
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 65

**APPEAL TO THE COURT OF APPEAL AGAINST
RULING IN PREPARATORY HEARING**

Service of documents

65.9.—(1) Subject to paragraphs (2) to (4), rule 68.1 (service of documents) shall apply for the purposes of an appeal or an application for leave to appeal under section 9(11) of the Criminal Justice Act 1987 or section 35(1) of the Criminal Procedure and Investigations Act 1996 as it applies for the purposes of Part I of the Criminal Appeal Act 1968.

(2) Where any document is required under this Part 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:

“document exchange” means any document exchange for the time being approved by the Lord Chancellor for the purposes of the service of documents;

“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; and

“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 (1) (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 1996 Act (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.

(1) 1985 c. 61; section 9 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 54.

Status: This is the original version (as it was originally made).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

[Note. Formerly rule 11 of the Criminal Justice Act 1987 (Preparatory Hearings) (Interlocutory Appeals) Rules 1988 and rule 11 of the Criminal Procedure and Investigations Act 1996 (Preparatory Hearings) (Interlocutory Appeals) Rules 1997.]