
STATUTORY INSTRUMENTS

2005 No. 384

The Criminal Procedure Rules 2005

PART 69

REFERENCE TO THE COURT OF APPEAL OF POINT OF LAW

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References

69.1.—(1) Every reference under section 36 of the Criminal Justice Act 1972⁽¹⁾ shall be in writing and shall—

- (a) specify the point of law referred and, where appropriate, such facts of the case as are necessary for the proper consideration of the point of law;
- (b) summarise the arguments intended to be put to the court; and
- (c) specify the authorities intended to be cited:

Provided that no mention shall be made in the reference of the proper name of any person or place which is likely to lead to the identification of the respondent.

(2) A reference shall be entitled "Reference under section 36 of the Criminal Justice Act 1972" together with the year and number of the reference.

[Note. Formerly rule 3 of the Criminal Appeal (Reference of Points of Law) Rules 1973(2).]

Registrar's notice to respondent

69.2.—(1) The Registrar shall cause to be served on the respondent notice of the reference which shall also—

- (a) inform the respondent that the reference will not affect the trial in relation to which it is made or any acquittal in that trial; and

(1) 1972 c. 71.
(2) S.I. 1973/1114.

- (b) invite the respondent, within such period as may be specified in the notice (being not less than 28 days from the date of service of the notice), to inform the Registrar if he wishes to present any argument to the court and, if so, whether he wishes to present such argument in person or by counsel on his behalf.

(2) The court shall not hear argument by or on behalf of the Attorney General until the period specified in the notice has expired unless the respondent agrees or has indicated that he does not wish to present any argument to the court.

[Note. Formerly rule 4 of the Criminal Appeal (Reference of Points of Law) Rules 1973.]

Withdrawal or amendment of reference

69.3. The Attorney General may withdraw or amend the reference at any time before the court have begun the hearing, or, after that, and until the court have given their opinion, may withdraw or amend the reference by leave of the court, and notice of such withdrawal or amendment shall be served on the respondent on behalf of the Attorney General.

[Note. Formerly rule 5 of the Criminal Appeal (Reference of Points of Law) Rules 1973.]

Anonymity of respondent

69.4. The court shall ensure that the identity of the respondent is not disclosed during the proceedings on a reference except where the respondent has given his consent to the use of his name in the proceedings.

[Note. Formerly rule 6 of the Criminal Appeal (Reference of Points of Law) Rules 1973.]

Reference to House of Lords

69.5. An application under section 36(3) of the Criminal Justice Act 1972 (reference to the House of Lords) may be made orally immediately after the court give their opinion or by notice served on the Registrar within the 14 days next following.

[Note. Formerly rule 7 of the Criminal Appeal (Reference of Points of Law) Rules 1973.]

Service of documents

69.6.—(1) For the purpose of this Part service of a document on the respondent may be effected—

- (a) in the case of a document to be served on a body corporate by delivering it to the secretary or clerk of the body at its registered or principal office or sending it by post addressed to the secretary or clerk of that body at that office; and
- (b) in the case of a document to be served on any other person by—
 - (i) delivering it to the person to whom it is directed,
 - (ii) leaving it for him with some person at his last known or usual place of abode, or
 - (iii) sending it by post addressed to him at his last known or usual place of abode.

(2) For the purpose of this Part, service of a document on the Registrar may be effected by—

- (a) delivering it to the Registrar;
- (b) addressing it to him and leaving it at his office in the Royal Courts of Justice, London, WC2; or
- (c) sending it by post addressed to him at the said office.

[Note. Formerly rule 8 of the Criminal Appeal (Reference of Points of Law) Rules 1973.]

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