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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 38**

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

**Respondent's notice**

**38.7.**—(1) A defendant on whom an appellant serves an appeal notice may serve a respondent's notice, and must do so if—

- (a) the defendant wants to make representations to the court; or
  - (b) the court so directs.
- (2) Such a defendant must serve the respondent's notice on—
- (a) the appellant;
  - (b) the Crown Court officer;
  - (c) the Registrar; and
  - (d) any other defendant on whom the appellant served the appeal notice.
- (3) Such a defendant must serve the respondent's notice—
- (a) not later than the next business day after—
    - (i) the appellant serves the appeal notice, or
    - (ii) a direction to do soif the Crown Court judge expedites the appeal; or
  - (b) not more than 5 business days after—
    - (i) the appellant serves the appeal notice, or
    - (ii) a direction to do soif the Crown Court judge does not expedite the appeal.
- (4) The respondent's notice must be in the form set out in the Practice Direction.
- (5) The respondent's notice must—
- (a) give the date on which the respondent was served with the appeal notice;
  - (b) identify each ground of opposition on which the respondent relies, numbering them consecutively (if there is more than one), concisely outlining each argument in support and identifying the ground of appeal to which each relates;
  - (c) summarise any relevant facts not already summarised in the appeal notice;
  - (d) identify any relevant authorities;
  - (e) include or attach any application for the following, with reasons—

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- (i) an extension of time within which to serve the respondent's notice,
  - (ii) a direction to attend in person any hearing that the respondent could attend by live link, if the respondent is in custody;
- (f) identify any other document or thing that the respondent thinks the court will need to decide the appeal.