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STATUTORY INSTRUMENTS

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**2015 No. 1490**

**The Criminal Procedure Rules 2015**

**PART 39**

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

**Adaptation of rules about introducing evidence**

**39.7.**—(1) The following Parts apply with such adaptations as the court or the Registrar may direct—

- (a) Part 18 (Measures to assist a witness or defendant to give evidence);
- (b) Part 20 (Hearsay evidence);
- (c) Part 21 (Evidence of bad character); and
- (d) Part 22 (Evidence of a complainant’s previous sexual behaviour).

(2) But the general rule is that—

- (a) a respondent who opposes an appellant’s application to which one of those Parts applies must do so in the respondent’s notice, with reasons;
- (b) an appellant who opposes a respondent’s application to which one of those Parts applies must serve notice, with reasons, on—
  - (i) the Registrar, and
  - (ii) the respondentnot more than 14 days after service of the respondent’s notice; and
- (c) the court or the Registrar may give directions with or without a hearing.

*[Note. An application to introduce evidence or for directions about evidence must be included in, or attached to, an appeal notice or a respondent’s notice: see rule 39.3 and 39.6(6).*

*Under section 23 of the Criminal Appeal Act 1968(1), the Court of Appeal may allow the introduction of evidence that was not introduced at trial.*

*See also Part 16 (Written witness statements) and Part 19 (Expert evidence).]*

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(1) 1968 c. 19; section 23 was amended by sections 4 and 29 of, and paragraph 4 of Schedule 2 to, the Criminal Appeal Act 1995 (c. 35), section 48 of the Police and Justice Act 2006 (c. 48) and section 47 of, and paragraphs 1 and 10 of Schedule 8 to, the Criminal Justice and Immigration Act 2008 (c. 4).