STATUTORY INSTRUMENTS

2004 No. 1293 (L.7)

SUPREME COURT OF ENGLAND AND WALES

The Criminal Appeal (Amendment) Rules 2004

Made - - - -	*5th May 2004*
Laid before Parliament	*11th May 2004*
Coming into force - -	*1st June 2004*

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1), 84(2) and 86 of the Supreme Court Act 1981(**a**) make the following Rules:

Citation and commencement

1. These Rules may be cited as the Criminal Appeal (Amendment) Rules 2004 and shall come into force on 1st June 2004.

Amendment of Criminal Appeal Rules 1968

2.—(1) The Criminal Appeal Rules 1968(**b**) shall be amended as follows.

(2) For Rules 11 and 12, substitute –

"**11. Exercise of Court's powers to give leave to appeal, etc: general rules**

(1) This rule and rule 12 apply when the registrar or a single judge exercises a power conferred by one of these sections of the Act—

(a) section 31 (powers exercisable by a single judge),

(b) section 31A (powers exercisable by the registrar),

(c) section 31B (procedural directions by a single judge or the registrar), or

(d) section 31C (appeals against procedural directions).

(2) An application for the exercise of any of the powers referred to in paragraph (1) should be in the relevant form scheduled to these Rules or in the form required by the registrar.

(3) An application by an appellant must be signed by him or on his behalf. If it is not signed by him and he is in custody, the registrar must send him a copy as soon as practicable after receiving it.

(4) An application by an appellant must be served on the appropriate officer of the Crown Court if the appellant makes it when he gives notice of appeal or notice of an application for leave to appeal. In all other cases, the application must be served on the registrar.

(5) Neither a single judge nor the registrar need sit in court to exercise any of the powers referred to in paragraph (1) of this rule.

(**a**) 1981 c. 54.
(**b**) S.I. 1968/1262, to which there are amendments not relevant to these Rules.

12. Further applications to a judge or to the Court of Appeal: additional rules

(1) Where—

(a) an appellant renews an application for the exercise of a power conferred by section 31 of the Act (powers exercisable by a single judge) or by section 31A (powers exercisable by the registrar), or

(b) an appellant or a respondent applies for procedural directions under section 31C of the Act (appeals against procedural directions),

then he must do so within 14 days. That period begins when the registrar serves on him notice of the decision that prompts his further application. That period may be extended before or after it expires by the registrar, by a single judge or by the court. The general rule is that an application for an extension of that period will be considered at the same time as the further application itself.

(2) Where—

(a) an appellant may renew to the court an application for the exercise of a power conferred by section 31 of the Act, but

(b) he does not do so within the period fixed by this rule or extended under it,

then his application shall be treated as having been refused by the court."

Falconer of Thoroton, C
Lord Chancellor
Department of Constitutional Affairs

Date 5th May 2004

Kay,
L.J.

Master Venne
*D. Matheson,*Q.C.
*C. Hagan,*Q.C.
E. Barnett, J.P.
J. Pegden
E. Smith
G. White

EXPLANATORY NOTE

(This note is not part of the Order)

These Rules substitute rules 11 and 12 of the Criminal Appeal Rules 1968 so as to take account of new sections 31B (procedural directions) and 31C (appeals against procedural directions) of the Criminal Appeal Act 1968, inserted by section 87(3) of the Courts Act 2003. New section 31B will allow either the registrar, or a single judge, to give procedural directions. New section 31C provides both the appellant and the prosecutor with a right of appeal either to a single judge (following a determination by the registrar) or to the full Court (following a determination by a single judge).

At present, rules 11 and 12 apply only to the exercise of powers by a single judge under section 31(2) of the Criminal Appeal Act 1968 and to the right to renew an application to the full Court under section 31(3) of that Act. The new rules will apply to any application to the registrar, or to a single judge, or to the Court of Appeal, for the exercise of a power conferred by—

(a) section 31 (powers exercisable by a single judge),

(b) section 31A (powers exercisable by the registrar),

(c) section 31B (procedural directions by a single judge or the registrar), or

(d) section 31C (appeals against procedural directions)

of the Criminal Appeal Act 1968.

New rule 11 prescribes the form and requirements of service for such applications. It also permits the registrar or a single judge, when exercising a power conferred by one of those sections, to sit otherwise than in open court. New rule 12 prescribes additional rules, including a time limit, for making a further application to a single judge or to the full Court.

STATUTORY INSTRUMENTS

2004 No. 1293 (L.7)

SUPREME COURT OF ENGLAND AND WALES

The Criminal Appeal (Amendment) Rules 2004

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.
E0718 5/2004 140718T 19585

ISBN 0-11-049293-5

9 780110 492933