



## **Criminal Appeals route through the consultation paper: prosecution**

*All numbered questions and paragraphs below are hyperlinked to the relevant pages online.*

The Law Commission published a [consultation paper](#) on Criminal Appeals on 27 February. Consultation runs until 27 June 2025. By our [terms of reference](#), our review aims at ensuring that appeals and their consequences are effectively, efficiently and appropriately resolved.

This short “route through” the consultation paper is aimed at those concerned with or involved in **prosecution**. If you can and want to, we recommend that you read the full consultation paper. However, we do not expect or prefer that respondents to our consultation answer all 108 of our consultation questions; this route through is aimed at enabling those concerned in prosecution to read parts of the paper of core relevance to them so that they can answer the consultation questions of most relevance to them.

Alternatively, you can read our 37-page [summary paper](#), of which summary consultation questions [13](#), [14](#) and [17](#) will be of particular relevance to those involved in prosecution.

### **How to respond**

You can respond to any and all of the full consultation paper’s questions via our [online form](#) and navigate by chapter. You can also respond to our summary via its [form](#). Alternatively, you can email us with answers or queries at [criminal.appeals@lawcommission.gov.uk](mailto:criminal.appeals@lawcommission.gov.uk).

### **Areas of most relevance to those concerned with or involved in prosecution**

Appeals from magistrates’ courts to the High Court on a point of law (Chapter [5](#))

See [5.25 to 5.45](#) and [5.138 to 5.202](#) and Questions [11](#) and [12](#).

Dealing with “unduly lenient” sentences (Chapter [7](#))

See [7.37 to 7.46](#) and [7.79 to 7.135](#) and Questions [24](#), [25](#), [26](#), [27](#), [28](#) and [29](#).

Proceedings for nullity, retrial and re-arraignment (Chapters [8](#), [9](#) and [13](#))

See [8.168 to 8.173](#) and Question [37](#) on nullity and venire de novo. See [9.77 to 9.134](#) and Questions [43](#), [44](#), [45](#), [46](#) and [47](#) on retrials and re-arraignment. See [13.67 to 13.86](#) and Questions [79](#) and [80](#) on re-arraignment following quashed acquittals.

Prosecution interlocutory appeals and prosecution bail appeals (Chapter [12](#))

See [12.28 to 12.91](#) and Question [71](#) for prosecution interlocutory appeals and so-called “terminating rulings”. See [12.134 to 12.158](#) and Questions [74](#) and [75](#) for bail appeals.

Proceedings to quash acquittals and references on a point of law (Chapter [13](#))

See [13.9 to 13.64](#) and [13.87 to 13.136](#) and Questions [76](#), [77](#), [81](#) and [82](#) for proceedings to quash acquittals. See [13.148 to 13.187](#) and Questions [83](#), [84](#), [85](#) and [86](#) for Attorney General’s references on a point of law.

Post-conviction retention and disclosure of evidence (Chapter [15](#))

See [15.8 to 15.35](#), [15.52 to 15.65](#) and [15.79 to 15.183](#) and Questions [90](#), [91](#), [92](#), [93](#), [94](#) and [95](#).

Trial issues, including the *Galbraith* test and disclosure (Chapter [17](#) and Appendix [4](#))

See [17.109 to 17.112](#) and Appendix 4 paragraphs [6 to 32](#) and [56 to 61](#) and Question [106](#).