
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 36

APPEAL TO THE COURT OF APPEAL: GENERAL RULES

Grounds of appeal and opposition

36.14.—(1) If the court gives permission to appeal then unless the court otherwise directs the decision indicates that—

- (a) the appellant has permission to appeal on every ground identified by the appeal notice; and
- (b) the court finds reasonably arguable each ground on which the appellant has permission to appeal.

(2) If the court gives permission to appeal but not on every ground identified by the appeal notice the decision indicates that—

- (a) at the hearing of the appeal the court will not consider representations that address any ground thus excluded from argument; and
- (b) an appellant who wants to rely on such an excluded ground needs the court's permission to do so.

(3) An appellant who wants to rely at the hearing of an appeal on a ground of appeal excluded from argument by a judge of the Court of Appeal when giving permission to appeal must—

- (a) apply for permission to do so, with reasons, and identify each such ground;
- (b) serve the application on—
 - (i) the Registrar, and
 - (ii) any respondent; and
- (c) serve the application not more than 10 business days after—
 - (i) the giving of permission to appeal, or
 - (ii) the Registrar serves notice of that decision on the applicant, if the applicant was not present in person or by live link when permission to appeal was given.

(4) Paragraph (5) applies where one of the following Parts applies—

- (a) Part 37 (Appeal to the Court of Appeal against ruling at preparatory hearing);
- (b) Part 38 (Appeal to the Court of Appeal against ruling adverse to prosecution);
- (c) Part 39 (Appeal to the Court of Appeal about conviction or sentence); or
- (d) Part 40 (Appeal to the Court of Appeal about reporting or public access restriction).

(5) An appellant who wants to rely on a ground of appeal not identified by the appeal notice must—

- (a) apply for permission to do so and identify each such ground;
- (b) in respect of each such ground—

- (i) explain why it was not included in the appeal notice, and
 - (ii) where Part 39 applies, comply with rule 39.3(2);
- (c) serve the application on—
 - (i) the Registrar, and
 - (ii) any respondent; and
- (d) serve the application—
 - (i) as soon as reasonably practicable, and in any event
 - (ii) at the same time as serving any renewed application for permission to appeal which relies on that ground.
- (6) Paragraph (7) applies where a party wants to abandon—
 - (a) a ground of appeal on which that party has permission to appeal; or
 - (b) a ground of opposition identified in a respondent's notice.
- (7) Such a party must serve notice on—
 - (a) the Registrar; and
 - (b) each other party,

before any hearing at which that ground will be considered by the court.

[Note. In some legislation, including the Criminal Appeal Act 1968, permission to appeal is described as 'leave to appeal'.

Under rule 36.5 (Renewing an application refused by a judge or the Registrar), if permission to appeal is refused the application for such permission may be renewed within the time limit (10 business days) set by that rule.]