

**Notice and grounds of appeal or application for leave to appeal  
to the Court of Appeal Criminal Division against a sentence review decision**

*(Criminal Procedure Rules, r 68.3(1B), (2))*



**FOR OFFICIAL USE**

CAO No.                    /                    /

**Form  
NG(RD)**

**NOTICE and GROUNDS** of appeal or application for leave to appeal to  
**THE COURT OF APPEAL CRIMINAL DIVISION**

**ON COMPLETION PLEASE SEND THIS FORM TO THE CROWN COURT WHERE SENTENCED**

Please read the notes for guidance attached. Write in **BLACK INK** and use **BLOCK CAPITALS**

<b>The Appellant</b>	<i>If appellant is the specified prosecutor: (i) give specified prosecutor's details in left hand column (ii) provide details of offender's name and date of birth and, if known, other prison details.</i>	
	Surname _____	Prison Index No _____
	Forenames _____	
	Address _____ <small>(if not in custody)</small>	Prison _____
	Postcode _____	Date of birth of offender _____
	Offender's name (if not the appellant) _____	

<b>The Court where sentenced</b>	The Crown Court at _____ Name of Judge _____
	Date of sentence _____
	Date of sentence review decision _____ Name of Judge _____
	Total period of remand in custody prior to sentence _____

<b>The conviction(s) and sentence(s)</b>	Crown Court Case number(s)	Court Or Charge No.	Offence(s)	Sentence	
				Original	Review
The full Crown Court case number(s) must be given, and particulars of ALL counts, offences and sentences included					

**Applications**  
**The appellant is applying for:**

Please tick (✓) as appropriate

- |   |  |
|---|--|
| <input type="checkbox"/> Extension of time in which to apply for leave to Appeal against sentence review decision | <input type="checkbox"/> Representation Order  |
| <input type="checkbox"/> Leave to appeal against sentence review decision   | <input type="checkbox"/> Bail                  |
|   | <input type="checkbox"/> Leave to call witness |

<b>Legal Representation</b> (please use BLOCK CAPITALS)	Name of <b>Counsel</b> _____ Address _____
	Telephone No _____
	Reference _____ Postcode _____ DX No _____
	Name of <b>Solicitor</b> _____ Address _____
	Telephone No _____
	Reference _____ Postcode _____ DX No _____

<b>Grounds of Appeal</b>	<p>There is no specific format which is required for grounds of appeal. The grounds must be attached to this application form. Please also see the attached guidance notes, particularly note 6.</p>
	<p><b>NB. (1)</b> Where grounds have been settled by counsel <b>they must be signed by counsel</b> with the name of counsel printed underneath. Counsel should also indicate whether s/he wishes to perfect grounds.</p>
	<p><b>(2)</b> Any report which is relied upon and which was not retained by the Crown Court or by the police must be copied and attached to this application form.</p>
	<p><b>(3)</b> 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.</p>

<b>Transcripts</b>	<p>On an application for <b>leave to appeal against a sentence review decision</b> a transcript of the review judge's decision is obtained by the Registrar as a matter of course.</p> <p>If ADDITIONAL transcript is sought, please specify below or, if preferred, within the grounds of appeal, giving specific dates and times of the part of the proceedings for which the transcript is requested. <b>Failure to give such details could result in unnecessary delay and prejudice the applicant.</b></p>		
	<b>TRANSCRIPT</b>	<b>DATE</b>	<b>TIME</b>

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.

<b>REMINDER</b>	<p>Have You:</p> <p>a) included reasons in support of any application for extension of time?</p> <p>b) included Form B if applying for bail?</p> <p>c) included Form W and witness statement if seeking to call a witness</p> <p>d) (i) attached your grounds of appeal?  (ii) are the grounds of appeal signed by counsel/solicitor?  (iii) does counsel wish to perfect grounds?</p> <p>e) (i) attached your request for additional transcript?  (ii) specified the dates and times of transcript requested?</p>	<p>* delete as appropriate</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p> <p>Yes/No*</p>
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<b>SIGNATURE</b>	<p style="text-align: center;"><b><u>APPELLANTS IN CUSTODY ONLY</u></b></p> <p>I understand that if the single judge and/or the Court is of the opinion that the application for leave 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 style="text-align: center;"><b><u>ALL APPELLANTS</u></b></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. <b>NB</b> if signed by a legal representative, the appellant will be given the opportunity to request a copy of the form.]</p> <p>Signed _____ Date _____</p> <p>(of appellant or legal representative signing on <i>behalf</i> of the appellant)</p>
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**NOW PLEASE SEND THIS FORM TO THE CROWN COURT WHERE SENTENCED**

<p><b>FOR PRISON USE</b> (if applicable)</p> <p>This notice was handed to me by appellant today.</p> <p>Signed _____  <div style="text-align: right; margin-right: 50px;">Prison Officer</div></p> <p>Date _____</p>	<p>Appellant's Index No _____</p> <p>EDR _____</p> <p>PED _____</p>
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**FOR CROWN COURT USE**

**Immediately** upon receipt of Form NG(RD) 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.

**Note:** Where slip 1 refers to Form NG the suffix "RD" is omitted. No reference to "RD" should appear on the acknowledgement this slip.

<p><b>Slip 1</b> (Acknowledgement)</p> <p><input type="checkbox"/> sent to _____</p>	<p><b>Slip 2</b> (Notification/statements)</p> <p><input type="checkbox"/> Prosecutor _____</p>
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Date sent \_\_\_\_\_

**Slip 3**  
(Monetary penalty/order)

Mags Ct \_\_\_\_\_

Form NG(RD) received in Crown Court:

Signed \_\_\_\_\_ Date \_\_\_\_\_

Sent to the Criminal Appeal Office

Signed \_\_\_\_\_ Date \_\_\_\_\_

Name and full address/DX of specified prosecutor.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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

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 had lodged notice of appeal to the Court of Appeal Criminal Division.

Yours faithfully

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**Slip 2 Notification to Specified Prosecutor of receipt of Application for leave to appeal to the Court of Appeal** (to be sent in all cases where appellant is not the specified prosecutor).

To: From: Crown Court at

Date

Dear Sir/Madam

R –v- Crown Court Ref:

Please note that an application for leave to appeal has been received in the above matter. All exhibits must be retained in safe custody pending the determination of 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 7946 6011/6014  
DX: RCJ 44450 STRAND  
FAX: 020 7947 6900

Yours faithfully

(on behalf of the Registrar)

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**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 forms(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 44450 strand: Fax: 020 7947 6900)

Yours faithfully

\*Delete as appropriate

## Notes for guidance on the completion of this form

1. This form is only to be used for appeals under section 74(8) of the Serious Organised Crime and Police Act 2005 (appeal against sentence review decision).
2. Solicitors and Counsel are expected to be familiar with "A Guide to 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 court Service Internet site ([www.courtservice.gov.uk](http://www.courtservice.gov.uk)), as are all necessary forms.
3. If the applicant wishes to appeal against conviction or sentence, Form NG should be used.
4. **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.**
5. 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 to which correspondence should be sent.

## 6. Applications

This form should be sent to the Crown Court within 28 days of the sentence review decision appealed against. If the appellant is in custody the form should be handed in a sealed addressed envelope 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 by leave of the Court of Appeal Criminal Division and detailed reasons for the delay must be attached to this form.
- **Representation Order** 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(RD) 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.*
- **Leave to call a witness** Where leave is sought to call a witness in support of an application for leave to appeal against a sentence review decision 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 (RD) it should be sent to the Crown Court but if submitted later should be sent to:- *The Registrar* at the address given above.

**7. 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 with sufficient detail to enable matters relied upon to be clearly identified. Wording such as "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 6 above).

**8.** Where an appellant has been **granted** leave 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 leave to be present is required s/he must apply for leave in writing.