



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

References to court

10 Cases dealt with on indictment in Northern Ireland.

- (1) Where a person has been convicted of an offence on indictment in Northern Ireland, the Commission—
 - (a) may at any time refer the conviction to the Court of Appeal, and
 - (b) (whether or not they refer the conviction) may at any time refer to the Court of Appeal any sentence (not being a sentence fixed by law) imposed on, or in subsequent proceedings relating to, the conviction.
- (2) A reference under subsection (1) of a person's conviction shall be treated for all purposes as an appeal by the person under section 1 of the 1980 Act against the conviction.
- (3) A reference under subsection (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction on an indictment shall be treated for all purposes as an appeal by the person under section 8 or 9 (as the case may be) of the 1980 Act against—
 - (a) the sentence, and
 - (b) any other sentence (not being a sentence fixed by law) imposed on, or in subsequent proceedings relating to, the conviction or any other conviction on the indictment.
- (4) On a reference under subsection (1) of a person's conviction on an indictment the Commission may give notice to the Court of Appeal that any other conviction on the indictment which is specified in the notice is to be treated as referred to the Court of Appeal under subsection (1).

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 10. (See end of Document for details)

- (5) On a reference under subsection (1) the Court of Appeal may not pass any sentence more severe than that passed by the Crown Court.
- (6) Where a finding of not guilty on the ground of insanity has been recorded in Northern Ireland in the case of a person, the Commission may at any time refer the finding to the Court of Appeal; and a reference under this subsection shall be treated for all purposes as an appeal by the person under section 12 of the 1980 Act against the finding.
- (7) Where [^{F1}in Northern Ireland there has been] a finding that a person is unfit to be tried, the Commission may at any time refer the finding to the Court of Appeal; and a reference under this subsection shall be treated for all purposes as an appeal by the person under section 13A of the 1980 Act against the finding.

Textual Amendments

- F1** Words in s. 10(7) substituted (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\)](#), s. 60, [Sch. 10 para. 32](#); S.I. 2005/579, art. 3(g)

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 10.