

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the court to which an appeal will lie against a decision in civil proceedings. It replaces provision previously made by the Access to Justice Act 1999 (Destination of Appeals) Order 2000 (SI 2000/1071, “the 2000 Order”), which is revoked by this Order (article 7). The provisions of this Order differ from those of the 2000 Order in that they make no distinction between interim and final decisions and remove the exceptions by which appeals against certain final decisions would lie to the Court of Appeal.

In the county court, appeal will lie from a decision of a Circuit Judge to the High Court (article 5(1)) and a decision of a District Judge to a Circuit Judge (article 5(3)), unless that decision relates to non-insolvency company law, in which case it will lie from a District Judge to the High Court (article 5(4)).

Article 5 also applies to other judges of the county court (as defined in section 5 of the county courts Act 1984 (c.28)) who hear cases which may be heard by a District Judge or which may only be heard by a Circuit Judge. Appeals from the decisions of District Judges who also sit in the Upper Tribunal (and so to whom both article 5(1) and 5(3) would apply) will still lie to a Circuit Judge (Article 5(2)).

Appeals from decisions of Masters, Registrars and District Judges of the High Court will continue to lie to a judge of the High Court (article 4(1)), except that, in proceedings which have been allocated to the small claims track of the Intellectual Property Enterprise Court, an appeal will lie from a decision of a District Judge to an enterprise judge (article 4(2)).

An appeal from a decision of the county court or the High Court which is itself made on appeal, will lie to the Court of Appeal (article 6).

Articles 9 and 10 of this Order re-enact consequential amendments made in the 2000 Order.