
STATUTORY INSTRUMENTS

2009 No. 1603

The Supreme Court Rules 2009

PART 5

Further general provisions

Procedural applications

30.—(1) Every procedural application to the Court must be made in the appropriate form for general procedural applications unless a particular form is provided for a specific case.

(2) An application must be made in the appropriate form and must—

- (a) set out the reasons for making the application, and
- (b) where necessary, be supported by written evidence.

(3) A copy of the application must be served on every other party before it is filed and, when the application is filed, the applicant must file a certificate of service.

(4) A party who wishes to oppose an application must, within 7 days after service, file notice of objection in the appropriate form and must (before filing) serve a copy on the applicant and any other parties.

(5) An application for permission to appeal, a notice of appeal or any other document filed under these Rules may be amended on application under this rule or with the permission of the Registrar on such terms as appear appropriate, and the Registrar may invite the parties' written submissions on any application to amend.

Requests for expedition

31.—(1) Any request for urgent consideration of an application for permission to appeal or for an expedited hearing must be made to the Registrar.

(2) Wherever possible the views of all parties should be obtained before such a request is made.

Grouping appeals

32. The Registrar may direct that appeals raising the same or similar issues shall be heard either together or consecutively by the Court constituted by the same Justices and may give any consequential directions that appear appropriate.

Change of interest

33. The Court must be informed promptly of—

- (a) the death or bankruptcy of any individual party;
- (b) the winding up or dissolution of any corporate party;
- (c) any compromise of the subject matter of an appeal;

(d) any event which does or may deprive an appeal of practical significance to the parties, and the Court may give any consequential directions that appear appropriate.

Withdrawal etc of application for permission to appeal or of appeal

34.—(1) An application for permission to appeal or a notice of appeal may be withdrawn with the written consent of all parties or with the permission of the Court on such terms as appear appropriate.

(2) The Court may set aside or vary the order appealed from by consent and without an oral hearing if satisfied that it is appropriate so to do.

(3) In this rule “a notice of appeal” includes an application for permission to appeal or cross-appeal which (under rule 18 or rule 25) stands as a notice of appeal or cross-appeal.

Advocate to the Court and assessors

35.—(1) The Court may request the relevant officer to appoint, or may itself appoint, an advocate to the Court to assist the Court with legal submissions.

(2) In accordance with section 44 of the Act the Court may, at the request of the parties or of its own initiative, appoint one or more independent specially qualified advisers to assist the Court as assessors on any technical matter.

(3) The fees and expenses of any advocate to the Court or assessor shall be costs in the appeal.

Security for costs

36.—(1) The Court may on the application of a respondent order an appellant to give security for the costs of the appeal and any order for security shall determine—

(a) the amount of that security, and

(b) the manner in which, and the time within which, security must be given.

(2) An order made under this rule may require payment of the judgment debt (and costs) in the court below instead of, or in addition to, the amount ordered by way of security for costs.

Stay of execution

37. Any appellant who wishes to obtain a stay of execution of the order appealed from must seek it from the court below and only in wholly exceptional circumstances will the Court grant a stay.

Change of solicitor and London agents

38.—(1) If a party for whom a solicitor is acting wishes to change solicitors, that party or the new solicitor must give the Registrar and the former solicitor written notice of the change.

(2) Until such notices are given the former solicitor shall continue to be treated as the party’s solicitor.

(3) Solicitors practising outside London may appoint London agents and additional costs incurred by not appointing London agents may be disallowed.

Disposal of documents

39.—(1) All documents filed become the property of the Court and original documents must be retained in the records of the Registry.

(2) Other documents shall be destroyed unless the Registrar (on a written application made within 21 days of the end of the proceedings) directs otherwise.

(3) All documents held by the Court may be inspected by the press or members of the public on application to the Registrar but the Registrar may refuse an application for reasons of commercial confidentiality, national security or in the public interest.

(4) Before allowing an application for inspection under this rule, the Registrar may impose terms or conditions such as the redaction of certain material where such a condition is necessary in the interests of justice or in the public interest.