



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART II

APPEAL TO HOUSE OF LORDS FROM DECISION UNDER PART I

Matters preliminary to hearing

35 Bail

The Court of Appeal may, if it thinks fit, on the application of an appellant under this Part of this Act or a person applying for leave to appeal thereunder, admit him to bail pending an appeal from the Court.

36 Detention of defendant pending appeal by Crown

- (1) Where the defendant in any proceedings from which an appeal lies to the House of Lords under this Part of this Act would, but for the decision of the Court of Appeal, be liable to be detained and immediately after that decision the prosecutor is granted, or gives notice that he intends to apply for, leave to appeal, the Court may make an order providing for his detention, or directing that he shall not be released except on bail (which may be granted by the Court as under section 35 above) so long as an appeal under this Part of this Act is pending.
- (2) An order under subsection (1) above shall (unless the appeal has previously been disposed of) cease to have effect at the expiration of the period for which the defendant would have been liable to be detained but for the decision of the Court.
- (3) When an order is made under this section in the case of a defendant who, but for the decision of the Court, would be liable to be detained in pursuance of an order or direction under the Mental Health (Northern Ireland) Act 1961, the order under this section shall be one authorising his continued detention in pursuance of the order or direction, and the provisions of the said Act of 1961 with respect to persons so liable

Status: This is the original version (as it was originally enacted).

(including provisions as to the renewal of authority for detention and the removal or discharge of patients) shall apply accordingly.

- (4) Where the Court has power to make an order under this section, and either no such order is made or the defendant is released or discharged, by virtue of subsection (2) or subsection (3) above, before the appeal is disposed of, the defendant shall not be liable to be again detained as the result of the decision of the House of Lords on the appeal.

37 Legal aid

- (1) The Court of Appeal may at any time when it appears to the Court, in the case of an appeal from the Court under this Part of this Act or of proceedings preliminary or incidental to such an appeal, that it is desirable in the interests of justice that the defendant should have legal aid, and that he has not sufficient means to enable him to obtain that aid, assign to him (whether he is appellant or respondent in the appeal) a solicitor and counsel, or counsel only, in the appeal or proceedings.
- (2) If on a question of granting a person free legal aid under this section there is a doubt whether his means are sufficient to enable him to obtain legal aid or whether it is desirable in the interests of justice that he should have free legal aid, the doubt shall be resolved in favour of granting him free legal aid.
- (3) The fees of any counsel, and the expenses and fees of any solicitor, assigned to a defendant by virtue of this section, in either case up to an amount allowed by the House of Lords or by such officer or officers of that House as may be prescribed by order of that House, shall be paid by the Secretary of State.

38 Presence of defendant at hearing

A defendant who is detained pending an appeal under this Part of this Act shall not be entitled to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto, except where an order of the House of Lords or rules of court, as the case may be, authorise him to be present or where that House or the Court of Appeal, as the case may be, gives him leave to be present.