crown Court within the period of [^{F1}56 days] beginning with the day on which the sentence or other order was imposed or made ^{F2}
- [^{F3}(2A) The power conferred by subsection (1) may not be exercised in relation to any sentence or order if an appeal, or an application for leave to appeal, against that sentence or order has been determined.]
- (3) ^{F4}
- (4) A sentence or other order shall not be varied or rescinded under this section except by the judge of the Crown Court by whom the sentence or other order was imposed or made.
- (5) Subject to subsection (6), where a sentence or other order is varied under this section, the sentence or other order, as so varied, shall take effect from the beginning of the day on which it was originally imposed or made, unless the court otherwise directs.
- (6) For the purposes of [^{F5}section 16(1)] of the Criminal Appeal Act (time limit for notice of appeal or of application for leave to appeal) [^{F6}and for the purposes of paragraph 1 of Schedule 3 to the Criminal Justice Act 1988 (time limit for notice of an application for leave to refer a case under section 36 of that Act.)] the sentence or other order shall be regarded as imposed or made on the day on which it is so varied.

Changes to legislation: *Judicature (Northern Ireland) Act 1978, Section 49 is up to date with all changes known to be in force on or before 21 February 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*

(7) Crown Court rules—

- (a) may, as respects cases where two or more persons are tried separately on the same or related facts alleged in one or more indictment, provide for extending the period prescribed by subsection (2);
- (b) may, subject to the preceding provisions of this section, prescribe the cases and circumstances in which, and the time within which, any order or other decision made by the Crown Court may be varied or rescinded by the Crown Court.

Textual Amendments

- F1** Words in s. 49(2) substituted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 47, 153\(7\), Sch. 8 para. 27\(2\)\(a\)](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 26 (with Sch. 2)
- F2** Words in s. 49(2) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 47, 153\(7\), Sch. 8 para. 27\(2\)\(b\)](#) {Sch. 28 Pt. 3}; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 paras. 26, 50(3)(b) (with Sch. 2)
- F3** S. 49(2A) inserted (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 47, 153\(7\), Sch. 8 para. 27\(3\)](#); S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 para. 26 (with Sch. 2)
- F4** S. 49(3) repealed (14.7.2008) by [Criminal Justice and Immigration Act 2008 \(c. 4\), ss. 47, 153\(7\), Sch. 8 para. 27\(4\)](#) {Sch. 28 Pt. 3}; S.I. 2008/1586, [art. 2\(1\)](#), Sch. 1 paras. 26, 50(3)(b) (with Sch. 2)
- F5** Words substituted by [Criminal Appeal \(Northern Ireland\) Act 1980 \(c. 47, SIF 38\), s. 51\(1\), Sch. 4 para. 17](#)
- F6** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\), ss. 170, 171, Sch. 15 para. 56](#)

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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. 14(1)(1A) substituted for s. 14(1) by [2002 c. 26 Sch. 12 para. 13](#) (This amendment not applied to legislation.gov.uk. Sch. 5 repealed (3.4.2006) without ever being in force by 2005 c. 4, Sch. 5 para. 125, Sch. 18 Pt. 3; S.I. 2006/1014, art. 2, Sch. 1 paras. 12(f), 30(c))
- s. 106(3A) inserted by [2011 c. 24 \(N.I.\) s. 89\(1\)](#)