



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART II

APPEAL TO HOUSE OF LORDS [^{F1}FROM COURT OF APPEAL]

The appeal

31 Right of appeal to House of Lords.

(1) Subject to the provisions of this Part of this Act, an appeal lies to the [^{F1}Supreme Court], at the instance of the defendant or the prosecutor, from any decision of the Court of Appeal on an appeal to that Court under Part I of this Act [^{F2}or Article 8 (preparatory hearings) of the Criminal Justice (Serious Fraud) (Northern Ireland) Order 1988][^{F3}or Part IV of the Criminal Justice (Northern Ireland) Order 2004 (prosecution appeals)].

(1A) ^{F4}

(2) No appeal lies under this Part of this Act except with the leave of the Court or of [^{F5}the Supreme Court]; and such leave shall not be granted unless it is certified by the Court that a point of law of general public importance is involved in the decision and it appears to the Court or to [^{F5}the Supreme Court](as the case may be) that the point is one which ought to be considered by [^{F5}the Supreme Court].

[^{F6}(3) In this Part of this Act “the defendant”—

- (a) in relation to an appeal under subsection (1) above against a decision of the Court on an appeal under Part 1 of this Act, means the person who was the appellants before the Court;
- (b) in relation to an appeal under subsection (1) above against any other decision, means a defendant in the proceedings before the Crown Court who was a party to the proceedings before the Court;

Changes to legislation: *Criminal Appeal (Northern Ireland) Act 1980, Section 31 is up to date with all changes known to be in force on or before 23 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*

- (c) in relation to an appeal under subsection (1B) above, shall be construed in accordance with subsection (4) below;
 and ^{F7} . . . “prosecutor” shall be construed accordingly.]

Textual Amendments

- F1** Words in s. 31(1) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 33\(2\)\(a\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F2** Words added by [S.I. 1988/1846 \(N.I. 16\)](#), art. 12, [Sch. para. 5\(2\)](#)
- F3** Words in s. 31(1) inserted (N.I) (18.4.2005) by [The Criminal Justice \(Northern Ireland\) Order 2004 \(S.I. 2004/1500 \(N.I. 9\)\)](#), [art. 27\(3\)](#); [S.R. 2005/243](#), [art. 2](#)
- F4** S. 31(1A) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 74(2), 92, 94, [Sch. 8 para. 146\(2\)](#), [Sch. 14](#); [S.I. 2008/755](#), [art. 2\(d\)\(iii\)](#) (subject to arts. 3-14)
- F5** Words in s. 31(2) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 33\(2\)\(b\)](#); [S.I. 2009/1604](#), [art. 2\(d\)](#)
- F6** S. 31(3) substituted (18.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, [Sch. 36 Pt. 6 para. 94](#); [S.I. 2005/950](#), [art. 3\(2\)\(c\)](#)
- F7** Words in s. 31(3) repealed (1.4.2008) by [Serious Crime Act 2007 \(c. 27\)](#), ss. 74(2), 92, 94, [Sch. 8 para. 146\(3\)](#), [Sch. 14](#); [S.I. 2008/755](#), [art. 2\(d\)\(iii\)](#) (subject to arts. 3-14)

Changes to legislation:

Criminal Appeal (Northern Ireland) Act 1980, Section 31 is up to date with all changes known to be in force on or before 23 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\(3\)\(c\)\(ii\)](#)