
STATUTORY INSTRUMENTS

2009 No. 1603

The Supreme Court Rules 2009

PART 1

Interpretation and scope

Citation and commencement

1. These Rules may be cited as the Supreme Court Rules 2009 and shall come into force on 1st October 2009.

Scope and objective

2.—(1) These Rules apply to civil and criminal appeals to the Court and to appeals and references under the Court’s devolution jurisdiction.

(2) The overriding objective of these Rules is to secure that the Court is accessible, fair and efficient.

(3) The Court must interpret and apply these Rules with a view to securing that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

Interpretation

3.—(1) In these Rules—

“the Act” means the Constitutional Reform Act 2005;

“the Court” means the Supreme Court of the United Kingdom;

“Justice” means a judge of the Court and includes its President and Deputy President;

“the Registrar” means the Registrar of the Court;

“the Registry” means the Registry of the Court.

(2) In these Rules except where the context otherwise requires —

“appellant” means a person who files an application for permission to appeal or who files a notice of appeal;

“business day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971(1), in England and Wales;

“certificate of service” means a certificate given under rule 6;

“counsel” includes any person with the right to be heard as an advocate at a full hearing before the Court;

“court below” means the court from which an appeal (or application for permission to appeal) is made to the Court;

“court officer” means the Registrar or a member of the court staff;

“devolution jurisdiction” means the jurisdiction transferred to the Court by section 40 of, and Schedule 9 to, the Act;

“electronic means” means CD ROMs, memory sticks, email, fax or other means of electronic communication of the contents of documents;

“filing” means filing in the Registry in accordance with rule 7 and related expressions have corresponding meanings;

“form” and the “appropriate form” have the meanings given by rule 4;

“panel of Justices” means a panel of at least three Justices;

“party” means an appellant, a respondent and a person who has been given permission to intervene under rule 26;

“the relevant officer” means—

- (a) in relation to proceedings in England and Wales, the Attorney General and, in relation to proceedings that particularly affect Wales, the Counsel General to the Welsh Assembly Government,
- (b) in relation to proceedings in Scotland, the Advocate General for Scotland and the Lord Advocate; and
- (c) in relation to proceedings in Northern Ireland, the Advocate General for Northern Ireland and (when section 22 of the Justice (Northern Ireland) Act 2002 comes into force (2)) the Attorney General for Northern Ireland;

“requisite number of copies” means the number of copies which are to be provided under the relevant practice direction or as directed by the Court;

“respondent” includes a respondent to an application for permission to appeal and means—

- (a) a person other than the appellant who was a party to the proceedings in the court below and who is affected by the appeal; and
- (b) a person who is permitted by the Court to be a party to the appeal;

“service” and related expressions have the meanings given by rule 6;

“solicitor” includes any person authorised to provide legal services other than as counsel in connection with proceedings before the Court.

(3) References in these Rules to a practice direction means a practice direction issued by the President of the Court.

(4) References in these Rules or in any form to a party’s signing, filing or serving any document or taking any other procedural step include the signature, filing or service of that document or the taking of such other procedural step by the party’s solicitor.

(5) Where any of these Rules or any practice direction requires a document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means.

(6) Where these Rules require or permit the Court to perform an act of a formal or administrative character, that act may be performed by a court officer.

Forms

4.—(1) In these Rules, a form means a form set out in a practice direction and a reference to the “appropriate form” means the form provided by the relevant practice direction for any particular case.

(2) The forms shall be used in the cases to which they apply, and in the circumstances for which they are provided by the relevant practice direction, but a form may be varied by the Court or a party if the variation is required by the circumstances of a particular case.

Time limits

5.—(1) The Court may extend or shorten any time limit set by these Rules or any relevant practice direction (unless to do so would be contrary to any enactment).

(2) The Court may exercise these powers either on an application by one or more parties or without an application being made.

(3) The Registrar must notify the parties when a time limit is varied under this rule.

(4) An application for an extension of time may be granted after the time limit has expired.

(5) Where a party to a proposed appeal has applied for public funding and the Registrar is informed of the application, the time limits in rules 11 and 19 shall be extended until 28 days after the final determination of the application for public funding.

(6) When the period specified—

(a) by these Rules or a practice direction, or

(b) by any judgment or court order,

for doing any act at the Registry ends on a day on which the Registry is closed, that act shall be in time if done on the next day on which the Registry is open.

Service

6.—(1) A document may be served by any of the following methods—

(a) personal service;

(b) first class post (or an alternative service which provides for delivery on the next working day);

(c) (with the consent of the party to be served) through a document exchange;

(d) (with the consent of the party to be served or at the direction of the Registrar) by electronic means in accordance with the relevant practice direction.

(2) Where the address of the person on whom a document is to be served is unknown, the Registrar may direct that service is effected by an alternative method of service.

(3) A document served by first-class post or through a document exchange will be taken to have been served on the second day after it was posted or left at the document exchange, as the case may be (not including days which are not business days).

(4) A certificate of service must give details of the persons served, the method of service used and must state the date on which the document was served personally, posted, delivered to the document exchange or sent electronically, as the case may be.

Filing

7.—(1) A document may be filed by any of the following methods—

(a) personal delivery;

(b) first class post (or an alternative service which provides for delivery on the next working day);

(c) through a document exchange;

(d) (with the consent of the Registrar) by electronic means in accordance with the relevant practice direction.

(2) A document filed by first-class post or through a document exchange will be taken to have been filed on the second day after it was posted or left at the document exchange, as the case may be (not including days which are not business days).

(3) Except with the consent of the Registrar, the contents of documents—

- (a) filed in hard copy must also be provided to the Registry by electronic means, and
- (b) filed by electronic means must also be provided to the Registry in hard copy,

in accordance with the relevant practice direction.

(4) A court officer must seal the following documents when they are filed—

- (a) an application for permission to appeal,
- (b) a notice of objection or acknowledgement by the respondent,
- (c) a notice of appeal,
- (d) an application form,

and may place the seal on the document by hand or by printing a facsimile of the seal on the document whether electronically or otherwise.

(5) A document purporting to bear the Court’s seal shall be admissible in evidence without further proof.

Non-compliance with these Rules

8.—(1) Any failure by a party to comply with these Rules or any relevant practice direction shall not have the effect of making the proceedings invalid.

(2) Where any provision in these Rules or any relevant practice direction is not complied with, the Court may give whatever directions appear appropriate, having regard to the seriousness of the non-compliance and generally to the circumstances of the case.

(3) In particular, the Registrar may refuse to accept any document which does not comply with any provision in these Rules or any relevant practice direction and may give whatever directions appear appropriate.

(4) Directions given under this rule may include the summary dismissal of an appeal or debarring a respondent from resisting an appeal.

Procedural decisions

9.—(1) Subject to paragraph , the powers of the Court under the following rules may be exercised by a single Justice or the Registrar without an oral hearing—

- (a) rule 5 (time limits),
- (b) rule 8 (non-compliance with Rules),
- (c) rule 33 (change of interest),
- (d) rule 34 (withdrawal of appeal),
- (e) rule 35 (advocate to the Court and assessors),
- (f) rule 36 (security for costs),
- (g) rule 37 (stay of execution) and
- (h) rule 41 (devolution jurisdiction).

(2) Any contested application—

- (a) alleging contempt of the Court; or
- (b) for a direction under rule 8 dismissing an appeal or debarring a respondent from resisting an appeal; or
- (c) for security for costs,

shall be referred to a panel of Justices who shall, in a case of alleged contempt, and may, in any other case, hold an oral hearing.

(3) Where under these Rules any matter falls to be decided by a single Justice, that Justice may, where it appears appropriate, direct an oral hearing or may refer the matter to a panel of Justices to be decided with or without an oral hearing.

- (4) Where under these Rules any matter falls to be decided by the Registrar, the Registrar may—
- (a) direct an oral hearing;
 - (b) refer the matter to a single Justice (and paragraphs (1) and (3) shall then apply);
 - (c) refer the matter to a panel of Justices to be decided with or without an oral hearing.

(5) A party may apply for a decision of the Registrar to be reviewed by a single Justice (in which case paragraphs (1) and (3) shall apply) and any application under this rule must be made in the appropriate form and be filed within 14 days of the Registrar's decision.

(6) Subject to rule 27, oral hearings on procedural matters must be heard in open court or in a place to which the public are admitted.

(7) If any procedural question arises which is not dealt with by these Rules, the Court or the Registrar may adopt any procedure that is consistent with the overriding objective, the Act and these Rules.