

SCHEDULES

SCHEDULE 8

APPEALS IN CRIMINAL CASES

PART 3

AMENDMENTS OF OTHER ACTS

Detention of defendant pending appeal from High Court to Supreme Court

- 26 (1) Section 5 of the Administration of Justice Act 1960 (c. 65) (power to order detention or admission to bail of defendant) is amended as follows.
- (2) In subsection (1) for the words from “may make” to the end substitute “shall make—
- (a) an order providing for the detention of the defendant, or directing that he shall not be released except on bail (which may be granted by the court as under section 4 above), so long as the appeal is pending, or
- (b) an order that the defendant be released without bail.”
- (3) After subsection (1) insert—
- “(1A) The court may make an order under subsection (1)(b) only if it thinks that it is in the interests of justice that the defendant should not be liable to be detained as a result of the decision of the Supreme Court on the appeal.”
- (4) In subsection (3) for “subsection (1)” substitute “subsection (1)(a)”.
- (5) In subsection (4) for “the said subsection (1)” substitute “the said subsection (1)(a)”.
- (6) In subsection (4A) for “the said subsection (1)” substitute “the said subsection (1)(a)”.
- (7) For subsection (5) substitute—
- “(5) The defendant shall not be liable to be detained again as a result of the decision of the Supreme Court on the appeal if—
- (a) the court has made an order under subsection (1)(b), or
- (b) the court has made an order under subsection (1)(a) but the order has ceased to have effect by virtue of subsection (3) or the defendant has been released or discharged by virtue of subsection (4) or (4A).”

Variation of sentences by Crown Court

- 27 (1) Section 49 of the Judicature (Northern Ireland) Act 1978 (c. 23) (sentences imposed and other decisions made by Crown Court) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsection (2)—
 - (a) for “28 days” substitute “56 days”, and
 - (b) omit the words from “or, where subsection (3) applies,” to the end.
 - (3) After subsection (2) insert—
 - “(2A) The power conferred by subsection (1) may not be exercised in relation to any sentence or order if an appeal, or an application for leave to appeal, against that sentence or order has been determined.”
 - (4) Subsection (3) is omitted.
- 28 (1) Section 155 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6) (alteration of Crown Court sentence) is amended as follows.
- (2) In subsection (1)—
 - (a) for “28 days” substitute “56 days”, and
 - (b) omit the words from “or, where subsection (2) below applies,” to the end.
 - (3) After subsection (1) insert—
 - “(1A) The power conferred by subsection (1) may not be exercised in relation to any sentence or order if an appeal, or an application for leave to appeal, against that sentence or order has been determined.”
 - (4) Subsections (2) and (3) are omitted.