



Jersey

**COURT OF APPEAL (CRIMINAL)
(PREPARATORY HEARINGS –
INTERLOCUTORY APPEALS) RULES 2021**

Official Consolidated Version

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COURT OF APPEAL (CRIMINAL) (PREPARATORY HEARINGS – INTERLOCUTORY APPEALS) RULES 2021

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THE COURT OF APPEAL makes these Rules under Article 40 of the [Court of Appeal \(Jersey\) Law 1961](#) with the approval of the Minister for Home Affairs and under Article 58(4) of the [Criminal Procedure \(Jersey\) Law 2018](#) –

Commencement [[see endnotes](#)]

1 Interpretation

In these Rules, unless the context otherwise requires –

“1961 Law” means the [Court of Appeal \(Jersey\) Law 1961](#);

“2018 Law” means the [Criminal Procedure \(Jersey\) Law 2018](#);

“appellant” means an appellant under Article 58(1) of the 2018 Law including a person who applies for leave to appeal;

“principal Rules” means the [Court of Appeal \(Criminal\) Rules 1964](#).

2 Notice of Appeal

- (1) An application for leave to appeal under Article 58(1) of the 2018 Law shall be made to the Bailiff within 5 days of the making of the ruling to which it relates or within any shorter period required by the Bailiff.
- (2) The application is made by the appellant delivering a written notice specifying the grounds of the application to –
 - (a) the Bailiff’s Secretary;
 - (b) the Judicial Greffier; and
 - (c) all parties to the preparatory hearing directly affected by the ruling in question.
- (3) Each of the parties in paragraph (2)(c) may within 3 days of receiving the appellant’s notice, or within any shorter period required by the Bailiff, deliver a respondent’s notice to –
 - (a) the Bailiff’s Secretary;
 - (b) the Judicial Greffier; and
 - (c) all the other parties.
- (4) The Bailiff may decide (with or without an oral hearing) whether or not to grant leave to appeal on the basis of the notice or notices delivered under paragraphs (2) and (3).

- (5) The Bailiff’s Secretary shall give written notice of the decision of the Bailiff under paragraph (4) to the appellant and the other parties.
- (6) If the Bailiff grants leave to appeal –
 - (a) the appellant shall give written notice of appeal to the Judicial Greffier and the other parties within 3 days of receiving the written notice of the Bailiff’s decision; and
 - (b) the notice of appeal must state –
 - (i) that leave has been granted, and
 - (ii) the grounds on which leave was granted.
- (7) If the Bailiff refuses leave to appeal, the appellant may, within 3 days of receiving the written notice of the Bailiff’s decision, renew the application for leave to appeal to the Court of Appeal by delivering to the Judicial Greffier and the other parties –
 - (a) the notice of application for leave; and
 - (b) a notice of appeal.
- (8) Each of the other parties may within 3 days of receipt of a notice of appeal deliver a respondent’s notice to –
 - (a) the Judicial Greffier;
 - (b) the appellant; and
 - (c) the other parties.
- (9) The periods specified in paragraphs (6)(a), (7) and (8) –
 - (a) may be abridged by the Bailiff when the Bailiff grants or, as the case may be, refuses leave to appeal; and
 - (b) may be extended, before or after they expire, by the Court of Appeal.
- (10) A notice of –
 - (a) appeal,
 - (b) application for leave to appeal; or
 - (c) application for an extension of time,must be accompanied by any documents (or copies thereof) and other material necessary for the proper determination of the appeal or application.
- (11) A notice of application for leave to appeal and a notice of appeal may be given in respect of the whole or any part of the ruling or order to which it relates, and must –
 - (a) specify any question of law or procedure in respect of which the application or appeal is brought, and whenever appropriate such facts of the case as are necessary for proper consideration of the question concerned;
 - (b) summarize the arguments intended to be put to the Court of Appeal; and
 - (c) specify any authorities intended to be cited, and be accompanied by copies of those authorities.

3 Respondent’s notice

- (1) A respondent’s notice given under paragraph (3) or (8) of Rule 2 must –
 - (a) specify the date on which the appellant’s notice of application or of appeal was received by the party concerned;

- (b) summarize that party's responses to the appellant's application or appeal, including the arguments intended to be relied on; and
 - (c) specify any authorities intended to be cited and be accompanied by copies of such authorities.
- (2) The time for giving notice under this Rule may be extended, before or after it expires, by the Court of Appeal.

4 Persons in custody

- (1) A person in custody is entitled to be present at the hearing of an appeal, or an application for leave to appeal, under Article 58(1) of the 2018 Law to which the person is a party.
- (2) A person in custody is not entitled to be present at the hearing of an appeal, or an application for leave to appeal, under the said Article 58(1) to which he is not a party except –
- (a) on an application to the Bailiff for leave to appeal, with the permission of the Bailiff; or
 - (b) on an appeal, or an application to the Court of Appeal for leave to appeal, with the permission of that Court.
- (3) An application under paragraph (2) for permission to be present shall be made by delivering a written request –
- (a) where paragraph (2)(a) applies, to the Bailiff's Secretary; or
 - (b) where paragraph (2)(b) applies, to the Judicial Greffier.

5 Supply of documentary and other exhibits

Rule 13 of the principal Rules shall apply in relation to an appellant and a respondent under Article 58(1) of the 2018 Law as it applies in relation to an appellant or an appellant's advocate under Part 3 of the 1961 Law.

6 Abandonment of proceedings

Rule 8 of the principal Rules shall apply for the purposes of an appeal, or an application to the Court of Appeal for leave to appeal, under Article 58(1) of the 2018 Law as it applies to an appeal or an application for leave under Part 3 of the 1961 Law, except that notice of the appeal, or application, as the case may be, shall be delivered to the Judicial Greffier in a form specified by practice directions under Rule 9(1) (of these Rules).

7 Powers exercisable by single judge

- (1) The following powers may be exercised by a single judge of the Court of Appeal in the same manner as they may be exercised by the Court of Appeal and subject to the same provisions –
- (a) to give leave to appeal under Article 58(1) of the 2018 Law;
 - (b) to extend time under Rule 2(9); and
 - (c) to give permission under Rule 4 for a person in custody to be present at any proceedings.

- (2) A single judge may sit in such place as the judge decides in order to exercise any of the powers specified in paragraph (1).

8 Notice of determination of court

- (1) The Judicial Greffier shall as soon as practicable deliver notice of a determination by the Court of Appeal or by a single judge under Rule 7 to –
- (a) the appellant; and
 - (b) the respondent any other person who is directly affected by the ruling to which the appeal or application under Article 58(1) of the 2018 Law relates.
- (2) The Judicial Greffier shall as soon as practicable give notice to the Bailiff’s Secretary of the order of the Court of Appeal disposing of an appeal or application for leave to appeal.

9 Forms

- (1) The Bailiff may issue practice directions specifying forms to be used in respect of applications and notices for the purposes of these Rules.
- (2) Paragraph (1) does not affect any power to issue practice directions for any other purpose.

10 Citation and commencement

These Rules may be cited as the Court of Appeal (Criminal) (Preparatory Hearings – Interlocutory Appeals) Rules 2021 and come into force on 1st October 2021.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	Project No (where applicable)
Court of Appeal (Criminal) (Preparatory Hearings – Interlocutory Appeals) Rules 2021	R&O.116/2021	1 October 2021	

Projects available at statesassembly.gov.je

Table of Endnote References

There are currently no endnote references