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STATUTORY INSTRUMENTS

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**2020 No. 759**

**The Criminal Procedure Rules 2020**

**PART 41**

**REFERENCE TO THE COURT OF APPEAL OF POINT  
OF LAW OR UNDULY LENIENT SENTENCING**

**Form of notice of reference and application for permission**

**41.3.**—(1) A notice of reference and an application for permission to refer a sentencing case must give the year and number of that reference or that case.

- (2) A notice of reference of a point of law must—
- (a) specify the point of law in issue and indicate the opinion that the Attorney General invites the court to give;
  - (b) identify each ground for that invitation, numbering them consecutively (if there is more than one) and concisely outlining each argument in support;
  - (c) exclude any reference to the defendant's name and any other reference that may identify the defendant;
  - (d) summarise the relevant facts; and
  - (e) identify any relevant authorities.
- (3) An application for permission to refer a sentencing case must—
- (a) give details of—
    - (i) the defendant affected,
    - (ii) the date and place of the relevant Crown Court decision, and
    - (iii) the relevant verdict and sentencing;
  - (b) explain why that sentencing appears to the Attorney General unduly lenient, concisely outlining each argument in support; and
  - (c) include the application for permission to refer the case to the court.
- (4) A notice of reference of a sentencing case must—
- (a) include the same details and explanation as the application for permission to refer the case;
  - (b) summarise the relevant facts; and
  - (c) identify any relevant authorities.
- (5) Where the court gives the Attorney General permission to refer a sentencing case, it may treat the application for permission as the notice of reference.