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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 68**

**APPEAL TO THE COURT OF APPEAL  
AGAINST CONVICTION OR SENTENCE**

**Service of documents**

**68.1.**—(1) Except where any other rule contains provision to the contrary, service of a document in proceedings in the Court of Appeal may be effected—

- (a) in the case of a document to be served on the Registrar—
  - (i) in the case of an appellant who is in custody, by delivering it to the person having custody of him,
  - (ii) by delivering it to the Registrar,
  - (iii) by addressing it to him and leaving it at his office in the Royal Courts of Justice, London, W.C.2, or
  - (iv) by sending it by post addressed to him at the said office;
- (b) in the case of a document to be served on a Crown Court officer—
  - (i) in the case of an appellant who is in custody, by delivering it to the person having custody of him,
  - (ii) by delivering it to, or sending it by post addressed to, a court officer at the Crown Court centre at which the conviction, verdict, finding or sentence appealed against was given or passed;
- (c) in the case of a document to be served on a body corporate by delivering it to the secretary or clerk of the body at its registered or principal office or sending it by post addressed to the secretary or clerk of the body at that office; or
- (d) in the case of a document to be served on any other person—
  - (i) by delivering it to the person to whom it is directed,
  - (ii) by leaving it for him with some person at his last known or usual place of abode, or
  - (iii) by sending it by post addressed to him at his last known or usual place of abode.

(2) A person having custody of an appellant to whom a document is delivered in pursuance of paragraph (1)(a)(i) or (1)(b)(i) of this rule shall endorse on it the date of delivery and cause it to be forwarded forthwith to the Registrar or to a Crown Court officer, as the case may be.

(3) In this rule, a reference to an appellant includes an appellant under section 13 of the Administration of Justice Act 1960(1) (appeal in cases of contempt of court), a defendant in proceedings in the Crown Court in respect of which an application is made for leave to appeal under

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(1) 1960 c. 65; section 13 was amended by the Courts Act 1971 (c. 23), section 56(1) and Schedule 8, Part II, paragraph 40(1) and by the Access to Justice Act 1999 (c. 22), sections 64 and 106 and Schedule 15, Part III.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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section 159 of the Criminal Justice Act 1988<sup>(2)</sup> (Crown Court proceedings—orders restricting or preventing reports or restricting public access) and, in the case of an application under section 8(1) or 8(1A) of the Criminal Appeal Act 1968<sup>(3)</sup>, a person who has been ordered to be retried.

*[Note. Formerly rule 21 of the Criminal Appeal Rules 1968<sup>(4)</sup>. For further rules of service applicable in particular circumstances see rules 41.17 (retrial following acquittal), 65.9 (appeal against ruling in preparatory hearing), 66.17 (appeal against ruling adverse to prosecution), 68.20 (hearsay evidence), 68.21 (evidence of bad character), 69.6 (Attorney General's reference of point of law), 70.8 (Attorney General's reference of unduly lenient sentence) and 71.11 (appeal under the Proceeds of Crime Act 2002<sup>(5)</sup>). As to appeals generally, see Part II of the Practice Direction.]*

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(2) 1988 c. 33; section 159 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 61(6).  
(3) 1968 c. 19; section 8 was amended by the Courts Act 1971 (c. 23), section 56 and Schedule 11, Part IV and by the Criminal Justice Act 1988 (c. 33), section 43(3) and (4).  
(4) S.I. 1968/1262; amending instruments relevant to this Part are S.I. 1978/1118, 1987/1977, 1988/2159, 1989/1102, 1990/2156, 1992/2757, 1997/702, 2000/2036, 2004/1293, 2004/2992.  
(5) 2002 c. 29.