

RETRIAL FOLLOWING ACQUITTAL FOR SERIOUS OFFENCE
(CRIMINAL PROCEDURE RULES, PART 41)

Notice of a s.76 application required by s. 80(1) Criminal Justice Act 2003 <i>(Criminal Procedure Rules, r 41.2(1))</i>	
<i>Details required</i>	<i>Notes</i>
<p>1. Case details</p> <p>Name of the acquitted person(s):</p> <p>Date of the acquittal:</p> <p>Charges on the original indictment:</p> <p>Qualifying offence:</p> <p>Verdict, finding or other order of the court in relation to each charge on the original indictment:</p>	<p><i>Qualifying offence is defined in section 75(8) of the Criminal Justice Act 2003 and means an offence listed in Part 1 of Schedule 5 of that Act).</i></p>
<p>2. Details of the application</p> <p>Are you applying for: <i>(tick as appropriate)</i></p> <p><input type="checkbox"/> an order of the Court quashing a person's acquittal and an order for a retrial for a qualifying offence; or</p> <p><input type="checkbox"/> a determination of the Court, in the case of a person acquitted elsewhere than in the United Kingdom, whether the acquittal is a bar to the person being tried in England and Wales for the qualifying offence and if it is, an order that the acquittal is not to be a bar.</p>	<p><i>Section 76(1) of the Criminal Justice Act 2003.</i></p> <p><i>Section 76(2) of the Criminal Justice Act 2003.</i></p>
<p>3. Production of evidence and examination of witnesses</p> <p>Please indicate whether you are also seeking an order for the production of any document exhibit or thing or a witness to attend for examination before the Court.</p> <p>If the answer is yes, please:</p> <p>(a) provide details of the document, exhibit or other thing to be produced or the witness to attend for examination; and</p> <p>(b) state why it would be necessary or expedient in the interests of justice for the court to make such an order.</p>	<p><i>Section 80(6) of the Criminal Justice Act 2003.</i></p>

<p>4. Grounds of the application</p> <p>Summarise the arguments you intend to put to the Court, specifying any authorities to be cited.</p>	<p><i>Address the requirements in section 78 (new and compelling evidence) and section 79 (interests of justice) of the 2003 Act.</i></p>
<p>5. Written consent of the Director of Public Prosecutions</p> <p>Please provide the written personal consent of the Director of Public Prosecutions.</p>	<p><i>The Director of Public Prosecutions may give his consent only if satisfied that–</i></p> <ul style="list-style-type: none"> <i>(a) there is evidence as respects which the requirements of section 78 appear to be met;</i> <i>(b) it is in the public interest for the application to proceed; and</i> <i>(c) any trial pursuant to an order on the application would not be inconsistent with obligations of the United Kingdom under Article 31 or 34 of the Treaty on European Union relating to the principle of ne bis in idem.</i>
<p>6. Extension of time for service</p> <p>If you are also applying to the Court to make an order extending the time for service of notice on the acquitted person(s), please provide the following information:</p> <ul style="list-style-type: none"> (d) details of the location of the acquitted person; and (e) indication of the period of time that it will take to serve the acquitted person. 	<p><i>Section 80(3) of the 2003 Act.</i></p> <p><i>If you are not applying for an extension, notice of the application must be served on the acquitted person(s) within two days beginning with the day on which this notice is given to the registrar.</i></p> <p><i>An extension will only be granted if the Court considers it necessary to do so because of the acquitted person's absence from the United Kingdom (section 80(3) of the 2003 Act).</i></p>
<p>Name of prosecutor:</p> <p>Name of prosecuting agency:</p> <p>Address:</p> <p>Signature of prosecutor:</p> <p>Date:</p>	
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