
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 68

**APPEAL TO THE COURT OF APPEAL
AGAINST CONVICTION OR SENTENCE**

Exercise of court's powers to give leave to appeal, etc: general rules

68.5.—(1) This rule and rule 68.6 apply when the Registrar or a single judge exercises a power conferred by one of these sections of the Criminal Appeal Act 1968—

- (a) section 31(1) (powers exercisable by a single judge);
- (b) section 31A(2) (powers exercisable by the Registrar);
- (c) section 31B(3) (procedural directions by a single judge or the Registrar); or
- (d) section 31C (appeals against procedural directions).

(2) An application to the Registrar, a single judge or the court for the exercise of any of the powers referred to in paragraph (1) should be in the relevant form set out in the Practice Direction or in the form required by the Registrar.

(3) An application by an appellant must be signed by him or on his behalf. If it is not signed by him and he is in custody, the Registrar must send him a copy as soon as practicable after receiving it.

(4) An application by an appellant must be served on the Crown Court officer if the appellant makes it when he gives notice of appeal or notice of an application for leave to appeal. In all other cases, the application must be served on the Registrar.

(5) Neither a single judge nor the Registrar need sit in court to exercise any of the powers referred to in paragraph (1) of this rule.

[Note. Formerly rule 11 of the Criminal Appeal Rules 1968.]

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- (1) Section 31 was amended by the Costs in Criminal Cases Act 1973 (c. 14), section 21(2) and Schedule 2, by the Road Traffic Act 1974 (c. 50), Schedule 6, paragraph 10, by the Criminal Justice Act 1982 (c. 48), section 29(2), by the Criminal Justice Act 1988 (c. 33), section 170(1) and Schedule 15, paragraphs 20, 29 and 30, by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), section 4 and Schedule 3, paragraph 4(1) and by the Courts Act 2003 (c. 39), section 87(1) and it is amended by the Youth Justice and Criminal Evidence Act 1999 (c. 23), section 67(1) and Schedule 4, paragraph 4(1) and (3), by the Licensing Act 2003 (c. 17), Schedule 6, paragraphs 38 and 40 and by the Criminal Justice Act 2003 (c. 44), Schedule 36, Part 6, paragraphs 86, 87 and 88 with effect from dates to be appointed.
 - (2) Section 31A was inserted by the Criminal Appeal Act 1995 (c. 35), section 6 and was amended by the Courts Act 2003 (c. 39), section 87(2) and Schedule 10.
 - (3) Sections 31B and 31C were inserted by the Courts Act 2003 (c. 39), section 87(3).