Annex – Overview of post-appeal processes

Conviction in the General Division of the High

Court

Accused is entitled to appeal to the Court of Appeal ("CA"), against both the conviction and sentence.

PACP does not appeal / withdraws the appeal

CA must still review the case and satisfy itself as to the correctness, legality and propriety of the

CA confirms

the sentence

PACP appeals against the conviction and/or sentence (appeal dismissed) PACP applies to the CA for permission to make a PACC Application

The process is set out in the Supreme Court of Judicature Act 1969 ("SCJA"). When deciding whether to grant permission, the Court must consider the matters in s 60G(7) SCJA.

If permission is granted, the PACC application is to be filed within 3 days after permission is granted.

PACP files PACC Application

The PACC Application is determined by the CA.

The CA may exercise any power and make any order that could have been exercised and made by the Appellate Division or the General Division of the High Court. This includes making incidental directions and taking additional evidence.

PACP applies to the CA for permission to make a review application (i.e. an application to review the CA's earlier decision)

PACP files the review application

The process is set out in the Criminal Procedure Code 2010 ("CPC").

When deciding whether to grant permission, the CA must consider the matters in s 394H(6A) of the CPC.

<u>If permission is granted</u>, the review application is to be filed within 3 days after permission is granted.

The review application is determined by the CA.

The CA may exercise any power and make any order that could have been exercised and made, respectively, by the court that made the earlier decision (i.e. the CA).

<u>Legend</u>	
	Unchanged
	Amended by the PACC Act 2022
	Operationalised via the Rules of Court (Amendment No. 2) Rules 2024
	Amended by the Criminal Procedure (Amendment) Rules 2024 (consequential amendments)