



# Criminal Appeal (Northern Ireland) Act 1980

## 1980 CHAPTER 47

### PART I

#### APPEAL TO COURT OF APPEAL FROM CROWN COURT

##### *Reference of point of law*

#### **15 Reference of point of law following acquittal on indictment.**

- (1) Where a person tried on indictment has been acquitted (whether in respect of the whole or part of the indictment) the [<sup>F1</sup>Director of Public Prosecutions for Northern Ireland] may, if he desires the opinion of the Court of Appeal on a point of law which has arisen in the case, refer that point to the Court, and the Court shall, in accordance with this section, consider the point and give the Court's opinion on it.
- (2) For the purpose of the Court's consideration of a point referred to it under this section, the Court shall hear argument—
  - (a) by, or by counsel on behalf of, the [<sup>F1</sup>Director of Public Prosecutions for Northern Ireland]; and
  - (b) if the acquitted person desires to present any argument to the Court, by counsel on his behalf or, with the leave of the Court, by the acquitted person himself.
- (3) Where on a point being referred to the Court under this section the acquitted person appears by counsel for the purpose of presenting any argument to the Court, he shall be entitled to his costs, that is to say to the payment [<sup>F2</sup>by the Department of Justice] of such sums as are reasonably sufficient to compensate him for his expenses properly incurred for the purpose of being represented on the reference; and any amount recoverable under this subsection shall be ascertained as soon as practicable by the Master (Taxing Office).
- (4) A reference under this section shall not affect the trial in relation to which the reference is made or any acquittal in that trial.

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**Changes to legislation:** *Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Reference of point of law is up to date with all changes known to be in force on or before 28 March 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*

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#### **Textual Amendments**

- F1** Words in s. 15(1)(2)(a) substituted (12.4.2010) by 2002 c. 26, ss. 41(1)(6), 87; S.R. 2010/113, [art. 2](#), [Sch. para. 12](#)
- F2** Words in s. 15(3) substituted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), arts. 1(2), 12, [Sch. 14 para. 14](#) (with arts. 28-31)

**Changes to legislation:**

Criminal Appeal (Northern Ireland) Act 1980, Cross Heading: Reference of point of law is up to date with all changes known to be in force on or before 28 March 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.

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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. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(a\)](#)
- s. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(b\)](#)
- s. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(c\)](#)
- s. 36(3)(b) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(b\)\(i\)](#)
- s. 36(3)(b) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(b\)\(ii\)](#)
- s. 36(3)(c) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(c\)\(i\)](#)
- s. 36(3)(c) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(c\)\(ii\)](#)