**Rule 115(1)**

Form 47 Originating application to refer question to Court of Appeal

(*insert front sheet*)

### ORIGINATING APPLICATION TO REFER QUESTION TO COURT OF APPEAL

*Criminal Procedure Act 1921 ss 153(5) and 153*

TO THE (*INSERT ROLE*):(*insert name of other party*)…………………………………

AND TO (*insert names of others to whom notice of the application is to be given*)…………………………………………………………………………………….............

**Application**

 (*insert name of applicant*)………………………………………………….. applies 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. Name of proceeding in which the relevant question arises: ……………..…………………………………………………………………….

2. Court against which the order is sought: …………..…………………………….

3. Date 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 (*when applicable*):………………………………………………………………………...

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

…………………………………………………………………………………….

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

……………………………………………………………………………………

6. Permission to make this application:

* is not required as the application is made by the Attorney-General or Director of Public Prosecutions;
* was granted by Justice/Judge ………………..in the………………………. Court on (*insert date*)………………………...

(*delete whichever is inapplicable*)

**Applicant’s address**

The applicant’s address for service is:

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

…………………………………………………………………………………………..

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

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

**Date**:

 (*signed*) …………………………………………………….

Attorney-General /Director of Public Prosecutions/Solicitor for the defendant/Defendant (*delete whichever is inapplicable*)