
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 39 E+W

APPEAL TO THE COURT OF APPEAL ABOUT CONVICTION OR SENTENCE

Form of appeal notice E+W

39.3.—(1) An appeal notice must—

- (a) specify—
 - (i) the conviction, verdict, or finding,
 - (ii) the sentence, or
 - (iii) the order, or the failure to make an orderabout which the appellant wants to appeal;
- (b) identify each ground of appeal on which the appellant relies (and see paragraph (2));
- (c) identify the transcript that the appellant thinks the court will need, if the appellant wants to appeal against a conviction;
- (d) identify the relevant sentencing powers of the Crown Court, if sentence is in issue;
- (e) include or attach any application for the following, with reasons—
 - (i) permission to appeal, if the appellant needs the court’s permission,
 - (ii) an extension of time within which to serve the appeal notice,
 - (iii) bail pending appeal,
 - (iv) a direction to attend in person a hearing that the appellant could attend by live link, if the appellant is in custody,
 - (v) the introduction of evidence, including hearsay evidence and evidence of bad character,
 - (vi) an order requiring a witness to attend court,
 - (vii) a direction for special measures for a witness,
 - (viii) a direction for special measures for the giving of evidence by the appellant, or
 - (ix) the suspension of any disqualification imposed, or order made, in the case, where the Court of Appeal can order such a suspension pending appeal;^{F1}...
- (f) identify any other document or thing that the appellant thinks the court will need to decide the appeal [^{F2}and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and]
- [^{F3}(g) unless an authority identified by the grounds of appeal (see paragraph (2)(f)) is published by the Registrar as one frequently cited, include or attach—
 - (i) an electronic copy of each authority so identified, or

- (ii) if two or more such authorities not so published are identified, electronic copies of each together in a single electronic document^{F4} ...].
- (2) The grounds of appeal must—
- (a) include in no more than the first two pages a summary of the grounds that makes what then follows easy to understand;
 - (b) in each ground of appeal identify the event or decision to which that ground relates;
 - (c) in each ground of appeal summarise the facts relevant to that ground, but only to the extent necessary to make clear what is in issue;
 - (d) concisely outline each argument in support of each ground;
 - (e) number each ground consecutively, if there is more than one;
 - (f) identify any relevant authority and—
 - (i) state the proposition of law that the authority demonstrates, and
 - (ii) identify the parts of the authority that support that proposition; and
 - (g) where the Criminal Cases Review Commission refers a case to the court, explain how each ground of appeal relates (if it does) to the reasons for the reference.

[Note. ^{F5} ...

In some legislation, including the Criminal Appeal Act 1968, permission to appeal is described as 'leave to appeal'.

An appellant needs the court's permission to appeal in every case to which this Part applies, except where—

- (a) *the Criminal Cases Review Commission refers the case;*
- (b) *the appellant appeals against—*
 - (i) *an order or decision made in the exercise of jurisdiction to punish for contempt of court, or*
 - (ii) *a wasted or third party costs order; or*
- (c) *the Crown Court judge certifies under sections 1(2)(a), 11(1A), 12(b), 15(2)(b) or 16A(2)(b) of the Criminal Appeal Act 1968(1), under section 81(1B) of the Senior Courts Act 1981(2), under section 14A(5B) of the Football Spectators Act 1989(3), or under section 24(4) of the Serious Crime Act 2007, that a case is fit for appeal.*

A judge of the Court of Appeal may give permission to appeal under section 31 of the Criminal Appeal Act 1968(4).

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- (1) 1968 c. 19; section 11(1A) was inserted by section 29 of the Criminal Justice Act 1982 (c. 48) and amended by section 47 of, and paragraphs 1 and 3 of Schedule 8 to, the Criminal Justice and Immigration Act 2008 (c. 4).
 - (2) 1981 c. 54; section 81(1B) was inserted by sections 29 and 60 of the Criminal Justice Act 1982 (c. 48). The Act's title was amended by section 59(5) of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).
 - (3) 1989 c. 37; section 14A(5B) was inserted by section 52 of, and paragraphs 1 and 3 of Schedule 3 to, the Violent Crime Reduction Act 2006 (c. 38).
 - (4) 1968 c. 19; section 31 was amended by section 21 of, and Schedule 2 to, the Costs in Criminal Cases Act 1973 (c. 14), section 24 of, and paragraph 10 of Schedule 6 to, the Road Traffic Act 1974 (c. 50), section 29 of the Criminal Justice Act 1982 (c. 48), section 170 of, and paragraphs 20, 29 and 30 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 4 of, and paragraph 4 of Schedule 3 to, the Road Traffic (Consequential Provisions) Act 1988 (c. 54), section 198 of, and paragraphs 38 and 40 of Schedule 6 to, the Licensing Act 2003 (c. 17), section 87 of the Courts Act 2003 (c. 39), paragraphs 86, 87 and 88 of Schedule 36 to the Criminal Justice Act 2003 (c. 44), section 48 of the Police and Justice Act 2006 (c. 48), section 47 of, and paragraphs 1, 9 and 11 of Schedule 8 to, the Criminal Justice and Immigration Act 2008 (c. 4) and section 177 of, and paragraph 69 of Schedule 21 to, the Coroners and Justice Act 2009 (c. 25). It is further amended by section 67 of, and paragraph 4 of Schedule 4 to, the Youth Justice and Criminal Evidence Act 1999 (c. 23), with effect from a date to be appointed.

See also rules 39.7 (Introducing evidence) and 39.8 (Application for bail, or to suspend a disqualification or order, pending appeal or retrial).]

Textual Amendments

- F1** Word in rule 39.3(1)(e) omitted (5.4.2021) by virtue of [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), [rules 2\(h\)](#), **23(b)(i)**
- F2** Words in rule 39.3(1)(f) inserted (5.4.2021) by [The Criminal Procedure \(Amendment\) Rules 2021 \(S.I. 2021/40\)](#), [rules 2\(h\)](#), **23(b)(ii)**
- F3** Rule 39.3(1)(g) substituted (2.10.2023) by [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), [rules 1](#), **17(a)**
- F4** Word in rule 39.3(1)(g) omitted (1.4.2024) by virtue of [The Criminal Procedure \(Amendment\) Rules 2024 \(S.I. 2024/62\)](#), [rules 1](#), **14(a)**
- F5** Words in rule 39.3 Note omitted (2.10.2023) by virtue of [The Criminal Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/786\)](#), [rule 1](#), **Sch. para. 40**

Commencement Information

- I1** Rule 39.3 in force at 5.10.2020, see Preamble

Changes to legislation:

There are currently no known outstanding effects for the The Criminal Procedure Rules 2020, Section 39.3.