
STATUTORY INSTRUMENTS

1981 No. 1675

The Magistrates' Courts (Northern Ireland) Order 1981

PART XII

APPEAL AND CASE STATED

Appeals to county court

Appeals against conviction or sentence, etc.

140.—(1) Subject to this Article, a person convicted by a magistrates' court may appeal to a county court,—

- (a) whether or not he pleaded guilty, against his sentence;
- (b) if he did not plead guilty, against the conviction.

[^{F1}(1A) Article 6 of the Criminal Justice (Northern Ireland) Order 1996 (under which a conviction of an offence for which an order for conditional or absolute discharge is made is deemed not to be a conviction except for certain purposes) shall not prevent an appeal under this Article, whether against conviction or otherwise.]

(2) In paragraph (1) “sentence” includes any order^[F2] passed on the person for the offence, whether on conviction or in subsequent proceedings,] not being—

Sub#para. (a) rep. by 1996 NI 24

- (b) an order for the payment of costs; or
- (c) any other order subject to a restriction referred to in paragraph 9(1)(b) of Schedule 5.

[^{F2}(2A) A person may appeal to a county court against—

- (a) a fine imposed under paragraph (a), or an order made under paragraph (b) or (c), of paragraph 3(1) of Schedule 2 to the Criminal Justice (Northern Ireland) Order 1996 (N.I. 24);
- (b) the dismissal of an application under Part 3 or 4 of that Schedule;
- (c) a fine imposed, or an order made, under Article 41(2) or^{F3} of the Criminal Justice (Children) (Northern Ireland) Order 1998 (N.I. 9);
- (d) an order made under Article^{F3} or 54(3)(a) of that Order;
- (e) an order made under paragraph 3 of Schedule 1A to that Order; or
- (f) the dismissal of an application under paragraph 5 of that Schedule (otherwise than to the Crown Court) to make an order under sub-paragraph (1) of that paragraph.]

Para. (3) rep. by 1996 NI 24

(4) A person ordered under^[F1] Article 7(1) of the Criminal Justice (Northern Ireland) Order 1996] to give good security for the good behaviour of an offender may appeal to the county court.

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- F1** 1996 NI 24
F2 2002 c. 26
F3 prosp. insertion by 2002 c. 26 - see SR 2003 No.488 (C.37)

Modifications etc. (not altering text)

- C1** Art. 140(1)(b) extended (15.12.2011) by Terrorism Prevention and Investigation Measures Act 2011 (c. 23), ss. 15(3), 31(2), **Sch. 3 para. 4(5)(d)** (with Sch. 8)
C2 Art. 140(1)(b) applied (12.2.2015) by Counter-Terrorism and Security Act 2015 (c. 6), s. 52(5), **Sch. 4 para. 4(5)(d)**
C3 Art. 140(1)(b) applied (20.12.2023) by National Security Act 2023 (c. 32), s. 100(1), **Sch. 9 para. 4(6)(d)** (with s. 97); S.I. 2023/1272, reg. 2(b)

Appeals from orders as to recognizances

141.—(1) A person ordered by a magistrates' court to enter into a recognizance to keep the peace or to be of good behaviour or to keep the peace and be of good behaviour may appeal to the county court and the order appealed against shall not be suspended pending the determination of the appeal but shall, pending such determination, have full force and effect.

(2) A party bound by a recognizance which is estreated by a court of summary jurisdiction may appeal to the county court.

Appeals against imprisonment or fine for misbehaviour in court or against an order under Article 112(6)

142.—(1) A person committed to prison or upon whom a fine is imposed under Article 160 may appeal to the county court.

(2) Nothing in this Part shall affect section 44 of the Judicature (Northern Ireland) Act 1978 in so far as it confers a right of appeal to the Court of Appeal from an order under Article 112(6).

Appeals in other cases

143.—(1) Subject to paragraph (2) and to Articles 29 and 31(1) of the Domestic Proceedings (Northern Ireland) Order 1980, an appeal shall lie to the county court from any order of a magistrates' court in proceedings to which this Article applies, by any party to the proceedings.

(2) No appeal shall lie from an order under Article 98(4) or (5).

(3) This Article applies to the following proceedings—

- (a) debt proceedings;
- (b) ejectment proceedings;
- (c) proceedings commenced by notice of application or appeal (whether under Part VII or otherwise);
- (d) proceedings upon a complaint to which Part VIII applies.

[^{F4}(4) Paragraph (1) is also subject to paragraph 8(2) of Schedule 16 to the Civil Partnership Act 2004 and Article 31(1) of the Domestic Proceedings (Northern Ireland) Order 1980 as applied by paragraph 46 of that Schedule.]

- F4** 2004 c. 33

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Modifications etc. (not altering text)

- C4** Art. 143 applied (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\), ss. 17\(14\), 59](#) (with [ss. 1\(2\), 52\(1\), 53, 54](#)); [S.R. 2011/245, art. 2, Sch. 1](#)
- C5** Art. 143 applied (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\), ss. 20\(1\), 59](#) (with [ss. 1\(2\), 52\(1\), 53, 54](#)); [S.R. 2011/245, art. 2, Sch. 1](#)
- C6** Art. 143 applied (11.7.2011) by [Welfare of Animals Act \(Northern Ireland\) 2011 \(c. 16\), ss. 20\(6\), 59](#) (with [ss. 1\(2\), 52\(1\), 53, 54](#)); [S.R. 2011/245, art. 2, Sch. 1](#)

Procedure on appeal

144.—(1) Where an appeal is made to the county court under this Part, the appellant shall, in addition to complying with the provisions of this Part as to recognizances, within fourteen days commencing on the day on which the decision of the magistrates' court was made, give to the other party notice in writing of his appeal and shall within the said period lodge a copy of such notice so given with the clerk of petty sessions.

(2) For the purposes of paragraph (1) the day on which the decision of the magistrates' court is given shall, where the court has adjourned the hearing of a complaint after conviction or under Article 51, be the day on which the court sentences or otherwise deals with the offender.

[^{F5}(2A) The period within which notice of appeal must be given and lodged under paragraph (1) may be extended, either before or after it expires, by the county court ^{F6}..., on an application made in accordance with county court rules.]

(3) An appeal from the decision of a magistrates' court shall, without prejudice to any power to adjourn proceedings in the county court and subject to paragraph (4), be heard at the sitting of the county court ^{F7}... which commences next after the expiration of seven days from the day on which the copy of the notice is lodged with the clerk of petty sessions under paragraph (1).

(4) Where the appellant remains in custody pending the hearing of his appeal, the appeal may be heard at the sitting of the county court which commences next after the day on which the copy of the notice is lodged with the clerk of petty sessions under paragraph (1).

(5) Without prejudice to Article 14, magistrates' courts rules may provide for the transmission of documents to and from the county court.

F5 SR 1994/472

F6 Words in [art. 144\(2A\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 86\(27\)\(a\), Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with [art. 3](#))

F7 Words in [art. 144\(3\)](#) repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 86\(27\)\(b\), Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with [art. 3](#))

Powers exercisable by county court on appeal

145.—(1) On an appeal made to it under this Part the county court may exercise all or any of the powers specified in Article 28 of the County Courts (Northern Ireland) Order 1980 and where an appellant who has not given due notice of abandonment in accordance with Article 150 does not appear to prosecute his appeal the county court may without rehearing any evidence affirm the order appealed from or may otherwise deal with the appeal in the absence of the appellant and in either case may, subject to county court rules, order the payment of costs by the appellant.

(2) This Article shall not apply to costs in criminal appeals.

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[^{F8}Immunity of county court judges hearing appeals under this Part.

145A. Articles 5, 6^[^{F9},6A] and 10 shall apply in relation to a county court judge sitting in connection with an appeal under this Part as they apply in relation to a resident magistrate.]

F8	1990 c. 41
F9	1999 c. 22

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) arts.3\(4\)25](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.3\(5\)Sch.1](#)
- Instrument am (prosp) by [S.I. 1994/2795 \(N.I.\) art.5\(2\)](#)
- Instrument mod (prosp) by [1994 c. 33 s. 91\(3\)](#)
- Instrument revoked by [1998 c. 41 s.74\(1\)\(3\)Sch.12 para.5Sch.14 Pt.I](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Act amended by [1996 c. 25 s.79Sch.4 para 30](#)
- Order applied (with modifications) by [S.I. 2018/1125 reg. 8](#) (This amendment not applied to [legislation.gov.uk](#). [S.I. 2018/1125](#), reg. 8 omitted (31.12.2020) by virtue of Private International Law (Implementation of Agreements) Act 2020 (c. 24), s. 4(3), Sch. 5 para. 4(4))
- Order power to modify conferred by [2015 c. 9 \(N.I.\) s. 24\(5\)\(a\)](#) (see [s 24\(6\)](#))

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [Sch.6 Pt.I paras.1819](#) revoked by [1995 c. 21 s. 314\(1\)Sch.12](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch.6 Pt.I para.5](#) revoked by [S.I. 1995/756 art.15Sch.](#)
- [Sch. 6 para. 128-130](#) repealed by [2011 c. 15 \(N.I.\) Sch. 3 Pt. 2](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 125](#) repealed by [2011 c. 16 \(N.I.\) Sch. 5](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 Pt. 3 para. 170](#) repealed by [S.I. 2007/916 \(N.I.\) Sch. 8 Pt. 1](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 144](#) repealed by [2006 c. 48 Sch. 15 Pt. 4](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 21](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [Sch. 6 para. 25](#) repealed by [2013 c. 22 Sch. 11 para. 210](#) (Amendment could not be applied. The relevant affected text is not available on [legislation.gov](#))
- [art. 29A](#) excluded by [1975 c. 59, s. 4\(3\)](#) (as substituted) by [2015 c. 9 \(N.I.\) s. 7\(6\)](#)
- [art. 29A](#) inserted by [2015 c. 9 \(N.I.\) s. 7\(2\)](#)
- [art. 34\(1A\)-\(1E\)](#) inserted by [2015 c. 9 \(N.I.\) s. 8\(2\)](#)
- [art. 140\(2ZA\)](#) inserted by [2016 c. 18 \(N.I.\) Sch. 10 para. 16](#)