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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**

**Respondent's notice**

**41.4.**—(1) A defendant on whom the Attorney General serves a notice of reference or an application for permission to refer a sentencing case may serve a respondent's notice, and must do so if—

- (a) the defendant wants to make representations to the court; or
  - (b) the court so directs.
- (2) Such a defendant must serve the respondent's notice on—
- (a) the Attorney General; and
  - (b) the Registrar.
- (3) Such a defendant must serve the respondent's notice—
- (a) where the Attorney General refers a point of law, not more than 20 business days after—
    - (i) the Attorney serves the reference, or
    - (ii) a direction to do so; or
  - (b) where the Attorney General applies for permission to refer a sentencing case, not more than 10 business days after—
    - (i) the Attorney serves the application, or
    - (ii) a direction to do so.
- (4) Where the Attorney General refers a point of law, the respondent's notice must—
- (a) give the date on which the respondent was served with the notice of reference;
  - (b) identify each ground of opposition on which the respondent relies, numbering them consecutively (if there is more than one), concisely outlining each argument in support and identifying the Attorney General's ground or reason to which each relates;
  - (c) summarise any relevant facts not already summarised in the reference;
  - (d) identify any relevant authorities; and
  - (e) include or attach any application for the following, with reasons—
    - (i) an extension of time within which to serve the respondent's notice,
    - (ii) permission to attend a hearing that the respondent does not have a right to attend, or
    - (iii) a direction to attend in person a hearing that the respondent could attend by live link, if the respondent is in custody.

(5) Where the Attorney General applies for permission to refer a sentencing case, the respondent's notice must—

- (a) give the date on which the respondent was served with the application;
- (b) say if the respondent wants to make representations at the hearing of the application or reference; and
- (c) include or attach any application for the following, with reasons—
  - (i) an extension of time within which to serve the respondent's notice,
  - (ii) permission to attend a hearing that the respondent does not have a right to attend, or
  - (iii) a direction to attend in person a hearing that the respondent could attend by live link, if the respondent is in custody.