

Legal Representation (please use BLOCK CAPITALS)	Name of Counsel _____ Address _____ Post Code _____ DX No _____ Telephone No _____ Reference _____
	Name of Solicitor _____ Address _____ Post Code _____ DX No _____ Telephone No _____ Reference _____
	Prosecuting Authority _____ Address _____ Post Code _____ DX No _____ Telephone No _____ Reference _____

IMPORTANT NOTES

Grounds of Appeal (r.68.3 (2)) Please also see the attached guidance notes, particularly note 8	<p>The grounds of appeal must be attached to this notice of application, and should be listed separately for conviction, sentence, or other order, under appropriate headings.</p> <p>The grounds of appeal must:</p> <ol style="list-style-type: none"> 1) Identify each ground of appeal on which the appellant relies, numbering them consecutively (if there is more than one) and concisely outlining each argument in support; 2) Identify the transcript that the appellant thinks the court will need, if the appellant wants to appeal against conviction (see notes on Transcripts below); 3) Identify the relevant sentencing powers of the Crown Court, if sentence is in issue; 4) Where the Criminal Cases Review Commission has referred a case to the court, explain how each ground of appeal relates (if it does) to the reasons for the reference; 5) Summarise the relevant facts; 6) Identify any relevant authorities; 7) Identify any other document or thing that the appellant thinks the court will need to decide the appeal (Please Note: any report relied upon and which was not retained by the Crown Court must be copied and attached to this application form). <p>NB:</p> <ol style="list-style-type: none"> (1) Where grounds have been settled by counsel they must be signed by counsel with the name of counsel printed underneath. (2) If an extension of time is needed, the detailed reasons for the delay must be attached to the grounds of appeal, preferably under a separate heading – grounds for extension of time.
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Other Applications (r.68.3(2)(h))	Any other application must be made in accordance with rule 68.3(2)(h) of the Criminal Procedure Rules, and be attached, together with reasons, preferably under a separate heading for each such application, together with Form B (Bail) or Form W (Witness) duly completed if appropriate. (Please also see the attached guidance notes, particularly note 7).
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Transcripts	<p>On an application for permission to appeal against conviction a transcript of the trial judge's summing up is obtained by the Registrar as a matter of course. On an application for permission to appeal against sentence the Registrar will obtain a transcript of the sentencing judge's remarks, and on a plea of Guilty, the prosecution opening of facts.</p> <p>If ADDITIONAL transcript is sought, this must be specified within the grounds of appeal, giving specific dates and times of the part of the proceedings for which the transcript is requested. Failure to give such details could result in unnecessary delay and prejudice the appellant.</p> <p>Please note that transcript obtained by means other than through the Registrar may result in the cost of the transcript not being allowed upon taxation in cases subject to a Representation Order.</p>
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Reminder	*delete as appropriate
Have You:	
a) included reasons in support of any application for extension of time?	Yes/No*
b) included Form B if applying for bail?	Yes/No*
c) included Form W and witness statement (conviction cases only) if seeking to call a witness	Yes/No*
d) (i) attached your grounds of appeal?	Yes/No*
(ii) are the grounds of appeal signed by counsel/solicitor?	Yes/No*
e) (i) attached your request for additional transcript?	Yes/No*
(ii) specified the dates and times of transcript requested?	Yes/No*

Signature	<p><u>APPELLANTS IN CUSTODY ONLY</u></p> <p>I understand that if the single judge and/or the Court is of the opinion that the application for permission to appeal is plainly without merit, an order may be made that time spent in custody as an appellant shall not count towards sentence.</p> <p><u>ALL APPELLANTS</u></p> <p>I understand that if the court dismisses my appeal or application it may make an order for payment of costs against me, including the cost of any transcript obtained.</p> <p>[This form should be signed by the appellant but may be signed by his/her legal representative provided the WARNINGS set out above have been explained to him/her. NB if signed by a legal representative, the appellant will be given the opportunity to request a copy of the form.]</p> <p>Signature Date</p> <p>(of appellant or legal representative signing on <i>behalf</i> of the appellant)</p>
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<p>NOW PLEASE SEND THIS FORM TO THE CROWN COURT WHERE TRIED OR SENTENCED UNLESS IT RELATES TO A REFERENCE BY THE CRIMINAL CASES REVIEW COMMISSION, IN WHICH CASE IT SHOULD BE SENT TO THE REGISTRAR OF CRIMINAL APPEALS DIRECTLY.</p>
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For Prison Use	This notice was handed to me by appellant today.	Appellant's Index No _____
	Signed _____	EDR _____
	Prison Officer	
	Date _____	PED _____

For Crown Court Use

Immediately upon receipt of Form NG the Crown Court must complete and send tear-off slips 1-3 overleaf as applicable. These tear-off slips **must** be used so that the correct notifications are sent out.

1 (Acknowledgement)

Sent to _____ Date sent _____

Slip 2 (Notification to Prosecution / Statements)

Sent to _____
(Prosecuting Authority (e.g CPS, RCPO, H&S Executive))

Address _____

_____ DX Number _____

Date sent _____

Slip 3 (Monetary penalty / order)

Sent to _____ Mag. Court Date sent _____

Form NG received in Crown Court:	Sent to the Criminal Appeal Office
Signed _____	Signed _____
Date Received _____	Date Sent _____

**Slip 3 Notification to Magistrates of appeal in cases involving monetary penalty or order
(to be sent in all cases involving monetary penalty or order)**

To: Clerk to the Justices
Magistrates Court

From: Court Manager
Crown Court at

Dear Sir / Madam,

Date

R -v-

Crown Court Ref:

I write to inform you that in this case, in which you are responsible for enforcing the monetary penalty or order, the above-named has lodged notice of appeal to the Court of Appeal Criminal Division.

Yours faithfully,

**Slip 2 Notification from the Crown Court to Prosecuting Authority of receipt of
Application for permission to appeal to the Court of Appeal (to be sent in all cases)**

To: From: Crown Court at

Date:

Dear Sir / Madam,

R -v-

Crown Court Ref:

Please note that an application for permission to appeal has been received in the above matter. All exhibits must be retained in safe custody pending the determination of the appeal. Please ensure you are aware of the location of your case file since you will be contacted if this matter is to proceed to a hearing by the full Court of Appeal and if, therefore, any victim or their family needs to be informed about the appeal. If the matter involves a committal for sentence, please forward forthwith witness statements / statements of facts, enclosing this slip for reference purposes to:

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

Telephone 020 7947 6011/6014
DX: RCJ 44451 STRAND
FAX: 020 7947 6900

Yours faithfully

Slip 1 Acknowledgement of Form NG (to be sent in all cases to sender of Form NG)

From: Court Manager
Crown Court at
Crown Court Ref:
Date:

To

Your Ref:

R -v-

Dear Sir / Madam,

I acknowledge receipt of form(s) NG (B* W*) which have been forwarded to the Registrar of Criminal Appeals for attention. All further communications should be addressed to:

The Registrar, Criminal Appeal Office
Royal Courts of Justice
Strand, London WC2A 2LL
(Tel: 020 7947 6011/6014: DX: RCJ 44451 Strand: Fax: 020 7947 6900)

Yours faithfully,

*Delete as appropriate

Notes for guidance on the completion of this form

1. Everyone who has had the benefit of a representation order for trial or sentence in the Crown Court is entitled to advice and assistance on appeal as part of the trial representation order.
2. Solicitors and Counsel are expected to be familiar with “A Guide to Commencing Proceedings in the Court of Appeal Criminal Division” copies of which are available from any Crown Court Centre. The Guide is also available on the Justice website (www.justice.gov.uk), as are all necessary forms.
3. Separate application forms should be submitted for convictions or sentences that do not arise in the same proceedings.
4. This notice will be treated as a notice of appeal where permission to appeal is not required.
5. **In the initial stages the Court is reliant upon the information that you provide. It is in your own interests to assist by providing accurate and complete information in the form. Please indicate if you or your legal advisers have already been in correspondence with this office.**
6. Please give details of the appellant’s full name; if in custody give the prison index number and address where detained. If not in custody give details of address at which residing and which correspondence should be sent.

7. Applications

This application form should be served on the appropriate Crown Court Officer, not more than 28 days after the conviction, sentence, verdict or finding appealed against. If the appellant is in custody the form should be handed to the prison authority (or other person having custody) for forwarding to the Crown Court, and the date of handing in should be recorded on the form.

- **Extension of time** The period of 28 days cannot be extended except with permission of the Court of Appeal Criminal Division and detailed reasons for the delay must be attached to this form. **An application for an extension of time will not be considered before an application for permission to appeal conviction or sentence has been lodged on Form NG, whether or not the 28 day period has already expired.**
Please Note: the time for applying for permission to appeal runs from the date of verdict, finding or order. For permission to appeal against conviction, time runs from the **date of conviction** even where sentence is passed on a later date.

- **Permission to appeal against conviction.**
 - **Permission to appeal against sentence.**
- } See Note 8 below

- **Representation Order** (ie. legal assistance) A Representation Order made in the Crown Court does not provide for oral argument before the Court of Appeal. If a Representation Order is sought for this purpose it should be applied for.
- **Bail** Where bail is applied for Form B (CAO) must also be completed. If Form B (CAO) accompanies Form NG it should be submitted to the Crown Court but if submitted later should be sent to:- *The Registrar, Criminal Appeal Office, Royal Courts of Justice, Strand, London WC2A 2LL.*
- **Permission to call a witness (conviction cases only)** Where permission is sought to call a witness in support of an application for permission to appeal against **conviction** an application should be made on **Form W (CAO)**. A separate form is required for each witness. A signed statement from the witness should be appended to Form W (CAO) and, if it is said that the witness was not available at trial, an affidavit, sworn by the appellant’s solicitor, should also be lodged, describing the circumstances in which the witness came forward and the circumstances in which the statement was made. If Form W (CAO) accompanies Form NG it should be sent to the Crown Court but if submitted later should be sent to:- *The Registrar* at the address given above.

8. **Grounds of appeal** If a positive advice on appeal is given it should always be incorporated into the same document as the grounds of appeal, as a single document. **Grounds must be settled in accordance with the requirements of r.68.3(2) as set out on page 2.** Wording such as “the conviction is unsafe” or “the sentence is in all the circumstances too severe” will be ineffective as grounds unless accompanied by detailed reasons. Ineffective applications will be rejected, thus causing delay and possibly making it necessary for an extension of time to be sought (see note 7 above). Unsigned grounds will be returned, again with resulting delay to the application.

An appeal against **conviction** is not another trial which looks again at the facts of the case in the way the jury did to decide if the appellant is guilty or innocent. The Court of Appeal will only be concerned with whether the conviction is unsafe and will consider issues such as: whether the trial as a whole was fair; whether the trial Judge made the correct legal rulings during the course of the trial (for example, in relation to disclosure of evidence, the admissibility of evidence or a submission of no case to answer); whether the trial Judge fairly summed up the case to the jury with the appropriate legal directions; “fresh evidence” that was not presented at trial.

An appeal against **sentence** will only succeed if the sentence was “**manifestly excessive**” (i.e. the sentence was too high given the facts of the offence or in light of any available personal mitigation) and/or “**wrong in principle**” (i.e. the sentencing Judge made some mistake when imposing the sentence. For example, there was no power to pass the particular sentence imposed or the sentence was passed on some incorrect factual or legal basis). Grounds should therefore explain why the sentence was “manifestly excessive” and/or “wrong in principle”.

9. Where a certificate that the case is fit for appeal is granted by the trial judge this should be stated (and see generally paragraph 17 of “A Guide to proceedings in the Court of Appeal Criminal Division”).

10. Where an appellant has been **granted** permission to appeal s/he is entitled to be present on the hearing of the appeal only. If the appellant is in custody and wishes to be present at any hearing for which permission to be present is required s/he must apply for permission in writing.

11. Where the Criminal Cases Review Commission refers a case to the Court, the Court must treat that reference as the appeal notice if the appellant does not serve such a notice of appeal under rule 68.2 of the Criminal Procedure Rules.

Update January 2012

The Criminal Procedure Rules and related forms are available on line at:

<http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/criminal/rulesmenu.htm> and

<http://www.justice.gov.uk/guidance/courts-and-tribunals/courts/procedure-rules/criminal/forms/formspage.htm>