
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 66

**APPEAL TO THE COURT OF APPEAL AGAINST
RULING ADVERSE TO PROSECUTION**

Notice of appeal or application for leave to appeal

66.5.—(1) Subject to rule 66.8, a notice of appeal (where the judge of the court has granted leave) or notice of application for leave to appeal shall be in the form prescribed in the Practice Direction and must be served by the prosecutor on—

- (a) the Registrar;
- (b) the court officer;
- (c) the defendant; and
- (d) any interested party.

(2) Notice of appeal or application for leave to appeal must be served—

- (a) where the judge of the court has decided that the appeal should be expedited under section 59(1) of the Criminal Justice Act 2003 and that decision has not been subsequently reversed, before 5.00 p.m. on the day on which the prosecutor informs the judge of the court that he intends to seek leave to appeal or, if the prosecutor demonstrates to that judge that it is not practical to do so, before 5.00 p.m. on the next business day; or
- (b) in any other case, within seven business days of the day on which the prosecutor informs the judge of the court that he intends to seek leave to appeal.

(3) The Court of Appeal may extend the period for service under paragraph (2), either before or after it expires, on application by the prosecutor.

(4) Notice of appeal or application for leave to appeal must be accompanied by any documents necessary for the proper determination of the appeal or application for leave to appeal including—

- (a) transcript of the ruling which is the subject of the appeal;
- (b) the skeleton arguments provided to the judge of the court by the parties in respect of the issue which gave rise to the ruling; and
- (c) if the appeal is to be expedited, a copy of the reasons given by the judge of the court under rule 66.4(3).

(5) Subject to rule 66.8, the notice of appeal or application for leave to appeal served on the defendant must be accompanied by the form set out in the Practice Direction for the defendant to complete if he wishes to oppose the appeal or application.