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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 34**

**APPEAL TO THE CROWN COURT**

**Form of appeal and respondent's notices**

**34.3.**—(1) The appeal notice must—

- (a) specify—
  - (i) the conviction or finding of guilt,
  - (ii) the sentence, or
  - (iii) the order, or the failure to make an order  
about which the appellant wants to appeal;
- (b) summarise the issues;
- (c) in an appeal against conviction or against a finding of guilt, to the best of the appellant's ability and to assist the court in fulfilling its duty under rule 3.2 (the court's duty of case management)—
  - (i) identify the witnesses who gave oral evidence in the magistrates' court,
  - (ii) identify the witnesses who gave written evidence in the magistrates' court,
  - (iii) identify the prosecution witnesses whom the appellant will want to question if they are called to give oral evidence in the Crown Court,
  - (iv) identify the likely defence witnesses,
  - (v) give notice of any special arrangements or other measures that the appellant thinks are needed for witnesses,
  - (vi) explain whether the issues in the Crown Court differ from the issues in the magistrates' court, and if so how, and
  - (vii) say how long the trial lasted in the magistrates' court and how long the appeal is likely to last in the Crown Court;
- (d) in an appeal against a sentence, order or failure to make an order—
  - (i) identify any circumstances, report or other information of which the appellant wants the court to take account, and
  - (ii) explain the significance of those circumstances or that information to what is in issue;
- (e) in an appeal against a finding that the appellant insulted someone or interrupted proceedings in the magistrates' court, attach—
  - (i) the magistrates' court's written findings of fact, and
  - (ii) the appellant's response to those findings;
- (f) say whether the appellant has asked the magistrates' court to reconsider the case; and

- (g) include a list of those on whom the appellant has served the appeal notice.
- (2) A respondent's notice must—
- (a) give the date on which the respondent was served with the appeal notice; and
  - (b) to assist the court in fulfilling its duty under rule 3.2—
    - (i) identify the witnesses who gave oral evidence in the magistrates' court,
    - (ii) identify the witnesses who gave written evidence in the magistrates' court,
    - (iii) identify the prosecution witnesses whom the respondent intends to call to give oral evidence in the Crown Court,
    - (iv) give notice of any special arrangements or other measures that the respondent thinks are needed for witnesses,
    - (v) explain whether the issues in the Crown Court differ from the issues in the magistrates' court, and if so how, and
    - (vi) say how long the trial lasted in the magistrates' court and how long the appeal is likely to last in the Crown Court.
- (3) Paragraph (4) applies in an appeal against conviction or against a finding of guilt where in the magistrates' court a party to the appeal—
- (a) introduced in evidence material to which applies—
    - (i) Part 16 (Written witness statements),
    - (ii) Part 19 (Expert evidence),
    - (iii) Part 20 (Hearsay evidence),
    - (iv) Part 21 (Evidence of bad character), or
    - (v) Part 22 (Evidence of a complainant's previous sexual behaviour); or
  - (b) made an application to which applies—
    - (i) Part 17 (Witness summonses, warrants and orders),
    - (ii) Part 18 (Measures to assist a witness or defendant to give evidence), or
    - (iii) Part 23 (Restriction on cross-examination by a defendant).
- (4) If such a party wants to reintroduce that material or to renew that application in the Crown Court that party must include a notice to that effect in the appeal or respondent's notice, as the case may be.

[Note. <sup>F1</sup>...

*In some cases, a magistrates' court can reconsider a conviction, sentence or other order and make a fresh decision. See section 142 of the Magistrates' Courts Act 1980(1).*

*See also rule 3.13 (Conduct of a trial or an appeal).]*

#### Textual Amendments

- F1** Words in [rule 34.3](#) Note omitted (2.10.2023) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), [rule 1](#), [Sch. para. 30](#)

#### Commencement Information

- II** Rule 34.3 in force at 5.10.2020, see Preamble

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(1) [1980 c. 43](#); section 142 was amended by sections 26 and 29 of, and Schedule 3 to, the Criminal Appeal Act 1995 (c. 35).

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**Changes to legislation:** *There are currently no known outstanding effects for the  
The Criminal Procedure Rules 2020, Section 34.3. (See end of Document for details)*

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There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 34.3.