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STATUTORY INSTRUMENTS

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**2009 No. 1603**

**The Supreme Court Rules 2009**

**PART 2**

**Application for permission to appeal**

**Form of application**

**10.**—(1) Every application to the Court for permission to appeal shall be made in the appropriate form.

(2) An application for permission to appeal must be made first to the court below, and an application may be made to the Supreme Court only after the court below has refused to grant permission to appeal.

**Filing of application**

**11.**—(1) Subject to any enactment which makes special provision with regard to any particular category of appeal, an application for permission to appeal must be filed within 28 days from the date of the order or decision of the court below.

(2) The Registrar may refuse to accept any application on the ground that—

- (a) the Court does not have jurisdiction under section 40 of the Act to issue it;
- (b) it contains no reasonable grounds; or
- (c) it is an abuse of process,

and may give whatever directions appear appropriate.

*(Section 2 of the Administration of Justice Act 1960 provides that an application for permission to appeal to the Supreme Court in a case involving civil contempt of court must be filed within 14 days, beginning with the date on which the application for permission is refused by the court below.)*

*(Section 13 of the Administration of Justice Act 1969 provides that an application for permission to appeal to the Supreme Court in a “leapfrog appeal” from the High Court must be filed within one month from the date on which the High Court judge grants a certificate under section 12.)*

**Service of application**

**12.** Before the application is filed, a copy must be served—

- (a) on every respondent, and
- (b) on any person who was an intervener in the court below,

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—

- (a) the appellant,
- (b) any other respondent, and
- (c) any person who was an intervener in the court below.

(3) A respondent who does not file 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 Court within 7 days after filing the application.

### **Interventions in applications**

**15.—**(1) Any person and in particular—

- (a) any official body or non-governmental organization seeking to make submissions in the public interest or
- (b) any person with an interest in proceedings by way of judicial review,

may make written submissions to the Court in support of an application for permission to appeal and request that the Court takes them into account.

(2) Before the submissions are filed, a copy must be served on—

- (a) the appellant,
- (b) every respondent, and
- (c) any person who was an intervener in the court below

and the requisite number of copies of the submissions must be filed together with a certificate of service.

(3) Any submissions which are made shall be referred to the panel of Justices which considers the application for permission to appeal.

(4) If permission to appeal is granted—

- (a) a person whose submissions were taken into account by the panel will be notified but, if that person wishes to intervene in the appeal, an application must be made under rule 26;
- (b) the appellant must notify any person who was an intervener in the court below whether or not that person made submissions under this rule.

### **Consideration on paper**

16.—(1) Every admissible application for permission to appeal (together with any submissions made under rule 15 and any respondent’s notice of objection) shall be considered on paper without a hearing by a panel of Justices.

(2) The panel 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 panel has invited the parties’ submissions as to terms, it shall reconsider the application on paper without a hearing and may refuse permission or grant permission (either unconditionally or on terms) to advance all or any of the grounds of appeal.

(4) Where the panel 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 of the Court shall be prepared and sealed by the Registrar to record any decision made under this rule.

### **Oral hearing of application**

17.—(1) Where the panel has directed an oral hearing, the appellant and every respondent who has given notice under rule 13 will be informed of the date of the oral hearing.

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