
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 38

**APPEAL TO THE COURT OF APPEAL AGAINST
RULING ADVERSE TO PROSECUTION**

Decision to appeal

- 38.2.**—(1) An appellant must tell the Crown Court judge of any decision to appeal—
- (a) immediately after the ruling against which the appellant wants to appeal; or
 - (b) on the expiry of the time to decide whether to appeal allowed under paragraph (2).
- (2) If an appellant wants time to decide whether to appeal—
- (a) the appellant must ask the Crown Court judge immediately after the ruling; and
 - (b) the general rule is that the judge must not require the appellant to decide there and then but instead must allow until the next business day.

[Note. If the ruling against which the appellant wants to appeal is a ruling that there is no case to answer, the appellant may appeal against earlier rulings as well: see section 58(7) of the Criminal Justice Act 2003.

Under section 58(8) of the 2003 Act the appellant must agree that a defendant directly affected by the ruling must be acquitted if the appellant (a) does not get permission to appeal or (b) abandons the appeal.

The Crown Court judge may give permission to appeal and may expedite the appeal: see rules 38.5 and 38.6.]