
STATUTORY INSTRUMENTS

2012 No. 1726

The Criminal Procedure Rules 2012

PART 70

**REFERENCE TO THE COURT OF APPEAL OF POINT
OF LAW OR UNDULY LENIENT SENTENCING**

Form of notice of reference and application for permission

70.3.—(1) A notice of reference and an application for permission to refer a sentencing case must be in the appropriate form set out in the Practice Direction, giving the year and number.

(2) A notice of reference of a point of law must—

- (a) specify the point of law in issue and indicate the opinion that the Attorney General invites the court to give;
- (b) identify each ground for that invitation, numbering them consecutively (if there is more than one) and concisely outlining each argument in support;
- (c) exclude any reference to the defendant's name and any other reference that may identify the defendant;
- (d) summarise the relevant facts; and
- (e) identify any relevant authorities.

(3) An application for permission to refer a sentencing case must—

- (a) give details of—
 - (i) the defendant affected,
 - (ii) the date and place of the relevant Crown Court decision, and
 - (iii) the relevant verdict and sentencing;
- (b) explain why that sentencing appears to the Attorney General unduly lenient, concisely outlining each argument in support; and
- (c) include the application for permission to refer the case to the court.

(4) A notice of reference of a sentencing case must—

- (a) include the same details and explanation as the application for permission to refer the case;
- (b) summarise the relevant facts; and
- (c) identify any relevant authorities.

(5) Where the court gives the Attorney General permission to refer a sentencing case, it may treat the application for permission as the notice of reference.