APPEALS

1960 No. 1260 (L. 10)

The Criminal Appeal Rules, 1960

Made - - - -	22*nd July*, 1960
Laid before Parliament	29*th July*, 1960
Coming into Operation	1*st November*, 1960

We, the Rule Committee of the Supreme Court, in pursuance of section 19 of the Criminal Justice Administration Act, 1956(a), hereby make the following Rules of Court under the Criminal Appeal Act, 1907(b) :—

1. In paragraph (*a*) of Rule 2 of the Criminal Appeal Rules, 1908(c), (which relates to definitions), after the definition of the " Judge of the Court of Trial " there shall be inserted the following definition:—

" The expression ' Prison ' includes, except in paragraph (*b*) of Rule 29, a borstal institution, detention centre and approved school; and references to the governor of a prison shall include references to the governor, warden or managers, as the case may be, of the borstal institution, detention centre or approved school.".

2. For Rule 3 of the said Rules (which relates to the use of the forms set out in the Schedule to the said Rules) there shall be substituted the following Rule :—

" 3. The forms set out in the Schedule to these Rules or forms to the like effect may be used with such variation as the circumstances may require.".

3.—(1) In paragraph (*a*) of Rule 20 of the said Rules (which enables the Registrar to be furnished with particulars of the trial) the words " according to the form (II) in the Schedule hereto " shall be omitted.

(2) In paragraph (*b*) of the said Rule 20 after the words " any plea filed in the Court of Trial " there shall be inserted the words " and with any other document relating to the trial which is required by the Registrar ".

4. In Rule 23 of the said Rules (which relates to the abandonment of an appeal) after the word " Rules " there shall be inserted the words " (such form being witnessed as therein required) ".

5.—(1) In paragraph (*a*) of Rule 25 of the said Rules (which relates to the notice of appeal or notice of application for leave to appeal) for the words " in the forms in " there shall be substituted the words " in form (XXXIV) " and for the words " forms (IV), (V), (VI) and (VII) " the words " the said form ".

(2) In paragraph (*b*) of the said Rule 25 the words " which form the Appellant is hereby required to fill up and forthwith return to the Registrar " shall be omitted.

(a) 4 & 5 Eliz. 2. c. 34. (b) 7 Edw. 7. c. 23.
(c) S.R. & O. 1908/227 (Rev. V, p. 352: 1908, p. 239).

6.—(1) In paragraph (*a*) of Rule 29 of the said Rules (which relates to an application for bail) for the words "duly made in compliance with these Rules" there shall be substituted the words "in the form (XXXV) in the Schedule hereto".

(2) In paragraph (*b*) of the said Rule 29 after the words "may be taken" where those words first occur there shall be inserted the words "if he is in custody in a prison" and after the word "thereof" the words "and in any other case before a justice of the peace".

(3) In paragraph (*k*) of the said Rule 29 for the words from "to which persons" to the end of the paragraph there shall be substituted the words "from which he was released on bail".

7.—(1) In paragraph (*a*) of Rule 34 of the said Rules (which relates to the notification of the result of the appeal) the words "and to the Prison Commissioners" and "(XXXII) and (XXXIII)" shall be omitted.

(2) In paragraph (*b*) of the said Rule 34 the words "and the Prison Commissioners" shall be omitted.

8. Rule 49 of the said Rules (which relates to the payment of costs) is hereby revoked.

9. In Rule 50 of the said Rules (which relates to sittings of the Court of Criminal Appeal during the Long Vacation) for the words "between the 1st of August and the 12th of October" there shall be substituted the words "during the Long Vacation".

10. In the application of the said Rules to an appellant who is subject to a hospital order under the Mental Health Act, 1959(a), the following modifications shall be made:—

(*a*) for any reference to the governor of the prison, other than in paragraph (*b*) of Rule 29, there shall be substituted a reference to the managers of the hospital as defined in section 59 of the said Act;

(*b*) for any reference to a prison, other than in paragraph (*b*) of Rule 29, there shall be substituted a reference to a hospital;

(*c*) references to the Prison Commissioners shall, except in Rule 31, be excluded;

(*d*) notice of the final determination of the Court of Appeal under paragraph (*a*) of Rule 34 shall, except where the appellant is subject to an order restricting discharge under the said Act, not be given to the Secretary of State;

(*e*) any notice required to be given and signed by the appellant himself may be given and signed by his solicitor or other person authorised to act on his behalf;

(*f*) if the Court of Appeal dismisses the appeal or the application for leave to appeal or affirms the hospital order and the court has admitted the appellant to bail pending the determination of his appeal, the court shall give such directions as it thinks fit for the conveyance of the appellant to the hospital from which he was released on bail and for his detention, if necessary, in a place of safety as defined in section 80 of the said Act pending his admission to the said hospital; and form (XXXVI) in the Schedule hereto may be used for the purpose of such directions.

(a) 7 & 8 Eliz. 2. c. 72.

11. In the application of the said Rules to an appellant who is subject to a guardianship order under the Mental Health Act, 1959, the following modifications shall be made:—

(*a*) notice of the refusal of an application under paragraph (*b*) of Rule 25 and notice of the final determination of the Court of Appeal under paragraph (*a*) of Rule 34 shall be given to the appellant and to the authority or person specified in the guardianship order under whose guardianship the appellant has been placed and to no other person;

(*b*) any notice required to be given and signed by the appellant himself may be given and signed by his solicitor or other person authorised to act on his behalf.

12. For the Schedule to the said Rules there shall be substituted the Schedule set out in the Schedule to these Rules.

13. These Rules may be cited as the Criminal Appeal Rules, 1960, and shall come into operation on the first day of November, 1960.

Dated the 22nd day of July, 1960.

Kilmuir, C.
Parker of Waddington, C.J.
Evershed, M.R.
Merriman, P.
B. Ormerod, L.J.
Harold Danckwerts, J.
Reginald W. Goff.
John F. Donaldson.
W. Charles Norton.
W. O. Carter.
Mervyn Griffith-Jones.
N. Leigh Taylor.

SCHEDULE — Rule 12

FORM I — R. 6 (*b*)

CRIMINAL APPEAL ACT, 1907

Judge's certificate

R. v.

In the Court of

Holden at
in and for the of

Whereas the said
was tried and convicted before me, the undersigned, in the said Court on the day of , on an indictment charging him with
and was thereupon sentenced by me to :

State shortly the offence, e.g., Larceny, Murder, Forgery, etc.

I do hereby certify that the case is a fit case for an Appeal by the said to the Court of Criminal Appeal under Section 3 (*b*) of the Criminal Appeal Act, 1907, upon the following grounds:—

Here specify in general terms the grounds on which Certificate granted.

(Signed)
Judge of the court of trial.

Dated the day of , 19 .

FORM III R. 23

CRIMINAL APPEAL ACT, 1907

Notice of abandonment of appeal

To the Registrar of the Court of Criminal Appeal.

Name of appellant .....
Convicted at the(1) ..... held at..... (1) Insert name of Court.
Sentenced at .....
Offence(s) of which convicted .....
Sentence(s) .....

Name and address of place in which appellant detained or if not detained appellant's address .....
.....

I, the above-named appellant, having been convicted and sentenced as above stated and having duly sent to the Registrar of the Court of Criminal Appeal notice that I desired to appeal to the said Court, do now hereby give notice that I do not intend further to prosecute my appeal but that I hereby abandon all proceedings in regard thereto as from the date hereof.

Dated this ..... day of ....., 19...

(Signed)(2) (2) This notice must be signed in the presence of a witness.
Appellant.

This notice was signed by the above-named appellant on the day above stated in my presence.

Signature of witness .....
Address of witness .....
Occupation of witness.....

Note:—By Rule 23 of the Criminal Appeal Rules, 1908, upon this notice being given, the appeal shall be deemed to have been dismissed by the Court of Criminal Appeal.

FORM VIII R. 5 (*h*)

CRIMINAL APPEAL ACT, 1907

Declaration verifying transcript of shorthand notes

R. v. (Appellant)

I,
of do solemnly and sincerely declare that having been required by the Registrar of the Court of Criminal Appeal to furnish to him a transcript of the shorthand note relating to the trial (or other proceeding) in relation to the above appellant, which shorthand note is now produced and shown to me marked , and purporting to have been signed and certified by (or signed and certified by me), I have made a correct and complete transcript thereof to the best of my skill and ability in pursuance of the said requirement, which said transcript is now shown to me marked "B". And I make this solemn declaration by virtue of the provisions of the Statutory Declarations Act, 1835, conscientiously believing the same to be true.

Dated the day of , 19 .

(Signed)

FORM IX R. 24

CRIMINAL APPEAL ACT, 1907

Application for extension of time within which to appeal

To the Registrar of the Court of Criminal Appeal.

I, hereby apply to the Court of Criminal Appeal for an extension of the time within which I may give notice of appeal/notice of application for leave to appeal(1) against my conviction and/or sentence on the grounds following(2): —

(Signed)

Dated the day of , 19 .

(1) Form XXXIV (notice of appeal or application for leave to appeal) must be filled up and sent with this application to the Registrar.

(2) Here set out clearly and concisely the reasons for the delay in giving such notice, and the grounds on which you submit the Court should extend the time.

FORM X R. 29 (*g*)

CRIMINAL APPEAL ACT, 1907

Recognizance of appellant

I, (hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady the Queen the sum of , payment thereof to be enforced against me by due process of law if I fail to comply with the conditions endorsed hereon.

(Signature of appellant)

(Address at which appellant proposes to reside pending appeal)

Taken before me the day of , 19 , at .

Justice of the Peace
or
Governor of the Prison.

(Endorsement)

Conditions

The conditions of this recognizance are that if the appellant appears in person before the Court of Criminal Appeal unless the Court otherwise orders at each and every hearing of his appeal and at the final determination thereof and abides by the judgment of the Court, and in the meantime does not depart out of England and Wales except with the leave of the Court, then this recognizance shall be void, but otherwise shall remain in full force.

FORM XI R. 29 (*g*)

CRIMINAL APPEAL ACT, 1907

Recognizance of appellant's surety

In the [county of . Petty Sessional Division of].

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:—

of , and of , as sureties the sum of [each], payment thereof to be enforced severally against them by due process of law if detained in fails to comply with any of the conditions endorsed hereon.

(Signed where not taken orally)

Taken [orally] before me the day of , 19 .

Justice of the Peace for the [county] aforesaid.

(Endorsement)

Conditions

The conditions of this recognizance are that if the said appears in person before the Court of Criminal Appeal unless the Court otherwise orders at each and every hearing of his appeal and at the final determination thereof, and abides by the judgment of the Court, and in the meantime does not depart out of England and Wales except with the leave of the Court, then this recognizance shall be void, but otherwise shall remain in full force.

FORM XII R. 29 (*f*)

CRIMINAL APPEAL ACT, 1907

Notice to Governor (or as the case may be) to release appellant on bail

R v. (Appellant)

To the Governor (or as the case may be) of .

Whereas has duly appealed to the Court of Criminal Appeal against his conviction for [and sentence of], and having duly applied to the Court has been granted bail by the Court pending the determination of his said appeal on entering into recognizances himself in the sum of £ , [and with sureties each in the sum of £], in the forms provided under the said Act:

And Whereas I have received a recognizance of the said from you [and recognizances from sureties for the said], and the said recognizances are in due form and in compliance with the order of the said Court of Appeal, admitting the said to bail:

Now I do give you notice to discharge the said out of your custody in respect of his commitment as aforesaid.

Registrar of the Court of Criminal Appeal.

Dated the day of , 19 .

FORM XIII R. 25 (*b*)

CRIMINAL APPEAL ACT, 1907

Notification of result of application under s. 17

R. v. (Appellant)

This is to give you notice that a Judge of the Court of Criminal Appeal, acting under Section 17 of the Act, has considered the application of the above-named appellant for :—

(*a*) extension of the time within which notice of appeal or application for leave to appeal may be given ;
(*b*) leave to appeal against ;
(*c*) legal aid ;
(*d*) permission to be present during the proceedings in the appeal ;
(*e*) bail ;

and has determined the same, and has .

Dated the day of , 19 .

Registrar of the Court of Criminal Appeal.

To Her Majesty's Principal Secretary of State for the Home Department.
To the Governor/Warden/Managers of .
To the above-named appellant.

If any of the above-mentioned applications have been refused, the appellant may, if he so desires, have the same determined by the full Court of Criminal Appeal as duly constituted for the hearing of appeals. In such case he must give notice of appeal to the Registrar, on Form XIV, within five days.

FORM XIV R. 25 (*b*)

CRIMINAL APPEAL ACT, 1907

Notice of appeal from Judge under s. 17

R. v. (Appellant)

To the Registrar of the Court of Criminal Appeal.

I, the above-named appellant, having received your notification that my applications for :—

(*a*) extension of the time within which notice of appeal or application for leave to appeal may be given ;
(*b*) leave to appeal ;
(*c*) legal aid ;
(*d*) permission to be present during the proceedings in the appeal ;
(*e*) bail ;

have been refused by a Judge of the Court of Criminal Appeal,
do hereby give you notice that I desire that the said applications shall be considered and determined by the Court of Criminal Appeal.

(Signed)

Appellant.

Dated the day of , 19 .

If you wish to state any reasons in addition to those set out by you in your original notice upon which you submit that the Court of Criminal Appeal should grant your said applications, you may do so in the space below. You must not repeat reasons that you have already stated in previous notices.

FORM XV R. 29 (*e*)

CRIMINAL APPEAL ACT, 1907

Certificate to surety

R. v. (Appellant)

In the [county of . Petty Sessional Division of].

This is to certify that you of , whose signature is below, have been accepted by the Magistrates' Court sitting at on this day of , 19 , as surety for (hereinafter called the appellant) in the sum of £ , for the appearance in person of the appellant before the Court of Criminal Appeal at each and every hearing of his appeal and at the final determination thereof, unless the Court of Criminal Appeal otherwise orders, and his abiding by the judgment of the Court of Criminal Appeal and in the meantime his not departing out of England and Wales except with the leave of the Court of Criminal Appeal.

Here fill in surety's name and address.

(Signed)

Clerk of the Magistrates' Court sitting at

I acknowledge that the above Certficate is correct.

(Signed)

Surety.

FORM XVI R. 29 (*j*)

CRIMINAL APPEAL ACT, 1907

Information of surety for arrest of appellant

In the [county of . Petty Sessional Division of].

The information of of who upon oath [or affirmation] states that he is a surety for who was released on bail by the Court of Criminal Appeal on condition that he (*insert conditions*) :

And he suspects that the said is about to (*state the suspected breach of the conditions*).

Taken and sworn [or affirmed] before me the day of , 19 .

Justice of the Peace for the [county] first above mentioned.

FORM XVII R. 29 (*j*)

CRIMINAL APPEAL ACT, 1907

Warrant for arrest of appellant on information of surety

In the [county of . Petty Sessional Division of].

To each and all the constables of .

Information on oath [or affirmation] has this day been laid before me, the undersigned Justice of the Peace, by surety for (hereinafter called the appellant) that he suspects

that the appellant who was released on bail by the Court of Criminal Appeal on condition that he (*insert conditions*) is about to (*state the suspected breach of the conditions*):

You are hereby commanded to bring the appellant before the Magistrates' Court sitting at , forthwith [or on the day of , 19 , at the hour of in the noon].

Dated the day of , 19 .

Justice of the Peace for the [county] first above mentioned.

FORM XVIII R. 29 (*k*)

CRIMINAL APPEAL ACT, 1907

Commitment of appellant

In the [county of . Petty Sessional Division of].

To each and all of the constables of and to the Governor of Her Majesty's prison at .*

*If the appellant is to be committed to a borstal institution, detention centre, approved school, or hospital, amend accordingly.

Whereas A.B. (hereinafter called the appellant) was released on bail by the Court of Criminal Appeal:

And Whereas C.D. the surety of the appellant laid an information that he suspected that the appellant was about to fail to observe the conditions of his recognizance:

And Whereas the said information has been verified on oath by the informant before this Court:

You, the said constables, are hereby commanded to convey the appellant to the said prison and there deliver him to the Governor thereof, together with this warrant; and you, the Governor of the said prison, to receive him into your custody and keep him until he shall be delivered in due course of law.

Dated the day of , 19 .

Justice of the Peace for the [county] first above mentioned.

FORM XIX R. 29 (*h*)

CRIMINAL APPEAL ACT, 1907

Warrant for arrest and commitment of appellant by Court of Criminal Appeal

To the constables of and to the Governor of .*

*If the appellant is to be committed to a borstal institution, detention centre, approved school, or hospital, amend accordingly.

Whereas an appellant in the Court of Criminal Appeal has been released by the said Court on bail, and it has now been ordered by the said Court that a warrant be issued for the apprehension of the said :

These are therefore to command you the said constables forthwith to apprehend the said and to bring him to the Governor of the said *, and there to deliver him with this warrant into the custody of the said Governor* and you the said Governor* are hereby required to receive the said into your custody in the said and there safely to keep him until further order of the said Court.

(Signed)

President of the Court of Criminal Appeal.

Dated the day of , 19 .

FORM XX R. 7 (*c*)

CRIMINAL APPEAL ACT, 1907

Recognizance of appellant sentenced to a fine

I (hereinafter called the appellant) acknowledge that I owe to our Sovereign Lady the Queen the sum of , payment to be enforced against me by due process of law if I fail to comply with the conditions endorsed hereon.

(Signature of appellant)

(Address at which appellant proposes to reside pending appeal)

Taken before me the day of , 19 .

Proper officer of the court of trial.

(Endorsement)

Conditions

The conditions of this recognizance are that whereas the appellant has intimated that he is desirous of appealing to the Court of Criminal Appeal against his conviction of (*state the offence*):

If therefore the appellant duly prosecutes his appeal and appears in person before the Court of Criminal Appeal unless the Court otherwise orders at each and every hearing of his appeal and at the final determination thereof, [and, unless his appeal is successful, pays to the Registrar of the Court of Criminal Appeal the sum of , being the fine imposed on him or such other sum as the Court may order], then this recognizance shall be void, but otherwise shall remain in full force.

FORM XXI R. 7 (*c*)

CRIMINAL APPEAL ACT, 1907

Recognizance of surety of appellant sentenced to a fine

The undermentioned persons each acknowledge that they owe to our Sovereign Lady the Queen the following sums, namely:— of and of the sum of [each], payment thereof to be enforced severally against them by due process of law if (hereinafter called the appellant) fails to comply with any of the conditions endorsed hereon.

(Signed where not taken orally)

Taken [orally] before me the day of , 19 .

Proper officer of the court of trial.

(Endorsement)

Conditions

The conditions of this recognizance are that whereas the appellant has intimated that he is desirous of appealing to the Court of Criminal Appeal against his conviction of (*state the offence*). If, therefore, the appellant duly prosecutes his appeal and appears in person before the Court of Criminal Appeal unless the Court otherwise orders at each and every hearing of his appeal and at the final determination thereof, [and, unless his appeal is successful, pays to the Registrar of the Court of Criminal Appeal the sum of , being the fine imposed on him, or such other sum as the Court may order], then this recognizance shall be void, but otherwise shall remain in full force.

FORM XXII R. 7 (*e*)

CRIMINAL APPEAL ACT, 1907

Notice to appellant sentenced to fine, of failure to prosecute

To

Whereas you were convicted on the day of , 19 , of the offence of and were sentenced on the day of ,19 , to the payment of £ , and in default of such payment to imprisonment:

And Whereas under the Criminal Appeal Rules, 1908, you entered into recognizances in the sum of £ , with sureties in the sum of £ each to prosecute your appeal:

And Whereas ten days have elapsed since your said conviction and sentence, and no notice of appeal has been served by you:

Now I hereby give you notice that unless you attend at the sitting of the Court of Criminal Appeal to be holden on day, the day of , 19 , and then shew good cause to the contrary, the Court may order an estreat of your recognizances and those of your sureties, or may otherwise deal with you according to law.

(Signed)

Registrar of the Court of Criminal Appeal.

FORM XXIII R. 7 (*e*)

CRIMINAL APPEAL ACT, 1907

Notice to surety of appellant's failure to prosecute

*Fill in here surety's name and address.

To*

of

Whereas you are bound in the sum of as surety for that the said having been convicted of , should duly prosecute an appeal in relation to his said conviction before the Court of Criminal Appeal:

And Whereas the said has not so prosecuted his appeal:

Now I hereby give you notice that at the sitting of the Court of Criminal Appeal on next your recognizances may be ordered to be estreated, unless you then shew good cause to the contrary.

(Signed)

Registrar of the Court of Criminal Appeal.

FORM XXIV R. 40 (*g*)

CRIMINAL APPEAL ACT, 1907

Caption for deposition of witness examined before Examiner

R. v. (Appellant)

The depositions [on oath] taken before me the undersigned, being an Examiner duly appointed by the Court of Criminal Appeal in that behalf,

of

of

and

of

witnesses, examined before me under an order of the said Court dated day of , 19 , in the presence of the said appellant (or of his counsel and solicitor) and the respondent (or his counsel and solicitor) at on the day of , 19 , which said appellant and respondent (personally, or by their counsel and solicitors respectively) had

full opportunity of asking questions of the said witnesses, to whom the depositions following were read by me before being signed by them the said witnesses respectively.

The deposition of
of
who (upon oath duly administered by me) saith as follows:—

(Here follows deposition)

(Signed)

Witness.

Taken before me the day of , 19 .

(Signed)

Examiner.

FORM XXV R. 40 (*a*)

CRIMINAL APPEAL ACT, 1907

Order to witness to attend court for examination

R. v. (Appellant)

To
of .

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to attend and be examined as a witness before such Court upon the appeal of the above-named appellant:

This is to give you notice to attend before the said Court on the day of , 19 , in , at the Royal Courts of Justice, Strand, London, at o'clock in the noon.

You are also required to have with you at the said time and place any books, papers or other things relating to the said appeal which you may have had notice so to produce.

Registrar of the Court of Criminal Appeal.

Dated the day of , 19 .

FORM XXVI R. 40 (*b*)

CRIMINAL APPEAL ACT, 1907

*Notice of application for further witness**

*A separate form must be filled up for each witness.

R. v. (Appellant)

To the Registrar of the Court of Criminal Appeal.

I, the above-named appellant, hereby give you notice that I wish to apply to the Court for leave to call the following witness*.

(Signed)

Appellant.

Dated the day of , 19 .

Witness

1. Name and address of witness.....
2. Was the witness examined at the trial?.....
   If not, why was not the witness so examined?.....
3. State shortly the evidence the witness can give.....

FORM XXVII R. 40 (*e*)

CRIMINAL APPEAL ACT, 1907

Notice to witness to attend before Examiner

R. v. (Appellant)

To
of .

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to be examined as a witness upon the appeal of the above named, and your deposition to be taken for the use of the said Court:

*Specify place of examination.

This is to give you notice to attend at* on the day of , 19 , before†

†Fill in examiner's name.

at o'clock in the noon.

You are also required to have with you at the said time and place any books, papers or other things under your control or in your possession in any manner relating to the said appeal of which you may have had notice so to produce.

Registrar of the Court of Criminal Appeal.

Dated the day of , 19 .

FORM XXIX R. 34 (*a*)

CRIMINAL APPEAL ACT, 1907

Notification of result of final appeal

R. v. (Appellant)

This is to give you notice that the Court of Criminal Appeal, as duly constituted for the hearing of appeals under the Act, has this day considered the appeal of the above-named appellant against
and has finally determined the same, and has .

Dated the day of , 19 .

Registrar of the Court of Criminal Appeal.

To Her Majesty's Principal Secretary of State for the Home Department.
To the Governor/Warden/Managers of .
To the Clerk of .
To the above-named appellant.
To the appellant's guardian, namely, .

FORM XXX R. 34 (*a*)

CRIMINAL APPEAL ACT, 1907

Notification of result of application to the full Court

R. v. (Appellant)

This is to give you notice that the Court of Criminal Appeal, as duly constituted for the hearing of appeals under the Act, has this day considered the application of the above-named appellant for :—

(*a*) extension of the time within which notice of appeal or application for leave to appeal may be given ;
(*b*) leave to appeal against ;
(*c*) legal aid ;
(*d*) permission to be present during the proceedings in the appeal ;

(*e*) bail;
(*f*) leave to call further evidence;
and has determined the same, and has

Dated the day of , 19 .

Registrar of the Court of Criminal Appeal.

To Her Majesty's Principal Secretary of State for the Home Department.
To the Governor/Warden/Managers of .
To the Clerk of .
To the above-named appellant.
To the appellant's guardian, namely, .

FORM XXXIII R. 8 (*c*)

CRIMINAL APPEAL ACT, 1907

List of Exhibits

R.v. (Appellant)

Number or other identifying mark on Exhibit	Short description of Exhibit	Produced by prosecution or defence	Name and address of person retaining Exhibit	Directions of the Judge of the Court of Trial

(Signed)

Coroner.
Clerk to Committing Justice.
Officer of Court of Trial.

FORM XXXIV R. 25 (*a*)

CRIMINAL APPEAL ACT, 1907

Notice of appeal or application for leave to appeal

To the Registrar of the Court of Criminal Appeal.

Name of appellant .....

Convicted at the(1) ..... held at .....

Sentenced at .....

(If under s. 20 or s. 29 of the Criminal Justice Act, 1948, or s. 67 of the Mental Health Act, 1959, this should be stated.)

Offence(s) of which convicted(2) .....

Sentence(s)(3) .....

Date when convicted(4) .....

Date when sentence passed(4) .....

Name and address of place at which appellant detained or, if not detained, appellant's address .....
.....
.....

Name and address of appellant's guardian (if any)(5) .....
.....
.....

I the above-named appellant hereby give you notice that I desire to appeal to the Court of Criminal Appeal against my(6)..... ..... on the grounds hereinafter set forth on page 2 of this notice.

(Signed)(7)

Appellant.

Dated the(8) day of , 19 .

---

(1) Assizes, Sessions or Magistrates' Court.

(2) e.g. Larceny, Forgery.

(3) Sentence includes a hospital order, guardianship order or order restricting discharge made under the Mental Health Act, 1959.

(4) Set out the actual date upon which the appellant was convicted or sentenced.

(5) The appellant's guardian is the authority or person specified in the guardianship order made under the Mental Health Act, 1959.

(6) If the appellant wishes to appeal against conviction he must write the word " conviction ". If he wishes to appeal against sentence he must write the word " sentence ". If he wishes to appeal against both conviction and sentence he must write the words " conviction and sentence ". A person sentenced under s. 20 or s. 29 of the Criminal Justice Act, 1948, or s. 67 of the Mental Health Act, 1959, may only appeal against his sentence and not against his conviction. If an appellant convicted of more than one offence wishes to appeal against some only of his convictions or sentences, he must state clearly the convictions or sentences against which he wishes to appeal.

(7) This notice must be signed by the appellant. If he cannot write he must affix his mark in the presence of a witness. The name and address of such attesting witness must be given.

(8) If this notice is signed more than ten days after the conviction or sentence appealed against the appellant must also fill in Form IX, and send it with this notice.

QUESTIONS[9]	ANSWERS
1. Have you been granted a judge's certificate that the case is a fit case for appeal?	.....
2. Do you desire the Court of Criminal Appeal to assign you legal aid?	.....
If your answer to this question is "Yes", then answer the following questions:—	
(*a*) What was your occupation and what wages, salary or income were you receiving before your conviction?	.....
(*b*) Have you any means to enable you to obtain legal aid for yourself?	.....
3. Is any solicitor now acting for you? If so, give his name and address.	.....
4. Do you desire to be present when the Court considers your appeal?[10]	.....
5. Do you desire to apply for leave to call any witnesses on your appeal?	.....
If your answer to this question is "Yes" you must also fill in Form XXVI, and send it with this notice.	

[9] The appellant must answer each of these questions.
[10] An appellant is not entitled to be present on the hearing of an application for leave to appeal.

Grounds of appeal or application

(These must be filled in before the notice is sent to the Registrar.

The appellant must here set out the grounds or reasons he alleges why his conviction should be quashed or his sentence varied.

If one of the grounds set out is misdirection by the Judge, particulars of such alleged misdirection must be set out in this notice.

The appellant can also, if he wishes, set out his case and argument fully.)

FORM XXXV R. 29 (*a*)

CRIMINAL APPEAL ACT, 1907

Notice of application by appellant for bail pending appeal

To the Registrar of the Court of Criminal Appeal.

I,
having been convicted of the offence of
and being now detained in
and having given notice of my desire to appeal to the Court of Criminal Appeal,

Do hereby give you notice that I desire to apply to the Court of Criminal Appeal for bail, with sureties, on the following grounds :—

The undermentioned persons are willing to become sureties for my presence at the hearing and determination of the appeal in the sum of £(1) each.

(1) Fill in the amount for which each surety is willing to be bound.

Name of surety .....
Occupation .....
Address .....
.....

Name of surety .....
Occupation .....
Address .....
.....

(Signed)

Appellant.

Dated the day of , 19 .

FORM XXXVI C.A. Rules, 1959, R. 9 (f)

CRIMINAL APPEAL ACT, 1907

Warrant directing conveyance of appellant to hospital

To the Governor and prison officers of and to the Managers of the hospital of .

Whereas an appellant in the Court of Criminal Appeal who is subject to a hospital order has been admitted to bail pending the determination of his appeal:

And Whereas the Court has determined that the appeal be dismissed (or as the case may be):

Now, therefore, this is to direct you, the said prison officers, to convey the appellant to a place of safety pending his admission to the hospital of :

And you, the Governor, Managers or other person having charge of the place of safety to which the appellant has been conveyed, to detain him pending his admission to the said hospital:

And you, the Managers of the said hospital and any person authorised in writing by you, to convey the appellant from the place of safety to the said hospital.

(Signed)

President of the Court of Criminal Appeal.

EXPLANATORY NOTE

(*This Note is not part of the Rules, but is intended to indicate their general purport.*)

Rule 12 of, and the Schedule to, these Rules replace the existing forms set out in the Schedule to the Criminal Appeal Rules, 1908. The other Rules make minor amendments to the Criminal Appeal Rules, 1908, and in particular Rules 10 and 11 modify the Rules in relation to an appeal from an order made under Part V of the Mental Health Act, 1959.