



Criminal Appeal (Northern Ireland) Act 1980

1980 CHAPTER 47

PART I

APPEAL TO COURT OF APPEAL FROM CROWN COURT

Appeal against sentence

10 Supplementary provisions as to appeals against sentence.

- (1) An appeal against sentence, whether under section 8 or section 9 of this Act, lies only with the leave of the Court of Appeal.
- (2) Where the Crown Court has passed on an offender two or more sentences in the same proceedings, being sentences against which an appeal lies under section 8 or 9 of this Act, an appeal or application for leave to appeal against any one of those sentences shall be treated as an application in respect of both or all of them; and for the purpose of this subsection two or more sentences shall be treated as passed in the same proceedings if—
 - (a) they are passed on the same day, or
 - (b) they are passed on different days, but the court in passing any one of them states that it is treating that one together with the other or others as substantially one sentence.
- (3) On an appeal to the Court against sentence under section 8 or 9 of this Act the Court shall, if it thinks that a different sentence should have been passed, quash the sentence passed by the Crown Court and pass such other sentence authorised by law (whether more or less severe) in substitution therefor as it thinks ought to have been passed; but in no case shall any sentence be increased by reason or in consideration of any evidence that was not given at the Crown Court.

Changes to legislation: *Criminal Appeal (Northern Ireland) Act 1980, Section 10 is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F1}(3A) Where the Court of Appeal exercises its power under subsection (3) to quash a confiscation order, the Court may, instead of passing a sentence in substitution for that order, direct the Crown Court to proceed afresh under the relevant enactment.

(3B) When proceeding afresh pursuant to subsection (3A), the Crown Court shall comply with any directions the Court of Appeal may make.

(3C) For the purposes of this section—

“confiscation order” means a confiscation order made under—

- (a) Article 4 or 5 of the Criminal Justice (Confiscation) (Northern Ireland) Order 1990,
- (b) Article 8 of the Proceeds of Crime (Northern Ireland) Order 1996, or
- (c) section 156 of the Proceeds of Crime Act 2002;

“relevant enactment”, in relation to a confiscation order quashed under subsection (3), means the enactment under which the order was made.]

[^{F2}(4) The power of the Court under section 4(2) of this Act or subsection (3) above to pass a sentence which the Crown Court has power to pass for an offence shall, notwithstanding that the Crown Court made no order under section 19(1) of the Treatment of Offenders Act (Northern Ireland) 1968 ^{M1}in respect of a suspended sentence or order for detention previously passed or made on or in relation to the appellant for another offence, include power to deal with the appellant in respect of that sentence or order for detention where the Crown Court made no order in respect of it.]

[^{F3}(5) The fact that an appeal is pending against an interim hospital order under Article 45 of the Mental Health Order shall not affect the power of the Crown Court to renew or terminate the order or to deal with the appellant on its termination; and where the Court of Appeal quashes such an order but does not pass any sentence or make any other order in its place the Court may direct the appellant to be kept in custody or admitted to bail pending his being dealt with by the Crown Court.

(6) ^{F4}.....]

Textual Amendments

- F1** S. 10(3A)-(3C) inserted (1.2.2010) by Coroners and Justice Act 2009 (c. 25), ss. 141(2), 182(5) (with s. 180, Sch. 22 para. 39); S.I. 2010/145, art. 2(2), **Sch. para. 11**
- F2** S. 10(4) substituted by Criminal Justice Act 1988 (c. 33, SIF 39:1), s. 170, **Sch. 15 para. 72**
- F3** S. 10(5)(6) added by S.I.1986/595.(N.I. 4), art. 51(6), 136(1), Sch. 5 Pt.I
- F4** S. 10(6) repealed (14.7.2008) by Criminal Justice and Immigration Act 2008 (c. 4), ss. 47, 149, 153(7) (8), Sch. 8 para. 19, **Sch. 28 Pt. 3**; S.I. 2008/1586, **art. 2(1)(3)**, Sch. 1 para. 50(3)(c) (subject to Sch. 2)

Modifications etc. (not altering text)

- C1** S. 10(1) excluded (27.8.1991) by Northern Ireland (Emergency Provisions) Act 1991 (c. 24, SIF 39:1), **ss. 10(6), 69(1)**
S. 10(1) excluded (N.I.) (19.2.2001) by 2000 c. 11, **ss. 75(8), 128** (with s. 113(1)); S.I. 2001/421, **art. 2**
- C2** S. 10(1) excluded (N.I.) (25.8.1996) by 1996 c. 22, **ss. 11(6), 62(1)** (with s. 62(2))
- C3** S. 10(1) excluded (N.I.) (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), **ss. 5(7), 53(4)** (with s. 8(1)(3)); S.I. 2007/2045, **art. 2(2)(3)** (with art. 3)

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Marginal Citations

M1 1968 c.29 (N.I.)

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Changes and effects yet to be applied to :

- s. 10(5) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 4](#)

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

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

- s. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(a\)](#)
- s. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(b\)](#)
- s. 7(3A) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 3\(3\)\(c\)](#)
- s. 36(3)(b) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(b\)\(i\)](#)
- s. 36(3)(b) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(b\)\(ii\)](#)
- s. 36(3)(c) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(c\)\(i\)](#)
- s. 36(3)(c) words substituted by [2016 c. 18 \(N.I.\) Sch. 10 para. 11\(3\)\(c\)\(ii\)](#)