
STATUTORY INSTRUMENTS

1990 No. 2156 (L. 19)

SUPREME COURT OF ENGLAND AND WALES

The Criminal Appeal (Amendment) Rules 1990

Made - - - - *30th October 1990*
Laid before Parliament *5th November 1990*
Coming into force - - *26th November 1990*

We, the Crown Court Rule Committee, in exercise of the powers conferred on us by sections 84(1) and (2), 86 and 87(4) of the Supreme Court Act 1981(1) and section 32(4) of the Criminal Justice Act 1988(2), hereby make the following Rules:

1. These Rules may be cited as the Criminal Appeal (Amendment) Rules 1990 and shall come into force on 26th November 1990.

2. The Criminal Appeal Rules 1968(3) shall be amended by inserting, after rule 9A, the following new rule:

“Evidence through television link where witness is outside United Kingdom

9B.—(1) A party to an appeal who applies for leave to call a witness may also apply for leave under section 32(1) of the Criminal Justice Act 1988 for the evidence of that witness to be given through a live television link where the witness is outside the United Kingdom.

(2) An application under paragraph (1) shall be made by serving a notice in writing on the Registrar which shall state:

- (a) the grounds of the application,
- (b) the name of the witness,
- (c) the country and place where it is proposed the witness will be when giving evidence,
- (d) the name and occupation of any person who it is proposed should be available for the purpose specified in paragraph (3) below.

(3) The purpose referred to in paragraph (2)(d) is that of answering any questions the court may put, before or after the evidence of the witness is given, as to the circumstances in

(1) 1981 c. 54.

(2) 1988 c. 33.

(3) S.I. 1968/1262, amended by S.I. 1978/1118, 1987/1977, 1988/2159.

which the evidence is given, including questions about any persons who are present when the evidence is given and any matters which may affect the giving of the evidence.

(4) An application under paragraph (1) shall be made at the same time as the application for leave to call the witness or at any time thereafter, but no less than 14 days before the date fixed for the hearing of the appeal except with the leave of the court.

(5) The Registrar shall, as soon as practicable after receiving an application under paragraph (1), send a copy of the notice to the other parties to the appeal.

(6) An application under paragraph (1) shall be determined without a hearing, unless the court otherwise directs, and the Registrar shall notify the applicant and the other parties of the time and place of any such hearing.

(7) Without prejudice to rule 15, the Registrar shall notify all the parties of the decision of the court in relation to an application under paragraph (1), and, where leave is granted, the notification shall state the name of the witness and, where applicable, the name and occupation of any person specified by the court for the purpose set out in paragraph (3)".

*Mackay of Clashfern, C.,
Lane, C. J.,
Russell, L. J.,
Rougier, J.,
J. A. Henham,
Richard Lowry,
Michael McKenzie,
P. F. Guggenheim,
David Jeffreys,
M. D. L. Kalisher,
L. Naylor,
S. T. Hammond.*

30th October 1990

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Criminal Appeal Rules 1968 so as to provide for applications under section 32(1)(a) of the Criminal Justice Act 1988 (Evidence through television links of persons outside the United Kingdom). Section 32(1)(a) came into force for the purposes of proceedings for homicide, proceedings being conducted by the Director of the Serious Fraud Office and proceedings for serious and complex fraud where there has been given a notice of transfer, on 26th November 1990 (Criminal Justice Act 1988 (Commencement No. 12) Order 1990 (S.I. [1990/2084](#))).