
STATUTORY INSTRUMENTS

2008 No. 1863

The Serious Crime Act 2007 (Appeals
under Section 24) Order 2008

PART 5

Appeals to the Court of Appeal: Northern Ireland

Evidence

49.—(1) For the purposes of an appeal, or an application for leave to appeal, the Court of Appeal may, if it thinks it necessary or expedient in the interests of justice—

- (a) order the production of any document, exhibit or other thing connected with the proceedings, the production of which appears to it necessary for the determination of the case;
- (b) order any witness to attend for examination and be examined before the Court of Appeal, (whether or not the witness was called in the proceedings under section 19, 20 or 21 of the Act); and
- (c) receive any evidence which was not adduced in the proceedings under section 19, 20 or 21 of the Act.

(2) The power conferred by sub-paragraph 1(a) may be exercised so as to require the production of any document, exhibit or other thing mentioned in that sub-paragraph to—

- (a) the Court of Appeal; or
- (b) any person who is a party to the appeal.

(3) The Court of Appeal shall, in considering whether to receive evidence, have regard in particular to—

- (a) whether the evidence appears to the Court of Appeal to be capable of belief;
- (b) whether it appears to the Court of Appeal that the evidence may afford any ground for allowing the appeal;
- (c) whether the evidence would have been admissible in the proceedings under section 19, 20 or 21 of the Act on an issue which is the subject of the appeal; and
- (d) whether there is a reasonable explanation for the failure to adduce the evidence in those proceedings.

(4) Sub-paragraph (1)(c) applies to any evidence of a witness (including the person who is the subject of the serious crime prevention order) who is competent but not compellable.