

**APPLICATION TO MAGISTRATES' COURT OR CROWN COURT TO STATE A CASE FOR AN APPEAL TO THE HIGH COURT**

*(Criminal Procedure Rules, rule 35.2)*

**Case details**

Name of defendant:

Court:

Case reference number:

Charge(s):

**This is an application by [ ..... (name of defendant)]**

**[the prosecutor]**

**for the court to state a case for the opinion of the High Court on an appeal on a question of law or jurisdiction.**

Use this form ONLY for an application to the court to state a case for the opinion of the High Court on a question of law or jurisdiction, under Criminal Procedure Rule 35.2. There are different forms for appealing from a magistrates' court to the Crown Court under Criminal Procedure Rules Part 34, or from the Crown Court to the Court of Appeal under Criminal Procedure Rules Part 39.

**1. Complete the boxes above and give the details required in the boxes below.** If you use an electronic version of this form, the boxes will expand<sup>1</sup>. If you use a paper version and need more space, you may attach extra sheets.

**2. Sign and date the completed form.**

**3. Send a copy of the completed form to:**

**(a) the court, and**

**(b) each other party to the case.**

You must send this form so as to reach the recipients **not more than 21 days after the decision about which you want to appeal to the High Court**. If that decision was by a magistrates' court, **the court has no power to extend that time limit**.

A party who wants to make representations about this application must serve those representations under Criminal Procedure Rule 35.2(3) **not more than 14 days after service of this application**.

**1) Decision under appeal.** Give brief details of the decision about which you want to appeal to the High Court (including the date of that decision).

<sup>1</sup> Forms for use with the Rules are at: <http://www.justice.gov.uk/courts/procedure-rules/criminal/formspage>.

**2) Question(s) for the High Court.** What question(s) of law or jurisdiction do you want the court to state for the opinion of the High Court ?

**3) Grounds of appeal.** Explain briefly why you think the decision against which you want to appeal was wrong, and how that decision depended on the question(s) specified in box 2 above.

**4) Other applications. I am also applying for:**

- an extension of time for asking the court to state a case for the High Court.**  
You can ONLY apply for an extension of the 21 day time limit if this is an application to the Crown Court.
- pending my appeal, the suspension of a disqualification.**  
For example, a disqualification from driving. You can ONLY apply for the suspension of a disqualification which the court imposed in this case.
- pending my appeal, bail.**  
You can only apply for bail pending appeal if the court sentenced you to imprisonment or detention.

Give reasons for any of these applications you are making:

**Signed**<sup>2</sup>: ..... **[defendant / defendant's solicitor]**  
**[prosecutor]**

**Date:** .....

<sup>2</sup> If you use an electronic version of this form, you may instead authenticate it electronically (e.g. by sending it from an email address recognisable to the recipient). See Criminal Procedure Rules, rule 5.3.