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STATUTORY INSTRUMENTS

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**2005 No. 384**

**The Criminal Procedure Rules 2005**

**PART 74**

**APPEAL TO THE HOUSE OF LORDS**

**Contents of this Part**

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Application for leave to appeal from the Court of Appeal rule 74.1

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**Application for leave to appeal from the Criminal Division of the Court of Appeal to the House of Lords**

**74.1.**—(1) An application to the criminal division of the Court of Appeal—

- (a) for leave to appeal to the House of Lords under Part II of the Criminal Appeal Act 1968(1) or section 13 of the Administration of Justice Act 1960(2);
- (b) to extend the time within which an application may be made by the defendant to the House of Lords or the court under section 34(1) of the 1968 Act(3) or that subsection as applied by section 13(4) of the 1960 Act;
- (c) by the defendant to be given leave to be present on the hearing of the appeal or of any proceedings preliminary or incidental thereto; or
- (d) by the defendant to be granted bail pending the appeal,

shall either be made orally immediately after the decision of the court from which an appeal lies to the House of Lords or notice thereof shall be in the form set out in the Practice Direction and shall be served on the Registrar.

(2) The recognizance of a surety shall be in the form set out in the Practice Direction.

(3) Rules 68.8 (bail with condition of surety) and 68.9 (forfeiture of recognizances) shall apply with respect to a defendant pending his appeal to the House of Lords as they apply with respect to an appellant with the necessary modifications.

(4) An application to the court for leave to appeal to the House of Lords under Part II of the 1968 Act or section 13 of the 1960 Act may be abandoned before the hearing of the application by serving on the Registrar notice to that effect.

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(1) 1968 c. 19.

(2) 1960 c. 65; relevant amendments to section 13 were made by the Criminal Appeal Act 1968 (c. 19), Schedule 5, Part 1, the Courts Act 1971 (c. 23), Schedule 8, Part 2, paragraph 40, the Magistrates' Courts Act 1980 (c. 43), Schedule 7, paragraph 37, the Supreme Court Act 1981 (c. 54), Schedule 7, the County Courts Act 1984 (c. 28), Schedule 2, paragraph 25 and the Access to Justice Act 1999 (c. 22), section 64 and Schedule 15, Part 3.

(3) Section 34(1) is amended by the Courts Act 2003 (c. 39), section 88(4) and (5), with effect from a date to be appointed.

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

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(5) For the purpose of having an application determined by the court in pursuance of section 44 of the 1968 Act(4), rules 68.5 (exercise of court's power to give leave) and 68.6 (further application to the court) shall apply with the necessary modifications.

(6) Rule 68.29 (notice if determination of court) shall apply to a determination under Part II of the 1968 Act or section 13 of the 1960 Act with the necessary modifications.

(7) Rules 68.11 (supply of documentary and other exhibits), 68.13(2) (transcripts) and 68.23 (the Registrar) shall apply in relation to an appeal under Part II of the 1968 Act or section 13 of the 1960 Act as they apply in relation to an appeal under Part I of the 1968 Act, except that any reference to section 31 of the 1968 Act(5) shall be construed as a reference to section 44 of the 1968 Act.

(8) In this rule any reference to a defendant includes an appellant under section 13 of the 1960 Act.

*[Note. Formerly rule 23 of the Criminal Appeal Rules 1968(6). As to appeals to the House of Lords under Part 2 of the Proceeds of Crime Act 2002 see rule 71.10.]*

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(4) 1968 c. 19; relevant amendments to section 44 were made by the Road Traffic Act 1974 (c. 50), Schedule 6, paragraph 11, the Road Traffic (Consequential Provisions) Act 1988 (c. 54), Schedule 3, paragraph 4(2) and the Criminal Justice Act 1988 (c. 33), Schedule 15, paragraphs 20 and 31.

(5) Section 31 has been amended in ways that are not relevant to this Part.

(6) S.I. 1968/1262.