

SCHEDULES

SCHEDULE 8

APPEALS IN CRIMINAL CASES

PART 2

AMENDMENTS OF CRIMINAL APPEAL (NORTHERN IRELAND) ACT 1980

Powers of Court to substitute different sentence

18 (1) Section 4 (alteration of sentence on appeal against conviction) is amended as follows.

(2) For subsection (1) substitute—

“(1) Subsection (1A) applies where—

- (a) two or more related sentences are passed,
- (b) the Court of Appeal allows an appeal against conviction in respect of one or more of the offences for which the sentences were passed (“the related offences”), but
- (c) the appellant remains convicted of one or more of those offences.

(1A) The Court may, in respect of any related offence of which the appellant remains convicted, pass such sentence, in substitution for the sentence passed thereon at the trial, as it thinks proper and is authorised by law.”

(3) After subsection (2) insert—

“(3) For the purposes of subsection (1)(a), two or more sentences are related if—

- (a) they are passed on the same day,
- (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, or
- (c) they are passed on different days but in respect of counts on the same indictment.

(4) Where—

- (a) two or more sentences are related to each other by virtue of subsection (3)(a) or (b), and
- (b) any one or more of those sentences is related to one or more other sentences by virtue of subsection (3)(c),

all the sentences are to be treated as related for the purposes of subsection (1)(a).”