

1968 No.1262

## CRIMINAL PROCEDURE, ENGLAND AND WALES

## The Criminal Appeal Rules 1968

<i>Made - - - -</i>	31st July 1968
<i>Laid before Parliament</i>	14th August 1968
<i>Coming into Operation</i>	1st September 1968

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We, the Rule Committee of the Supreme Court, in pursuance of the powers conferred upon us by section 99 of the Supreme Court of Judicature (Consolidation) Act 1925(a), section 2(5) of the Criminal Appeal Act 1966(b), and section 46 of the Criminal Appeal Act 1968(c), hereby make the following rules of court:—

*Certificate of trial judge*

- 1.—(1) The certificate of the judge of the court of trial under section 1(2), 12 or 15(2) of the Act that a case is a fit case for appeal shall be in Form 1.
- (2) The certificate shall be forwarded forthwith to the Registrar, whether or not the person to whom the certificate relates has applied for a certificate.
- (3) A copy of the certificate shall be forwarded forthwith to the person to whom the certificate relates or to his legal representative.

*Notice of appeal and application for extension of time*

- 2.—(1) Notice of appeal or of an application for leave to appeal under Part I of the Act shall be given by completing Part 1 of Form 2 and so much of Part 2 thereof as relates to the notice and serving it on the Registrar.

(2)(a) A notice of appeal or of an application for leave to appeal shall be accompanied by a notice in Form 3 containing the grounds of the appeal or application.

(b) If the appellant has been convicted of more than one offence, the notice in Form 3 shall specify the convictions or sentences against which the appellant is appealing or applying for leave to appeal.

(c) The grounds of an appeal or application set out in Form 3 may, with the consent of the court, be varied or amplified within such time as the court may allow.

(3)(a) Notice of an application to extend the time within which notice of appeal or of an application for leave to appeal may under Part I of the Act be given shall be given by completing so much of Part 2 of Form 2 as relates to the application and by giving notice of appeal or of an application for leave to appeal in accordance with the foregoing provisions of this Rule.

(b) Notice of an application to extend the time within which notice of appeal or of an application for leave to appeal may under Part I of the Act be given shall specify the grounds of the application.

(4) An appellant who is appealing or applying for leave to appeal against conviction shall specify in Form 3 any exhibit produced at the trial which he wishes to be kept in custody for the purposes of his appeal.

(5) Forms 2 and 3 shall be signed by, or on behalf of, the appellant.

(6) If Form 2 or Form 3 is not signed by the appellant and the appellant is in custody, the Registrar shall, as soon as practicable after receiving the form, send a copy of it to the appellant.

(7) In the case of an appellant who does not require leave to appeal or who is given leave to appeal, a notice of application for leave to appeal shall be treated as a notice of appeal; and in the case of an appellant who requires leave to appeal but who serves on the Registrar notice of appeal, the notice of appeal shall be treated also as an application for leave to appeal.

#### *Application for bail, leave to be present or reception of evidence*

3.—(1) Notice of an application by the appellant—

(a) to be admitted to bail pending the determination of his appeal or pending his retrial shall be in Form 4 and, unless notice of appeal or of an application for leave to appeal has previously been given, shall be accompanied by such a notice;

(b) to be given leave by the court to be present at proceedings for which such leave is required shall be in Form 5;

(c) that a witness who would have been a compellable witness at the trial be ordered to attend for examination by the court shall be in Form 6;

(d) that the evidence of a witness be received by the court shall be in Form 6;

and shall be served on the Registrar.

(2) An application as aforesaid may be made to the court orally.

### *Bail*

4.—(1) Where the court directs the admission of an appellant to bail pending the determination of his appeal or pending his retrial, the court shall determine the number of sureties, if any, the amount in which he and any sureties are to be bound and the conditions to be endorsed on the recognizances with a view to the recognizances being taken subsequently.

(2) The recognizance of an appellant shall be in Form 7 and that of a surety in Form 8, except that in relation to an appellant admitted to bail pending his retrial his recognizance shall be in Form 9 and that of a surety in Form 10.

(3) Any such recognizance may be entered into before the Registrar, a justice of the peace, the clerk of a magistrates' court, a member of a police force either of or above the rank of inspector or in charge of a police station or, in the case of an appellant who is in custody, before the person having custody of him.

(4) The Registrar, if he does not take the recognizances, shall issue a certificate in Form 11 showing the conditions of the recognizances and the amounts in which the appellant and any sureties are to be bound; and a person authorised to take a recognizance under this Rule shall not be required to take it without production of such a certificate as aforesaid.

(5) A person authorised to take the recognizance of a surety under this Rule shall not do so unless he is satisfied that the person entering into the recognizance is, in all the circumstances, a suitable person to do so.

(6) Where a recognizance is taken under this Rule by a person other than the Registrar, that person shall send it to the Registrar.

(7) A person taking a recognizance under this Rule shall give a copy thereof to the person entering into the recognizance.

(8) The person having custody of an appellant shall—

(a) on receipt of a certificate in Form 12 signed by the Registrar stating that the recognizances of any sureties required by the court have been taken or on being otherwise satisfied that all such recognizances have been taken, and

(b) on being satisfied that the appellant has entered into his recognizance, release the appellant.

(9) Where the court has granted bail pending retrial, the Registrar on receipt of all the recognizances shall forward them to the clerk of the court before which the appellant is to be retried.

### *Variation or revocation of bail*

5.—(1) Where the court grants the application of an appellant to be admitted to bail pending the determination of his appeal or pending his retrial, the court may at any time reduce the amount in which it is proposed that he or any surety should be bound or dispense with any of the sureties or modify any condition specified by the court.

(2)(a) Where an appellant is released on bail pending the determination of his appeal or pending his retrial, the court may at any time, without prejudice to their power to order the forfeiture of his recognizance or that of any of

his sureties or to a constable's power of arrest under section 23 of the Criminal Justice Act 1967(a), order his arrest and recommitment to custody.

(b) Where an appellant is recommitted to custody, the person having custody of him shall forthwith notify the Registrar of the fact.

(c) An appellant who has been recommitted to custody under this Rule may again be admitted to bail under these Rules.

(3) In this Rule any reference to the court shall include a reference to a judge of the court.

#### *Forfeiture of bail*

6.—(1) Where an appellant is admitted to bail pending the determination of his appeal or pending his retrial and he does not comply with the conditions endorsed on his recognizance, the court may order his recognizance and that of any of his sureties to be forfeited.

(2) Such an order shall fix a term of imprisonment which the person whose recognizance is forfeited is to undergo if the sum which he is liable to pay is not duly paid or recovered and may—

(a) allow time for the payment of such sum;

(b) direct payment of such sum by instalments of such amounts and on such dates respectively as may be specified in the order;

(c) discharge the recognizance or may reduce the amount due thereunder.

#### *Custody of exhibits*

7.—(1) On a conviction on indictment or on a coroner's inquisition the proper officer of the court of trial shall, subject to any directions of the judge of the court of trial, make arrangements for any exhibit at the trial which in his opinion may be required for the purposes of an appeal against conviction to be kept in the custody of the court, or given into the custody of the person producing it at the trial or any other person for retention, until the expiration of 35 days from the date of conviction.

(2) Where an appellant has given notice of appeal, or of an application for leave to appeal, against conviction, the Registrar shall inform the proper officer of the court of the notice and give directions concerning the continued retention in custody of any exhibit which appears necessary for the proper determination of the appeal or application.

(3) Where the court orders an appellant to be retried, it shall make arrangements pending his retrial for the continued retention in custody of exhibits.

(4) Any arrangements under this Rule may include arrangements for the inspection of an exhibit by an interested party.

#### *Supply of documentary and other exhibits*

8.—(1) The Registrar shall, on request, supply to the appellant or respondent copies of documents or other things required for the appeal and in such case may make charges in accordance with scales and rates fixed for the time being by the Treasury.

(2) The Registrar shall, on request, make arrangements for the appellant or respondent to inspect any document or other thing required for the appeal.

(3) This Rule shall not apply to the supply of the transcripts of any proceedings or part thereof.

*Examination of witness by court*

9.—(1) An order of the court to a person to attend for examination as a witness shall be in Form 13 and shall specify the time and place of attendance.

(2) The evidence of a witness taken before an examiner shall be taken in like manner as depositions are taken in proceedings before a magistrates' court acting as examining justices.

*Abandonment of proceedings*

10.—(1) An appeal or an application for leave to appeal under Part I of the Act may be abandoned before the hearing of the appeal or application by serving on the Registrar notice thereof in Form 14.

(2) The notice shall be signed by, or on behalf of, the appellant.

(3) The Registrar shall, as soon as practicable after receiving a notice under this Rule, send a copy of it, endorsed with the date of receipt, to the appellant, to the Secretary of State and to the proper officer of the court of trial.

(4) Where an appeal or an application for leave to appeal is abandoned, the appeal or application shall be treated as having been dismissed or refused by the court.

*Hearing by single judge*

11.—(1) A judge of the court shall, for the purpose of exercising any of the powers referred to in section 31(2) of the Act or Rule 5, sit in such place as he appoints, and may sit otherwise than in open court.

(2) A party in any proceedings under the said section 31(2) or the said Rule may be represented by counsel or solicitor.

*Determination by full court*

12.—(1) Where a judge of the court has refused an application on the part of an appellant to exercise in his favour any of the powers referred to in section 31(2) of the Act, the appellant may have the application determined by the court by serving a notice in Form 15 on the Registrar within fourteen days, or such longer period as a judge of the court may fix, from the date on which notice of the refusal was served on him by the Registrar.

(2) A notice in Form 15 shall be signed by, or on behalf of, the appellant.

(3) If the notice is not signed by the appellant and the appellant is in custody, the Registrar shall, as soon as practicable after receiving the notice, send a copy of it to the appellant.

(4) If such a notice is not served on the Registrar within the said 14 days or such longer period as a judge of the court may fix, the application shall be treated as having been refused by the court.

*Enforcement of fines*

13.—(1) Where the court imposes a fine on an appellant, the court shall make an order fixing a term of imprisonment, not exceeding twelve months, which the appellant is to undergo if the fine is not duly paid or recovered.

(2) Such an order may—

- (a) allow time for the payment of the fine;
- (b) direct payment of the fine by instalments of such amounts and on such dates respectively as may be specified in the order.

*Dismissal of appeal against hospital order*

14. If the court dismisses an appeal or an application for leave to appeal by an appellant who is subject to a hospital order under the Mental Health Act 1959(a) or an order under section 5(1) of the Criminal Procedure (Insanity) Act 1964(b) or the court affirms the order and the appellant has been released on bail pending his appeal, the court shall give such directions as it thinks fit for his conveyance to the hospital from which he was released on bail and for his detention, if necessary, in a place of safety as defined in section 80 of the Mental Health Act 1959 pending his admission to the said hospital.

*Notice of determination of court*

15.—(1) The Registrar shall, as soon as practicable, serve notice of any determination by the court or by any judge of the court under section 31 of the Act on any appeal or application by an appellant on—

- (a) the appellant;
- (b) the Secretary of State;
- (c) any person having custody of the appellant;
- (d) in the case of an appellant detained under the Mental Health Act 1959 the responsible authority.

(2) The Registrar shall, as soon as practicable, serve notice on the proper officer of the court of trial of the order of the court disposing of an appeal or application for leave to appeal.

(3) In this Rule the expression “responsible authority” means—

- (a) in relation to a patient liable to be detained under the said Act of 1959 in a hospital or mental nursing home, the managers of the hospital or home as defined in section 59(1) of that Act; and
- (b) in relation to a patient subject to guardianship, the responsible local health authority as defined in subsection (4) of that section.

*Reference by Home Secretary*

16. Where the Secretary of State refers a point to the court under section 17(1)(b) of the Act, the court may consider the point in private.

*Sittings in vacation*

17. The Lord Chief Justice shall determine the days on which the court shall, if necessary, sit during vacations; and the court shall sit on such days in accordance with arrangements made by the Lord Chief Justice after consultation with the Master of the Rolls.

*Record of proceedings at trial*

18.—(1) Except as provided by this Rule, the whole of any proceedings in respect of which an appeal lies (with or without leave) to the court shall be recorded by means of shorthand notes or, with the permission of the Lord Chancellor, by mechanical means.

(2) Where such proceedings are recorded by means of shorthand notes, it shall not be necessary to record—

(a) the opening or closing addresses to the jury on behalf of the prosecution or an accused person unless the judge of the court of trial otherwise directs, or

(b) any other part of such proceedings which the judge of the court of trial directs need not be recorded.

(3) Where it is not practicable for such proceedings to be recorded by means of shorthand notes or by mechanical means, the judge of the court of trial direct how and to what extent the proceedings shall be recorded.

(4) The permission of the Lord Chancellor may contain conditions concerning the custody, and supply of transcripts, of a recording made by mechanical means.

*Transcripts*

19.—(1) A transcript of the record of any proceedings or part thereof in respect of which an appeal lies, with or without leave, to the court and which are recorded in accordance with the provisions of Rule 18—

(a) shall, on request, be supplied to the Registrar or any interested party, on payment of such charge, if any, as may be fixed for the time being by the Treasury;

(b) may, on request, be supplied to any other person, on payment of such sum as may be agreed between that person and the person supplying the transcript.

(2) Without prejudice to the provisions of paragraph (1) of this Rule, the Registrar may, on request, supply to any interested party a transcript of the record of any proceedings or part thereof which is in his possession for the purposes of the appeal or application in question and in such case may make charges in accordance with scales and rates fixed for the time being by the Treasury:

Provided that in the case of an interested party who has been given legal aid under section 73(5) of the Criminal Justice Act 1967 for the purpose of the appeal or any proceedings preliminary or incidental thereto such a transcript shall be supplied free.

*Verification of record of proceedings*

20.—(1) An official shorthand writer who takes shorthand notes of any proceedings or part thereof before the court of trial in respect of which an appeal lies (with or without leave) to the court shall—

(a) at the beginning of the notes state the name of the parties to the proceedings;

(b) in the case of shorthand notes of part of any proceedings, state the part concerned;

(c) record his name in the notes;

(d) retain the shorthand notes for not less than five years.



(2)(a) Verification of a transcript of the shorthand notes taken by an official shorthand writer of any proceedings or part thereof before the court of trial in respect of which an appeal lies (with or without leave) to the court shall be by a certificate by the person making the transcript that—

- (i) he has made a correct and complete transcript of the notes to the best of his skill and ability; and
- (ii) the notes were either taken by him and were to the best of his skill and ability a complete and correct account of those proceedings or part thereof or were taken by another official shorthand writer.

(b) Verification of a transcript of the record of the proceedings or part thereof if recorded by mechanical means shall be by—

- (i) a certificate by the person making the transcript that he has made a correct and complete transcript of the recording to the best of his skill and ability; and
- (ii) a certificate by a person responsible for the recording or a successor that the recording records so much of the proceedings as is specified in the certificate.

(c) Verification of a transcript of the record of the proceedings or part thereof if recorded in any other way shall be by—

- (i) a certificate by the person who made the record that he recorded the proceedings or part thereof to the best of his ability; and
- (ii) a certificate by the person making the transcript that he has made a correct and complete transcript of the record to the best of his skill and ability.

### *Service of documents*

21.—(1) For the purpose of these Rules service of a document may be effected—

(a) in the case of a document to be served on the Registrar—

- (i) in the case of an appellant who is in custody, by delivering it to the person having custody of him, or
- (ii) by delivering it to the Registrar, or
- (iii) by addressing it to him and leaving it at his office in the Royal Courts of Justice, London, W.C.2, or
- (iv) by sending it by post addressed to him at the said office;

(b) in the case of a document to be served on a body corporate by delivering it to the secretary or clerk of the body at its registered or principal office or sending it by post addressed to the secretary or clerk of the body at that office;

(c) in the case of a document to be served on any other person—

- (i) by delivering it to the person to whom it is directed, or
- (ii) by leaving it for him with some person at his last known or usual place of abode, or
- (iii) by sending it by post addressed to him at his last known or usual place of abode.

(2) A person having custody of an appellant to whom a document is delivered in pursuance of paragraph (1)(a)(i) of this Rule shall endorse on it the date of delivery and cause it to be forwarded forthwith to the Registrar.

*The Registrar*

22.—(1) The Registrar may require the court of trial to furnish the court with any assistance or information which it may require for the purpose of exercising its jurisdiction.

(2)(a) The Registrar shall give as long notice in advance as reasonably possible of the date on which the court will hear any appeal or application by an appellant to—

- (i) the appellant,
- (ii) any person having custody of the appellant, and
- (iii) any other interested party whom the court requires to be represented at the hearing.

(b) This paragraph shall not apply to proceedings before a judge of the court under section 31 of the Act or Rule 5.

*Appeal to the House of Lords*

23.—(1) An application to the court—

(a) for leave to appeal to the House of Lords under Part II of the Act or section 13 of the Administration of Justice Act 1960(a);

(b) to extend the time within which an application may be made by the defendant to the House of Lords or the court under section 34(1) of the Act or that subsection as applied by section 13(4) of the Administration of Justice Act 1960;

(c) by the defendant to be given leave to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto;

(d) by the defendant to be admitted to bail pending the appeal; shall either be made orally immediately after the decision of the court from which an appeal lies to the House of Lords or notice thereof shall be in Form 17 and shall be served on the Registrar.

(2) Where the court directs the admission of a defendant to bail pending his appeal, the court shall determine the number of sureties, if any, the amount in which he and any sureties are to be bound and the conditions to be endorsed on the recognizances with a view to the recognizances being taken subsequently.

(3) The recognizance of a defendant shall be in Form 18 and that of a surety in Form 19.

(4) Paragraphs (3) to (8) of Rule 4 and Rules 5 and 6 shall apply with respect to a recognizance taken under this Rule as they apply with respect to a recognizance taken under those Rules with the necessary modifications.

(5) An application to the court for leave to appeal to the House of Lords under Part II of the Act or section 13 of the Administration of Justice Act 1960 may be abandoned before the hearing of the application by serving on the Registrar notice to that effect.

(6) For the purpose of having an application determined by the court in pursuance of section 44 of the Act, Rules 11 and 12 shall apply with the necessary modifications.

(7) Rule 15 shall apply to a determination under Part II of the Act or section 13 of the Administration of Justice Act 1960 with the necessary modifications.

(8) Rules 8, 19(2) and 22 shall apply in relation to an appeal under Part II

of the Act or section 13 of the Administration of Justice Act 1960 as they apply in relation to an appeal under Part I of the Act, except that any reference to section 31 of the Act shall be construed as a reference to section 44 of the Act.

(9) In this Rule any reference to a defendant includes an appellant under section 13 of the Administration of Justice Act 1960.

### *Forms*

24.—(1) Any reference in these Rules to a form means a reference to a form set out in Schedule 1 to these Rules.

(2) The forms set out in Schedule 1 to these Rules or forms substantially to the like effect may be used with such variations as the circumstances may require.

### *Definitions*

25.—(1) In these Rules, unless the context otherwise requires—

“the Act” means the Criminal Appeal Act 1968;

“appellant” means an appellant under Part I of the Act, including a person who has given notice of application for leave to appeal;

“court” means the Criminal Division of the Court of Appeal;

“interested party” means the Director of Public Prosecutions or a person who is a defendant or prosecutor in proceedings in respect of which an appeal lies (with or without leave) to the court or who is named in, or immediately affected by, an order made by the judge of the court of trial in such proceedings;

“judge of the court” means judge of the court or of the Queen’s Bench Division of the High Court;

“official shorthand writer” means a person appointed by or on behalf of the Lord Chancellor to take shorthand notes of criminal proceedings in a court of trial;

“Registrar” means the Registrar of criminal appeals of the court;

“shorthand” means any method of recording other than in longhand by means of symbols where the recording is made by a person either by hand or by the use of a machine.

(2) Any reference in these Rules to a Rule means a reference to a Rule contained in these Rules.

(3) The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament and as if these Rules and the Rules revoked by these Rules were Acts of Parliament.

### *Repeals*

26.—(1) Subject to paragraph (2) of this Rule, the Rules set out in Schedule 2 to these Rules are hereby revoked.

(2) The revocations effected by paragraph (1) of this Rule shall not affect the operation of the Rules so revoked in relation to a person who before the coming into operation of these Rules has given notice of appeal or of an application for leave to appeal; and these Rules shall not apply to such an appeal or application or proceedings preliminary or incidental to such an appeal.

*Citation and commencement*

27.—(1) These Rules may be cited as the Criminal Appeal Rules 1968.

(2) These Rules shall come into operation on 1st September 1968.

Dated 31st July 1968.

*Gardiner, C.*  
*Parker of Waddington, C.J.*  
*Denning, M.R.*  
*J. E. S. Simon, P.*  
*Cyril Salmon, L.J.*  
*Fenton Atkinson, L.J.*  
*Geoffrey Cross, J.*  
*N. Browne-Wilkinson*  
*M. D. L. Worsley*  
*W. O. Carter*  
*A. E. Cox*  
*Arthur J. Driver*

## SCHEDULE 1

## FORMS

R.1

FORM 1

## CRIMINAL APPEAL ACT 1968

*Judge's certificate*

R. v.

*Particulars of trial*

Full name of person tried.....

Name of court.....

Offences for which person tried.....

Decision of court—

\*Delete  
if  
inapplicable

\*convicted of.....

\*unfit to plead

\*verdict of not guilty by reason of insanity

Date of decision of court.....

I certify that the case is a fit case for appeal on the ground  
that:—Signed.....  
Judge of the court of trial.

Date.....

FORM 2

R.2

**CRIMINAL APPEAL ACT 1968**

*Notice of appeal or application for leave to appeal*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

**PART 1**

**Particulars of appellant:**

<b>Full names: Forenames</b>	<b>Surname</b>	<b>Age on conviction</b>
<b>(Block letters)</b>		

**Address:**  
(If detained give address  
where detained and, if  
detained in prison, give  
prison number)

**Court where tried and/or sentenced:**  
(see note 3)

<b>Dates of appearances at the Court including dates of conviction (if convicted at the Court) and sentence</b>	<b>Name of Court</b>
	<b>Name of Judge</b>

**Particulars of offences of which convicted: whether convicted on  
indictment or by a magistrates' court: particulars of sentences and  
orders: (see notes 4, 5)**

<b>Offences</b>	<b>Convicted on indictment or by magistrates' court</b>	<b>Sentences and orders</b>
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

**Offences taken into consideration when sentenced**

**Total sentence**

## PART 2

The appellant is applying for (see note 8)—

\*Delete  
if  
inapplicable

- \*Extension of time in which to give notice of application for leave to appeal
- \*Leave to appeal against conviction
- \*Leave to appeal against sentence
- \*Bail
- \*Leave to be present at hearing
- \*Leave to call witnesses

Signed.....  
(Appellant)

Received in the  
Criminal Appeal  
Office

Date ..... Date .....

This notice was handed in by the appellant to-day

Signed.....  
[Prison Officer]

Date .....

*Notes*

1. This form should be sent to the Registrar within 28 days from the date of conviction, sentence, verdict or finding appealed against. If the appellant is in custody the form should be handed to the prison authority (or other person having custody) for forwarding to the Registrar; and the date of handing-in should be recorded on the form. The period of 28 days cannot be extended except by leave of the court and the reasons for the delay will be required.

2. The grounds of the application or of the appeal must be given on Form 3 and must accompany this form.

3. No appeal to the Court of Appeal lies from a magistrates' court. For the purposes of an appeal to the Court of Appeal the court where the appellant is tried and/or sentenced is always a court of assize or a court of quarter sessions.

4. Particulars of all convictions and sentences against which the appellant has a right of appeal (with or without leave) must be given in Part 1 of the form. A person can appeal against conviction only if he was convicted on indictment. A person can appeal against sentence only if the sentence was passed for an offence of which he was convicted on indictment or for which he was dealt with by a court of assize or quarter sessions as set out in section 10 of the Criminal Appeal Act 1968.

If the appeal is against a verdict of not guilty by reason of insanity or a finding of disability, Part 2 should be adapted accordingly.

5. Separate forms should be submitted for convictions or sentences which do not arise in the same proceedings.

6. The form must be signed by the appellant or on his behalf.

7. The notice will be treated as a notice of appeal in the case of an appellant who does not require leave to appeal, e.g., where a certificate has been granted by the trial judge, or in the case of an appellant who is given leave to appeal by the Court of Appeal.

8. An application for leave to be present, bail, or leave to call a witness must be supported by the appropriate form. Such an application can be made subsequently.

FORM 3

R.2

**CRIMINAL APPEAL ACT 1968**

*Grounds of applications for extension of time,  
leave to appeal against conviction and leave  
to appeal against sentence*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

Criminal Appeal Office

Reference number

Full names of appellant: Forenames                  Surname  
(Block letters)

Give the name of the solicitor and/or counsel (if any) who represented the appellant at assizes or quarter sessions:

Solicitor    Counsel

List the documents sent with this form:

The applications are for:—

\*Extension of time in which to give notice of application for leave to appeal against \*conviction and \*sentence \*Delete if inapplicable

\*Leave to appeal against conviction of the following offences:—

\*Leave to appeal against the following sentences or orders:—

The grounds are as follows:—

The applications should be dealt with in the order shown above and each offence and/or each sentence or order should be dealt with separately: see notes 6 and 7 on reverse. The grounds must be signed by or on behalf of the appellant.

Signed.....  
(Appellant)

For use in the Criminal  
Appeal Office

Date .....

Received



*Notes*

1. This form must accompany Form 2 and must be completed as fully as is practicable at that time. If further grounds need to be given to amend or amplify the grounds given on this form, they should be forwarded to the Registrar on a form which can be obtained from him, or if the appellant is in custody from the person having custody of him. Grounds of application must not be set out in letters to the Registrar.
2. If this form relates to more than one application or to both an application and an appeal, they should be dealt with separately and in order.
3. An appellant who is applying for extension of time within which to give notice of appeal or of application for leave to appeal, must give the reasons for the delay; he must also give details of the appeal or application for leave to appeal.
4. An appellant who is applying for leave to appeal against conviction, must set out each conviction against which he is applying for leave to appeal, and the grounds of the application. The grounds may be the same for each conviction.
5. If the appellant requires, for the purposes of his appeal against conviction, any exhibits produced at his trial, he should specify them in the form.
6. An appellant who is applying for leave to appeal against sentence, must set out each sentence against which he is applying for leave to appeal, and the grounds of the application. The grounds may be the same for each sentence.
7. An appellant who is applying for leave to appeal against conviction and sentence, must deal with each conviction and each sentence separately.
8. This notice will be treated as a notice of appeal in a case in which leave to appeal is not required.
9. If the appeal or application is against a verdict of not guilty by reason of insanity or a finding of disability, references in this form to a conviction should be construed as references to such a verdict or finding.
10. An appellant who is applying for leave to appeal against sentence and wishes to call a witness to give evidence in mitigation should give his name and address. However, the Registrar is not responsible for arranging the attendance of the witness.
11. Documents sent with this form should be specified in the space provided.
12. If some application has been made on an earlier occasion, the Criminal Appeal reference number should be given.

R.3(1)(a)

**FORM 4**  
**CRIMINAL APPEAL ACT 1968**

*Notice of application for bail*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand, London, W.C.2.

Criminal Appeal Office

Reference number

Particulars of appellant:

Forenames                      Surname

Full names:  
(Block letters)

Address:  
(Where detained and, if  
detained in prison, give  
prison number)

Give the appellant's address if bail were granted, and the amount of the recognizance in which he would agree to be bound.

Address if granted bail

Amount of recognizance offered £.....

Give the names, addresses and occupations of two persons who might act as sureties if bail were granted and the amounts of the recognizances in which they might agree to be bound.

1st Surety:

Name, address, occupation

Amount of recognizance offered £.....

2nd Surety:

Name, address, occupation

Amount of recognizance offered £.....

If bail was granted before trial or sentence state:—

Amount of recognizances:

Appellant		Sureties
£ .....	£ .....	and £.....

Were the sureties the persons named above?

What, if any, special conditions were imposed?

The appellant applies for bail pending appeal/retrial on the following grounds:—

Signed.....	For use in the Criminal
(Appellant)	Appeal Office

Date .....	Received
------------	----------

**Notes**

1. This form must accompany or follow Form 2. If this form follows Form 2 the Criminal Appeal reference number must be given. An application for bail may be made whether or not Form 2 contained an application for bail.
2. An application for bail will be considered in the light of the grounds of appeal or application for leave to appeal. Accordingly, it is usual for the application for bail to be submitted to the court or judge together with the other applications and the transcript of the proceedings at the trial. This imposes some delay. Generally, strong grounds of appeal or application for leave to appeal have to be shown before bail is granted.
3. Do not repeat the grounds of appeal or application for leave to appeal as the grounds for bail. Mention any special other grounds which the judge or court might consider, e.g., medical reasons.
4. Time spent on bail does not count towards sentence.
5. This form must be signed by, or on behalf of, the appellant.

R.3(1)(b)

FORM 5

**CRIMINAL APPEAL ACT 1968**

*Notice of application for leave to be present*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

Criminal Appeal Office

Reference number

---

Particulars of appellant:

Full names: Forenames  
(Block letters)

Surname

---

Address:  
(Where detained and, if  
detained in prison, give  
prison number)

---

The appellant applies to be given leave by the Court of Appeal to be present at proceedings for which such leave is required. The special reasons for the application (see note 4) are as follows:—

---

Signed.....  
(Appellant)

For use in the Criminal  
Appeal Office

Date .....

Received

*Notes*

1. Form 5 is required for an application for leave to be present at the hearing of an application for leave to appeal or an appeal on grounds involving a question of law alone. This form must accompany or follow Form 2. If it follows Form 2 the Criminal Appeal reference number must be given.
2. Subject to note 3, Form 5 is not required, and the appellant if in custody is entitled to be present, on the hearing of an appeal by a certificate of the trial judge that the case is fit for appeal, on a reference by the Home Secretary, or by leave of the Court of Appeal.
3. Form 5 is required in the case of an appellant detained in consequence of a verdict of not guilty by reason of insanity or a finding of disability. The appellant is not entitled to be present at the hearing of any proceedings unless leave to be present is given.
4. The court grants leave to be present only in exceptional cases.
5. An appellant who is not in custody may attend a hearing before the full court and need not apply for leave. Proceedings before a single judge are in private.

FORM 6

R.3(1)(c), (d)

**CRIMINAL APPEAL ACT 1968**

*Notice of application for reception of evidence*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

Full names of appellant.....

Criminal appeal reference number (except where this form  
accompanies Form 2).....

Where detained.....

Prison no.....

Name and address of witness.....

.....  
.....  
.....

Do you want a witness order?    Yes/No

Was the witness called at the trial?    Yes/No

The witness can now give the following evidence (which he did not  
give at the trial):—

The evidence was not given at the trial for the following reasons:—

Signed.....

Date .....

*Notes*

1. Notice of the application may be given whether or not it was given on Form 2.
2. A separate form must be used for each witness.
3. A witness cannot be called without the leave of the Court of Appeal. Before giving leave to call a witness, the court will consider, with other matters, whether the evidence if received would afford any ground for allowing the appeal, whether the evidence is likely to be credible, and whether there is a reasonable explanation for failure to adduce the evidence at the trial. Do not set out in the form the evidence which the witness gave at the trial.
4. Do not apply in respect of a witness in mitigation of sentence only.

R.4(2)

FORM 7

CRIMINAL APPEAL ACT 1968

Recognizance of appellant

I, ..... (hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady The Queen the sum of ....., payment thereof to be enforced against me by due process of law if I fail to comply with the condition[s] endorsed hereon.

Signed.....

Address at which appellant proposes to reside pending appeal .....

Taken before me the..... day of....., 19 , at.....

Signed.....

Office<sup>(1)</sup>.....

(Endorsement)

Condition[s]

The condition[s] of this recognizance is [are] that if the appellant appears before the Criminal Division of the Court of Appeal, unless the court otherwise orders, at each and every hearing of his appeal and at the final determination thereof, then this recognizance shall be void, but otherwise shall remain in full force<sup>(2)</sup>.

(1) The recognizance may be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court or a member of a police force of or above the rank of inspector or in charge of a police station or the person having custody of the appellant.

(2) Conditions appearing to the court to be likely to result in the appellant's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime may be added.

**CRIMINAL APPEAL ACT 1968**

*Recognizance of appellant's surety*

I, ..... acknowledge that I owe to our Sovereign Lady The Queen the sum of....., payment thereof to be enforced against me by due process of law if ..... detained in ..... fails to comply with the condition endorsed hereon.

Signed.....

Address .....

.....  
.....  
.....

Taken before me the..... day of ....., 19 , at.....

Signed.....

Office<sup>(1)</sup> .....

*(Endorsement)*

*Condition*

The condition of this recognizance is that if the said..... appears before the Criminal Division of the Court of Appeal, unless the court otherwise orders, at each and every hearing of his appeal and at the final determination thereof, then this recognizance shall be void, but otherwise shall remain in full force.

(1) The recognizance may be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court or a member of a police force of or above the rank of inspector or in charge of a police station.

R.4(2)

FORM 9

**CRIMINAL APPEAL ACT 1968**

*Recognizance of appellant pending retrial*

I, ..... (hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady The Queen the sum of ....., payment thereof to be enforced against me by due process of law if I fail to comply with the conditions endorsed hereon.

Signed.....

Address at which .....  
appellant proposes .....  
to reside pending .....  
retrial .....  
.....

Taken before me the ..... day of ....., 19 ,  
at.....

Signed.....

Office<sup>(1)</sup> .....

*(Endorsement)*

*Condition[s]*

The condition[s] of this recognizance is/are that if the appellant appears in person at and before the court of ..... for the [county] of ..... on such date and at such time and place as may be notified to him by the proper officer of the court and there surrenders himself into custody and takes his trial upon any indictment preferred against him, then this recognizance shall be void, but otherwise shall remain in full force<sup>(2)</sup>.

(1) The recognizance can be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court, a member of a police force of or above the rank of inspector or in charge of a police station, or the person having custody of the appellant.

(2) Conditions appearing to the court to be likely to result in the appellant's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime may be added.

FORM 10

R.4(2)

**CRIMINAL APPEAL ACT 1968**

*Recognizance of appellant's surety pending retrial*

I, ..... acknowledge that I owe to our Sovereign Lady The Queen the sum of....., payment thereof to be enforced against me by due process of law if ..... (*insert name of principal*) fails to comply with the condition endorsed hereon.

Signed.....

Address .....

.....  
.....  
.....

Taken before me the..... day of ....., 19 ,  
at.....

Signed.....

Office<sup>(1)</sup> .....

*(Endorsement)*

*Condition*

The condition of this recognizance is that if the said..... appears in person at and before the court of ..... for the [county] of ..... on such date and at such time and place as may be notified to him by the proper officer of the court and there surrenders himself into custody and takes his trial upon any indictment preferred against him, then this recognizance shall be void, but otherwise shall remain in full force.

(1) The recognizance may be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court or a member of a police force of or above the rank of inspector or in charge of a police station.



R.4(4)

FORM 11

**CRIMINAL APPEAL ACT 1968**

*Certificate by Registrar of conditions of bail*

I hereby certify that the court has granted bail and has fixed the amount of the recognizance to be entered into by.....  
.....  
detained in ..... at the sum of ..... and ..... suret in ..... [each] conditioned for the appearance of the said..... before the Criminal Division of the Court of Appeal, unless the court otherwise orders, at each and every hearing of his appeal and at the final determination thereof [*or* at and before the court of ..... for the [county] of ..... on such date and at such time and place as may be notified to him by the proper officer of the court to stand his trial upon any indictment preferred against him].\*

Signed.....

**Registrar of the Criminal Division  
of the Court of Appeal.**

\*Add, in the case of the appellant, any other conditions specified by the court.

FORM 12

R.4(8)

**CRIMINAL APPEAL ACT 1968**

*Certificate of Registrar that all recognizances taken*

I hereby certify that the recognizances of the sureties of

..... detained in .....

have been taken.

Signed.....

**Registrar of the Criminal Division  
of the Court of Appeal.**

**Date**

R.9

FORM 13

**CRIMINAL APPEAL ACT 1968**

*Witness Order*

R. v. .... (Appellant)

To ..... of .....

On the application of the appellant/prosecutor the Criminal Division of the Court of Appeal has ordered you to attend for examination as a witness upon the appeal of the appellant:

You are therefore hereby ordered to attend before [the said court] on the ..... day of ....., 19 , at the hour of ..... in the ..... noon to give evidence [and to produce the following document[s] or thing[s]]:

Dated the ..... day of ....., 19 .

Signed.....

Registrar of the Criminal Division  
of the Court of Appeal.

**CRIMINAL APPEAL ACT 1968**

*Notice of abandonment of proceedings*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

Full names of appellant.....

Criminal appeal reference number.....

The appellant hereby abandons

\*Delete one  
or other  
alternative.

\*all proceedings in the Criminal Division of the Court of Appeal

\*the following proceedings in the Criminal Division of the  
Court of Appeal, namely,—

Signed.....

Date .....

*Notes*

1. Where an appeal or application for leave to appeal is abandoned, the appeal or application is treated as having been dismissed or refused by the Court of Appeal.
2. If the appellant wishes to abandon several proceedings in the Court of Appeal for which there are more than one criminal appeal reference number, a separate notice of abandonment should be given in respect of each reference number.
3. The notice may be signed by, or on behalf of, the appellant.

R.12

FORM 15

**CRIMINAL APPEAL ACT 1968**

*Application for determination by Court of Appeal*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.<sup>ω</sup>

Full names of appellant.....

Criminal appeal reference number.....

Whereas the appellant's application for <sup>(a)</sup>—

- (a) extension of the time within which notice of appeal/leave to appeal may be given;
- (b) leave to appeal;
- (c) bail;
- (d) leave to be present in court at the hearing of—
  - (i) the application for leave to appeal
  - (ii) the appeal;
- (e) a witness order,

has been refused by a single judge, the appellant applies to have such of the foregoing applications as are specified below<sup>(3)</sup> determined by the Criminal Division of the Court of Appeal<sup>(4)</sup>—

- (a) extension of the time within which notice of appeal/leave to appeal may be given;
- (b) leave to appeal;
- (c) leave to be present in court at the hearing of—
  - (i) the application for leave to appeal
  - (ii) the appeal;
- (d) bail;
- (e) a witness order.

Signed<sup>(5)</sup> .....

Date .....

(1) This form must be sent to the Registrar within fourteen days from the date on which notice of the refusal of the application by the single judge was served on the appellant by the Registrar, or such longer period as the judge may have fixed.

(2) Cross out all except the applications which have been refused.

(3) Cross out all except the application(s) which the appellant wishes to have determined by the Court of Appeal.

(4) If the appellant wishes to submit to the Court of Appeal any arguments not mentioned in the applications refused by the single judge, they should be set out overleaf.

(5) The notice must be signed by, or on behalf of, the appellant.

FORM 16

R.14

**CRIMINAL APPEAL ACT 1968**

*Warrant directing conveyance of appellant to hospital*

To the Governor and prison officers of.....  
and to the Managers of the hospital of.....

Whereas ..... an appellant in the Criminal Division of the Court of Appeal who is subject to a hospital order has been admitted to bail pending his appeal:

And whereas the Court has determined that the appeal be dismissed (*or as the case may be*):

You, the said prison officers, are hereby directed to convey the appellant to a place of safety pending his admission to the hospital of.....:

And you, the Governor, Managers or other person having charge of the place of safety to which the appellant has been conveyed, to detain him pending his admission to the said hospital:

And you, the Managers of the said hospital and any person authorised in writing by you, to convey the appellant from the place of safety to the said hospital.

Signed.....

Date

R.23(1)

FORM 17

**CRIMINAL APPEAL ACT 1968**

*Notice of application for leave to appeal to the House of Lords*

To the Registrar,  
Criminal Appeal Office,  
Royal Courts of Justice,  
Strand,  
London, W.C.2.

Full names of the defendant.....

Criminal appeal reference number.....

Date of decision of the Criminal Division of the Court of Appeal

Name and address of place at which defendant detained or, if not  
detained, defendant's address.....

The defendant/prosecutor will apply to the Court of Appeal

\*Delete  
if  
inapplicable

\*to certify that a point of law of general public importance is  
involved in the decision of the Court of Appeal

and if the court so certifies

\*for leave to appeal to the House of Lords against the decision  
of the Court of Appeal

\*to extend the time within which an application to the court or  
the House of Lords for leave to appeal to the House of Lords  
may be made

\*to be given leave to be present on the hearing of the appeal or  
any proceedings preliminary or incidental thereto

\*to be admitted to bail pending the appeal.

Grounds of appeal or application.

Signed.....

Date .....

**Notes**

1. This form should be sent to the Registrar within fourteen days from the decision of the Court of Appeal. This period may, on the application of a defendant, be extended. In the case of such an application the reasons for the delay should be explained.

2. In the case of an application for leave to appeal state the point involved in the decision of the Court of Appeal which the appellant wishes the court to certify as a point of law of general public importance.

FORM 18

R.23(3)

**CRIMINAL APPEAL ACT 1968**

*Recognizance of defendant on appeal to  
House of Lords*

I, ..... (hereinafter called the defendant) acknowledge that I owe to our Sovereign Lady The Queen the sum of ....., payment thereof to be enforced against me by due process of law if I fail to comply with the condition[s] endorsed hereon<sup>(1)</sup>.

Signed.....  
Address at which .....  
defendant proposes .....  
to reside pending .....  
appeal: .....

Taken before me the ..... day of ....., 19 ,  
at.....

Signed.....  
Office<sup>(2)</sup> .....

*(Endorsement)*

*Condition[s]*

The condition[s] of this recognizance is [are] that if the defendant, unless the House of Lords otherwise directs, surrenders himself to such person and at such time and place as may be directed by the Criminal Division of the Court of Appeal, then this recognizance shall be void, but otherwise shall remain in full force<sup>(2)</sup>.

(1) The recognizance can be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court, a member of a police force of or above the rank of inspector or in charge of a police station, or the person having custody of the defendant.  
(2) Conditions appearing to the court to be likely to result in the defendant's appearance at the time and place required, or to be necessary in the interests of justice or for the prevention of crime may be added.



R.23(3)

FORM 19

**CRIMINAL APPEAL ACT 1968**

*Recognizance of defendant's surety on appeal to  
House of Lords*

I, ..... acknowledge that I owe  
to our Sovereign Lady The Queen the sum of .....,  
payment thereof to be enforced against me by due process of law  
if ..... (*insert name of principal*)  
fails to comply with the condition endorsed hereon.

Signed.....

Address .....

.....  
.....  
.....

Taken before me the ..... day of ....., 19 ,  
at.....

Signed.....

Office<sup>(1)</sup> .....

(*Endorsement*)

*Condition*

The condition of this recognizance is that if the said.....  
....., unless the House of Lords otherwise  
directs, surrenders himself to such person and at such time and  
place as may be directed by the Criminal Division of the Court of  
Appeal, then this recognizance shall be void, but otherwise shall  
remain in full force.

(1) The recognizance may be taken by the Registrar of the Criminal Division of the Court of Appeal, a Justice of the Peace, the clerk of a magistrates' court or a member of a police force of or above the rank of inspector or in charge of a police station.

## SCHEDULE 2

Rule 26

## RULES REVOKED

Rules	References
The Criminal Appeal Rules 1908	S.R. & O. 1908/227 (Rev. V, p. 352: 1908, p. 239).
The Criminal Appeal Rules 1908, Additional Rule dated 27th March 1908	S.R. & O. 1908/277 (Rev. V, p. 400: 1908, p. 291).
The Criminal Appeal Rules 1958	S.I. 1958/652 (1958 I, p. 396).
The Criminal Appeal Rules 1960	S.I. 1960/1260 (1960 I, p. 862).
The Criminal Appeal (No. 2) Rules 1960	S.I. 1960/2325 (1960 I, p. 879).
The Criminal Appeal Rules 1964	S.I. 1964/1211 (1964 II, p. 2800).
The Criminal Appeal Rules 1967	S.I. 1967/1811 (1967 III, p. 4838).

## EXPLANATORY NOTE

*(This Note is not part of the Rules.)*

These Rules make fresh provision, in place of the Criminal Appeal Rules 1908 as amended which are hereby revoked, for regulating the practice and procedure of the Criminal Division of the Court of Appeal and for the recording of proceedings in courts of assize and quarter sessions and the supply and verification of transcripts of the record of such proceedings.