



Criminal Appeal Act 1995

1995 CHAPTER 35

PART II

THE CRIMINAL CASES REVIEW COMMISSION

References to court

12 Cases dealt with summarily in Northern Ireland.

- (1) Where a person has been convicted of an offence by a magistrates' court in Northern Ireland, the Commission—
 - (a) may at any time refer the conviction to a county court, and
 - (b) (whether or not they refer the conviction) may at any time refer to a county court any sentence 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 Article 140(1) of the ^{M1}Magistrates' Courts (Northern Ireland) Order 1981 against the conviction (whether or not he pleaded guilty).
- (3) A reference under subsection (1) of a sentence imposed on, or in subsequent proceedings relating to, a person's conviction shall be treated for all purposes as an appeal by the person under Article 140(1) of the Magistrates' Courts (Northern Ireland) Order 1981 against—
 - (a) the sentence, and
 - (b) any other sentence imposed on, or in subsequent proceedings relating to, the conviction or any related conviction.
- (4) On a reference under subsection (1) of a person's conviction the Commission may give notice to the county court that any related conviction which is specified in the notice is to be treated as referred to the county court under subsection (1).

Changes to legislation: There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 12. (See end of Document for details)

- (5) For the purposes of this section convictions are related if they are convictions of the same person by the same court on the same day.
- (6) On a reference under this section a county court may not award any punishment more severe than that awarded by the court whose decision is referred.
- (7) The High Court may grant bail to a person whose conviction or sentence has been referred to a county court under this section; and any time during which he is released on bail shall not count as part of any term of imprisonment or detention under his sentence.

Marginal Citations

M1 S.I. 1981/1675 (N.I.26).

Changes to legislation:

There are currently no known outstanding effects for the Criminal Appeal Act 1995, Section 12.