

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND

**CRIMINAL APPEALS: NOTICE OF APPEAL OR APPLICATION FOR
LEAVE TO APPEAL**

1. A person who wishes to appeal to the Court of Appeal under any criminal appeal rules in Northern Ireland must give notice of appeal in the manner prescribed by the relevant court rules. This direction is to remind those making appeals that a notice of appeal or an application for leave to appeal which is not accompanied by proper grounds of appeal or application is invalid and does not constitute a notice of appeal or application for leave to appeal.

2. Archbold 2007 Edition paragraph 7-179 states:

It is counsel's duty when drafting grounds to see that all the material is fairly and properly put before the court. Sentence from the summing up should not be extracted out of context if within context they cannot properly be the subject of criticism: *R v Singh* [1973] Crim. L.R. 36. It is contrary to counsel's duty to put forward as a ground of appeal a general and sweeping attack on the summing up (e.g. "the summing up read as a whole was unfair in that it was a direction to the jury to convict") which is wholly unjustified: *R v Mason*, 62 Cr. App. R. 236.

The Court of Appeal emphasised in *R v Haycraft*, 58 Cr. App. R. 121, and in *R v Kalia*, 60 Cr. App. R. 200, that proper compliance with the rules of court regarding the giving or amending of grounds of appeal is essential. A notice of appeal endorsed "ground of appeal to follow" is not a notice of appeal ... : *R v Wilson* [1973] Crim. L. R. 572".

3. The Appeals and Lists Office will not accept and will not list a notice of appeal or an application for leave to appeal unless it is accompanied by grounds of appeal of sufficient particularity. The Master (Queen's Bench and Appeals) will determine whether the grounds are sufficiently particularised. In case of doubt, or where the appellant or his solicitor so requests, the issue will be referred by the Master to a Lord Justice of Appeal for his decision. The Master (after consultation with the Lord Justice of Appeal where appropriate) may return the grounds of appeal to the appellant or his solicitor if he considers they are not sufficiently particularised.

4. A notice of appeal or application for leave to appeal will not be treated as accepted by the Appeals and Lists Office until the Office has notified the appellant or his solicitor in writing that the notice has been accepted. Where the appellant is in prison the prison authorities will be sent a copy of this notification to pass to the appellant.

5. Counsel are reminded that they should not settle grounds of appeal or support them with written evidence unless they consider that the proposed appeal is properly arguable (Archbold 2007, paragraph 7-179). When drafting grounds of appeal against sentence a formula such as "the sentence is too severe" is inadequate and the grounds of appeal should state the reasons that it is claimed the sentence is manifestly excessive or wrong in principle.

Dated this 7th day of March 2007

Lord Chief Justice

