
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 67

**APPEAL TO THE COURT OF APPEAL AGAINST ORDER
RESTRICTING REPORTING OR PUBLIC ACCESS**

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Appeal against order restricting reporting of proceedings

67.1.—(1) An application for leave to appeal under section 159(1)(a), (aa) or (c) of the Criminal Justice Act 1988(1) shall be made within 14 days after the date on which the order was made by serving on the Registrar a notice which shall be in the form set out in the Practice Direction.

(2) The applicant shall at the same time serve a copy of the application under paragraph (1) on the Crown Court officer at the place where the order was made, on the prosecutor and the defendant and on any other interested person.

(3) A prosecutor or a defendant or any interested person may, not later than 3 days after service of the application, notify the Registrar in writing that he wishes to be made a respondent to the appeal if leave is granted, and shall serve a copy of such notice on the applicant.

(4) The period of 14 days in paragraph (1) may be extended by the Court or a judge of the Court, before or after it expires, on an application which shall be made in writing, specifying the grounds of the application, and served on the Registrar, and a copy of the application shall be served by the applicant on every person who is to be served under paragraph (2).

(5) An application under paragraph (4) shall be determined without a hearing, unless the Court or a judge of the Court, as the case may be, directs otherwise.

(6) An application under paragraph (1) may be determined without a hearing.

(7) Where the Court grants leave to appeal—

(a) the notice of application for leave shall stand as the notice of appeal, unless the Court otherwise orders;

(b) without prejudice to the generality of its powers under section 159(3) of the 1988 Act, the Court shall direct that the person in whose favour the order was made is to be a respondent to the appeal and determine what, if any, other persons are to be respondents or may be respondents if they wish;

(1) 1988 c. 33; section 159 was amended by the Criminal Procedure and Investigations Act 1996 (c. 25), section 61(6).

- (c) the evidence of any witness shall be given in writing, unless the Court otherwise orders;
- (d) rule 68.11 (supply of documentary and other exhibits) shall apply, with the necessary modifications; and
- (e) the Registrar shall notify the parties of the time and place of the hearing of the appeal.

[Note. Formerly rule 16A of the Criminal Appeal Rules 1968(2).]

Appeal against order restricting public access to proceedings

67.2.—(1) This rule applies to proceedings in which a prosecutor or a defendant has served a notice under rule 16.10(1) of his intention to apply for an order that all or part of a trial be held in camera for reasons of national security or for the protection of a witness or any other person.

(2) Where a notice has been displayed under rule 16.10(2), a person aggrieved may serve notice on the Registrar in the form set out in the Practice Direction that he intends to appeal against any order that may be made on the prosecutor's or defendant's application, and he shall serve a copy of such notice on the Crown Court officer at the place where the trial is to take place, on the prosecutor and the defendant and on any other interested person.

(3) Subject to paragraph (4) a notice shall be served on the Registrar under paragraph (2) within 7 days of the display of the notice under rule 16.10(2) and where such an order is made at the trial, the notice shall be treated as the application for leave to appeal against the order.

(4) Where an order is made at the trial, a person aggrieved who has not served a notice under paragraph (2) may apply for leave to appeal against the order by serving notice in the form set out in the Practice Direction on the Registrar within 24 hours after the making of the order, and he shall forthwith serve a copy of such notice on each of the persons who are to be served under paragraph (2).

(5) Where an order has been made, and a person aggrieved has served a notice under paragraph (2) or (4), the Crown Court officer shall forthwith upon the making of the order notify the Registrar of its making, and the applicant for the order shall, as soon as practicable, send the Registrar a copy of any transcript or note of the application for the order and of any documents that were in evidence in the Crown Court.

(6) An application for leave to appeal shall be determined by a judge of the Court, or the Court as the case may be, without a hearing.

(7) Where leave to appeal is granted, the appeal shall be determined without a hearing.

(8) The Registrar shall, as soon as practicable, serve notice of the order of the court disposing of an appeal or application for leave to appeal on the person aggrieved and on each of the persons specified in paragraph (2).

(9) Section 159(4) of the Criminal Justice Act 1988 shall not apply to proceedings to which this rule applies.

[Note. Formerly rule 16B of the Criminal Appeal Rules 1968.]