

## SCHEDULE

FORM 1 NOTICE OF PROSECUTION APPEAL OR APPLICATION FOR LEAVE OF COURT (Article 17 of the Criminal Justice (Northern Ireland) Order 2004)

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Rule 3(1)

**To the Master (Queen’s Bench and Appeals) (the proper officer),  
Appeals and Lists Office,  
Royal Courts of Justice,  
Belfast  
BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p><b>Case details</b></p> <p>Name of Crown Court where tried:</p> <p>Name of Judge:</p> <p>Date the trial or proceedings started:</p> <p>Name of the defendant(s):</p> <p>Details of indictment:</p>	<p>Details of indictment should include the Bill number and the offences on the indictment which are the subject of the appeal.</p>
<p><b>Details of the ruling</b></p> <p>The ruling(s) that is (are) the subject of this application for leave to appeal:</p> <p>The date on which ruling(s) made:</p> <p>Please attach a transcript of the ruling which is the subject of the appeal and any skeleton arguments provided to the judge of the Crown Court by the parties in respect of the issue which gave rise to the ruling.</p>	<p>If one ruling is a ruling of no case to answer, please specify the relationship between those earlier rulings and the ruling of no case to answer.</p>
<p><b>Defendant(s) in custody</b></p> <p>If the defendant(s) is in custody:</p> <p>(a) give the defendant’s prison number and the address of the establishment at which he is detained; and</p> <p>(b) indicate whether there are any difficulties with the defendant appearing by way of live link at the hearing.</p>	
<p><b>Undertaking</b></p> <p>I, (insert name of prosecutor) a person conducting a prosecution, consent to the acquittal of the named defendant(s) if:</p> <p>(a) leave to appeal to the Court of Appeal is not obtained; and</p> <p>(b) that the appeal is abandoned before it is determined by the Court of Appeal.</p>	<p>Article 17 of the Criminal Justice (Northern Ireland) Order 2004.</p>
<p><b>Application to the Crown Court</b></p> <p>State whether there was an application to the judge of the Crown Court for leave to appeal (yes/no)</p>	

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<i>Details required</i>	<i>Notes</i>
<p>If yes, was the application granted? (yes/no)                      If applicable, state the grounds on which leave was granted.</p>	
<p><b>Expedited appeal</b>                      State whether the judge of the Crown Court decided that the appeal should be expedited (yes/no).                      If yes, please attach the written reasons provided by the judge of the Crown Court.</p>	<p>Article 18 of the Criminal Justice (Northern Ireland) Order 2004.</p>
<p><b>Public interest ruling</b>                      State whether a public interest ruling is the subject of the appeal or application for leave to appeal (yes/no).</p> <p>Do you have reason to believe that to reveal to the defendant or any other interested party the fact that a public interest ruling has been made would have the effect of disclosing that which you consider should not be disclosed (yes/no).</p> <p>If the answer above is no, describe the category of the material that is the subject of the ruling, <i>unless</i> you have reason to believe that to reveal this to the defendant or any interested party would have the effect of disclosing that which you consider should not be disclosed.</p>	<p><i>If yes, this notice must be accompanied by a confidential annexe as required by rule 7.</i></p> <p><i>If yes, the prosecution need not serve this notice on the defendant or any interested party as otherwise required under rule 3.</i></p>
<p><b>Extension of time</b>                      Are you applying for an extension of time in which to give notice of appeal or application for leave to appeal? (yes/no)                      If yes, please also state your reasons:</p>	<p>Rule 3(3)</p>
<p><b>Grounds of appeal</b>                      Specify the question of law in respect of which the appeal is brought (and where appropriate, such facts of the case as are necessary for the proper consideration of the question of law.                      Summarise the arguments that you intend to put to the Court (specifying any authorities to be cited).</p>	
<p>Name of Prosecutor:                      Name of Prosecuting Agency:                      Address:</p>	

Dated this      day of                      20      .

Signed on behalf of Prosecution

**NOTES**

This form should be served on the proper officer –

- where the appeal is to be expedited, before 5.00 p.m. on the date on which the prosecution informed the judge of the Crown Court that he intends to appeal (unless the judge of the Crown Court otherwise directs); or
- where the appeal is not to be expedited, within 7 business days of the date on which the prosecution informed the judge of the Crown Court that he intends to appeal.

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The notice served on the proper officer shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

**Note to party who receives a copy of this notice:**

If you wish to oppose this application you are required to serve a response in Form 2 on the proper officer, the chief clerk, the prosecution and any interested party –

- where the appeal is to be expedited, on the first business day after the date on which the notice was served on you; or
- where the appeal is not to be expedited, within 7 business days of the date on which the notice was served on you.

FORM 2 RESPONSE OF THE DEFENDANT (Article 17 of the Criminal Justice (Northern Ireland) Order 2004)



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## NOTES

This form should be served on the proper officer –

- where the appeal is to be expedited, on the next business day after the date on which the notice was served on you; or
- where the appeal is not to be expedited, within 7 business days of the date on which the notice was served on you.

At the same time the defendant shall serve this form on –

- the chief clerk;
- the prosecution; and
- any interested party.

The notice served on the proper officer shall be endorsed with the date upon which and the manner in which notice was served on each of the other parties to the proceedings.

FORM 3NOTICE OF ABANDONMENT OF PROCEEDINGS(Article 17 of the Criminal Justice (Northern Ireland) Order 2004)

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**To the Master (Queen’s Bench and Appeals) (the proper officer),  
 Appeals and Lists Office,  
 Royal Courts of Justice,  
 Belfast  
 BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p><b>Case details</b></p> <p>Name of Crown Court where tried:</p> <p>Name of Judge:</p> <p>Date the trial or proceedings started:</p> <p>Name of the defendant(s):</p> <p>Details of indictment:</p>	<p>Details of indictment should include the Bill number and the offences on the indictment which are the subject of the appeal.</p>
<p><b>Details of the ruling</b></p> <p>The ruling(s) that is (are) the subject of this application for leave to appeal:</p> <p>Date on which ruling(s) made:</p> <p>Date that leave to appeal was granted:</p> <p>If applicable, date of written notice of appeal:</p>	
<p><b>Abandonment of proceedings</b></p> <p>I, (insert name), a person conducting a prosecution, abandon the appeal to the Court of Appeal against the ruling(s) made by the Crown Court at the time, date and place set out above.</p>	
<p>Name of Prosecutor:</p> <p>Name of Prosecuting Agency:</p> <p>Address:</p>	

Dated this      day of                      20      .

Signed on behalf of Prosecution

FORM 4DETERMINATION BY THE PROPER OFFICER AND NOTICE OF RENEWAL(Article 17 of the Criminal Justice (Northern Ireland) Order 2004)

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Rule 10

**To the Master (Queen’s Bench and Appeals) (the proper officer),  
 Appeals and Lists Office,  
 Royal Courts of Justice,  
 Belfast  
 BT1 3JF**

<i>Details required</i>	<i>Notes</i>
<p><b>1. Details of the applicant</b></p> <p>Name:</p> <p>Address:</p> <p>In the case of a defendant in custody, please give your prison number and the address of the establishment in which you are detained:</p>	
<p><b>ORDER BY THE PROPER OFFICER</b></p> <p><b>2. Application considered</b></p> <p><input type="checkbox"/> Application for extension of time for service of notice of appeal or of an application for leave to appeal.</p> <p><input type="checkbox"/> Application for extension of time for service of defendant’s response.</p> <p><i>(tick where appropriate)</i></p>	
<p><b>3. Decision:</b></p>	<p><i>If an application has been refused by the proper officer, it may be renewed for consideration by a Judge of the Court.</i></p> <p><i>The applicant must fill in section 4 of this form and return it to the proper officer.</i></p>
<p><b>4. Notice of Renewal:</b></p> <p>The following application(s) are renewed:</p> <p>The date that this form was delivered to the applicant:</p>	<p><i>Applicants must use this section for the renewal of applications.</i></p> <p><i>Notice of the renewal must be served on the proper officer within 7 <b>business days</b> of the date on which notice of the decision was served on the party making the application, unless a longer period has been specified.</i></p>

Dated this      day of                      20      ,

Applicant  
 [Solicitor for Applicant]