|  |
| --- |
| APPEAL BY PERSON AGAINST WHOM A DOMESTIC ABUSE PROTECTION ORDER IS MADE TO THE CROWN COURT FROM A MAGISTRATES’ COURT **APPEAL AGAINST A DECISION ON AN APPLICATION RELATING TO A DOMESTIC ABUSE PROTECTION ORDER** (Domestic Abuse Act 2021 - sections 46(1) & 46(5)) |
| Use this form ONLY for an appeal to the Crown Court under section 46 Domestic Abuse Act against a decision on an application relating to a domestic abuse protection order. There is a different form for an appeal to the Crown Court against a conviction, sentence or both, and a different form for applying or appealing to the Crown Court about bail under CrimPR 14.8. |
| **Important notice**  (1) an appeal hearing can go ahead even if you do not attend.  (2) if your appeal fails, the court can make a costs order against you. |
| Appellant’s name and address Name:  Address:  If the appellant is in custody, give prison or young offender institution number, if known.  Date of birth:  Email address:  Phone: Mobile:  Appeal from …………………………………. Magistrates’ Court  Magistrates’ reference number:  Appeal to the Crown Court at:  Is the appellant represented? YesNo  If yes, give:  Representative’s name and firm:  Representative’s address:  Representative’s email address:  Phone:Mobile:  Representation is:legal aid granted  legal aid applied for  privately funded |
| **1. Complete the box above and give the details required in the boxes below.** If you use an electronic version of this form, the boxes will expand. If you use a paper version and need more space, you may attach extra sheets.  2. Sign and date the completed form.  3. Send the completed form to the magistrates’ office AND to the prosecutor – DO NOT send this form to anyone else. You can get the address of the prosecutor from the original application or from the court. Make sure this appeal notice reaches both those offices not more than 15 business days[[1]](#footnote-1) after the date the decision was made which you are appealing against. Otherwise, you will have to ask the Crown Court for permission to appeal out of time and the court may refuse. |

|  |
| --- |
| This is an appeal to the Crown Court under:  If you have no legal representative, you may find this question hard to answer. If you are not sure what to put, leave this blank.  ☐ section 46(1) Domestic Abuse Act 2021 – appeal against any decision of a court on an application for a domestic abuse protection order under section 28 (to the extent that it would not otherwise be so appealable)  ☐ section 46(5) Domestic Abuse Act 2021 - appeal against any decision of a court under section 44 in relation to a domestic abuse protection order (to the extent it would not otherwise be so appealable, whether under subsection (4) or otherwise).  This is an appeal to the Crown Court:   1. Give brief details of the magistrates’ court decision about which you are appealing. Please include the date of that decision. 2. Why are you appealing? Please provide the reasons for your appeal. 3. What other information do you want the Crown Court to consider, in particular? For example, explain any circumstances of which you think the court should take account or information that you think ought to affect the decision the court makes. 4. Why do you think the above circumstances or information matter to your appeal?   If applicable:  **I need an extension of time for this appeal. My appeal is late because:**  Explain why your appeal is late. Attach copies of any letters or other documents you want the court to see. The time limit for appeal against a magistrates’ court decision is 15 business days from the date the decision was made by the magistrates’ court. Only the Crown Court can extend the time limit for appeal.  If applicable:  My appeal should be heard urgently because:  Explain why. Attach copies of any letters or other documents you want the court to see. |
| Case management in the Crown Court  Answer the following questions as far as you can. If you do not know the answer to a question, say so. Any answers that you can give will help the Crown Court to arrange an effective appeal hearing, even if you cannot answer every question.   1. Did you attend the hearing in the magistrates’ court?  Yes  No 2. How long did the hearing last in the magistrates’ court? Say if you don’t know or you aren’t sure.   You may need an interpreter if spoken English is not your first language.   1. Do you need an interpreter in the Crown Court?  Yes  No   If yes, in what language (and dialect, if relevant)?   1. Will you be applying for any form of special measures? If so, what type? 2. How long do you expect the appeal hearing to last in the Crown Court? Say if you don’t know or you aren’t sure. |
| **Signed**[[2]](#footnote-2)\*: …………………………………………… **[appellant / appellant’s representative]**  **Date**: …………………………. |

1. This means any day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday or a bank holiday. [↑](#footnote-ref-1)
2. \* If you use an electronic version of this form, you may instead authenticate it electronically (e.g. by sending it from an email address recognisable to the recipient). See Criminal Procedure Rules, rule 5.3. [↑](#footnote-ref-2)