



# Criminal Appeal (Northern Ireland) Act 1980

## 1980 CHAPTER 47

### PART I

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

##### *The hearing*

#### 25 Evidence.

- (1) For the purposes of [<sup>F1</sup>an appeal [<sup>F2</sup>, or an application for leave to appeal,] under] this Part of this Act, the Court of Appeal may, if it thinks it necessary or expedient in the interests of justice—
- (a) order the production of any document, exhibit, or other thing connected with the proceedings, the production of which appears to the Court necessary for the determination of the case;
  - [<sup>F3</sup>(b) order any witness to attend and be examined before the Court (whether or not he was called at the trial); and]
  - [<sup>F4</sup>(c) receive any evidence which was not adduced at the trial.]
- [<sup>F5</sup>(1A) The power conferred by subsection (1)(a) may be exercised so as to require the production of any document, exhibit or other thing mentioned in that subsection to—
- (a) the Court;
  - (b) the appellant;
  - (c) the respondent.]
- [<sup>F6</sup>(2) The Court of Appeal shall, in considering whether to receive any evidence, have regard in particular to—
- (a) whether the evidence appears to the Court to be capable of belief;
  - (b) whether it appears to the Court that the evidence may afford any ground for allowing the appeal;

**Changes to legislation:** *Criminal Appeal (Northern Ireland) Act 1980, Section 25 is up to date with all changes known to be in force on or before 23 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*

- (c) whether the evidence would have been admissible in the proceedings from which the appeal lies on an issue which is the subject of the appeal; and
  - (d) whether there is a reasonable explanation for the failure to adduce the evidence in those proceedings.]
- (3) Subsection (1)(c) above applies to any [<sup>F7</sup>evidence of a] witness (including the appellant) who is competent but not compellable <sup>F8</sup> . . . .
- [<sup>F9</sup>(4) A live link direction under section 24(2A) does not apply to the giving of oral evidence by the appellant at any hearing unless that direction, or any subsequent direction of the court, provides expressly for the giving of such evidence through a live link.]
- [<sup>F10</sup>(4) In this section, “respondent” includes a person who will be a respondent if leave to appeal is granted.]

#### Textual Amendments

- F1** Words in s. 25(1) inserted (1.1.1996) by 1995 c. 35, s. 29(1), **Sch. 2 para. 12(3)**; S.I. 1995/3061, **art. 3(h)**
- F2** Words in s. 25(1) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 47, 153(7)(8), **Sch. 8 para. 22(2)**; S.I. 2008/1586, **art. 2(1)(3)**, Sch. 1 para. 26 (subject to Sch. 2)
- F3** S. 25(1)(b) substituted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 47, 153(7)(8), **Sch. 8 para. 22(3)**; S.I. 2008/1586, **art. 2(1)(3)**, Sch. 1 para. 26 (subject to Sch. 2)
- F4** S. 25(1)(c) substituted (1.1.1996) by 1995 c. 35, s. 4(2)(a); S.I. 1995/3061, **art. 3(a)**
- F5** S. 25(1A) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 47, 153(7)(8), **Sch. 8 para. 22(4)**; S.I. 2008/1586, **art. 2(1)(3)**, Sch. 1 para. 26 (subject to Sch. 2)
- F6** S. 25(2) substituted (1.1.1996) by 1995 c. 35, s. 4(2)(b); S.I. 1995/3061, **art. 3(a)**
- F7** Words in s. 25(3) inserted (1.1.1996) by 1995 c. 35, s. 4(2)(c); S.I. 1995/3061, **art. 3(a)**
- F8** Word in s. 25(3) repealed (1.1.1996) by 1995 c. 35, s. 29(2), **Sch. 3**; S.I. 1995/3061, **art. 3(i)**
- F9** S. 25(4) inserted (N.I.) (2.2.2009) "after subsection (3)" by virtue of The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216 (N.I. 1)), arts. 1, **83(2)**; S.R. 2010/472, **art. 2(4)**, Sch. Pt. 4
- F10** S. 25(4) inserted (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 47, 153(7)(8), **Sch. 8 para. 22(5)**; S.I. 2008/1586, **art. 2(1)(3)**, Sch. 1 para. 26 (subject to Sch. 2)

**Changes to legislation:**

Criminal Appeal (Northern Ireland) Act 1980, Section 25 is up to date with all changes known to be in force on or before 23 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.

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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\(3\)\(c\)\(ii\)](#)