



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART II

APPEAL TO HOUSE OF LORDS [F1FROM COURT OF APPEAL]

Matters depending on result of appeal

40 Restitution of property.

- (1) Where the operation of an order for the restitution of property made on conviction on indictment is suspended until the determination of an appeal to the Court of Appeal, then, if the conviction is not quashed on that appeal, the operation of the order shall continue to be suspended—
 - (a) in any case until the expiration of the time within which an application for leave to appeal under this Part of this Act may be made (disregarding any extension of time which may be granted under section 32(2) of this Act); and
 - (b) if any such application is made within that time, so long as the appeal under this Part of this Act is pending.
- (2) Where the operation of any such order is suspended under this section—
 - (a) the order shall not take effect if the conviction is quashed on appeal to [F1the Supreme Court] ; and
 - (b) such steps shall be taken for the safe custody of the property in question during the period during which the operation of the order is suspended as may be prescribed.
- (3) Where by reason of the quashing by the Court of a person's conviction such an order does not take effect and on an appeal under this Part of this Act the conviction is restored by [F1the Supreme Court] , [F1the Supreme Court] may make any order for the restitution of property which could be made on his conviction by the court which convicted him.

Changes to legislation: *Criminal Appeal (Northern Ireland) Act 1980, Section 40 is up to date with all changes known to be in force on or before 30 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*

- (4) References in this section to an order for the restitution of property include references to—
- (a) an order made under section 27 of the ^{M1}Theft Act (Northern Ireland) 1969; and
 - (b) a compensation order made under [^{F2}Article 14 of the Criminal Justice (Northern Ireland) Order 1994].

Textual Amendments

- F1** Words in s. 40 substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 33\(10\)](#); [S.I. 2009/1604, art. 2\(d\)](#)
- F2** Words in s. 40(4)(b) substituted (9.1.1995) by [S.I. 1994/2795 \(N.I. 15\) art. 26\(1\), Sch. 2 para. 8](#); [S.R. 1994/446, art.2](#)
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Marginal Citations

- M1** [1969 c. 16 \(N.I.\)](#)

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