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STATUTORY INSTRUMENTS

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**1997 No. 1053 (L. 21)**

**SUPREME COURT OF ENGLAND AND WALES**

**The Criminal Procedure and Investigations Act 1996  
(Preparatory Hearings) (Interlocutory Appeals) Rules 1997**

<i>Made</i>	- - - -	<i>24th March 1997</i>
<i>Laid before Parliament</i>		<i>24th March 1997</i>
<i>Coming into force</i>	- -	<i>15th April 1997</i>

We the Crown Court Rule Committee, in exercise of the powers conferred upon us by sections 84(1), 86, and 87(4) of the Supreme Court Act 1981(1), hereby make the following Rules:

**Citation and commencement**

1. These Rules may be cited as the Criminal Procedure and Investigations Act 1996 (Preparatory Hearings) (Interlocutory Appeals) Rules 1997 and shall come into force on 15th April 1997.

**Interpretation**

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

“the Act of 1968” means the Criminal Appeal Act 1968(2);

“the Act of 1996” means the Criminal Procedure and Investigations Act 1996(3);

“appellant” means an appellant under section 35(1) of the Act of 1996 including a person who applies for leave to appeal;

“single judge” means a judge of the High Court or the Court of Appeal;

“the principal Rules” means the Criminal Appeal Rules 1968(4);

“registrar” means the registrar of criminal appeals of the Court of Appeal; and

“respondent” means a party in whose favour is made the ruling, or part thereof, appealed against by the appellant.

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(1) 1981 c. 54; section 86 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(2).

(2) 1968 c. 19.

(3) 1996 c. 25.

(4) S.I. 1968/1262; the relevant amending instrument is S.I. 1987/1977 (which amended rule 21 of the principal Rules).

(2) In reckoning any period of time for the purposes of these Rules, where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a Saturday, Sunday or bank holiday, Christmas Day or Good Friday, that day shall be excluded.

In this paragraph, “bank holiday” means a day which is, or is to be observed as, a bank holiday under section 1 of the Banking and Financial Dealings Act 1971(5), in England and Wales, or which is a holiday under section 2 of that Act(5), in England and Wales.

(3) Save where express provision is made to the contrary, any reference in these Rules to a rule is a reference to a rule contained in these Rules.

### **Notice of appeal**

3.—(1) An application to the judge of the Crown Court for leave to appeal under section 35(1) of the Act of 1996 shall be made orally to the judge within 2 days of the making of the ruling to which it relates.

(2) Unless the application is made on the occasion of the ruling to which it relates, the appellant shall serve notice in writing thereof, specifying the grounds of the application, on the appropriate officer of the Crown Court and on all parties to the preparatory hearing directly affected by the ruling in question.

(3) The appellant shall no later than the day referred to in paragraph (4) below serve notice of appeal from a ruling under section 31(3) of the Act of 1996 or, as the case may be, of an application to the Court of Appeal for leave to appeal from such a ruling on—

- (a) the registrar;
- (b) the appropriate officer of the Crown Court; and
- (c) all parties to the preparatory hearing directly affected by the said ruling.

(4) The day referred to is—

- (a) the day which occurs 7 days after the making of the ruling under section 31(3) of the Act of 1996, or
- (b) where application for leave to appeal is made under paragraph (1) above, the day which occurs 7 days after such application is determined or withdrawn.

(5) The time for serving notice under paragraph (3) above may be extended, before or after it expires, by the Court of Appeal.

(6) A notice of appeal or of an application to the Court of Appeal for leave to appeal, or an application to the Court of Appeal for an extension of time as referred to in paragraph (5) above, shall be in Form 5312.

(7) If notice in writing of an application for leave to appeal was, under paragraph (2) above, served on the Crown Court, a copy thereof shall accompany the notice of appeal or, as the case may be, of an application to the Court of Appeal for leave to appeal required under paragraph (3) above to be served on the registrar.

(8) Notice of appeal or of an application for leave to appeal may be given either in respect of the whole or any part of the ruling to which it relates and shall—

- (a) specify any question of law in respect of which the appeal is brought and, where appropriate, such facts of the case as are necessary for its proper consideration;

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(5) 1971 c. 80; section 2 was amended by the Finance Act 1981 (c. 35), sections 136(2) and 139(6) and Schedule 19, Part XI; section 2 was further amended by the Building Societies Act 1986 (c. 53), Schedule 18, Part I, paragraph 8, and by the Finance Act 1987 (c. 16), section 69; there are other amendments to section 2 not relevant to these Rules.

(5) 1971 c. 80; section 2 was amended by the Finance Act 1981 (c. 35), sections 136(2) and 139(6) and Schedule 19, Part XI; section 2 was further amended by the Building Societies Act 1986 (c. 53), Schedule 18, Part I, paragraph 8, and by the Finance Act 1987 (c. 16), section 69; there are other amendments to section 2 not relevant to these Rules.

- (b) summarise the arguments intended to be put to the Court of Appeal; and
- (c) specify any authorities intended to be cited.

(9) Where the judge of the Crown Court has given leave to appeal the notice of appeal shall state that fact and specify the grounds on which leave is given.

(10) Notice of appeal or of an application for leave to appeal shall be accompanied by any documents or other things (or copies thereof) necessary for the proper determination of the appeal or application.

### **Respondent's notice**

4.—(1) Upon receiving notice of appeal or of an application to the Court of Appeal for leave to appeal, the respondent if he desires to oppose the appeal, shall, within 7 days of receipt of the notice, serve a notice in Form 5313 on the registrar,—

- (a) stating the date on which the appellant's notice was received by the respondent;
- (b) summarising his response to the arguments of the appellant; and
- (c) specifying the authorities which he intends to cite,

and shall at the same time serve a copy thereof on the appellant and any other party to the proceedings directly affected by the ruling and on the appropriate officer of the Crown Court.

(2) The time for giving notice under this rule may be extended, either before or after it expires, by the Court of Appeal.

### **Persons in custody**

5.—(1) A person in custody shall be entitled to be present on the hearing of an appeal, or an application for leave to appeal, under section 35(1) of the Act of 1996, to which he is a party.

(2) Except as provided by paragraph (1) above, a person in custody shall not be entitled to be present on the hearing of an appeal, or an application for leave to appeal, under the said section 35(1), except—

- (a) on an application to the Crown Court for leave to appeal, with the leave of the judge; or
- (b) on an appeal, or an application to the Court of Appeal for leave to appeal, with the leave of that Court.

(3) An application for leave to be present under paragraph (2) above shall be made—

- (a) where paragraph (2)(a) above applies, orally to the judge;
- (b) where paragraph (2)(b) above applies, by serving notice in Form 5314 on the registrar, or orally to the Court.

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

6. Rule 8 of the principal Rules (supply of documentary and other exhibits) shall apply in relation to an appellant and a respondent under section 35(1) of the Act of 1996 as it applies in relation to an appellant and a respondent under Part I of the Act of 1968.

### **Abandonment of proceedings**

7. Rule 10 of the principal Rules (abandonment of proceedings) shall apply for the purposes of an appeal, or an application to the Court of Appeal for leave to appeal, by an appellant under section 35(1) of the Act of 1996 as it applies to an appeal or an application for leave under Part I of the Act of 1968, except that—

- (a) notice thereof shall be served on the registrar in Form 5315; and
- (b) the requirement under paragraph (3) of the said rule 10 for the registrar to send a copy of a notice of abandonment of proceedings to the Secretary of State shall be omitted.

#### **Powers exercisable by single judge**

**8.**—(1) The following powers may be exercised by a single judge in the same manner as they may be exercised by the Court of Appeal and subject to the same provisions, namely—

- (a) to give leave to appeal under section 35(1) of the Act of 1996;
- (b) to extend, under rule 3, the time within which notice of appeal or of an application for leave to appeal must be given;
- (c) to extend the time within which a notice under rule 4 of opposition to an appeal or application for leave to appeal must be given by the respondent; and
- (d) to give leave, in pursuance of rule 5, for a person in custody to be present at any proceedings.

(2) A single judge shall, for the purpose of exercising any of the powers specified above, sit in such place as he appoints, and may sit otherwise than in open court.

#### **Determination by full court**

**9.**—(1) Where a single judge has refused an application on the part of an applicant to exercise in his favour any of the powers referred to in rule 8, the applicant may have the application determined by the Court of Appeal by serving a notice in Form 5316 on the registrar within 7 days, or such longer period as a single judge may fix, from the date on which notice of the refusal was served on him by the registrar.

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

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

(4) If such a notice is not served on the registrar within the said 7 days or such longer period as a single judge may fix, the application shall be treated as having been refused by the court.

#### **Notice of determination of court**

**10.**—(1) The registrar shall, as soon as practicable, serve notice of a determination by the Court of Appeal or by a single judge under rule 8 on—

- (a) the appellant; and
- (b) the respondent and any other person who is directly affected by the ruling to which the appeal or application under section 35(1) of the Act of 1996 relates,

and notice of a determination by a single judge under rule 8 shall be served in Form 5316.

(2) The registrar shall, as soon as practicable, serve notice on the appropriate officer of the Crown Court at the place of trial of the order of the Court of Appeal disposing of an appeal or application for leave to appeal.

#### **Service of documents**

**11.**—(1) Subject to paragraphs (2) to (4) below, rule 21 of the principal Rules (service of documents) shall apply for the purposes of an appeal or an application for leave to appeal under section 35(1) of the Act of 1996 as it applies for the purposes of Part I of the Act of 1968.

(2) Where any document is required under any of these Rules to be served on any party to the proceedings and that party is acting by a solicitor, service of the document may be effected by delivering it, or sending it by post, to the solicitor's address for service.

(3) Where there is inscribed on the writing paper of the person to be served with a document or on the writing paper of his solicitor (where the person to be served is a party to the proceedings and is acting by a solicitor) a document exchange box number, and that person or his solicitor (as the case may be) has not indicated in writing to the person serving the document that he is unwilling to accept service through a document exchange, service of the document may be effected by leaving the document addressed to the numbered box of that person or his solicitor at the document exchange in question or at a document exchange which transmits documents every business day to that document exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been served on the second business day following the day on which it is left.

(4) In this rule—

- (a) “document exchange” means any document exchange for the time being approved by the Lord Chancellor for the purposes of the service of documents under Order 65 rule 5(1) of the Rules of the Supreme Court 1965(6);
- (b) “business day” means a day other than a day which is to be excluded for the purposes of reckoning a period of 7 days or less as referred to in rule 2(2); and
- (c) “solicitor” includes a body corporate which is recognised by the Council of the Law Society under section 9 of the Administration of Justice Act 1985(7) (a “recognised body”) and, in the case of a recognised body, the reference in paragraph (2) above to the solicitor's address for service shall be construed as a reference to the address specified by the recognised body as its address for the purposes of the proceedings relating to the appeal or application for leave to appeal under section 35(1) of the Act of 1996 (including an address specified for the general purposes of the criminal proceedings in relation to which the appeal or application for leave to appeal is made), or, in the absence of such a specified address, to its registered office.

### **The registrar**

**12.**—(1) The registrar may require the Crown Court at the place of trial to furnish the Court of Appeal with any assistance or information which it may require for the purposes of exercising its jurisdiction.

(2) Subject to paragraphs (3) and (4) below, the registrar shall give as long notice in advance as reasonably possible of the date of hearing of any appeal or application—

- (a) to the appellant; and
- (b) to the respondent and any other person who is directly affected by the ruling to which the appeal or application under section 35(1) of the Act of 1996 relates.

(3) Paragraph (2) above shall not apply to proceedings before a single judge under rule 8.

(4) Where a party to whom notice is required to be given by this rule is at the material time in custody, notice shall instead be given to the person having custody of him.

### **Forms**

**13.**—(1) Any reference in these Rules to a form, unless the context otherwise requires, is a reference to a form set out in the Schedule to these Rules.

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(6) S.I. 1965/1776; the relevant amending instruments are S.I. 1986/632 and S.I. 1990/2599.

(7) 1985 c. 61.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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

*Mackay of Clashfern, C.  
Philip Otton, LJ  
J. W. Kay, J  
Geoffrey Rivlin  
M. McKenzie  
J. M. Beloff  
Joanna Korner*

Dated 24th March 1997

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## SCHEDULE FORMS

Rule 13

### SCHEDULE FORMS

The Court of Appeal Criminal Division **Form 5312**



**NOTICE and GROUNDS of appeal or application for leave to appeal**  
§ 35 (1) Criminal Procedure and Investigations Act 1996  
(Preparatory Hearing)

Please read the notes for guidance overleaf. Write in BLACK INK and USE BLOCK CAPITALS

<b>The Appellant</b> give full name	Surname _____	Prison Index No. _____
	Forenames _____	
If in custody give Prison Index No. and address where detained	Address _____	
	Postcode _____	Date of Birth _____

<b>Preparatory Hearing</b> at _____ Crown Court	
Name of Judge _____	
Dates of hearing _____	Indictment Number _____

<b>Ruling</b> in respect of which appeal or application for leave to appeal is made:
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<b>Application to the Crown Court</b> (Please tick as appropriate)	
State whether there was an application to the Judge of the Crown Court for leave to appeal	No <input type="checkbox"/> Yes <input type="checkbox"/>
If yes, was the application granted	No <input type="checkbox"/> Yes <input type="checkbox"/>
If applicable, state the grounds on which the application was granted	

<b>Ancillary Applications</b> SEE NOTES 6 & 9
The appellant is applying for: Please tick as appropriate
<input type="checkbox"/> Extension of time in which to give notice of appeal or application for leave to appeal (give reasons below)
<input type="checkbox"/> Legal aid
If you require an extension of time in which to give notice of appeal state reasons:

Form 5312 Appeal or leave to appeal against ruling—preparatory hearing 1 continued

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Notes for guidance on the completion of Form 5312**

1. Appeal lies to the Court of Appeal Criminal Division from a ruling of a judge at a preparatory hearing under s.31(3) of the Criminal Procedure and Investigations Act 1996 with the leave of that judge or of the Court of Appeal. This form should be served on the Registrar of Criminal Appeals within 7 days from the making of the ruling, or where application for leave to appeal is made to a judge of the Crown Court, within 7 days of that application being determined or withdrawn. An application to the judge of the Crown Court for leave to appeal should be made orally within 2 days of the making of the ruling. Where such an application for leave has been made to the judge of the Crown Court, that fact must be stated in the notice. Where leave has been granted by the judge of the Crown Court, the grounds on which leave has been granted must be stated.
2. The notice comprised in this form will be treated as a notice of appeal where leave to appeal is not required.
3. A copy of this form, including these notes for guidance, must be served on the appropriate officer of the Crown Court and on all parties to the preparatory hearing who are directly affected by the ruling at the same time as the form is served on the Registrar of Criminal Appeals.
4. In reckoning the period of time for service of a notice of appeal etc., if the period includes Saturday, Sunday, a Bank Holiday, Christmas Day or Good Friday, that day is excluded.
5. This form must be accompanied by any documents or other items (or copies thereof) necessary for the proper determination of the appeal or application. If reasons were given for the ruling, Counsel's note thereof should be included in the documents and where the note has been approved by the judge in the Crown Court, that fact should be endorsed upon the copy provided to the Registrar.
6. Legal aid may be granted for the purposes of an application to the Court of Appeal for leave to appeal or an appeal, by the Court of Appeal, and for the purposes of an application to the Crown Court for leave to appeal, by the Crown Court – ss.19 and 20 of the Legal Aid Act 1988.
7. Grounds of appeal settled by counsel must be signed by counsel.
8. A party in whose favour the ruling was made – the respondent – wishing to oppose the appeal must within 7 days of receipt of his copy of the notice comprised in this form serve on the Registrar, with copies to the appellant, all parties directly affected by the ruling, and the appropriate officer of the Crown Court, a notice in Form 5313 stating the date on which the appellant's notice was received, summarising his response to the arguments of the appellant and specifying the authorities he intends to cite.
9. An accused person in custody who is not a party to the appeal may apply for leave to be present at the proceedings in the Court of Appeal using form 5314.

Form 5312

2.

continued



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**Grounds of appeal**

*(see note 7)*

1. Specify the question of law in respect of which the appeal is brought (and where appropriate, such facts of the case as are necessary for the proper consideration of the question of law).

2. Summarise the arguments that you intend to put to the Court of Appeal (specifying any authorities to be cited).

Form 5312

3

continued

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**Grounds** (continued)

<b>Signature</b>	Details of any person signing on behalf of the appellant:	
Signature of appellant	Name _____	*Delete as appropriate
	Solicitor/Counsel	
	Address _____	
	_____	
Date _____		post code _____
	Solicitor's Ref _____	

<b>For Prison Use</b>
This notice was handed to me by the appellant today.
Signed _____
Prison Officer
Date _____
Appellant's Index No. _____

<b>For Criminal Appeal Office Use</b>
Received (date) _____
Acknowledged (date) _____

Form 5312

4.

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The Court of Appeal Criminal Division Form **5313**

**NOTICE and GROUNDS of opposition to appeal**  
s.35 (1) Criminal Procedure and Investigations  
Act 1996 CAO No. / /  
(Preparatory Hearing)

Write in BLACK INK and USE BLOCK CAPITALS

<b>The Respondent</b>	Prison Index No.
give full name Surname .....	
Forenames .....	
If in custody give Prison Index No. and address where detained Address .....	
Post Code .....	Date of Birth .....

<b>Preparatory Hearing</b> at .....	Crown Court
Name of Judge .....	
Dates of hearing .....	Indictment Number .....
Date on which appellant's notice of appeal was received .....	

<b>The Respondent is applying for</b>	Please tick as appropriate
<input type="checkbox"/> Extension of time in which to give notice of opposition to appeal (give reasons below)	
<input type="checkbox"/> Legal aid	
If you require an extension of time in which to give notice of opposition to appeal state reasons:	

<b>Grounds</b>	Summarise the arguments you intend to put to the Court of Appeal, specifying any authorities to be cited.
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Form 5313 Opposition to appeal—preparatory hearing 1. continued

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**Grounds** (continued)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Signature**

Signature of respondent \_\_\_\_\_

Details of any person signing on behalf of the appellant:

Name \_\_\_\_\_  
Solicitor/Counsel\* \_\_\_\_\_ \*Delete as appropriate

Address \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_ post code \_\_\_\_\_

Solicitor's Ref \_\_\_\_\_

**For Prison Use**

This notice was handed to me by the respondent today.

Signed \_\_\_\_\_  
Prison Officer

Date \_\_\_\_\_

Respondent's Index No. \_\_\_\_\_

**For Criminal Appeal Office Use**

Received (date) \_\_\_\_\_

Acknowledged (date) \_\_\_\_\_

Form 5310

2.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.



The Court of Appeal Criminal Division **Form 5314**

**NOTICE of application for leave to be present at hearing of appeal or application for leave to appeal**  
s.35 (1) Criminal Procedure and Investigations Act 1996  
CAO No. / /

W/19/10/40X/11K and USE 6,00<<CAPITA 5

<b>The Applicant</b>		Prison Index No.
give full name	Surname _____	_____
	Forenames _____	_____
If in custody give Prison Index No. and address where detained	Address _____	_____
	Post Code _____	Date of Birth _____

<b>Preparatory Hearing</b> at _____	Crown Court
Dates of hearing _____	Indictment Number _____
Date on which appellant's notice of appeal was received _____	

**The Applicant applies for leave to be present**  
State the grounds for your application:

\_\_\_\_\_

<b>Signature</b>	Details of any person signing on behalf of the applicant:
Signature of applicant _____	Name _____
	Solicitor/Counsel* _____ *Delete as appropriate
	Address _____
Date _____	post code _____
	Solicitor's Ref _____

<b>For Prison Use</b>
This notice was handed to me by the applicant today.
Signed _____ Prison Officer
Date _____
Applicant's Index No. _____

<b>For Criminal Appeal Office Use</b>
Received (date) _____
Acknowledged (date) _____

Form 5314 App. ( earlier for leave to be present)

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The Court of Appeal Criminal Division Form 5315

NOTICE of Abandonment of Proceedings  
s.35 (1) Criminal Procedure and Investigations  
Act 1996 CAO No. / /

Write in BLOCK CAPITALS

<b>The Appellant</b>		Prison Index No.
give full name	Surname _____	_____
If in custody give Prison Index No. and address where detained	Forenames _____	_____
	Address _____	_____
	Post Code _____	Date of Birth _____

<b>Preparatory Hearing</b>	at _____	Crown Court
Name of Judge _____		
Dates of hearing _____	Indicement Number _____	

<b>I abandon proceedings in the Court of Appeal</b>	
Signature of appellant _____	Details of any person signing on behalf of the appellant:
	Name _____
	Solicitor/Counsel _____ *delete as appropriate
Date _____	Address _____
	_____
	post code _____
	Solicitor's Ref. _____

<b>For Criminal Appeal Office Use</b>	
Received (date) _____	
Acknowledged (date) _____	
Copies to: _____ Crown Court	
The Governor _____	

Form 5315 Notice of abandonment of proceedings

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.



The Court of Appeal Criminal Division **Form 5316**

**Determination by single judge**  
s.35 (1) Criminal Procedure and Investigations  
Act 1996 CAO No. / /

Write in BLOCK INK and USE BLOCK CAPITALS

The Applicant		Prison Index No.
give full name	Surname _____	_____
	Forenames _____	_____
	Address where detained _____	_____
	Post code _____	... Date of birth _____
	Address if not detained _____	_____
	Post code _____	_____

**ORDER by the Hon. Mr Justice** \_\_\_\_\_

**Applications considered**

- |   |                              |
|---|------------------------------|
| a. Extension of time _____              | c. Legal aid _____           |
| b. Leave to appeal against ruling _____ | d. Leave to be present _____ |

**Decision** (If legal aid is granted indicate the number of Counsel and whether Solicitors are included)

Note: If an application has been refused see overleaf

**Observations to an Applicant applying for leave to appeal** (if leave is refused)

I have considered the papers in your case and your grounds of appeal

Signed \_\_\_\_\_ Dated \_\_\_\_\_

Form 5316 Determination by single judge

1.

continued

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

**1. Date Form 5316 delivered to the applicant in custody**

This form was handed to the applicant

today (date) \_\_\_\_\_

Signed \_\_\_\_\_ (Prison Officer)

**2. If an application is refused**

Applications refused by a Judge may be renewed for consideration by the full court

**3. Renewal notice to the Registrar.** The following applications are renewed

Date on which this form was served on the applicant \_\_\_\_\_ (applicant not in custody)

Signed \_\_\_\_\_ (Applicant)

Date \_\_\_\_\_

**4. Notes**

- Applicants must use section 3 of this part of the form for the renewal of applications.
- An application not renewed in time will be treated as if refused by the full court. The time limits are as follows:
  - \* If the applicant is not in custody, the form must be returned to the Registrar (Criminal Appeal Office) to reach him within 7 days of the date on which this form was served on the applicant, or within such longer period as a single judge may fix.
  - \* If the applicant is in custody the form must be handed in to the Prison Authority (or other person having custody) within 7 days of the date shown at 1, or within such longer period as a single judge may fix.
 In either of the above cases, a longer period for renewal than the above 7 days will only be authorised in exceptional circumstances.
- If you wish to obtain advice you should do so within the time allowed. The Court cannot give advice.
- The applicant will receive two copies of Form 5316 and should retain one

**For Prison Use**

This form was handed to me by the applicant today.

Signed \_\_\_\_\_ Prison Officer

Date \_\_\_\_\_

Applicant's Index No \_\_\_\_\_

**For Criminal Appeal Office Use**

Received (date) \_\_\_\_\_

Acknowledged (date) \_\_\_\_\_

Form 5316

2.



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## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules make provision for regulating the practice and procedure of the criminal division of the Court of Appeal for the purposes of appeals against rulings as to the admissibility of evidence or as to questions of law, made at preparatory hearings in cases which are complex or involve a lengthy trial, under section 31 of the Criminal Procedure and Investigations Act 1996 (c. 25).

Rules 3 and 4 provide for giving notice of appeal or of an application for leave to appeal and for the respondent's notice in response thereto. Rule 5 makes provision enabling persons in custody to be present on appeals or applications for leave to appeal. Rule 6 provides for the supply of documentary and other exhibits by the registrar to the parties to an appeal. Rule 7 applies with modifications rule 10 of the Criminal Appeal Rules 1968 (S.I.1968/1262) (abandonment of proceedings). Rule 8 gives a single judge power to determine certain applications and rule 9 permits the applicant in case of refusal to apply to the Court of Appeal. Rules 10, 11, 12 and 13 make supplementary provision.

These Rules by virtue of rule 1, come into force on 15th April 1997.