
STATUTORY INSTRUMENTS

2021 No. 40

The Criminal Procedure (Amendment) Rules 2021

Amendments to the Criminal Procedure Rules

- 23.** In Part 39 (Appeal to the Court of Appeal about conviction or sentence)—
- (a) in rule 39.1 (When this Part applies)—
 - (i) in paragraph (1)(d), for “section 74(8) of the Serious Organised Crime and Police Act 2005⁽¹⁾” substitute “section 389 of the Sentencing Act 2020⁽²⁾”,
 - (ii) in the third paragraph of the note to the rule, for “section 82A of the Powers of Criminal Courts (Sentencing) Act 2000⁽³⁾ or under section 269 of the 2003 Act⁽⁴⁾” substitute “section 321 of the 2020 Act”, and
 - (iii) in the eighth paragraph of the note to the rule, for “section 74(8) of the Serious Organised Crime and Police Act 2005” substitute “section 389 of the 2020 Act”;
 - (b) in rule 39.3 (Form of appeal notice)—
 - (i) at the end of paragraph (1)(e) omit “and”,
 - (ii) at the end of paragraph (1)(f) insert “and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and”, and
 - (iii) after paragraph (1)(f) insert—
 - “(g) include or attach—
 - (i) an electronic copy of any authority identified by the grounds of appeal (see paragraph (2)(f)), or
 - (ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.”;
 - (c) in rule 39.6 (Respondent’s notice)—
 - (i) at the end of paragraph (6)(f) omit “and”,
 - (ii) at the end of paragraph (6)(g) insert “and include or attach an electronic link to each such document that has been made available to the Registrar under rule 36.8(1)(a) (Duty of Crown Court officer); and”, and
 - (iii) after paragraph (6)(g) insert—
 - “(h) include or attach—
 - (i) an electronic copy of any authority identified under paragraph (6) (e), or
 - (ii) if two or more such authorities are identified, electronic copies of each together in a single electronic document.”; and

(1) 2005 c. 15.

(2) 2020 c. 17.

(3) 2000 c. 6; section 82A was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

(4) 2003 c. 44; section 269 was repealed by section 413 of, and Schedule 28 to, the Sentencing Act 2020 (c. 17).

- (d) in rule 39.8 (Application for bail, or to suspend a disqualification or order, pending appeal or retrial)—
- (i) omit paragraph (4),
 - (ii) in the note to the rule, for the first paragraph substitute—
“See section 19 of the Criminal Appeal Act 1968(5) and section 3(8) of the Bail Act 1976(6). An application about bail or about the conditions of bail may be made either by an appellant or respondent.”, and
 - (iii) in the note to the rule omit the fifth paragraph (which concerns the Criminal Justice and Data Protection (Protocol No. 36) Regulations 2014(7)).

(5) 1968 c. 19; section 19 was substituted by section 29 of the Criminal Justice Act 1982 (c. 48) and was amended by section 170 of, and paragraphs 20 and 26 of Schedule 15 to, the Criminal Justice Act 1988 (c. 33), section 168 of, and paragraph 22 of Schedule 10 to, the Criminal Justice and Public Order Act 1994 (c. 33) and section 59 of, and paragraph 1 of Schedule 11 to, the Constitutional Reform Act 2005 (c. 4).

(6) 1976 c. 63; section 3(8) was amended by section 65 of, and Schedule 12 to, the Criminal Law Act 1977 (c. 45) and paragraph 48 of Schedule 3 to the Criminal Justice Act 2003 (c. 44).

(7) S.I. 2014/3141.