**Rule 114**

Form 46 Originating application for permission to refer question to Court of Appeal

(*insert front sheet*)

### ORIGINATING APPLICATION FOR PERMISSION TO APPLY TO REFER A QUESTION TO THE COURT OF APPEAL

*Criminal Procedure Act 1921 s 153(6)(b)(ii)*

TO THE DIRECTOR OF PUBLIC PROSECUTIONS

**Application**

The defendant (*insert name of defendant*)................................................................. applies to the Supreme Court for permission to make an application to the Court of Appeal for an order requiring a court to refer a relevant question to the Court of Appeal for consideration and determination.

**Particulars**

1. Number and name of proceeding in which the relevant question arises: ...………………………………………………………………………………
2. Court against which the order is sought: ……………………………………….

3. Date of and name of Judge making decision of primary court refusing application to have the relevant question referred for consideration and determination by the Court of Appeal:

……………………………………………………………………………………

4. Statement of the relevant question: ……………………………………………………………………………………

……………………………………………………………………………………

5. Particulars of any decision made by the primary court concerning the relevant question:

……………………………………………………………………………………

**Defendant’s address**

The defendant’s address for service is:

Place: ……………………………………………………………………………………

…………………………………………………………………………………………..

Email: ……………………………………………………………………………………

The defendant’s address is (*place of residence or business*): …………………………………………………………………………………………………………………………………………………………………………………………

**Date**:

(*signed*) ...........................…………………………….……

Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)