

## GUIDANCE FOR LODGING APPEALS

The purpose of this document is to provide users with a single point of reference for lodging an appeal using the correct form(s). The document provides:

- A list of each type of appeal that may be made to the Court of Appeal Criminal Division;
- The name of the form that is to be used;
- Where each form is to be lodged (sent); and
- The time limit in which to lodge the appeal.

On 1 October 2018, there was a change to Part 39 of the Criminal Procedure Rules that required appeals that fell within that part to be directly lodged with the Registrar of Criminal Appeals and not the Crown Court.

The document contains two tables. Firstly, **table A**, which sets out all the types of application that fall within Part 39 of the Criminal Procedure Rules and must be **directly lodged with the Registrar of Criminal Appeals** at the Criminal Appeal Office, Royal Courts of Justice, Strand, London, WC2A 2LL, **Email:** [criminalappealoffice.applications@hmcts.x.gsi.gov.uk](mailto:criminalappealoffice.applications@hmcts.x.gsi.gov.uk) **Tel:** 020 7947 6011/6014 **DX:** RCJ 44451 Strand

Secondly, **table B**, which sets out those applications which do not fall within Part 39 and are to be lodged with the Registrar of Criminal Appeals and / or the Crown Court.

The forms and guidance for completing the forms may be found at: <http://www.justice.gov.uk/courts/procedure-rules/criminal/forms>

**A) DIRECT LODGEMENT TO THE REGISTRAR OF CRIMINAL APPEALS APPLIES IN ALL OF THE BELOW APPLICATIONS**

FORM	APPLICATION	TIME TO LODGE
NG (Conviction)	<p><b>Appeal against conviction</b></p> <ul style="list-style-type: none"> <li>➤ Includes an appeal against a finding of <b>contempt of court</b></li> <li>➤ Includes a reference from the <b>Criminal Cases Review Commission (CCRC)</b></li> <li>➤ Includes a <b>finding of unfitness to plead</b> and a <b>finding that the defendant did the act/omission charged</b></li> <li>➤ Includes a finding of <b>not guilty by virtue of insanity</b></li> </ul>	28 days from the date of order or decision appealed against
NG (Sentence)	<p><b>Appeal against sentence</b></p> <ul style="list-style-type: none"> <li>➤ Includes an appeal against an order flowing from a finding of <b>contempt of court</b></li> <li>➤ Includes an appeal against a <b>restraining order</b> made upon acquittal</li> <li>➤ Includes an appeal against a <b>mandatory minimum sentence</b> imposed under sections 110 (third strike domestic burglar) and 111 (third strike</li> </ul>	28 days from the date of the sentence or order

	<p>class A drug trafficking offence) Powers of Criminal Courts (Sentencing) Act 2000, following the quashing of a relevant previous conviction</p> <ul style="list-style-type: none"><li>➤ Includes an appeal against a sentence under the <b>dangerous offender provisions</b> in the Criminal Justice Act 2003, where a previous qualifying offence has been quashed</li><li>➤ Includes an appeal against the making, variation, renewal or discharge of a <b>Sexual Harm Prevention Order</b></li><li>➤ Includes an appeal against a <b>declaration of relevance</b> that an offence was football related for the purposes of making a <b>football banning order</b></li></ul> <p>NOTE: that an appeal against the failure to make a football banning order is dealt with by the Civil Division</p> <ul style="list-style-type: none"><li>➤ Includes an appeal against a determination that an offence has a <b>terrorist connection</b> for the purposes of sentence</li><li>➤ Includes an appeal by a parent or guardian of a convicted child or young person, against the making of a <b>parenting order</b> against the parent or guardian</li></ul>	
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	<ul style="list-style-type: none"> <li>➤ Includes an appeal by a parent or guardian of a convicted child or young person, against an <b>order that the parent or guardian pay a fine, costs, compensation or victim surcharge</b></li>   <li>➤ Includes an appeal by a parent or guardian of a convicted child or young person, against an order that the <b>parent or guardian enter into a recognisance to take proper care of the child or young person or against a fine imposed for failure to agree to enter into the recognisance</b></li>   <li>➤ Includes an appeal against an order following a <b>verdict of not guilty by virtue of insanity or a finding of unfitness to plead.</b></li> </ul>	
NG (Confiscation)	Appeal against a <b>confiscation order</b>	28 days from the date of the making of the order
NG (Review Decision "RD")	Appeal against a review decision of sentence by the Crown Court pursuant to <b>section 74 Serious Organised Crime and Police Act 2005</b>	28 days from the date of the decision
NG (Serious Crime Prevention Orders "SCPO")	Appeal against a <b>serious crime prevention order</b>	28 days from the date of the making of the order
NG (Minimum Term "MT")	Appeal against the setting or the review by the High Court of the minimum term of a <b>mandatory life sentence</b> (only applies to those prisoners sentenced to a mandatory life sentence before 18 December 2003)	28 days from the date of decision

	Appeal by a <b>life prisoner transferred to England or Wales</b> , against the setting by the High Court of the minimum term to be served	
Currently there is no form. Apply in writing.	Applies to: <ul style="list-style-type: none"> <li>➤ Appeal by third party against a <b>third party costs order</b> made against them</li> <li>➤ Appeal by legal or other representative against the making of a <b>wasted costs</b> order against them</li> </ul>	21 days after the making of the order

**B) DIRECT LODGEMENT DOES NOT APPLY TO THE FOLLOWING APPLICATIONS**

FORM	APPLICATION	TIME TO LODGE
Form NG (Prep)  (CrimPR Part 37; s. 9 Criminal Justice Act 1987 & s. 35 Criminal procedure and Investigations Act 1996)	Appeal against a ruling made at a preparatory hearing	<ul style="list-style-type: none"> <li>i. If an application for leave is made to the trial judge, it should be made orally immediately after the ruling or within two business days by serving a notice of an application on the appropriate officer of the Crown Court and all parties affected.</li> <li>ii. If no application is made to the trial judge or the trial judge refuses leave, then an application should be served on the Registrar of Criminal Appeals nor more than five business days after the ruling or the trial judge's decision to refuse leave.</li> </ul>

<p>Form NG (Pros)</p> <p>(CrimPR Part 38; s. 58 Criminal Justice Act 2003)</p>	<p>Appeal by the prosecution against a terminating ruling</p>	<ul style="list-style-type: none"> <li>i. The Prosecution must inform the trial judge of an intention to appeal immediately after the ruling, or if the Prosecution require time to decide whether to appeal, the next business day.</li> <li>ii. Notice of appeal must be served on the Crown Court, the Registrar of Criminal Appeals and the defendants the next business day after informing the trial judge of the decision to appeal or five business days after telling the trial judge, if the trial judge has not expedited to the appeal.</li> </ul>
<p>No specific form</p> <p>(CrimPR Part 41; s. 36 Criminal Justice Act 1988)</p>	<p>Attorney General's reference on an unduly lenient sentence</p>	<p>Already directly lodged with the Registrar of Criminal Appeals within 28 days</p>
<p>No specific form</p> <p>(CrimPR Part 41; s. 36 Criminal Justice Act 1988)</p>	<p>Attorney General's reference on a point of law on acquittal</p>	<p>Already directly lodged with the Registrar of Criminal Appeals within 28 days</p>
<p>PoCa 1</p> <p>(CrimPR Part 42; s. 31 Proceeds of Crime Act 2002)</p>	<p>Prosecution appeal against a confiscation order or the failure to make one</p>	<p>Service on the Crown Court within 28 days</p>

<p>PoCa 3  (CrimPR Part 42; s. 43 Proceeds of Crime Act 2002)</p>	<p>Prosecution appeal against decisions made by the Crown Court in relation to restraint orders</p>	<p>Service on the Crown Court within 28 days</p>
<p>PoCa 3  (CrimPR Part 42; s. 65 Proceeds of Crime Act 2002)</p>	<p>Appeal against decisions in relation to receivership orders</p>	<p>Service on the Crown Court within 28 days</p>
<p>Form (159)  (CrimPR Part 40; s. 159 Criminal Justice Act 1988)</p>	<p>Appeal in respect of a reporting restriction or restriction to public access</p>	<ul style="list-style-type: none"> <li>i. Applications against a reporting restrictions must be made on the Crown Court, the Registrar of Criminal Appeals and any other part affected within 10 business days</li> <li>ii. Applications in respect of public access restrictions must be made on the same parties the next business day</li> </ul>
<p>NG (ACQ)  (CrimPR Part 27; s. 76 Criminal Justice Act 2002)</p>	<p>Application to quash an acquittal and for a re trial</p>	<p>Service of the application must be on the Registrar of Criminal Appeals once the decision has been made.</p>