
STATUTORY INSTRUMENTS

2015 No. 1490

The Criminal Procedure Rules 2015

PART 38

APPEAL TO THE COURT OF APPEAL AGAINST
RULING ADVERSE TO PROSECUTION

Public interest ruling

38.8.—(1) This rule applies where the appellant wants to appeal against a public interest ruling.

(2) The appellant must not serve on any defendant directly affected by the ruling—

- (a) any written application to the Crown Court judge for permission to appeal; or
- (b) an appeal notice,

if the appellant thinks that to do so in effect would reveal something that the appellant thinks ought not be disclosed.

(3) The appellant must not include in an appeal notice—

- (a) the material that was the subject of the ruling; or
- (b) any indication of what sort of material it is,

if the appellant thinks that to do so in effect would reveal something that the appellant thinks ought not be disclosed.

(4) The appellant must serve on the Registrar with the appeal notice an annex—

- (a) marked to show that its contents are only for the court and the Registrar;
- (b) containing whatever the appellant has omitted from the appeal notice, with reasons; and
- (c) if relevant, explaining why the appellant has not served the appeal notice.

(5) Rules 38.5(3) and 38.6(2) do not apply.

[Note. Rules 38.5(3) and 38.6(2) require the Crown Court judge to allow a defendant to make representations about (i) giving permission to appeal and (ii) expediting an appeal.]