

## Criminal Appeal (Amendment) Rules 2015

(Made by the Criminal Procedure Rules Committee under section 9 of the Criminal Procedure Ordinance (Cap. 221) subject to the approval of the Legislative Council)

### 1. Criminal Appeal Rules amended

The Criminal Appeal Rules (Cap. 221 sub. leg. A) are amended as set out in rule 2.

### 2. Schedule amended

(1) The Schedule, Form VII—

#### Repeal

“on the                      19 , and”

#### Substitute

“on the       day of                      , and”.

(2) The Schedule, Form VII, English text—

#### Repeal

“in regard thereto.”

#### Substitute

“in regard to the appeal.”.

(3) The Schedule, Form VII—

#### Repeal

“Dated the       day of                      19 .”

#### Substitute

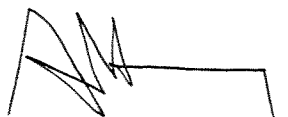
“Dated the       day of                      .”.

(4) The Schedule, at the end of Form VII—

### Add

- “Notes: 1. Please note rule 39 of the Criminal Appeal Rules (Cap. 221 sub. leg. A).
2. Under that rule 39, on receipt by the Registrar of your notice of abandonment, your appeal is deemed to have been dismissed. The Court of Appeal has no inherent jurisdiction to permit your appeal to be reopened unless—
- (a) your abandonment of the appeal is treated as a nullity; or
- (b) there is a reference to the Court of Appeal by the Chief Executive under section 83P of the Criminal Procedure Ordinance (Cap. 221).
3. Only in exceptional circumstances, where the Court is satisfied that the abandonment was not the result of a deliberate and informed decision, will the Court treat the abandonment as a nullity.”.

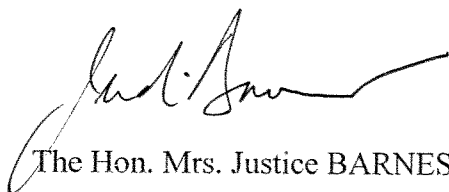
Made this 13<sup>th</sup> day of February 2015.



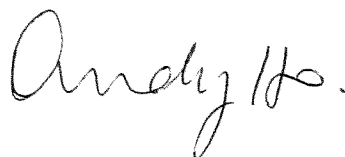
The Hon. Mr. Justice CHEUNG  
Chief Judge of the High Court



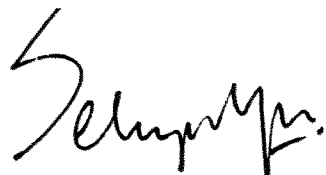
The Hon. Mr. Justice LUNN, V.P.



The Hon. Mrs. Justice BARNES



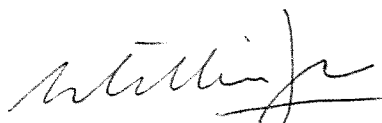
Andy HO  
Senior Deputy Registrar, High Court



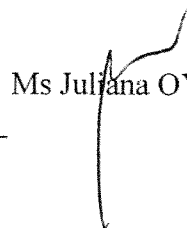
Selwyn YU, S.C.



Kenneth NG



William TAM



Ms Juliana OY CHAN

### Explanatory Note

These Rules amend the Schedule to the Criminal Appeal Rules (Cap. 221 sub. leg. A) in Form VII by adding a note to indicate, for information purposes, the effect in law of abandoning an appeal by giving notice of abandonment.