

THE SCHEDULE

The Judicial Committee (Appellate Jurisdiction) Rules 2009

PART 2

Application for permission to appeal

Permission to appeal

10. In cases where permission to appeal is required, no appeal will be heard by the Judicial Committee unless permission to appeal has been granted either by the court below or by the Judicial Committee.

Filing of application for permission to appeal

11.—(1) Every application to the Judicial Committee for permission to appeal shall be made in the appropriate form.

(2) An application for permission to appeal must be filed within 56 days from the date of the order or decision of the court below or the date of the court below refusing permission to appeal (if later).

(3) The Registrar may refuse to accept an application that contains no reasonable ground of appeal or is an abuse of process.

Service of application

12. Before the application is filed, a copy must be served on every respondent and, when the application is filed, the appellant must file a certificate of service.

Notice of objection by respondent

13.—(1) Each respondent who wishes to object to the application must, within 14 days after service, file notice of objection in the appropriate form together with a certificate of service.

(2) Before the notice is filed, a copy must be served on the appellant and any other respondent.

(3) A respondent who does not give notice under this rule will not be permitted to participate in the application and will not be given notice of its progress.

Documents in support of application

14.—(1) The requisite number of copies of the application must be filed together with

(a) a copy of the order appealed from and

(b) (if separate) a copy of any order refusing permission to appeal and

if the order appealed from is not immediately available, the application should be filed without delay and the order filed as soon as it is available.

(2) The appellant must file the further documents required for the use of the Judicial Committee within 21 days after filing the application.

Consideration of application for permission to appeal on paper

15.—(1) Every admissible application for permission to appeal (and any respondent's notice of objection) shall be considered on paper without a hearing by the Judicial Committee.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) The Judicial Committee may—

- (a) grant or refuse permission to advance all or any of the grounds of appeal;
- (b) invite the parties to file written submissions within 14 days as to the grant of permission on terms (whether as to costs or otherwise); or
- (c) direct an oral hearing.

(3) Where the Judicial Committee has invited the parties' submissions as to terms, the application will be reconsidered on paper without a hearing by the Judicial Committee and the Committee may refuse permission or grant permission (either unconditionally or on terms) to advance all or any of the grounds of appeal.

(4) Where the Judicial Committee grants permission to advance limited grounds of appeal it shall (unless it directs otherwise) be taken to have refused permission to advance the other grounds.

(5) An order shall be prepared and sealed by the Registrar to record any decision made under this rule.

Oral hearing of application for permission to appeal

16.—(1) Where the Judicial Committee has directed an oral hearing, the Registrar will fix a date for the hearing of the application for permission to appeal and will notify the date to the appellant and every respondent who has given notice under rule 13.

(2) A party may be heard by one counsel or in person and, where there are several respondents, they should appear by the same counsel unless their different interests justify separate representation.

(3) An order shall be prepared and sealed by the Registrar to record any decision made under this rule.