



**NOTICE of Application for Permission to appeal to
the House of Lords / Supreme Court**
(Criminal Procedure Rules, Part 74)

Please ensure that you have read the notes for guidance attached **before** completing this form. Write in **BLACK INK** and use **BLOCK CAPITALS**

The defendant If in custody give Prison Index No. and address where detained	Surname _____	Prison Index No _____
	Forenames _____	Prison _____
	Address (if not in Custody) _____	_____
	Postcode _____	Date of Birth _____

Date of decision of the Court of Appeal

The *defendant / *prosecutor will apply to the Court of Appeal: * delete if inapplicable	to certify that a point of law of general public importance is involved in the decision of the Court of Appeal and if the Court so certifies: <input type="checkbox"/> to extend the time within which an application to the Court for permission to appeal to the House of Lords may be made <input type="checkbox"/> for permission to appeal to the House of Lords against the decision of the Court of Appeal <input type="checkbox"/> for a representation order <input type="checkbox"/> to be given permission to be present on the hearing of the appeal or any proceedings preliminary or incidental to it <input type="checkbox"/> to be admitted to bail pending the appeal
---	--

Point of Law to be certified (see note 4)	Please identify the point of law of general public importance that you want the Court to certify:
---	---

Grounds of Application (r.74.2) (see note 4)	Please set out your reasons why the point of law ought to be considered by the House of Lords and why this court ought to grant permission to appeal:
---	---

Signature _____ (of prosecutor, or defendant or legal representative signing on behalf of the defendant) Date _____	For Criminal Appeal Office use Date Received _____
---	--

Notes for guidance on the completion of this form

Any reference on this form or in these notes to the House of Lords is also a reference to the United Kingdom Supreme Court.

1. When this form can be used (Criminal Procedure Rules (CrimPR), r.74.1)

You may apply to the House of Lords from a decision of the Court of Appeal following:-

- i) an application to the Court of Appeal to which Part 41 of the CrimPR applies (prosecutor's application for retrial after acquittal for serious offence);
- ii) an *appeal* to the Court of Appeal to which the following Parts of the CrimPR apply:
 - Part 66 (appeal against ruling at a preparatory hearing);
 - Part 67 (appeal against ruling adverse to prosecution);
 - Part 68 (appeal about conviction or sentence);
- iii) a reference to the Court of Appeal to which Part 70 applies (reference of point of law or unduly lenient sentencing)

*Please Note: For applications to the House of Lords from a decision of the Court of Appeal pursuant to sections 33, 44 or 66 of the Proceeds of Crime Act 2002, **Form PoCA 5** must be used.*

2. When this form cannot be used (CrimPR, r.74.1)

There is no appeal to the House of Lords:-

- i) where the Court of Appeal has refused an *application for permission to appeal* to the Court of Appeal;
- ii) from a decision of the Court of Appeal on an appeal under section 159 of the Criminal Justice Act 1988 (appeal about reporting or public access restriction);
- iii) from a decision of the Court of Appeal on an appeal under section 14A(5A) of the Football Spectators Act 1989 (prosecutor's appeal against failure to make football banning order).

3. Time Limits (CrimPR, 74.2(1))

This form must be served on the Registrar and every other party not later than:-

- i) **14 days** after the court gives reasons for its decision if that decision was on an Attorney General's sentencing reference to which Part 70 of the CrimPR applies;
- ii) **28 days** after the court gives reasons for its decision in any other case.

The Defendant may at any time apply to the Court of Appeal for an extension of time within which to make an application for permission to appeal to the House of Lords.

The Prosecutor may *only* apply for an extension of time in the case of an appeal under section 33(1B) of the Criminal Appeal Act 1968.

4. Grounds of Application (CrimPR, r.74.2(2))

An application for permission to appeal to the House of Lords or to refer a sentencing case must:-

- i) identify the point of law of general public importance that the appellant wants the court to certify is involved in the decision; and

- ii) give reasons why:-
 - that point of law ought to be considered by the House of Lords; and
 - the court ought to give permission to appeal.

An application to refer a point of law must give reasons why that point ought to be considered by the House of Lords.

An application must include or attach any supplementary applications for the following, with reasons:-

- i) an extension of time within which to make the application for permission or for a reference (see note 3 above);
- ii) bail pending appeal (see note 5 below);
- iii) permission to be present at the hearing of the appeal, if the appellant is in custody;

5. Bail (CrimPR, rr.68.8 - 68.10 and 74.4)

If an application for bail is to be made, **Form B** must also be served with this form on the Registrar and the other party.

6. Where to serve Form HL/SC

When completed, this form together with any supplementary applications, should be sent to:-

The Registrar,
Criminal Appeal Office,
Royal Courts of Justice,
Strand,
London,
WC2A 2LL

7. If the Court of Appeal refuses permission to appeal

If the Court of Appeal refuses to certify a point of law of general public importance then no application for permission to appeal can be made to the House of Lords.

If the Court of Appeal certifies a point of law of general public importance but refuses permission to appeal, either party who wishes to apply for permission to appeal from the House of Lords, must do so within **28 days** of the Court of Appeal's decision to refuse permission.

The Defendant may at any time apply to the House of Lords for an extension of time within which to make an application for permission to appeal to that House.

The Prosecutor may *only* apply for an extension of time in the case of an appeal under section 33(1B) of the Criminal Appeal Act 1968.

8. Further Information

Further information is provided in *The House of Lords Practice Directions applicable to Criminal Appeals* which may be obtained from the Judicial Office of the House of Lords, London SW1A 1AA, or by telephoning 020 7219 3111.