
STATUTORY INSTRUMENTS

2011 No. 1709

The Criminal Procedure Rules 2011

PART 68

APPEAL TO THE COURT OF APPEAL ABOUT CONVICTION OR SENTENCE

Respondent's notice

68.6.—(1) The Registrar—

- (a) may serve an appeal notice on any party directly affected by the appeal; and
 - (b) must do so if the Criminal Cases Review Commission refers a conviction, verdict, finding or sentence to the court.
- (2) Such a party may serve a respondent's notice, and must do so if—
- (a) that party wants to make representations to the court; or
 - (b) the court or the Registrar so directs.
- (3) Such a party must serve the respondent's notice on—
- (a) the appellant;
 - (b) the Registrar; and
 - (c) any other party on whom the Registrar served the appeal notice.
- (4) Such a party must serve the respondent's notice—
- (a) not more than 14 days after the Registrar serves—
 - (i) the appeal notice, or
 - (ii) a direction to do so; or
 - (b) not more than 28 days after the Registrar serves notice that the Commission has referred a conviction.
- (5) The respondent's notice must be in the form set out in the Practice Direction.
- (6) The respondent's notice must—
- (a) give the date on which the respondent was served with the appeal notice;
 - (b) identify each ground of opposition on which the respondent relies, numbering them consecutively (if there is more than one), concisely outlining each argument in support and identifying the ground of appeal to which each relates;
 - (c) identify the relevant sentencing powers of the Crown Court, if sentence is in issue;
 - (d) summarise any relevant facts not already summarised in the appeal notice;
 - (e) identify any relevant authorities;
 - (f) include or attach any application for the following, with reasons—
 - (i) an extension of time within which to serve the respondent's notice,
 - (ii) bail pending appeal,

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- (iii) a direction to attend in person a hearing that the respondent could attend by live link, if the respondent is in custody,
- (iv) the introduction of evidence, including hearsay evidence and evidence of bad character,
- (v) an order requiring a witness to attend court,
- (vi) a direction for special measures for a witness; and
- (g) identify any other document or thing that the respondent thinks the court will need to decide the appeal.

[Note. Part II of the Practice Direction sets out the circumstances in which the Registrar usually will serve a defendant's appeal notice on the prosecutor.]