STATUTORY INSTRUMENTS

1964 No. 1211 (L. 11)

CRIMINAL PROCEDURE, ENGLAND AND WALES

The Criminal Appeal Rules 1964

Made - - - -	*27th July* 1964
Laid before Parliament	*4th August* 1964
Coming into Operation	*10th August* 1964

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) and the Criminal Appeal Act 1964(c).

1. For the purposes of section 2(5) of the Criminal Appeal Act 1964 (which relates to admissibility on a retrial ordered under that Act of evidence given at the original trial) verification of a transcript of the shorthand notes of the evidence given by a witness at the original trial shall be by a statutory declaration by the person making the transcript that—

(*a*) he has made a correct and complete transcript of the notes to the best of his skill and ability, and

(*b*) the notes were either signed and certified by him or purport to have been signed and certified by the shorthand writer who took them, as being a complete and correct shorthand note of that evidence.

2.—(1) In relation to an appellant admitted to bail pending his retrial in pursuance of section 2(2) of the Criminal Appeal Act 1964 the conditions of his recognizance and that of his sureties (if any) shall be those set out in paragraph (2) of this Rule and not those specified in Forms X and XI respectively of the Criminal Appeal Rules 1908(d), as set out in the Criminal Appeal Rules 1960(e); and subject thereto Rule 29 of the Criminal Appeal Rules 1908, as amended(f) (which relates to release on bail), other than paragraph (*h*) thereof, shall apply with the necessary adaptations in relation to such an appellant pending his retrial as it applies to an appellant under the said Rules pending the determination of his appeal.

(2) The conditions of the recognizance of such an appellant or surety shall be as follows:—

"The conditions of this recognizance are that if the said appears in person at and before the court of for the [county] of on such date and at such time and place as may be notified to him by the proper officer of the court and there surrenders himself into custody and takes his trial upon any indictment preferred against him, then this recognizance shall be void but otherwise shall remain in full force."

(a) 4 & 5 Eliz. 2. c. 34. (b) 7 Edw. 7. c. 23. (c) 1964 c. 43.
(d) S.R. & O. 1908/227 (Rev. V, p. 352: 1908, p. 239). (e) S.I. 1960/1260 (1960 I, p. 862).
(f) The relevant amending instrument is S.I. 1960/1260 (1960 I, p. 862).

3. The Interpretation Act 1889(a) shall apply to the interpretation of these Rules as it applies to the interpretation of an Act of Parliament; and any expression used in these Rules which is also used in the Criminal Appeal Rules 1908 shall have the same meaning as it has in those Rules.

4. These Rules may be cited as the Criminal Appeal Rules 1964 and shall come into operation on 10th August 1964.

Dated 27th July 1964.

Dilhorne, C.
Parker of Waddington, C.J.
Denning, M.R.
J. E. S. Simon, P.
Colin H. Pearson, L.J.
Edmund Davies, J.
Geoffrey Cross, J.
Eustace Roskill, J.
Arthur Bagnall.
Hugh Griffiths.

EXPLANATORY NOTE

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

Under section 1 of the Criminal Appeal Act 1964 the Court of Criminal Appeal may order an appellant to be retried. At the retrial section 2(5) of that Act provides that a transcript of the shorthand notes of the evidence given by any witness at the original trial may, in certain circumstances, be read as evidence without further proof if verified in accordance with rules of court. Rule 1 of these Rules prescribes how the transcript should be verified. Rule 2 relates to the admission to bail of an appellant whom the court has ordered to be retried.

(a) 52 & 53 Vict. c. 63.