



**Courts and
Tribunals Judiciary**

Court of Appeal

Court of Appeal (Civil Division) Guide 2025

June 2025





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Tribunals Judiciary**

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1. Introduction

About the Court of Appeal (Civil Division)

- 1.1** The Court of Appeal (Civil Division) is based in the Royal Courts of Justice, Strand, London WC1A 2LL. The Court is made up of 34 Lords and Lady Justices of Appeal. The Master of the Rolls is the Head of Civil Justice and has oversight of the day-to-day running of the court. The Lady Chief Justice, the Heads of Division (the President of the King's Bench Division, the President of the Family Division, the Chancellor of the High Court and the Senior President of Tribunals) and the Senior Presiding Judge also sit in the Court of Appeal. Sometimes retired Lords or Lady Justices or High Court judges also sit in the Court of Appeal.
- 1.2** The Court hears appeals in subject matters which span the whole spectrum of civil jurisdictions, including chancery, commercial, immigration, employment, family, housing and judicial review. Each separate jurisdiction is overseen by one or two Supervising Lords or Lady Justices.
- 1.3** The court's administration is undertaken by the Civil Appeals Office. Every appeal is assigned to a case manager and a lawyer who are responsible for case managing the appeal from the time it is issued to final determination by the court. Two Masters of Civil Appeals oversee the lawyer team and exercise the jurisdiction of the court with regard to certain specified matters, with the consent of the Master of the Rolls. The lawyers also exercise the jurisdiction of the court in some limited matters.¹ Prior to an appeal being issued, directions are given by a jurisdiction lawyer, as necessary.
- 1.4** There are three teams in the Civil Appeals Office, each dealing with different types of work: the Business & Property Team, the Private Law Team and the Public Law Team. The types of cases managed within each team are listed below. Each team is responsible for issuing new process,² case management, checking bundles and drawing orders in relation to the cases falling within their remit. The fourth team in the Civil Appeals Office is the Listing Team responsible for allocating permission applications to judges, listing substantive appeals, management of the ushers and live streaming appeal hearings.

1 [Judicial authority of court officers in the Court of Appeal \(Civil Division\) - Courts and Tribunals Judiciary](#)

2 New process includes appellant's notices, application notices and respondent's notices.

Business and Property Team	Private Law Team	Public Law Team
Chancery Commercial Tax Competition TCC Intellectual Property	Family Personal Injury County Court Kings Bench General Defamation & Media Civil Procedure Rules Costs	Administrative Court Tribunals National Security Immigration & Asylum Employment

About this Guide

1.5 The main purpose of this Guide is to set out as clearly as possible the steps that need to be taken in order to issue an application for permission to appeal or appeal; pursue an application for permission to appeal and pursue an appeal (if permission to appeal is granted or is not required) in the Court of Appeal. An ‘applicant’ is a person who brings an application for permission to appeal. An ‘appellant’ is a person who has been granted permission to appeal (or does not require permission to appeal) and pursues an appeal. A ‘respondent’ to an application for permission to appeal or to an appeal is a person other than the applicant/appellant who was a party to the proceedings in the lower court and is affected by the appeal.³ The steps that need to be taken by an applicant, an appellant and a respondent are different. The steps that need to be taken by each party and at each stage are set out in this Guide separately.

1.6 The instructions in the Guide originate from Part 52 of the Civil Procedure Rules (“the Rules”) and Practice Direction 52C (“PD 52C”). The Rules and PD 52C are available on the gov.uk website at [PART 52 - APPEALS - Civil Procedure Rules \(justice.gov.uk\)](https://www.gov.uk/guidance/part-52-appeals-civil-procedure-rules) and [Practice Direction 52C - appeals to the court of appeal \(justice.gov.uk\)](https://www.gov.uk/guidance/practice-direction-52c-appeals-to-the-court-of-appeal). The Guide intends to summarise the requirements in Part 52 of the Rules and PD 52C and explain what steps the parties need to take at each stage in the process. The Guide makes cross-references to the relevant section of the Rules and PD 52C in footnotes. The Guide also provides information about how the Rules and PD 52C are interpreted in practice and the general practice and procedures adopted by the Civil Appeals Office.

³ CPR 52.1(3)(e)

- 1.7** The Guide does not substitute or override the Rules and PD 52C and all litigants are expected to familiarise themselves and comply with the Rules and PD 52C. In the event of inconsistency between this Guide and any rule or PD 52C, the provisions of the Rules must prevail. It is not the function of the Guide to provide legal advice.
- 1.8** A litigant in person is someone who conducts legal proceedings on their own behalf, without legal representation (see paras. 1.15 – 1.16 below). Any guidance which has been added in order to specifically assist litigants in person is identified in ***bold and italic*** text throughout the Guide.
- 1.9** There is a Glossary in Appendix 4 at the end of this Guide. It sets out defined terms and abbreviations used frequently in the Guide. All terms and abbreviations are also defined when used for the first time in each chapter, even if also defined in the Glossary, to make the Guide more accessible for users.

CE-File and electronic filing

- 1.10** Proceedings issued in the Court of Appeal are stored by the court as an electronic case file, currently known as CE-File. Electronic filing is mandatory for professional court users.⁴ This means that all documents required to be filed by the Rules or Practice Directions must be E-filed. This includes appellant's notices, respondent's notices, application notices, bundles, skeleton arguments, transcripts of judgment, chronologies and respondent's statements. Any such documents filed by email will be rejected. Represented parties, can however, correspond with the Civil Appeals Office by email in relation to case management issues.
- 1.11** ***E-filing is not compulsory for litigants in person, but it is strongly encouraged.***
- 1.12** The system is easy to use. To file a document using electronic filing, a party should register for an account, enter the case details, upload the appropriate document and pay any required fee. Both professional users and litigants in person are able to pay court fees through CE-File either by account or card payment. If a party cannot afford to pay the court fee, assistance may be available by way of fee remission (see chapter 2, para 2.48). If a party wishes to apply for Help With Fees, they must contact the Civil Appeals Office to process their Help With Fees before filing a document using electronic filing.⁵ Details on how to register for the HMCTS E-filing service

⁴ PD 51O, para. 2.2J

⁵ PD 51O, para. 6.2. See Chapter 2 para. 2.48 for information about applying for Help With Fees.

and guidance on E-filing can be found at [HMCTS E-Filing service for citizens and professionals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals).

- 1.13** Parties E-filing an appellant's notice with supporting documents should not file them as a single PDF document. Each document, for example the appellant's notice, grounds of appeal and sealed order under appeal, should be filed and labelled separately. This makes it easier for court staff to identify key documents.
- 1.14** The electronic file contains all documents lodged with the court in addition to emails, orders and letters added by court users or court staff. This is similar to the previous paper file. Documents accepted in paper form will be scanned and saved to the electronic file unless they are too large for this to be done.

Assistance for litigants in person

- 1.15** *An individual who exercises their right to conduct legal proceedings on their own behalf, without legal representation, is known as a 'litigant in person'. It is important for litigants in person to be aware that the Rules and PD 52C apply to them in the same way as to professional court users (lawyers). The court will however have regard to the fact that a party is unrepresented, so that the party is treated fairly.*
- 1.16** *There are various sources of assistance for litigants in person. This includes help to prepare court bundles, to apply for fee remission, to prepare a skeleton argument and representation at court hearings. For more information about the help that is available, see the [Guidance: Sources of help for unrepresented appellants - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sources-of-help-for-unrepresented-appellants). See also Appendix 3.*

How to contact the Civil Appeals Office

- 1.17** Once your case has been issued (the appellant's notice has been sealed by the court), you will be given a case reference number. You must always include your case reference number when you contact the Civil Appeals Office. The Civil Appeals Office will email you a letter informing you of the name of your case manager and the team within which your case will be managed. The best way to contact your case manager is by email. The Business & Property Team can be contacted by emailing civilappeals.CMSA@justice.gov.uk. The Private Law Team can be contacted by emailing civilappeals.CMSB@justice.gov.uk. The Public Law Team can be contacted by emailing civilappeals.CMSC@justice.gov.uk. You may also contact the

Civil Appeals Office by telephone on the telephone number provided in the letter. When there are a high number of calls it can be difficult to get through on the telephone so sending an email is the fastest way to get a response.

Copying correspondence to other parties

- 1.18** All correspondence with the Civil Appeals Office on a matter of substance or procedure must be copied to all the other parties, including interested parties, unless there is a compelling reason not to do so.⁶ Any compelling reason for not copying the correspondence to the other parties should be clearly stated in the communication.
- 1.19** Communications that are purely routine, uncontentious and administrative need not be copied to the other parties.
- 1.20** If correspondence on a matter of substance or procedure is not copied to the other parties and no reason is given for failing to do so, it will be rejected and no action will be taken in relation to it. The Civil Appeals Office will inform the sender when this arises.

Representative on the court record

- 1.21** If the applicant, appellant or respondent is acting in person, with or without a direct access barrister who is only to appear at oral hearings and is not instructed to conduct the litigation, they will be shown on the court record as acting in person. See chapter 2, paras. 2.33 – 2.36 for more information about direct access barristers.
- 1.22** The solicitors, or direct access barrister instructed to conduct litigation, named in section 3 of the appellant's notice, will be placed on the court record as acting for the appellant or respondent. The legal representative on the court record will not be removed unless:
- (a) the appellant or respondent files a signed Notice of Change (form N434) confirming they will now be acting in person; or
 - (b) another firm of solicitors or direct access barrister files a signed Notice of Change confirming they will now be acting for the appellant or respondent;⁷ or

⁶ CPR 39.8

⁷ CPR 42.2(2)

- (c) a Notice of Discharge of legal aid is filed;⁸ or
- (d) a formal application (pursuant to CPR Part 23 – see Chapter 8) is made seeking an order that the solicitor or direct access barrister has ceased to act⁹ and such an order is made by the court.

Change in representative details

- 1.23** The Civil Appeals Office must be informed of the contact details of any counsel instructed to represent the applicant, appellant or respondent. This information should be provided in the Party Details Form (see chapter 4, para. 4.6). You should also inform the Civil Appeals Office immediately if alternative counsel is instructed at a later date or if there is any alteration in the postal address, email address, telephone number or reference of the solicitors on the court record.

Dismissal

- 1.24** If the requirements of the Rules or PD 52C or the court's directions are not complied with, and there is no good reason for the default, the case will be placed in the dismissal list. The defaulting party will be given a final opportunity to comply. If the defaulting party fails to comply without good reason, the matter will be dismissed with costs on paper and without an oral hearing.

8 CPR 42.2(6)

9 CPR 42.3

2. Commencing an appeal or application for permission to appeal

Is the Court of Appeal the correct court?

- 2.1** Before filing any documents, you should check whether the Court of Appeal is the correct appeal court. It is possible that an appeal lies instead to a Circuit Judge in the County Court or the Family Court or to a High Court judge. Please see the Routes of Appeal leaflet at: [Routes of appeal \(Form 201\) - GOV.UK \(www.gov.uk\)](#).
- 2.2** There are certain decisions which are final and cannot be further appealed. If a lower appeal court refuses permission to appeal to itself, either on paper as totally without merit or at an oral hearing, that decision is final.¹⁰ There is no further right of appeal and any appellant's notice seeking to appeal such a decision will be rejected by the Civil Appeals Office. For example, if you appeal a decision of a District Judge to a Circuit Judge in the County Court and the Circuit Judge refuses permission to appeal at an oral hearing, that decision is final and cannot be further appealed.

Costs

- 2.3** If permission is granted but you lose the substantive appeal, you may be ordered to pay the other party's costs, including the costs of their solicitor and barrister if they have one. Such costs can add up to a considerable sum. It may therefore be wise to think carefully about the chances of succeeding on an appeal to the Court of Appeal or to seek legal advice before proceeding with your proposed appeal.

Do you need permission to appeal?

- 2.4** In most cases you will need to apply to the Court of Appeal for permission to appeal. The exceptions are where the lower court or tribunal has granted permission to appeal or permission to appeal is not required. Permission to appeal is not required if you are appealing against a committal order,

¹⁰ Section 54(4) of the Access to Justice Act 1999

a refusal of habeas corpus or a secure accommodation order under section 25 of the Children Act 1989.¹¹ A committal order is an order made in the court's exercise of jurisdiction to punish for contempt of court and which commits the applicant to prison. A refusal of habeas corpus is an order refusing to release the applicant from detention.

- 2.5** If you are appealing a decision made by the Upper Tribunal, you must first apply to the Upper Tribunal for permission to appeal to the Court of Appeal.¹² This is a statutory requirement, and the Court of Appeal cannot accept your case until you have done so. If the Upper Tribunal refuses permission to appeal, you can renew your application for permission to appeal direct to the Court of Appeal by filing an appellant's notice.

Is it a first or second appeal?

- 2.6** It is important to identify whether you are bringing a first or second appeal because the test which the Court of Appeal applies when determining whether to grant permission to appeal is different for a first appeal and a second appeal.
- 2.7** **First appeals test:** In a first appeal, the Court of Appeal will grant permission to appeal only where the court considers that the appeal would have a real prospect of success or there is some other compelling reason for the appeal to be heard.¹³
- 2.8** **Second appeals test:** In a second appeal, the Court of Appeal will grant permission to appeal only where the court considers (1) that the appeal would have a real prospect of success **and** raises an important point of principle or practice; or (2) there is some other compelling reason for the Court of Appeal to hear it.¹⁴
- 2.9** A first appeal is an appeal from a decision made by a first instance court. For example, if a decision is made by a High Court Judge following a trial, an appeal to the Court of Appeal against the decision made by the High Court Judge would be a first appeal. An appeal from a decision refusing permission to apply for judicial review at an oral hearing following a refusal on the papers is also a first appeal notwithstanding that the matter has been considered twice in the lower court. This can arise in the High Court or Upper Tribunal.

¹¹ CPR 52.3(1)(a)

¹² Section 13(5) of the Tribunals, Courts and Enforcement Act 2007

¹³ CPR 52.6(1)

¹⁴ CPR 52.7(2)

- 2.10** A second appeal is an appeal from a decision which was itself made on appeal to the lower court. For example, if you appealed from a decision of a District Judge to a Circuit Judge in the County Court and the Circuit Judge granted permission to appeal and then determined the substantive appeal, an appeal from that latter decision to the Court of Appeal would be a second appeal.
- 2.11** Where a lower appeal court refuses permission to appeal to itself, either on paper as totally without merit or at an oral hearing, there is no further right of appeal (see para. 2.2 above). The lower appeal court may, for example, be a Circuit Judge in the County Court or a High Court judge. A second appeal would not lie to the Court of Appeal in these circumstances because the lower appeal court has not granted permission to appeal and determined the first appeal. Instead, it has refused permission to appeal.
- 2.12** An appeal from a decision of the Upper Tribunal which was made on appeal from a decision of the First-tier Tribunal on a point of law is also a second appeal.¹⁵

Time limit for appealing

- 2.13** Generally, you must file an appellant's notice within the time limit directed by the lower court or, if no direction has been given, within 21 days of the date of the decision being appealed (not the seal date of the order). Please note that time runs from the date the decision is pronounced in court or the judgment is handed down even if there is a delay in the lower court producing a written order.
- 2.14** There are a number of different time limits, however, which apply in specific cases. The shortest time limit is 7 days from the date of the decision being appealed. It is important to ensure that you know the correct time limit before filing your appellant's notice. See Form 207 entitled 'Time limits for appealing to the Court of Appeal' for details at: [Appeal to the Court of Appeal: time limits \(Form 207\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/283421/Form_207_-_Time_limits_for_appealing_to_the_Court_of_Appeal.pdf).
- 2.15** If you do not file your appellant's notice and the required supporting documents (see paras. 2.24 – 2.28 below) by the relevant time limit, you will need to include an application for an extension of time in the appellant's notice. You can do this by ticking the box in Part B of section 10 and providing full reasons for the delay in section 11. You must sign the statement of truth in section 12.

¹⁵ Appeals from the Upper Tribunal to the Court of Appeal Order 2008/2834

Ordering a transcript of judgment

- 2.16** If a written judgment was handed down in the lower court, there is no need to apply for a transcript of judgment. This also applies if you are appealing from the Upper Tribunal, on appeal from the First Tier Tribunal. The Upper Tribunal will provide a fully reasoned determination which takes the place of a transcript of judgment.
- 2.17** There are some exceptions where a transcript of judgment will not be routinely required. These include where you seek permission to appeal a decision made by the Employment Appeal Tribunal under Rule 3(10) of the Employment Appeal Tribunal Rules 1993 or if you seek permission to appeal a decision by the Upper Tribunal (Immigration and Asylum Chamber) refusing permission to apply for judicial review. This is because the reasons provided in the order being appealed are usually sufficient for the purposes of determining the application for permission to appeal.
- 2.18** The following procedure is necessary if there is no written judgment or determination but instead the judge gave reasons orally in court (and the exceptions in para. 2.17 above do not apply). You will need to apply to the lower court (using form EX107) for a transcript of judgment at the earliest possible opportunity. The judgment will have been recorded by the lower court and the transcript will have to be produced by a specialist firm called a transcriber and approved by the judge. **Obtaining the transcript of judgment can take some time and it may significantly delay matters if the transcript of judgment is not ordered immediately.**
- 2.19** PD 52C requires a transcript of judgment to be filed with the appellant's notice¹⁶ so ideally you should apply for the transcript well in advance of filing your appellant's notice. Your appellant's notice will, however, be issued even if you have not yet obtained the transcript of judgment.
- 2.20** You will need to send a completed "Request for Transcription of Court or Tribunal Proceedings" (form EX107) to the lower court. The EX107 Guidance Notes (EX107GN) explain exactly what you have to do. The form EX107 and guidance can be found at: [Order a transcript of court or tribunal proceedings: Form EX107 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/ex107-guidance-notes). Make sure you apply for a transcript of judgment rather than a transcript of proceedings (i.e. a transcript of the whole hearing). A transcript of proceedings is rarely required for an application for permission to appeal. If you order a transcript of proceedings, it will not include a transcript of the judgment, which must be applied for separately.

¹⁶ PD 52C, para. 3(4)(h)

- 2.21** If you are appealing a decision made by the High Court in the Royal Courts of Justice (other than the Administrative Court), you should send the completed EX107 form to the Court's Recording & Transcription Unit ("CRATU"), Royal Courts of Justice, Strand, London WC2A 2LL. Email: rcj.cratu@justice.gov.uk.
- 2.22** A transcript of judgment must be paid for. *If you are on benefits or a low income, however, you may qualify for a transcript of judgment at public expense. If you wish to apply for a transcript of judgment at public expense, you should make the application in section 10, Part C of the appellant's notice¹⁷. If granted, the Civil Appeals Office will order and pay for the transcript on your behalf.*

Note of judgment

- 2.23** Wherever possible, an approved transcript of the lower court judgment should be obtained. Where that is not possible, for example, because the audio recording of the hearing was faulty, a note of judgment should be obtained from the legal representative who attended the hearing. It is an obligation of both counsel and any solicitor attending a court hearing to take the fullest possible manuscript note of any judgment given orally at the hearing. This is in case the audio recording is faulty or the judge's reasons are required urgently, before an official transcript can be obtained. For the purposes of an application for permission to appeal, the note need not be agreed with the respondent(s) or approved by the lower court judge, though it would be preferable if it was. Counsel's brief fee includes this work and therefore an additional fee should not be charged by counsel for producing a note of judgment.

¹⁷ PD 52C, para. 6(2)

Required documents when lodging an appeal

2.24 PD 52C¹⁸ requires the following documents to be filed within the relevant time limit:

- (a) a fully completed appellant's notice (form N161). A blank copy can be found at: [N161 - Appellant's notice \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/362811/N161-Appellant's-notice.pdf). The guidance notes on completing the N161 can be found at: [N161D - Guidance notes on completing form N161 – Appellant's notice \(all family proceedings appeals in the Court of Appeal \(Civil Division\) and the family court\) \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/362812/N161D-Guidance-notes-on-completing-form-N161-Appellant's-notice-all-family-proceedings-appeals-in-the-Court-of-Appeal-Civil-Division-and-the-family-court.pdf).
- (b) grounds of appeal on a separate sheet (see paras. 2.37 – 2.38 below);
- (c) a skeleton argument (optional if you act in person);¹⁹
- (d) a copy of the sealed order or a copy of the tribunal determination being appealed;
- (e) any order giving or refusing permission to appeal to the Court of Appeal (if applicable), together with a copy of the reasons for that decision;
- (f) any witness statements or affidavits in support of any application included in the appellant's notice;
- (g) in cases where the decision of the lower court was itself made on appeal, the original order appealed, a transcript of the judgment in relation to the original decision and the appellant's notice appealing the original decision;
- (h) in a claim for judicial review or a statutory appeal, a copy of the original decision which was the subject of the application to the lower court;
- (i) the approved transcript of judgment in relation to the decision being appealed.

2.25 All the above documents should be filed with the appellant's notice, if they are available.

2.26 In some circumstances it may not be possible to supply all the documents listed in PD 52C (and in para. 2.24 above) at once. If any document or documents are not yet available, you should list them in section 13 of the

¹⁸ PD 52C, para. 3(4)

¹⁹ See Chapter 3, para. 3.21 for more information about litigants in person and skeleton arguments

appellant's notice, giving the reason they are not available and the date they will be supplied. The bare minimum documentation that will be accepted by the Civil Appeals Office is the following:

- A fully completed appellant's notice.
- Grounds of appeal on a separate sheet. The grounds should be clearly headed 'Grounds of Appeal'.
- A copy of the sealed order, written judgment or the tribunal determination being appealed.
- The court fee has been paid or an application for Help With Fees has been made.

2.27 The documents should be filed as separate Word or PDF documents. They should be clearly labelled as, for example, the appellant's notice, the grounds of appeal, the order being appealed etc. For issuing purposes, they should **not** be filed in a bundle format or in one PDF document.

2.28 If your application is urgent, it is very important that you bring this to the attention of the Civil Appeals Office. You should include any urgent application in section 10 of the appellant's notice, supported by reasons in section 11. You should also state clearly in the subject box of a covering email that the application is urgent. The body of the email should briefly explain the nature of the urgency and any relevant dates, for example, the date of any eviction.

How to complete the appellant's notice

2.29 The appellant's notice must be signed by the applicant or the applicant's legal representative at sections 12 and 14. If there is more than one applicant acting in person, the appellant's notice must be signed by all the applicants.

2.30 Contact details must be given for each respondent (i.e. all the other parties in the lower court proceedings). **Where at all possible, an email address should be provided for each respondent.**

2.31 If you make an application in section 10 of the appellant's notice, for example for an extension of time or a stay of execution, you should provide evidence in support of that application in section 11 and sign the statement of truth in section 12.

- 2.32** If you are appealing from a decision made in the Employment Appeal Tribunal or the Upper Tribunal, where costs recovery is normally limited or excluded, you can apply for an order limiting the recoverable costs of the appeal.²⁰ Any such application must be made as soon as practicable. Therefore, you should include the application in Part C of section 10 of the appellant's notice, with reasons and evidence in support in section See chapter 8, para. 8.13.

Direct access counsel

- 2.33** Direct access counsel may be instructed to assist in one of two ways, and it is very important to clarify in section 3 of the appellant's notice which applies in your case. A direct access barrister may be instructed to:
- (a) represent you at oral hearings only; or
 - (b) conduct the litigation on your behalf. In this case, the direct access barrister will be placed on the court record as acting for you. This means that the Civil Appeals Office will communicate with your barrister about your case rather than with you.
- 2.34** Any direct access barrister conducting litigation must have specific authority from the Bar Standards Board to do so.
- 2.35** A direct access barrister who is instructed to conduct the litigation should sign the appellant's notice on your behalf, at both section 12 (statement of truth) and section 14.
- 2.36** *A direct access barrister who is instructed to represent you at hearings only, can sign the appellant's notice, both at sections 12 and 14, but is not permitted to file the appellant's notice on your behalf, as that falls within the definition of "conducting litigation". The appellant's notice must be filed by you personally.*

²⁰ CPR 52.19

Grounds of Appeal

- 2.37** The grounds of appeal should not be contained within the appellant's notice. They should be set out in a separate document and clearly headed 'Grounds of Appeal'. The grounds should clearly and concisely identify the respects in which the lower court decision was wrong or unjust because of a serious procedural or other irregularity.²¹ Each ground of appeal must be separately numbered. If the transcript of judgment is available at the time of filing, the particular passages in the lower court's judgment in which the judge is said to have gone wrong should be specifically identified. The grounds should not include the factual or procedural history or the applicant's detailed arguments or submissions. These should be confined to the skeleton argument. The grounds of appeal should be short and, in many cases, a few sentences will suffice.
- 2.38** Further to the judgment in *R (Kaitley) v Secretary of State for the Home Department* [2021] EWCA Civ 1875 (paras. 159-161) it is not permissible for the grounds of appeal and skeleton argument to be combined in a single document. The purpose of the two documents is distinct and the grounds and skeleton must be presented in separate documents. If represented parties file combined grounds of appeal and skeleton argument, the document will be rejected by the Civil Appeals Office and directions given to file separate documents.

Where and how to file the appellant's notice and supporting documents

- 2.39** For professional court users, it is mandatory to file the appellant's notice and supporting documents by electronic filing.²² This means that all documents required to be filed by the Rules or Practice Directions must be E-filed. This includes appellant's notices, respondent's notices, application notices, bundles, skeleton arguments, transcripts of judgment, chronologies and respondent's statements. Any such documents filed by email will be rejected. Represented parties, can however, correspond with the Civil Appeals Office by email in relation to case management issues. For guidance about electronic filing go to: [How to use the HMCTS E-Filing service - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/how-to-use-the-hmcts-e-filing-service). The court fee must also be paid via CE-File, either by account or card payment (see paras. 2.44 – 2.49 below).

²¹ PD 52C, para. 5

²² 13 PD 51O, para. 2.2J

- 2.40** Parties E-filing an appellant's notice with supporting documents should not file them as a single PDF document. Each document, for example the appellant's notice, grounds of appeal and sealed order under appeal, should be filed and labelled separately. This makes it easier for court staff to identify key documents.
- 2.41** *Litigants in person are strongly encouraged to file the appellant's notice and supporting documents by electronic filing (see chapter 1, paras. 1.10 – 1.14).*
- 2.42** *Alternatively, litigants in person should ideally file their documents by email. Documents should be emailed as follows:*
- (a) *Chancery, commercial, tax, competition, technology and construction and intellectual property cases to: civilappeals.cmsa@justice.gov.uk*
 - (b) *Family, personal injury, King's Bench general, defamation and media, County Court, Civil Procedure Rules and costs cases to: civilappeals.cmsb@justice.gov.uk*
 - (c) *Administrative Court, planning, immigration and asylum, employment, other tribunals and national security cases to: civilappeals.cmssc@justice.gov.uk*
- 2.43** *Litigants in person may also file their papers in hard copy by post to the Civil Appeals Office Registry, 3rd Floor East Block, Royal Courts of Justice, Strand, London WC2A 2LL. Alternatively, litigants in person may deliver their documents in person by leaving them in the Court of Appeal drop box in the main hall of the Royal Courts of Justice, Strand, London WC2A 2LL. Documents left in the drop box must be clearly marked for the attention of the Court of Appeal (Civil Division).*

Paying the court fee

- 2.44** For the current court fees, see the Guidance at: [Court of Appeal \(Civil\) fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/court-of-appeal-civil-fees).
- 2.45** If you are a professional court user or a litigant in person filing via electronic filing, you must pay the court fee online.
- 2.46** *If you are a litigant in person and you are not using electronic filing, you will need to pay the court fee using one of the following methods:*
- *By credit or debit card over the telephone. Tel: 020 3936 8957 Mon – Fri, 10am – 4pm.*
 - *Online at rcjfeespayments@justice.gov.uk*
 - *In person at the Fees Office in the Royal Courts of Justice. Tel: 020 8936 8957 to book an appointment.*
 - *By post to Civil Appeals Office Registry, Room 308, 3rd floor East Block, Royal Courts of Justice, Strand, London WC2A 2LL. Only post a cheque or postal orders. Do not send cash.*
- 2.47** The fee must be paid **before** the expiry of any relevant time limit.
- 2.48** *If you are in receipt of benefits and are not legally aided, or you can demonstrate severe financial hardship, you may be entitled to remission of the court fees. If you believe that you may be entitled to remission of the court fees, please download form EX160 at: [Apply for help with court and tribunal fees: Form EX160 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-for-help-with-court-and-tribunal-fees) or email the Civil Appeals Office at the relevant email address (see para. 2.42 above) and you will be sent an application form.*
- 2.49** If you are seeking permission to appeal a Civil Restraining Order, fee remission is not available.²³ The court fee must be paid in full. A Civil Restraining Order is a court order restraining a party from bringing proceedings or making applications without the permission of the court. If you are subsequently granted permission to appeal the Civil Restraining Order, you may apply to be refunded the difference between the fee paid and the fee that would have been payable if you had been permitted to apply for fee remission when you applied for permission to appeal.

²³ Para. 19 of Schedule 2 of the Civil Proceedings Fees Order 2008 (as amended)

Issuing the appellant's notice

- 2.50** The appeal is not formally accepted until the appellant's notice has been issued. This means it is sealed or stamped by the court. You will know your case has been formally accepted because the Civil Appeals Office will send you a copy of the sealed appellant's notice.
- 2.51** Once you file your documents in the Civil Appeals Office, a pre-issue reference number will be assigned to your case. This does not mean that the court has accepted the case or that the appellant's notice will necessarily be issued. It is important that you quote the reference number in all correspondence with the court.
- 2.52** Court staff will check whether the minimum requirements for issuing purposes have been met. If not, for example if the appellant's notice was filed out of time and an application for an extension of time has not been made within the notice, the Civil Appeals Office will inform you of the steps you need to take. Sometimes an appellant's notice will be rejected because the Court of Appeal does not have jurisdiction to entertain the appeal. In these circumstances, you will be advised whether you have a right of appeal and, if so, the correct route of appeal.
- 2.53** It is only when the court is satisfied it has jurisdiction and the minimum requirements are met that the appellant's notice will be issued (sealed by the court). You will be sent a copy of the sealed appellant's notice and the pre-issue reference number will become the main reference number for your case.

3. Applying for permission to appeal

When does this chapter apply

- 3.1** If you have been granted permission to appeal by the lower court, go straight to chapter 4.
- 3.2** This chapter gives guidance about what you need to do if you are applying to the Court of Appeal for permission to appeal. Once the appellant's notice has been issued (sealed by the court), there are a number of steps you are required to take by specified deadlines. A summary of the steps you need to take is set out immediately below. More guidance and detail in relation to each step can be found in the rest of this chapter.

Summary of steps you need to take

- 3.3** In summary, you need to:
- Order a transcript of judgment as soon as possible, if you have not done so already, unless a written judgment was handed down in the lower court or one of the exceptions applies (see paras. 3.5 – 3.15 below);
 - Serve the appellant's notice, grounds of appeal and skeleton argument (if one is filed) on the respondent(s) (see paras. 3.22 – 3.23 below) ;
 - Send a completed certificate of service to the court confirming service of the appellant's notice, grounds of appeal and skeleton argument (if one is filed) on the respondent(s) (see para. 3.24 below);
 - Lodge a core bundle with the court (see paras. 3.25 – 3.28 and paras. 3.31 – 3.38 below);
 - Lodge a supplementary bundle (if relied upon) with the court (see paras. 3.29 – 3.38 below);
 - Serve a bundle index on the respondent(s) (see para. 3.39 below).

Applying for an extension of time

- 3.4** The various steps you need to take must be completed by specified deadlines. Details of the deadlines are set out in the paragraphs below. If you are unable to meet any of the deadlines, you should request an extension of time without delay, specifying how much longer you need and the reasons in support. If appropriate, you should attach evidence in support of your request, for example, medical evidence. Where possible, a request should always be made before the relevant deadline has passed. If you miss a deadline, you should ask for an extension of time as soon as possible thereafter. The request should be made to the Civil Appeals Office and should be copied to the respondent(s). The request may be made by email to the case manager. A formal application is not required. The Civil Appeals Office will inform you if an extension of time is granted and what the new deadline is. If an extension of time is refused, reasons will be provided.

Ordering a transcript of judgment

- 3.5** If a written judgment was handed down in the lower court, there is no need to apply for a transcript of judgment. This also applies if you are appealing from the Upper Tribunal, on appeal from the First Tier Tribunal. The Upper Tribunal will provide a fully reasoned determination which takes the place of a transcript of judgment.
- 3.6** There are some exceptions where a transcript of judgment will not be routinely required. These include where you seek permission to appeal a decision made by the Employment Appeal Tribunal under Rule 3(10) of the Employment Appeal Tribunal Rules 1993 or if you seek permission to appeal a decision by the Upper Tribunal (Immigration and Asylum Chamber) refusing permission to apply for judicial review. This is because the reasons provided in the lower court order are usually sufficient for the purposes of determining the application for permission to appeal.
- 3.7** The following procedure is necessary if there is no written judgment or determination but instead the judge gave reasons orally in court (and the exceptions in para. 3.6 above do not apply). You will need to apply to the lower court (using form EX107) for a transcript of judgment at the earliest possible opportunity. The judgment will have been recorded by the lower court and the transcript will have to be produced by a specialist firm called a transcriber and approved by the judge.

- 3.8** PD 52C requires a transcript of judgment to be filed with the appellant's notice²⁴ so ideally you should have applied for the transcript well in advance of filing your appellant's notice. If, however, you have not yet applied for a transcript of judgment, you must do so without delay. **Obtaining the transcript of judgment can take some time and it may significantly delay matters if the transcript of judgment is not ordered immediately.**
- 3.9** You will need to send a completed "Request for Transcription of Court or Tribunal Proceedings" (form EX107) to the lower court. The EX107 Guidance Notes (EX107GN) explain exactly what you need to do. The form EX107 and guidance can be found at: [Order a transcript of court or tribunal proceedings: Form EX107 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/ex107-guidance).
- 3.10** If you are appealing a decision made by the High Court in the Royal Courts of Justice (other than the Administrative Court), you should send the completed EX107 form to the Court's Recording & Transcription Unit ("CRATU"), Royal Courts of Justice, Strand, London WC2A 2LL. Email: rcj.cratu@justice.gov.uk.
- 3.11** A transcript of judgment has to be paid for, *though if you are a litigant in person, see paras. 3.12 – 3.15 below for information about applying for a transcript at public expense.*

Transcript of judgment at public expense

- 3.12** *If you have obtained fee remission for the issue fee for your appellant's notice, you may qualify for a transcript of judgment at public expense. This means that the Civil Appeals Office will order and pay for the transcript on your behalf.*
- 3.13** *If you want to apply for a transcript of judgment at public expense and it is less than one month since your fee remission was granted, you should email your case manager confirming that you would like a transcript at public expense.*
- 3.14** *If it is more than one month since you obtained fee remission, or you did not obtain fee remission but wish to apply for a transcript of judgment at public expense because you have a low income, you must complete a Form 62 which your case manager can provide you with. It is important that when you return the completed Form 62 to your case manager, you also send up-to-date documentary evidence of your income, benefit entitlement and any savings. This evidence should be dated within the last month.*

²⁴ PD 52C, para. 3(4)(h)

- 3.15** *You will be informed of the outcome of your application. If your application is refused, reasons will be provided.*

Transcript of proceedings

- 3.16** Transcripts of evidence or proceedings are not usually needed for an application for permission to appeal. Therefore, transcripts of evidence or proceedings are very rarely granted at public expense for an application for permission to appeal.

Skeleton argument

- 3.17** PD 52C requires a skeleton argument to be filed with the appellant's notice.²⁵ However, the practice of the Civil Appeals Office is to issue an appellant's notice even without a skeleton argument, provided it is filed promptly thereafter. In that case, you will need to apply immediately in writing for an extension of time to the Civil Appeals Office, giving reasons in support. When you file your skeleton argument, you should send a copy to the respondent at the same time.²⁶
- 3.18** The skeleton argument should set out as concisely as possible the arguments relied upon to support the grounds of appeal. The skeleton argument must.²⁷
- (a) not normally exceed 25 pages;
 - (b) be printed on A4 paper (unless filing electronically) in not less than 12-point font (including footnotes) and 1.5 line spacing;
 - (c) be headed "Applicant's Permission to Appeal Skeleton Argument" and dated on its front sheet;
 - (d) be set out in numbered paragraphs;
 - (e) be concise;
 - (f) both define and confine the areas of controversy;
 - (g) be cross-referenced to any relevant document in the bundle(s);

²⁵ PD 52C, para. 3(4)(g)

²⁶ PD 52C, para. 7.1A

²⁷ PD 52C, para. 31 and PD 52A, para. 5

- (h) be self-contained and not incorporate by reference to material from previous skeleton arguments;
- (i) not include extensive quotations from documents or authorities; and
- (j) if more than one authority is cited in support of a given proposition, briefly explain why.

3.19 Any skeleton argument which does not comply with the requirements at para. 3.18 (a) to (c) above will be rejected by the Civil Appeals Office. If a corrected skeleton argument is re-filed out of time, a formal application (pursuant to CPR Part 23 – see chapter 8) must be made for an extension of time to rely upon it.²⁸

3.20 You should consider what other information may assist the court. This may include a list of persons who feature in the case or a glossary of technical terms.

3.21 *If you are not legally represented, the Civil Appeals Office will not insist upon you filing a skeleton argument, but you may file one if you wish to do so. You may be able to obtain free professional assistance with drafting a skeleton argument in support of your application for permission to appeal through an organisation called Advocate. If you would like to apply for assistance, send a copy of the sealed appellant's notice, the grounds of appeal, the order that you want to appeal and a transcript of the lower court judgment to coas@weareadvocate.org.uk or by post to 2nd floor Lincoln House, 296-302 High Holborn, London WC1V 7JH. You should inform your case manager that you are seeking assistance from Advocate to prepare a skeleton argument.*

Serving documents on the respondent(s)

3.22 You need to serve (send a copy) of the appellant's notice, grounds of appeal and skeleton argument on the respondent(s) within 7 days of filing the appellant's notice,²⁹ whether or not you have yet received the sealed appellant's notice from the court. *If the sealed appellant's notice is received at a later date, you should serve the sealed appellant's notice on the respondent(s) as soon as it is received from the court.*

²⁸ PD 52C, para. 31

²⁹ CPR 52.12(3) and PD 52C, para. 7.1A

- 3.23** If you did not file your skeleton argument with the appellant's notice, you should send a copy of it to the respondent(s) at the same time as it is filed with the court.³⁰

Certificate of service

- 3.24** You must confirm to the Civil Appeals Office that you have sent a copy of the sealed appellant's notice, grounds of appeal and skeleton argument (if applicable) to the respondent(s). You must do this by completing the certificate of service form and returning it to the Civil Appeals within 7 days of receipt. The form will be sent to you by the Civil Appeals Office shortly after your appellant's notice has been issued (sealed by the court).

Core bundle

- 3.25** Within 14 days of the appellant's notice being sealed by the court, you must file a core bundle.³¹ It must contain only those documents listed in the relevant core bundle index. All the indexes are accessible on the Court of Appeal (Civil Division) section of the GOV.UK website at [Court of Appeal Civil Division forms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/court-of-appeal-civil-division-forms). The relevant index depends upon the subject matter of the appeal, the court or tribunal from which the appeal is brought and whether it is a first or second appeal. The Civil Appeals Office will provide a copy of the relevant core bundle index with the standard letter sent to you after the appellant's notice has been issued. The core bundle contains the key documents required by the court. See Appendix 1 for an example of a core bundle index.
- 3.26** The core bundle that you prepare should follow the core bundle index exactly. If a document listed in the index does not exist or does not apply in your case, simply strike through the document in the index. If you do not follow the index exactly, your case manager will require you to amend the core bundle. Documents not listed in the core bundle index must **not** be included in the core bundle. They may be included in a separate supplementary bundle (see paras. 3.29 – 3.30 below). The core bundle should contain an approved transcript of judgment. It should also contain a skeleton argument, *unless you are a litigant in person and choose not to rely on a skeleton argument (see para. 3.21)*.

³⁰ PD 52C, para. 7.1A

³¹ PD 52C, para. 14

- 3.27** *If you are still awaiting the transcript of judgment when the core bundle is due to be filed, you should file the core bundle without the transcript of judgment and apply, at the same time, for an extension of time to file the transcript. You should provide evidence of the date you applied and paid for the transcript and what steps you have taken in the interim to speed up the processing of the transcript. The request for an extension of time may be made by email to the case manager. A formal application is not required.*
- 3.28** You do not need to file a core bundle if you are seeking permission to appeal in a statutory appeal from the Upper Tribunal (Immigration and Asylum Chamber). See chapter 7.

Supplementary bundle

- 3.29** If there are additional documents (other than those in the core bundle) which are relevant to the grounds of appeal and which are necessary for the court to read in order to determine the application for permission to appeal, you must file these in a separate supplementary bundle which should not exceed 350 pages.³² Any supplementary bundle should be lodged with the court within 14 days of the appellant's notice being sealed by the court.³³ You do not have to file a supplementary bundle if you are content to rely on the core bundle only.
- 3.30** If your proposed supplementary bundle contains more than 350 pages, you will need to make a formal application (pursuant to Part 23 – see chapter 8), applying for permission to rely on a supplementary bundle of more than 350 pages.³⁴ Before making any such application, you should rigorously assess the documents you propose to include in the supplementary bundle and only include documents which you consider are essential for the court to read for the purposes of determining the permission application. Extracts of relevant sections should always be used where it is not essential for the court to read the whole document. Permission will only be granted to rely on a supplementary bundle of more than 350 pages if the application is supported by cogent reasons.

32 PD 52C, para. 27(2)

33 PD 52C, para. 14

34 PD 52C, para. 27(11)

Format of bundles

- 3.31** Bundles filed electronically must be formatted as one PDF document with hyperlinks or bookmarks, as appropriate, for each document and with section headings within the document. All PDF documents must be OCR³⁵ searchable. If the size of the bundle exceeds 50 megabytes, it can be divided into up to 10 documents of that size, each bearing hyperlinks or bookmarks, as appropriate.³⁶
- 3.32** Bundles filed in hard copy must:
- (a) be bound and any ring binder folder must be in fully working order;
 - (b) be paginated (page numbering must not reduce the font size of any document below 12 points);
 - (c) contain an index at the front referring to relevant page numbers;
 - (d) be in chronological order (except core bundles which must follow the relevant core bundle index);
 - (e) not include original material such as photographs or recorded media;
 - (f) be on single-sided paper;
 - (g) be labelled on the front with the case title, case reference number and type of bundle e.g. Permission to Appeal Bundle.

Filing of bundles

- 3.33** Represented parties must file bundles using E-Filing.³⁷ If a bundle is too large to file by E-filing, the case manager will provide information about how to upload the bundle via the Document Upload Centre (“DUC”).
- 3.34** *Litigants in person are encouraged to file bundles via E-Filing, but it is not essential (see chapter 1, paras. 1.10 – 1.14).*
- 3.35** *Alternatively, litigants in person may send their bundle(s) by email to their case manager. The relevant email address will be in the standard letter sent by the Civil Appeals Office or can be found in chapter 2, para. 2.42. If the bundle(s) are too large to send by email, the case*

³⁵ Optical Character Recognition

³⁶ PD 51O, paras. 10.3 and 14.1

³⁷ PD 51O, para. 2.2J

manager will provide instructions on how to send the bundles via a Document Upload Centre.

- 3.36** *A litigant in person may also provide a paper bundle. Paper bundles should be sent by recorded delivery to the Civil Appeals Office, 3rd Floor, East Block, Royal Courts of Justice, Strand, London WC2A 2LL. The case title and court reference number must be clearly marked on the bundle. If you choose to file a paper bundle, you should note that the court may order that an electronic version should be filed as well.*
- 3.37** *A litigant in person may also file a paper bundle in person by leaving it in the Civil Appeals drop box in the main hall of the Royal Courts of Justice, Strand, London WC2A 2LL. All documents left in the drop box should be clearly marked for the attention of the Court of Appeal (Civil Division) and with the Court of Appeal reference number.*
- 3.38** Both represented parties and litigants in person should always retain a copy of any bundle filed with the court. This is necessary in case a bundle is inadvertently mislaid or damaged and because paper bundles are not returned at the conclusion of proceedings. They are securely destroyed by the Civil Appeals Office in accordance with PD 52C.³⁸ It is essential therefore that bundles do not contain original documents, for example, photographs or recorded media.

Serve bundle index

- 3.39** At the same time as lodging the bundles with the court, you must send a copy of the index to the core and any supplementary bundle to the respondent(s).³⁹ It is not necessary to serve copies of the bundles themselves at the permission stage.

Amending the grounds of appeal

- 3.40** If you wish to amend the grounds of appeal at the permission to appeal stage, a formal application is not required. You may apply for permission to amend the grounds in writing (by email). You should attach a copy of the original grounds of appeal with all additions underlined in red and any words you wish to remove struck through. This is to ensure that it is clear exactly what has been changed. The document should be headed 'Amended Grounds of Appeal'. If you wish to rely on grounds of appeal which have

³⁸ PD 52C, para. 27(15)

³⁹ PD 52C, para. 27(3)

been completely re-written, they should be headed 'Replacement Grounds of Appeal'. The case lawyer will determine the application for permission to amend the grounds of appeal and an order will be sent to you with the decision. If permission is granted, you will need to send a copy of the amended or replacement grounds to the respondent(s) and confirm to the Civil Appeals Office that you have done so.

Expedition

- 3.41** If the application for permission to appeal is urgent or becomes urgent during the course of proceedings, the applicant must apply to the Civil Appeals Office for expedition⁴⁰ and explicitly request that the application for permission to appeal be determined on an urgent basis. A request for urgent consideration can be made in section 10 Part C of the appellant's notice, but it is very helpful to provide a covering email making clear that the matter is urgent and expedition is applied for. Alternatively, a request for expedition can simply be made by email to the Civil Appeals Office. A formal application, pursuant to CPR Part 23 is not required for this purpose. The request must set out clearly why the applicant considers the application is urgent and the timescale within which the applicant wishes it to be determined. The Civil Appeals Office may shorten the time limit for filing documents if the application is deemed urgent.
- 3.42** The application for permission to appeal will either be referred urgently to a Lord or Lady Justice for determination, or for directions if insufficient documents have been provided. Alternatively, the application for urgent consideration will be refused and you will receive reasons for the refusal.

If you are a respondent to an application for permission to appeal

- 3.43** A respondent is not required to take any action at the permission stage, unless directed to do so by the court.
- 3.44** In all cases, however, the respondent is encouraged to file, and the court is likely to be assisted by, a brief written statement ('a respondent's statement') setting out any reasons why permission should be refused in whole or in part.⁴¹ The respondent should file any respondent's statement within 14 days of receiving a copy of the appellant's notice, or skeleton argument

⁴⁰ See PD 52C, para. 26

⁴¹ PD 52C, para. 19

if later. This time limit may be shortened by the court if the application for permission to appeal is deemed to be urgent. Any respondent's statement filed with the court should be served on all the other parties. If a respondent's statement has not been filed on the expiry of the time-limit, the court will assume the respondent has chosen not to file one and the application for permission to appeal will be referred to a Lord or Lady Justice for determination if it is otherwise ready.

- 3.45** If the applicant has made an application in addition to the application for permission to appeal, for example, for a stay of execution or an extension of time, the respondent should include in the respondent's statement any reasons why that application should be refused or granted only on terms. If, exceptionally, a respondent wishes to rely on evidence for that purpose, the evidence should be included in the respondent's statement, supported by a statement of truth or filed and served upon the applicant and any other respondent at the same time as the respondent's statement.
- 3.46** Any respondent's statement should not be more than 3 pages long. It should be printed on A4 paper (unless filed electronically) in not less than 12-point font (including footnotes) and 1.5 line spacing.
- 3.47** The Civil Appeals Office will add the respondent's statement to the documents relied upon by the applicant and it will be taken into account by the Lord or Lady Justice determining the permission application.
- 3.48** It should be noted that there will normally be no order for the recovery of costs of preparing a respondent's statement.⁴²
- 3.49** If the court directs a respondent to file submissions or to attend a hearing, the court will normally award costs to the respondent if permission is refused.⁴³

⁴² PD 52C, para. 20(1)

⁴³ PD 52C, para. 20(2)

Determination of the application for permission to appeal

- 3.50** The necessary documentation for the purposes of determining an application for permission to appeal generally comprises a core bundle, including an approved transcript of judgment and a skeleton argument, any supplementary bundle relied upon by the applicant and a respondent's statement, where a respondent chooses to file one. When all the necessary documentation has been filed, the application for permission to appeal will be referred to a single Lord or Lady Justice for determination.
- 3.51** Applications for permission to appeal will be determined on paper without an oral hearing unless the judge directs that an oral hearing is required. The judge must direct an oral hearing if s/he is of the opinion that the application cannot be fairly determined on paper without an oral hearing.⁴⁴ The respondent(s) may be directed to file and serve written submissions and attend any oral hearing.
- 3.52** There are four possible outcomes:
- (a) Permission to appeal may be granted on all or some of the grounds of appeal;
 - (b) Permission to appeal may be refused;
 - (c) Exceptionally, an oral hearing may be directed by the judge;
 - (d) the judge may direct that the matter is adjourned to an oral hearing to consider the application for permission to appeal and, if granted, the substantive appeal (a "rolled-up hearing").
- 3.53** A copy of the order either adjourning, granting or refusing permission to appeal will be sent by the court by email to both the applicant and the respondent(s). If an email address has not been provided, the order will be sent by post. Orders are sealed (stamped by the court) but are not signed by the individual judge.
- 3.54** If permission to appeal is granted, in whole or in part, the matter becomes an appeal. See the guidance in chapter 4 if you are an appellant and chapter 5 if you are a respondent to an appeal.

⁴⁴ CPR 52.5

- 3.55** An order refusing permission to appeal is **final**. There is no further right of appeal from that decision.⁴⁵
- 3.56** If the application for permission to appeal is adjourned to an oral hearing, the List Office will notify you of the date for the hearing. The hearing will usually be before one Lord or Lady Justice and will usually be listed for half an hour. You will be informed if the hearing is listed for a longer period. The respondent(s) may be required to attend the hearing or to file written submissions.
- 3.57** If the judge directs that a rolled-up hearing should take place, the List Office will notify you of the date of the hearing. The hearing will usually be before 3 Lords or Lady Justices. The respondent(s) will be required to attend. If permission to appeal is granted, the court will go on to consider the substantive appeal at the same hearing.

⁴⁵ Section 54(4) of the Access to Justice Act 1999

4. Appellant bringing a substantive appeal

When does this chapter apply

- 4.1** This chapter applies if you are an appellant and either permission to appeal has been granted by the lower court or by the Court of Appeal. It also applies if you are an appellant and permission to appeal is not required.⁴⁶ Permission is not required if you are appealing against a committal order, a refusal to grant habeas corpus or a secure accommodation order.⁴⁷ This chapter also applies if you are an appellant and the court has directed that the application for permission to appeal will be listed with the appeal to follow, if permission is granted.

Listing Window Notification Letter

- 4.2** After permission to appeal has been granted or if permission is not required or if the court has directed that the permission application will be listed with the appeal to follow, the Civil Appeals Office will send the parties a letter headed '**Listing Window Notification Letter**'. This letter is important as many appeal deadlines run from the date of the letter. The appeal timetable is set out in PD 52C para. 21. As an appellant, you are required to take certain action within set deadlines. A summary of the steps you need to take is set out immediately below. More guidance and detail in relation to each step can be found in the rest of the chapter.

⁴⁶ CPR 52.3(1)(a)

⁴⁷ Under section 25 of the Children Act 1989 or section 119 of the Social Services and Well-being (Wales) Act 2014

Summary of steps you need to take

4.3 In summary, you need to:

- Complete and return the Party Details Form to the Civil Appeals Office within 4 days of receipt (see para. 4.6 below).
- Serve the appellant's notice and grounds of appeal on the respondent(s) within 7 days of filing the appellant's notice, if permission to appeal was granted in the lower court or if permission is not required (see para. 4.7 below).
- Review the case promptly (see para. 4.8 below).
- File and serve the Appeal Questionnaire and pay the appeal fee within 14 days of the date of the Listing Window Notification Letter (see paras. 4.9 – 4.14 below).
- File and serve the appeal skeleton argument and proposed bundle index within 14 days of the date of the Listing Window Notification Letter (see paras. 4.15 – 4.25).
- Review the case again within 7 weeks of the date of the Listing Window Notification Letter (see para. 4.26 below).
- Agree the content of the bundles with the respondent(s) within 7 weeks of the date of the Listing Window Notification Letter (see paras. 4.27 – 4.29 below) but see chapter 7 for appeals from the Upper Tribunal (Immigration and Asylum Chamber).
- Serve the final bundle index(es) on the respondent(s) within 9 weeks of the date of the Listing Window Notification Letter (see para. 4.30 below) but see chapter 7 for appeals from the Upper Tribunal (Immigration and Asylum Chamber).
- Lodge the bundles with the court no later than 6 weeks before the appeal hearing (see paras. 4.31 – 4.39 below) but see chapter 7 for appeals from the Upper Tribunal (Immigration and Asylum Chamber).
- Lodge the authorities bundles with the court no later than 14 days before the appeal hearing (see paras. 4.44 – 4.47 below).

Applying for an extension of time

- 4.4** The various steps you need to take must be completed by specified deadlines. Details of the deadlines are set out in the paragraphs below. If the appellant envisages that an extension of time will be required, it is good practice to seek to agree a revised appeal timetable with the respondent(s). Where agreement can be reached as to a revised timetable, it should be drawn up in a draft consent order signed by both parties and filed with the Civil Appeals Office. A fee is not required. A revised timetable is unlikely to be approved if it provides for the appeal bundles to be lodged with the court less than 6 weeks before the appeal hearing or for the authorities bundles to be lodged less than 14 days before the appeal hearing.
- 4.5** If you cannot reach agreement with the respondent(s), you should request an extension of time without delay, ideally before the deadline expires, specifying how much longer you need, the reasons for the delay. The request should ideally be accompanied by documentation showing why the respondent's representatives did not agree. The request should be made to the Civil Appeals Office and should be copied to the respondent(s). The request should be made by email in the first instance. The Civil Appeals Office will inform you if a formal application pursuant to CPR Part 23 (see chapter 8) is required. The Civil Appeals Office will ask for the respondent's views, if not already provided. Once the application has been determined, the Civil Appeals Office will inform you if an extension of time has been granted and if so, what the new deadline is. If an extension is refused, you will be provided with reasons.

Party details form

- 4.6** The party details form enclosed with the Listing Window Notification Letter must be completed and returned to the Civil Appeals Office within 4 days of receipt. You are required to inform the court immediately if you instruct new counsel at a later date or if there is any alteration in the postal address, email address, telephone number or reference of the solicitors on the court record. ***If you are a litigant in person, you must inform the Civil Appeals Office immediately if you move home or change your email address.***

Serve the appellant's notice

- 4.7** If permission to appeal was granted by the lower court or is not required, you must serve the appellant's notice and grounds of appeal on the respondent(s) within 7 days of filing the appellant's notice,⁴⁸ whether or not you have yet received the sealed appellant's notice from the court. If the sealed appellant's notice is received at a later date, you should serve a copy of the sealed appellant's notice on the respondent(s) as soon as it is received from the court.

Review the case

- 4.8** Promptly after permission to appeal is granted and before the appeal skeleton arguments are due, the parties should review the case with a view to resolving or refining the issues to be determined at the appeal hearing. If permission to appeal is not required, the review should take place promptly after the appellant's notice has been issued. If the court directs that the application for permission to appeal will be listed with the appeal to follow if permission is granted, the review should take place promptly after receipt of the court order giving that direction.

Appeal Questionnaire

- 4.9** The Appeal Questionnaire will be sent to you with the Listing Window Notification Letter. It is made up of two parts. Part 1 is a certificate of service. Part 2 relates to the time estimate for the appeal.
- 4.10** **Part 2:** The appellant's advocate must complete the Appeal Questionnaire Part 2, providing a time estimate for the appeal hearing. If the appellant has instructed more than one advocate, all advocates should sign Part 2. If a Lord or Lady Justice gave a time estimate for the appeal when granting permission to appeal and the appellant's advocate disagrees with it, s/he must explain why in Part 2.
- 4.11** *If you are a litigant in person, you should complete the Appeal Questionnaire Part 2 giving your best estimate as to how long the appeal will need to be listed for.*
- 4.12** The completed Part 2 must be served on the respondent(s) within 14 days of the date of the Listing Window Notification Letter. (If the respondent(s)

⁴⁸ CPR 52.12(3)

disagree with the time estimate given by the appellant, the respondent(s) must complete the bottom half of the Appeal Questionnaire Part 2, file a copy with the court and serve a copy on the appellant). The appellant's advocate must be told to advise the court immediately of any future alteration needed to the time estimate.

- 4.13 Part 1:** Within 14 days of the date of the Listing Window Notification Letter, the Appeal Questionnaire Part 1, certifying that Part 2 has been served on the respondent(s),⁴⁹ must be returned to the Civil Appeals Office. The appeal fee must be paid at the same time. The only exception is where permission to appeal was granted in the lower court. In these circumstances, the appeal fee would have been paid on the filing of the appellant's notice.
- 4.14** For the current court fees, see the Guidance at: [Court of Appeal \(Civil\) fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/court-of-appeal-civil-fees).

Serve appeal skeleton argument and bundle index

- 4.15** As the appellant, you will need to decide whether to rely on the skeleton argument you relied upon in support of your application for permission to appeal or whether you wish to draft an appeal skeleton argument. This is likely to be necessary if, for example, the court has not granted permission to appeal on all the grounds of appeal or has made observations which need to be addressed in the skeleton argument.
- 4.16** The skeleton argument should set out as concisely as possible the arguments the appellant relies upon to support the grounds of appeal. The skeleton argument must:
- (a) not normally exceed 25 pages;
 - (b) be printed on A4 paper (unless filing electronically) in not less than 12-point font (including footnotes) and 1.5 line spacing;
 - (c) be clearly labelled as the 'Appellant's Appeal Skeleton Argument' and be dated on its front sheet;⁵⁰

⁴⁹ If the respondent disagrees with your time estimate, he may submit his own time estimate and explain why he disagrees with yours. If the respondent does not submit his own time estimate within 7 days, it will be assumed the appellant's time estimate is agreed. See paras. 5.21 – 5.22 in chapter 5.

⁵⁰ PD 52C, para. 31(1)(c)

- (d) be set out in numbered paragraphs;
- (e) be concise;
- (f) both define and confine the areas of controversy;
- (g) be self-contained and not incorporate by reference to material from previous skeleton arguments;
- (h) not include extensive quotations from documents or authorities; and
- (i) if more than one authority is cited in support of a given proposition, briefly explain why.⁵¹

4.17 Any skeleton argument which does not comply with the requirements at para. 4.16 (a) to (c) above will be rejected by the Civil Appeals Office. If a corrected skeleton argument is re-filed out of time, a formal application (pursuant to CPR Part 23 – see chapter 8) must be made for an extension of time to rely upon it.⁵²

4.18 You should consider what other information the appeal court may find useful. This may include a list of persons who feature in the case or a glossary of technical terms.⁵³

4.19 *If you are a litigant in person, you may be able to obtain free professional assistance with drafting a skeleton argument in support of your appeal through an organisation called Advocate. If you would like to apply for assistance, send a copy of the sealed appellant's notice, the grounds of appeal, the order you are appealing, a transcript of the lower court judgment and any order by the Court of Appeal granting permission to appeal to coas@weareadvocate.org.uk or by post to 2nd floor Lincoln House, 296-302 High Holborn, London WC1V 7JH. Advocate may also be able to arrange a barrister to represent you at the appeal hearing free of charge.*

4.20 Within 14 days of the date of the Listing Window Notification Letter, the appellant must serve on every respondent: (1) the appellant's appeal skeleton argument, clearly labelled as such, or confirmation that the appellant intends to rely on the permission skeleton argument at the appeal hearing; and (2) the proposed bundle index for both the core bundle and any supplementary bundle intended to be relied upon at the appeal hearing. In appeals from the Upper Tribunal (Immigration and Asylum

51 PD 52A, para. 5.1

52 PD 52C, para. 31

53 PD 52A, para. 5.2

Chamber), this applies to any supplementary bundle but not to any core bundle – see chapter 7.

4.21 The core bundle for the appeal hearing must contain only those documents listed in the relevant core bundle index, together with copies of the following documents:⁵⁴

- (i) any respondent’s notice;
- (ii) the appellant’s replacement skeleton argument (see para. 4.21 below);
- (iii) the respondent’s replacement skeleton argument (see para. 4.21 below);
- (iv) a copy of any orders made in the Court of Appeal;
- (v) if permission to appeal was granted at an oral hearing, a transcript of the judgment giving permission to appeal.

4.22 All the core bundle indexes are accessible on the Court of Appeal (Civil Division) section of the GOV.UK website at [Court of Appeal Civil Division forms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/court-of-appeal-civil-division/forms). The relevant index depends upon the subject matter of the appeal, the court or tribunal from which the appeal is brought and whether it is a first or second appeal. The Civil Appeals Office will have provided a copy of the relevant core bundle index with the standard letter sent to you after the appellant’s notice was issued. The core bundle contains the key documents required by the court.

4.23 If there are additional documents which you wish to rely upon, over and above those which must be included in the core bundle, you may prepare a supplementary bundle. A supplementary bundle may only contain documents relevant to the grounds of appeal and which it will be necessary for the court to read in preparation for or during the appeal hearing.⁵⁵ Any supplementary bundle should not exceed 350 pages (see paras. 4.25 – 4.26 below).

4.24 A replacement skeleton argument is not an appeal skeleton argument amended in substance. It is an appeal skeleton argument which has been amended **only** in order to include cross-references to the appeal bundles.⁵⁶ If you wish to amend your skeleton argument in any other way, a formal application (pursuant to Part 23 – see chapter 8) is required, seeking the court’s permission to rely on an amended skeleton argument.

54 PD 52C, para. 27(8)(d)

55 PD 52C, para. 27(9)(c)

56 PD 52C, para 1

- 4.25** If you are bringing a statutory appeal from the Upper Tribunal (Immigration and Asylum Chamber), you do not have to agree or prepare a core bundle. A core bundle for the appeal will be prepared by the Civil Appeals Office (see chapter 7).

Second review of the case

- 4.26** Seven weeks after the date of the Listing Window Notification Letter, the parties should review the case again with a view to resolving or refining the issues to be determined at the appeal.

Agree the bundles

- 4.27** No later than seven weeks after the date of the Listing Window Notification Letter, the parties must agree the content of the core appeal bundle and any supplementary bundle for the appeal hearing. A supplementary bundle may only include documents relevant to the grounds of appeal which it will be necessary for the court to read in preparation for or during the appeal hearing. This must be certified by the advocates responsible for arguing the case.⁵⁷
- 4.28** If the supplementary bundle agreed between the parties comprises more than 350 pages, the permission of the court is required to rely upon it.⁵⁸ As soon as practicable after the parties agree the contents of the bundles, and no later than 6 weeks before the appeal hearing, the appellant should make a formal application (pursuant to Part 23 – see chapter 8) seeking permission to rely on a supplementary bundle in excess of 350 pages. In some circumstances, it may be more appropriate for the respondent to make the application.
- 4.29** Before making any such application, the parties should rigorously assess the documents they propose to include in the supplementary bundle and only include documents which they consider are necessary for the court to *read* before or at the appeal hearing. Extracts of relevant sections should always be used where it is not essential for the court to read the whole document. Permission to rely on a supplementary bundle of more than 350 pages will only be granted if supported by cogent reasons.

⁵⁷ PD 52C, para. 27(9)(c)

⁵⁸ PD 52C, para. 27(11)

Serve final bundle index

- 4.30** Nine weeks after the date of the Listing Window Notification Letter, the appellant must serve a final bundle index for both the core and any supplementary bundle on the respondent(s), including pagination. This will enable the respondent(s) to prepare their replacement skeleton argument, which must include cross-references to the appeal bundles.

Lodge appeal bundles with the court

- 4.31** No later than 6 weeks before the appeal hearing, the appellant must lodge three sets of hard copy (paper) bundles with the court, subject to the exception for the core bundle in appeals from the Upper Tribunal (Immigration and Asylum Chamber) referred to in chapter 7. An electronic version of the bundles should be sent to the court at the same time. The electronic version must be identical to the paper version. One set of bundles should also be sent to the respondent(s) at the same time. See the paras. 4.32 – 4.40 below regarding the format of bundles and how to lodge bundles with the court.

Format of bundles

- 4.32** **All bundles**, whether in electronic or paper format, must comply with the following essential requirements. All bundles must:
- (a) contain page numbers on the bottom right-hand corner of every page with numbers running consecutively from 1 onwards (page numbering must not reduce the font size of any document below 12- points);
 - (b) contain an index at the front briefly identifying each document in the bundle and identifying the corresponding page numbers for each document;
 - (c) be in date order (except the core bundle which should follow the core bundle index);⁵⁹
 - (d) not include any original material such as photographs or recorded media;⁶⁰

⁵⁹ PD 52C, para. 27(13)

⁶⁰ PD 52C, para. 27(14)

- (e) contain only one copy of each document;
- (f) contain pages which are readable and are not marked or written on.

4.33 Electronic bundles must be formatted as one PDF document with hyperlinks or bookmarks for each document and with section headings within the document. All PDF documents must be OCR⁶¹ searchable. If the size of any bundle exceeds 50 megabytes, it can be divided into up to 10 documents of that size, each bearing hyperlinks or bookmarks, as appropriate.⁶²

4.34 Paper bundles must:

- (a) be securely bound together in a lever arch file or ring binder folder which must be in fully working order,⁶³
- (b) be on single-sided paper;
- (c) be clearly marked on the spine and front cover with the case name and case reference number.

How to lodge bundles

4.35 It is mandatory for represented parties to file electronic bundles using E-Filing. If a bundle is too large to file by E-filing, the case manager will provide information about how to upload the bundle via the Document Upload Centre (“DUC”).

4.36 *Litigants in person are encouraged to file electronic bundles via E-Filing, but it is not obligatory (see chapter 1, paras. 1.11 – 1.12).*

4.37 *Alternatively, litigants in person may send their electronic bundle(s) by email to their case manager. The relevant email address will be in the standard letter sent by the Civil Appeals Office or can be found in chapter 2, para. 2.42. If the bundle(s) are too large to send by email, the case manager will provide instructions on how to send the bundles via the Document Upload Centre.*

4.38 Paper bundles should be sent by recorded delivery to the Civil Appeals Office, 3rd Floor, East Block, Royal Courts of Justice, Strand, London WC2A 2LL or, if legally represented, by Document Exchange (DX). The court reference number should be clearly marked on each bundle.

61 Optical Character Recognition

62 PD 51O, paras. 10.3 and 14.1

63 PD 52C, para. 27(13)

- 4.39** Paper bundles may also be filed in person by leaving them in the Civil Appeals drop box in the main hall of the Royal Courts of Justice, Strand, London WC2A 2LL. Each bundle must be clearly marked for the attention of the Court of Appeal (Civil Division) and with the court reference number. Represented parties are encouraged to file hard copy bundles by Document Exchange or recorded delivery rather than delivering in person due to the limited size of the Civil Appeals drop box.
- 4.40** Both represented parties and litigants in person should always retain a copy of any bundle filed with the court. This is necessary in case a bundle is inadvertently mislaid or damaged and because bundles are not returned at the conclusion of proceedings. They are securely destroyed by the Civil Appeals Office in accordance with PD 52C.⁶⁴

Unagreed Bundle

- 4.41** If there is no agreement between the parties in relation to the inclusion of particular documents in the bundles for the appeal, the party seeking to rely upon the documents must place them in an Unagreed Bundle, clearly marked as such. The permission of the court is required to rely upon an Unagreed Bundle. At the earliest opportunity and, in any event, no later than 6 weeks before the appeal hearing, the party seeking to rely upon the Unagreed Bundle must make a formal application (pursuant to Part 23 – see chapter 8) seeking permission to rely upon it.⁶⁵ The application should include a short statement of not more than three A4 pages explaining why the unagreed documents are relevant and why it is necessary to put them before the court.
- 4.42** No later than 6 weeks before the appeal hearing, three paper copies of the Unagreed Bundle, including a copy of the application notice and supporting statement, should be lodged with the court. An electronic version should be lodged with the court at the same time. One copy should also be served on the respondent(s) at the same time.
- 4.43** The application for permission to rely on an Unagreed Bundle will be determined by the court at the outset of the appeal hearing, unless the court directs otherwise.

⁶⁴ PD 52C, para. 27(15)

⁶⁵ PD 52C, para. 27(12)

Lodge authorities bundle

- 4.44** 4.44 No later than 14 days⁶⁶ before the appeal hearing, the appellant's advocate, after consultation with the opposing advocate, must lodge with the court three hard copy bundles of authorities upon which the parties will rely at the appeal hearing.⁶⁷ An electronic version should be lodged with the court at the same time.
- 4.45** 4.45 Where, as is often the case, bundles of authorities are prepared by counsel's chambers, it is counsel's responsibility to ensure that their clerks and librarians are aware of the applicable rules and the following requirements.
- 4.46** 4.46 The bundle of authorities must bear a certificate by the advocates responsible for arguing the case that the requirements of CPR PD 52C para. 29(2) - (4) have been complied with in respect of each authority included. These requirements are:
- (a) the most authoritative report of each authority must be used;
 - (b) photocopies should not be in landscape format and the type should not be reduced in size;
 - (c) the bundle should not include authorities for propositions not in dispute;
 - (d) the bundle should not contain more than 10 authorities unless the issues in the appeal justify more extensive citation.
- 4.47** In addition to the requirements in PD 52C set out above, the following guidance should also be followed:
- (a) where extracts from legislation are downloaded from an internet database, (i) the contents from the front of the statute or statutory instrument should be included; and (ii) the extract should be reproduced in PDF, not HTML format;
 - (b) authorities should be reproduced in PDF format;
 - (c) authorities should be in chronological order, by date of decision, not alphabetically or by level of court. Where there are numerous authorities, it may make sense to divide them by jurisdiction (e.g. ECHR or Commonwealth authorities separate from domestic authorities) and/or,

⁶⁶ PD 52C, para. 21, Timetable Part 2

⁶⁷ PD 52C, para. 29

where there are clearly discrete issues, by issue; but that is a matter for counsel's judgement;

- (d) authorities should be separated by physical tabs in hard copy bundles;
- (e) in electronic bundles the index should be hyperlinked to each tab;
- (f) the pagination in both electronic and paper versions of the bundle should be the same.

Amending the grounds of appeal

4.48 If you wish to amend the grounds of appeal at the appeal stage, a formal application (pursuant to Part 23 – see chapter 8) is required. You will need to file an application notice (form N244) applying for permission to amend the grounds and for permission to appeal in relation to any new grounds. You will also need to pay the court fee. The respondent(s) will be given an opportunity to file and serve submissions in response. The application will be referred on paper to a Lord or Lady Justice before the appeal hearing, for directions or determination.

4.49 For the current court fees, see Form 200 at: [Court of Appeal \(Civil\) fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/court-of-appeal-civil-fees).

Supplementary skeleton arguments

4.50 A party may file a supplementary skeleton argument only where strictly necessary and only with the permission of the court. If a party wishes to rely on a supplementary skeleton argument, it must be filed and served as soon as practicable. It must be accompanied by a request for permission, setting out the reasons why a supplementary skeleton argument is necessary and why it could not reasonably have been filed earlier.⁶⁸ A request for permission may be filed by email. It should be copied to the other parties. A formal application pursuant to Part 23 is not required.

⁶⁸ PD 52C, para. 32

Making a decision on the appeal

- 4.51** The appeal hearing will be held in open court, usually before three Lords or Lady Justices of Appeal. Sometimes a judicial direction will have been given that the appeal may be heard by two Lords or Lady Justices. In most cases, the judges will reserve judgment. This means that they will not tell you the outcome of the appeal at the hearing.
- 4.52** When the judgment is ready to be handed down, you will be notified by the court and a copy of the draft judgment will be provided to you in advance. The draft judgment must be treated in confidence. You must not disclose the substance of the draft judgment, take any action in response to it or use it in the public domain before the official hand down.⁶⁹ If a party to whom a copy of the draft judgment is supplied is a partnership, company, government department, local authority or other similar organization, additional copies of the draft judgment may be distributed in confidence within the organisation, provided that all reasonable steps are taken to preserve its confidential nature and the above restrictions are adhered to.⁷⁰
- 4.53** The purpose of circulating the draft judgment is to allow the parties to notify the court of any typographical or other inadvertent errors and for the parties to liaise to agree the terms of a draft order giving effect to the court's decision. Any draft order should include consequential matters such as an order for costs and permission to appeal to the Supreme Court, if sought. If the parties are unable to agree the terms of a draft order, short written submissions on disputed matters should be emailed to the court. Any disputed matters will usually be resolved by the court on the basis of the written submissions.
- 4.54** The official hand down of the judgment will take place remotely by circulation to the parties and their representatives by email and release to the National Archives.⁷¹ Once finalised, the order of the court will be sealed (stamped by the court). A copy of the sealed order will be sent to the parties by email (or by post if an email address has not been provided to the Civil Appeals Office).

⁶⁹ CPR PD 40E, para. 2.4

⁷⁰ CPR PD 40E, para. 2.6

⁷¹ [Practice Guidance \(Remote hand-down of Judgments\) in the Court of Appeal \(Civil Division\) - Courts and Tribunals Judiciary](#)

- 4.55** In a small minority of appeals, judgment will be given orally at the conclusion of the hearing. In those cases, you may request a transcript of the judgment after the hearing. No fee will be payable for the transcript in these circumstances.
- 4.56** Appeal hearings are likely to be live streamed on the Judiciary's YouTube channel unless one of the parties is a litigant in person or the hearing is a substantive judicial review retained in the Court of Appeal (for information about retained judicial reviews, see chapter 6).

Onward appeal to the Supreme Court

- 4.57** If you are the unsuccessful party to an appeal, you may wish to apply for permission to appeal to the Supreme Court. You must apply to the Court of Appeal for permission to appeal to the Supreme Court before you apply directly to the Supreme Court. Any application must be in writing to the Civil Appeals Office within 28 days of the date of the decision you wish to appeal.⁷² It is good practice, however, to make the application prior to hand down of the judgment, or shortly thereafter. You must include grounds of appeal, clearly headed as such. A formal application pursuant to Part 23⁷³ is not required unless the application is made outside the 28-day time limit. If the application is out of time, the formal application should include an application for an extension of time, with reasons.
- 4.58** If the Court of Appeal refuses permission to appeal to the Supreme Court, you may renew the application for permission to appeal direct to the Supreme Court. The time limit for making an application for permission to appeal to the Supreme Court is 28 days from the date of the decision by the Court of Appeal refusing permission to appeal to the Supreme Court.⁷⁴

⁷² CPR 52.3B

⁷³ See chapter 8 for guidance on making an application under Part 23.

⁷⁴ 29 Rule 13(1) of The Supreme Court Rules 2024

5. Respondent to a substantive appeal

When does this chapter apply

- 5.1** This chapter applies if you are a respondent to an appeal and either permission to appeal has been granted by the lower court or by the Court of Appeal or the appellant does not require permission to appeal.⁷⁵ This chapter also applies if you are a respondent and the court has directed that the application for permission to appeal will be listed with the appeal to follow, if permission is granted.

Listing Window Notification Letter

- 5.2** After permission to appeal has been granted or if permission is not required or if the court has directed that the permission application will be listed with the appeal to follow, the Civil Appeals Office will send the parties a letter headed '**Listing Window Notification Letter**'. This letter is important as many appeal deadlines run from the date of the Listing Window Notification Letter. The appeal timetable is set out in CPR PD 52C para. 21. As a respondent, you are required to take certain action within set deadlines. A summary of the steps you need to take is set out immediately below. More guidance and detail in relation to each step can be found in the rest of this chapter.

Summary of steps you need to take

- 5.3** In summary, you need to:
- Review the case promptly (see para. 5.6 below).
 - File and serve a respondent's notice, if relied upon (see paras. 5.7 – 5.14 below).
 - File and serve an appeal skeleton argument (see paras. 5.15 – 5.20 below).
 - File and serve a time estimate (see paras. 5.21 – 5.22 below).

⁷⁵ CPR 52.3(1)(a)

- Review the case again within 7 weeks of the date of the Listing Window Notification Letter (see para. 5.23 below).
- Agree the content of the bundles with the appellant within 7 weeks of the date of the Listing Window Notification Letter (see paras. 5.24 – 5.27 below).
- Serve a replacement skeleton argument on the appellant within 10 weeks of the date of the Listing Window Notification Letter (see paras. 5.30 – 5.31 below).
- Agree the contents of the authorities bundle ideally 6 weeks before the appeal hearing (see paras. 5.32 – 5.34).

Applying for an extension of time

- 5.4** The various steps you need to take must be completed by specified deadlines. Details of the deadlines are set out in the paragraphs below. If the respondent envisages that an extension of time will be required, it is good practice to seek to agree a revised appeal timetable with the appellant's representatives. Where agreement can be reached as to a revised timetable, it should be drawn up in a draft consent order signed by both parties and filed with the Civil Appeals Office for approval. A fee is not required. A revised timetable is unlikely to be approved if it provides for the appeal bundles to be lodged with the court less than 6 weeks before the appeal hearing or for the authorities bundles to be lodged less than 14 days before the appeal hearing.
- 5.5** If you cannot reach agreement with the appellant's representatives, you should request an extension of time without delay, ideally before the deadline expires, specifying how much longer you need and the reasons for the delay. The request should ideally be accompanied by documentation showing why the appellant's representatives did not agree. The request should be made to the Civil Appeals Office and should be copied to the appellant. The request should be made by email in the first instance. The Civil Appeals Office will inform you if a formal application pursuant to CPR Part 23 (see Chapter 8) is required. The Civil Appeals Office will ask for the appellant's views, if not already provided. Once the application has been determined, the Civil Appeals Office will inform you if an extension of time has been granted and if so, what the new deadline is. If the extension of time is refused, you will be provided with reasons.

Review the case

- 5.6** Promptly after permission to appeal is granted and before the appeal skeleton arguments are due, the parties should review the case with a view to resolving or refining the issues to be determined at the appeal hearing. If permission to appeal is not required, the review should take place promptly after the appellant's notice has been issued (sealed by the court). If the court directs that the application for permission to appeal will be listed with the appeal to follow if permission is granted, the review should take place promptly after receipt of the court order giving that direction.

File and serve a respondent's notice

- 5.7** If you want to appeal part of or all of the order which the appellant is appealing, you should file a respondent's notice (Form N162).⁷⁶ The respondent's appeal against the same order is known as a cross-appeal. A respondent's notice is also required if you want the decision of the lower court to be upheld but for reasons which are different, or additional, to those given by the lower court judge.⁷⁷ [Form N162 and guidance can be found at: Form N162: Respondent's notice \(For all appeals except appeals to the Family Division of the High Court\) - GOV.UK \(www.gov.uk\)](#)
- 5.8** Section 4 of the respondent's notice should only be completed if you are seeking to cross-appeal. If you do wish to cross-appeal, you must indicate in section 5 whether the lower court has granted permission to cross-appeal (box A) or whether you are seeking permission to cross-appeal from the Court of Appeal (box B). It is important to confirm in section 6 whether you are seeking to cross appeal (first box) or seeking to uphold the lower court order on additional grounds (second box), or both.
- 5.9** The respondent's notice should be filed within 14 days of receipt of i) the appellant's notice, if permission to appeal was granted by the lower court or permission is not required; or ii) the Court of Appeal order granting permission to appeal; or iii) notification that the permission application will be listed with the appeal to follow.⁷⁸
- 5.10** The court fee must be paid at the same time as filing the respondent's notice. For the current court fees, see the Guidance at: [Court of Appeal \(Civil\) fees - GOV.UK \(www.gov.uk\)](#).

⁷⁶ As an alternative, you can also file an appellant's notice (N161) – see chapter 2

⁷⁷ CPR 52.13(2)

⁷⁸ CPR 52.13(4) and (5)

- 5.11** If the respondent's notice is filed after the deadline, an application for an extension of time must be made in section 9 of the respondent's notice, with full reasons in support.⁷⁹ A prospective extension of time cannot be granted by the court so the respondent should not seek an extension of time before filing the respondent's notice. It is good practice to seek the consent of the appellant to any application for an extension of time and to inform the court of the appellant's response. If you have not done this before filing a respondent's notice to affirm on additional grounds, then the Civil Appeals Office will give the appellant's representatives 7 days to file comments on the extension of time sought before any order is made dealing with the request for an extension.
- 5.12** An application for permission to cross-appeal made within a respondent's notice will usually be determined by a Lord or Lady Justice on the papers, in advance of the appeal hearing. If permission to cross-appeal is granted, the cross-appeal itself will be heard at the same time as the appellant's appeal.
- 5.13** If the respondent wishes the Court of Appeal to uphold the lower court order for the same reasons relied upon by the lower court judge, a respondent's notice is not required.
- 5.14** A respondent who does not file a respondent's notice will not be able to rely on any additional arguments at the appeal hearing which were not raised in the lower court, unless the court gives permission.

File and serve an appeal skeleton argument

- 5.15** Within 14 days of filing a respondent's notice, the respondent must file and serve an appeal skeleton argument on every other party.⁸⁰
- 5.16** If the respondent is not seeking to rely on a respondent's notice, the respondent must file and serve an appeal skeleton argument on every other party within 5 weeks of the date of the Listing Window Notification Letter.⁸¹
- 5.17** The skeleton argument should set out as concisely as possible the arguments the respondent relies upon to address the appellant's grounds of appeal. The skeleton argument must:
- (a) not normally exceed 25 pages;

⁷⁹ PD 52C, para. 12

⁸⁰ PD 52C, para. 21 Timetable Part 1

⁸¹ PD 52C, para. 21 Timetable Part 1

- (b) be printed on A4 paper (unless filing electronically) in not less than 12-point font (including footnotes) and 1.5 line spacing;
- (c) be clearly labelled as the 'Respondent's Appeal Skeleton Argument' and be dated on its front sheet;⁸²
- (d) be set out in numbered paragraphs;
- (e) be concise;
- (f) both define and confine the areas of controversy;
- (g) be self-contained and not incorporate by reference to material from previous skeleton arguments;
- (h) not include extensive quotations from documents or authorities; and
- (i) if more than one authority is cited in support of a given proposition, briefly explain why.⁸³

5.18 Any skeleton argument which does not comply with the requirements at para. 5.17 (a) to (c) above will be rejected by the Civil Appeals Office. If a corrected skeleton argument is re-filed out of time, a formal application (pursuant to CPR Part 23 – see chapter 8) must be made for an extension of time to rely upon it.⁸⁴

5.19 You should consider what other information the appeal court may find useful. This may include a list of persons who feature in the case or a glossary of technical terms.⁸⁵

5.20 *If you are a litigant in person, you may be able to obtain free professional assistance with drafting a skeleton argument in support of your appeal through an organisation called Advocate. If you would like to apply for assistance, send a copy of the sealed appellant's notice, the grounds of appeal, the order that you want to appeal, a transcript of the lower court judgment and any order by the Court of Appeal granting permission to appeal to coas@weareadvocate.org.uk or by post to 2nd floor Lincoln House, 296-302 High Holborn, London WC1V 7JH. Advocate may also be able to arrange a barrister to represent you at the appeal hearing free of charge.*

82 PD 52C, para. 31(1)(c)

83 PD 52A, para. 5.1

84 PD 52C, para. 31

85 PD 52A, para. 5.2

File and serve a time estimate

- 5.21** Within 14 days of the date of the Listing Window Notification Letter, the appellant will serve on the respondent a completed Appeal Questionnaire Part 2 giving the appellant's advocate's time estimate for the appeal hearing.
- 5.22** If the respondent disagrees with the appellant's time estimate contained in the Appeal Questionnaire Part 2, the respondent must file and serve on every other party its own time estimate within 7 days of receipt of the Appeal Questionnaire. This should be done by completing the bottom half of the Appeal Questionnaire Part 2. If the respondent does not file a time estimate within 7 days, the Civil Appeals Office will assume that the time estimate provided by the appellant's advocate is agreed.

Review the case

- 5.23** Seven weeks after the date of the Listing Window Notification Letter, the parties should again review the case to try and reach agreement or narrow the issues which need to be determined at the appeal.

Agree the bundles

- 5.24** Within 14 days of the date of the Listing Window Notification Letter, the appellant will serve on every respondent their proposed bundle index for both the core bundle and any supplementary bundle intended to be relied upon at the appeal hearing.⁸⁶
- 5.25** The respondent must either agree the proposed bundle indexes or notify the appellant of the documents that the respondent considers should be included in, or removed from, the core bundle and/or supplementary bundle. This should be done by sending a revised index to the appellant. The parties must seek to agree the contents of the core and any supplementary bundle.⁸⁷
- 5.26** 5.26Seven weeks after the date of the Listing Window Notification Letter, the parties must agree the content of the core appeal bundle and any supplementary bundle for the appeal hearing.

⁸⁶ PD 52C, para. 21, Timetable Part 1

⁸⁷ PD 52C, para. 27(8)(b) and 27(9)(b)

- 5.27** If the case is a statutory appeal from the Upper Tribunal (Immigration and Asylum Chamber), you are not required to agree a core bundle with the appellant. A core bundle for use at the appeal hearing will be prepared by the Civil Appeals Office. See chapter 7.

Lodge Unagreed Bundle

- 5.28** If there is no agreement between the parties in relation to the inclusion of particular documents in the bundles for the appeal, the party seeking to rely upon the documents must place them in an Unagreed Bundle, clearly marked as such. At the earliest opportunity and, in any event, no later than 6 weeks before the appeal hearing, the party seeking to rely upon the Unagreed Bundle must make a formal application (pursuant to Part 23 – see chapter 8) seeking permission to rely upon it.⁸⁸
- 5.29** The application for permission to rely on an Unagreed Bundle will be determined by the court at the appeal hearing, unless the court directs otherwise.

Serve replacement skeleton argument

- 5.30** Ten weeks after the date of the Listing Window Notification Letter, as the respondent you must serve on the appellant your replacement skeleton argument. A replacement skeleton argument is defined at CPR PD 52C para. 1. It should be identical to the respondent's appeal skeleton argument already filed and served but amended only to include cross-references to the appeal bundle(s).
- 5.31** If you wish to amend your skeleton argument in any other way, a formal application (pursuant to Part 23 – see chapter 8) is required, seeking the court's permission to rely on an amended skeleton argument.

Agree contents of authorities bundle

- 5.32** The respondent's advocate should be consulted by the appellant's advocate to ensure the authorities bundle contains photocopies of the authorities upon which each party will rely at the hearing. This should ideally be done 6 weeks before the appeal hearing.

⁸⁸ PD 52C, para. 27(12)

- 5.33** The appellant's advocate will lodge the authorities bundles with the court no later than 14 days before the appeal hearing.⁸⁹ The bundle of authorities must bear a certificate by the advocates responsible for arguing the case confirming that the requirements of CPR PD 52C para. 29(2) - (4) have been complied with in respect of each authority included. These requirements are:
- (a) the most authoritative report of each authority must be used;
 - (b) photocopies should not be in landscape format and the type should not be reduced in size;
 - (c) the bundle should not include authorities for propositions not in dispute;
 - (d) the bundle should not contain more than 10 authorities unless the issues in the appeal justify more extensive citation.
- 5.34** In addition to the requirements in PD 52C set out above, the following guidance should also be followed:
- (a) where extracts from legislation are downloaded from an internet database, (i) the contents from the front of the statute or statutory instrument should be included; and (ii) the extract should be reproduced in PDF, not HTML format;
 - (b) authorities should be reproduced in PDF format;
 - (c) authorities should be in chronological order, by date of decision, not alphabetically or by level of court. Where there are numerous authorities, it may make sense to divide them by jurisdiction (e.g. ECHR or Commonwealth authorities separate from domestic authorities) and/or, where there are clearly discrete issues, by issue; but that is a matter for counsel's judgement;
 - (d) authorities should be separated by physical tabs in hard copy bundles;
 - (e) in electronic bundles the index should be hyperlinked to each tab;
 - (f) the pagination in both electronic and paper versions of the bundle should be the same.

⁸⁹ PD 52C, para. 21, Timetable Part 2

Supplementary skeleton arguments

- 5.35** A party may file a supplementary skeleton argument only where strictly necessary and only with the permission of the court. If a party wishes to rely on a supplementary skeleton argument, it must be filed and served as soon as practicable. It must be accompanied by a request for permission, setting out the reasons why a supplementary skeleton argument is necessary and why it could reasonably have been filed earlier.⁹⁰ A request for permission may be filed by email. It should be copied to the other parties. A formal application pursuant to Part 23 is not required.

Making a decision on the appeal

- 5.36** The appeal hearing will be held in open court, usually before three Lords or Lady Justices of Appeal. Sometimes a judicial direction will have been given that the appeal may be heard by two Lords or Lady Justices. In most cases, the judges will reserve judgment. This means that they will not tell you the outcome of the appeal at the hearing.
- 5.37** When the judgment is ready to be handed down, you will be notified by the court and a copy of the *draft* judgment will be provided to you in advance. **The draft judgment must be treated in confidence.** You must not disclose the substance of the draft judgment, take any action in response to it or use it in the public domain before the official hand down.⁹¹ If a party to whom a copy of the draft judgment is supplied is a partnership, company, government department, local authority or other similar organization, additional copies of the draft judgment may be distributed in confidence within the organisation, provided that all reasonable steps are taken to preserve its confidential nature and the above restrictions are adhered to.⁹²
- 5.38** The purpose of circulating the draft judgment is to allow the parties to notify the court of any typographical or other inadvertent errors and for the parties to liaise to agree the terms of a draft order giving effect to the court's decision. Any draft order should include consequential matters such as an order for costs and permission to appeal to the Supreme Court, if sought. If the parties are unable to agree the terms of a draft order, short written submissions on disputed matters should be emailed to the court. Any disputed matters will usually be resolved by the court on the basis of the written submissions.

90 PD 52C, para 32

91 CPR PD 40E, para. 2.4

92 CPR PD 40E, para. 2.6

- 5.39** The official hand down of the judgment will take place remotely by circulation to the parties and their representatives by email and release to the National Archives.⁹³ Once finalised, the order of the court will be sealed (stamped by the court). A copy of the sealed order will be sent to the parties by email (or by post if an email address has not been provided to the Civil Appeals Office).
- 5.40** In a small minority of appeals, judgment will be given orally at the conclusion of the hearing. In those cases, you may request a transcript of the judgment after the hearing. No fee will be payable for the transcript in these circumstances.
- 5.41** Appeal hearings are likely to be live streamed on the Judiciary's YouTube channel unless one of the parties is a litigant in person or the hearing is a substantive judicial review retained in the Court of Appeal (for information about retained judicial reviews, see chapter 6).

Onward appeal to the Supreme Court

- 5.42** If you are the unsuccessful party to an appeal, you may wish to apply for permission to appeal to the Supreme Court. You must apply to the Court of Appeal for permission to appeal to the Supreme Court before you apply directly to the Supreme Court. Any application must be in writing to the Civil Appeals Office within 28 days of the date of the decision you wish to appeal.⁹⁴ It is good practice, however, to make the application prior to hand down of the judgment, or shortly thereafter. You must include grounds of appeal, clearly headed as such. A formal application pursuant to Part 23⁹⁵ is not required unless the application is made outside the 28-day time limit. If the application is out of time, the formal application should include an application for an extension of time, with reasons.
- 5.43** If the Court of Appeal refuses permission to appeal to the Supreme Court, you may renew the application for permission to appeal direct to the Supreme Court. The time limit for making an application for permission to appeal to the Supreme Court is 28 days from the date of the decision by the Court of Appeal refusing permission to appeal to the Supreme Court.⁹⁶

93 [Practice Guidance \(Remote hand-down of Judgments\) in the Court of Appeal \(Civil Division\) - Courts and Tribunals Judiciary](#)

94 CPR 52.3B

95 See chapter 8 for guidance on making an application under Part 23.

96 Rule 13(1) of The Supreme Court Rules 2024

6. Judicial review retained in the Court of Appeal

When does this chapter apply

- 6.1** Where the Court of Appeal grants permission to apply for judicial review and does not remit the matter to the lower court, the substantive judicial review will be retained in the Court of Appeal. The Civil Appeals Office will send the parties a letter confirming this. CPR Part 54 at [PART 54 - JUDICIAL REVIEW AND STATUTORY REVIEW - Civil Procedure Rules \(justice.gov.uk\)](#) and PD 54A at [PRACTICE DIRECTION 54A – JUDICIAL REVIEW - Civil Procedure Rules \(justice.gov.uk\)](#) apply in relation to the procedural steps required to be taken by the parties prior to the hearing of the judicial review.

Summary of steps you need to take

- 6.2** In summary, the parties need to take the following steps:
- The claimant must complete and return the Party Details Form within 4 days of receipt (see para. 6.5 below).
 - The claimant must file and serve the Appeal Questionnaire and pay the court fee (see paras. 6.6 – 6.10 below).
 - If the defendant disagrees with the claimant's time estimate, the defendant must file and serve the Appeal Questionnaire Part 2 within 7 days of receipt (see para. 6.11 below).
 - The defendant must file and serve detailed grounds within 35 days of service of the order granting permission to apply for judicial review (see para. 6.13 below).
 - The parties must agree the contents and lodge the hearing bundle and any core bundle not less than 21 days before the date of the hearing (see paras. 6.14 – 6.17 below).
 - The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing (see paras. 6.18 – 6.21 below).
 - The defendant must file and serve a skeleton argument not less than 14 days before the date of the hearing (see paras. 6.18 – 6.21 below).

- The parties must agree and lodge an authorities bundle not less than 7 days before the date of the hearing (see paras. 6.22 – 6.24 below).
- The parties must file a list of issues, chronology and essential reading list not less than 7 days before the date of the hearing (see para. 6.25 below).

Applying for an extension of time

- 6.3** The various steps the parties need to take must be completed by specified deadlines. Details of the deadlines are set out in the paragraphs below. If a party envisages that an extension of time will be required, it is good practice to seek to agree a revised timetable with the other party/parties. Where agreement can be reached as to a revised timetable, it should be drawn up in a draft consent order signed by both parties and filed with the Civil Appeals Office for approval. A fee is not required for the approval of a consent order.
- 6.4** If you cannot reach agreement with the other party/parties, you should request an extension of time without delay, ideally before the deadline expires, specifying how much longer you need and the reasons for the delay. The request should ideally be accompanied by documentation showing why the other parties did not agree. The request should be made to the Civil Appeals Office and should be copied to the other party/parties. The request should be made by email in the first instance. The Civil Appeals Office will inform you if a formal application pursuant to CPR Part 23 (see chapter 8) is required. The Civil Appeals Office will ask for the views of the other party/parties, if not already provided. Once the application has been determined, the Civil Appeals Office will inform you if an extension of time has been granted and if so, what the new deadline is. If the extension of time is refused, you will be provided with reasons.

Party details form

- 6.5** After the court has granted permission to apply for judicial review, the Civil Appeals Office will send the parties a standard letter, attaching a Party Details Form. The claimant must complete the Party Details Form and return it to the Civil Appeals Office within 4 days of receipt, showing details of any changes or new information. The parties are required to inform the court immediately of any future changes in representation by counsel or alteration in the contact details of solicitors on the court record. ***If you are a litigant in person, you must inform the Civil Appeals Office immediately if you move home or change your email address.***

Appeal Questionnaire

- 6.6** The Appeal Questionnaire will be sent to the claimant by the Civil Appeals Office. It is made up of two parts. Part 1 is a certificate of service. Part 2 relates to the time estimate for the judicial review.
- 6.7** **Part 2:** The claimant must complete the Appeal Questionnaire Part 2, providing the time estimate for the judicial review given by the claimant's advocate. If a Lord or Lady Justice gave a time estimate when granting permission to apply for judicial review and the claimant's advocate disagrees with it, s/he must explain why in Part 2.
- 6.8** The completed Part 2 must be served on every defendant within 14 days of receipt. The claimant's advocate must be told to advise the court immediately of any future alteration needed to the time estimate.
- 6.9** **Part 1:** Within 14 days of receipt, the claimant must return the completed Appeal Questionnaire Part 1 to the Civil Appeals Office, certifying that Part 2 has been served on all the defendants, along with the court fee.
- 6.10** For the current court fees, see the Guidance at: [Court of Appeal \(Civil\) fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/court-of-appeal-civil-fees).
- 6.11** If the defendant disagrees with the claimant's time estimate contained in the Appeal Questionnaire Part 2, the defendant must file and serve on every other party its own time estimate within 7 days of service of the Appeal Questionnaire. This should be done by completing the bottom half of the Appeal Questionnaire Part 2.
- 6.12** If the defendant does not file a time estimate within 7 days, the Civil Appeals Office will assume that the time estimate provided by the claimant's advocate is agreed.

Defendant's detailed grounds

- 6.13** Within 35 days after service of the order granting permission to apply for judicial review, the defendant or any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve detailed grounds for contesting the claim or supporting it on additional grounds, and any written evidence.⁹⁷

⁹⁷ CPR 54.14(1)

Hearing bundle

- 6.14** The parties should agree the contents of a paginated and indexed bundle containing all the relevant documents, or extracts from them, required for the hearing of the judicial review (“the hearing bundle”).
- 6.15** Where the hearing bundle exceeds 400 pages, the parties must agree the contents of a core bundle. The core bundle should be paginated and indexed and should include the pleadings, a copy of the decision and/or measure which is under challenge and such further documents, or extracts from them, as the parties consider essential for the purposes of the hearing.
- 6.16** The solicitor acting for each party should certify that the hearing bundle and any core bundle meet these requirements.⁹⁸
- 6.17** Not less than 21 days before the date of the hearing, the parties should lodge three hard copies of the hearing bundle and any core bundle with the court, in addition to an electronic copy. The electronic version should be prepared in accordance with the Guidance on the Administrative Court website at [Microsoft Word - Administrative Court- bundle guidance- 27May21.docx \(judiciary.uk\)](#).⁹⁹

Skeleton arguments

- 6.18** The claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing.¹⁰⁰
- 6.19** The defendant must file and serve a skeleton argument not less than 14 days before the date of the hearing.¹⁰¹
- 6.20** The purpose of a skeleton argument is to assist the court by setting out as concisely as practicable the arguments upon which a party intends to rely.
- 6.21** A skeleton argument should comply with the following requirements:
- (a) It must be concise;
 - (b) It should not exceed 25 pages. Any application for permission to exceed the 25-page limit must be made pursuant to Part 23 – see chapter 8.

⁹⁸ PD 54A, para. 15(1)

⁹⁹ PD 54A, paras. 15.2 and 15.5

¹⁰⁰ PD 54A, para. 14.5

¹⁰¹ PD 54A, para. 14.6

- (c) It should define and confine the areas of controversy;
- (d) It should be set out in numbered paragraphs;
- (e) It should be cross-referenced to any relevant document in the bundle;
- (f) It should be self-contained and not incorporate by reference material from previous skeleton arguments or pleadings;
- (g) It should not include extensive quotations from documents or authorities.
- (h) Documents relied upon should be identified.
- (i) Where it is necessary to refer to an authority, the proposition of law the authority demonstrates should be stated. It should identify the parts of the authority that support the proposition. If more than one authority is cited in support of a given proposition, the skeleton argument must briefly state why.¹⁰²

Authorities bundle

6.22 The parties must agree the contents of a bundle containing the authorities to be referred to at the hearing of the judicial review.¹⁰³

6.23 Where, as is often the case, bundles of authorities are prepared by counsel's chambers, it is counsel's responsibility to ensure that their clerks and librarians are aware of the following guidance:

- (a) where extracts from legislation are downloaded from an internet database, (i) the contents from the front of the statute or statutory instrument should be included; and (ii) the extract should be reproduced in PDF, not HTML format;
- (b) authorities should be reproduced in PDF format;
- (c) authorities should be in chronological order, by date of decision, not alphabetically or by level of court. Where there are numerous authorities, it may make sense to divide them by jurisdiction (e.g. ECHR or Commonwealth authorities separate from domestic authorities) and/or, where there are clearly discrete issues, by issue; but that is a matter for counsel's judgement;

¹⁰² PD 54A, paras. 14.1 – 14.4

¹⁰³ PD 54A, para. 15.4

- (d) authorities should be separated by physical tabs in hard copy bundles;
- (e) in electronic bundles the index should be hyperlinked to each tab;
- (f) (the pagination in both electronic and paper versions of the bundle should be the same.

6.24 Not less than 7 days before the hearing, the parties must lodge three hard copies of the authorities bundle with the court, in addition to an electronic copy.¹⁰⁴ The electronic version should be prepared in accordance with the Guidance on the Administrative Court website at [Microsoft Word - Administrative Court-bundle guidance-27May21.docx \(judiciary.uk\)](#).¹⁰⁵

List of issues, chronology and essential reading list

6.25 Not less than 7 days before the date of the hearing, the parties must file: (a) an agreed list of issues; (b) an agreed chronology of events (with page references to the hearing bundle); (c) an agreed list of essential documents for the advance reading of the court (with page references in the hearing bundle to the passages relied on); and (d) a time estimate for the essential reading.¹⁰⁶

¹⁰⁴ PD 54A, para. 15.5

¹⁰⁵ PD 54A, para. 15.4

¹⁰⁶ PD 54A, para. 14.7

7. Appeals from the Upper Tribunal (Immigration and Asylum Chamber)

When does this chapter apply

- 7.1** This chapter applies if you are appealing a decision of the Upper Tribunal (Immigration and Asylum Chamber) (“UTIAC”), on appeal from the First Tier Tribunal. This chapter does not apply to an appeal from a decision of UTIAC in a judicial review claim.

Permission to appeal applications

- 7.2** When seeking permission to appeal, you are not required to file a core bundle.
- 7.3** The Civil Appeals Office will obtain all the relevant documents from UTIAC directly and will make up a core bundle for the use of the court.¹⁰⁷ A copy of the core bundle index will be provided to you.
- 7.4** Although not required to do so, if an applicant files a core bundle at the permission stage, the court will check if it contains all the necessary documents. If it does, the court will use it as the core bundle and not make up a separate bundle. If it does not, the court will either supplement it with documents obtained directly from the Upper Tribunal or make up a core bundle and use the bundle filed by the applicant as a supplementary bundle.

Supplementary bundle

- 7.5** If there are additional documents (other than those in the core bundle) which are relevant to the grounds of appeal and which are necessary for the court to read in order to determine the application for permission to appeal, you must file these in a separate supplementary bundle which should not exceed 350 pages.¹⁰⁸ Any supplementary bundle should be lodged with the

¹⁰⁷ PD 52C, para. 28

¹⁰⁸ PD 52C, para. 27(2)

court within 14 days of the appellant's notice being sealed by the court.¹⁰⁹ You do not have to file a supplementary bundle if you are content to rely on the core bundle only.

- 7.6** If your proposed supplementary bundle contains more than 350 pages, you will need to make a formal application (pursuant to Part 23 – see chapter 8), applying for permission to rely on a supplementary bundle of more than 350 pages.¹¹⁰ Before making any such application, you should rigorously assess the documents you propose to include in the supplementary bundle and only include documents which you consider are essential for the court to read for the purposes of determining the permission application. Extracts of relevant sections should always be used where it is not essential for the court to read the whole document. Permission will only be granted to rely on a supplementary bundle of more than 350 pages if the application is supported by cogent reasons.

Appeals

- 7.7** If permission to appeal is granted by the Court of Appeal and the core bundle at the permission to appeal stage was made up by the court, the Civil Appeals Office will add the following documents to the core bundle:
- (i) the order granting permission to appeal;
 - (ii) the transcript of judgment if permission was granted at an oral hearing;
 - (iii) any respondent's notice;
 - (iv) the appellant's replacement skeleton argument (i.e. cross- referenced to the appeal bundle(s)¹¹¹)
 - (v) the respondent's replacement skeleton argument (i.e. cross- referenced to the appeal bundle(s)); and
 - (vi) a copy of any other orders made in the Court of Appeal.
- 7.8** The Civil Appeals Office will serve a copy of the full bundle on both the appellant and respondent and make up sufficient identical sets for use by the Lords and Lady Justices hearing the appeal.

¹⁰⁹ PD 52C, para. 14

¹¹⁰ PD 52C, para. 27(11)

¹¹¹ See PD 52C, para. 1 for definition of replacement skeleton argument.

- 7.9** Alternatively, if permission to appeal is granted by the Court of Appeal and the core bundle used at the permission to appeal stage was filed by the applicant, it will then be the applicant's responsibility to add the documents at para. 7.7 (i) to (vi) above, to the core bundle. Three hard copies and one electronic copy of the amended core bundle should be lodged with the court and one copy served on the respondent.
- 7.10** It is always the responsibility of the appellant's representative to supply three hard copies and one electronic copy of any supplementary bundle for use by the court and to serve a copy on the respondent.

Exceptions

- 7.11** There may be some exceptions where, for some reason, it is not possible for the Civil Appeals Office to obtain the papers from UTIAC or make up the core bundle. Bespoke directions will be given in these instances and applicants will be directed to make up and lodge a core bundle with the court.

8. Ancillary applications

What is an ancillary application?

- 8.1** An application in addition to an application for permission to appeal or an appeal is called an ‘ancillary application’ because it is ancillary or supplemental to the main appeal or application for permission to appeal. It includes, for example, an application for a stay of execution, permission to rely on fresh evidence not considered by the lower court, permission to intervene, security for costs or an application to limit the recoverable costs of the appeal.¹¹²

Ancillary applications at the permission stage

- 8.2** In the appellant’s notice, an applicant may make an ancillary application in section 10, with reasons in support in section 11.
- 8.3** If, after the appellant’s notice has been issued (sealed by the court), the applicant wishes to make an ancillary application, a formal application, pursuant to CPR Part 23, must be made. The application must be made by application notice (form N244) which can be found at: [Make an application to a court \(application notice\): Form N244 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/forms/court-appeal-application-notice-form-n244). The court fee must be paid. See chapter 2, paras. 2.44 – 2.49 for guidance on paying the court fee.
- 8.4** Once the application notice has been issued (sealed by the court), the Civil Appeals Office will create an ancillary case on CE-File. It will be given the same reference number as the main case but will be given a letter at the end, for example, CA-2025-000111-A. If more than one ancillary application is made, further letters will be used for each subsequent application, for example, CA-2025-000111-B, CA-2025-000111-C etc. It is important to use the full ancillary case reference, including the letter, when corresponding with the court about an ancillary application or filing a document by E-filing which relates to an ancillary application.

¹¹² Pursuant to CPR 52.19 and 52.19A

Determination of ancillary applications

- 8.5** Ancillary applications will usually be determined at the same time as the application for permission to appeal. This is because the Lord or Lady Justice will have all the necessary documents before him or her, including the core bundle, transcript of judgment, skeleton argument and respondent's statement, and will thus be in a better position to properly determine the application.

Urgent ancillary applications

- 8.6** An ancillary application may, however, become urgent, for example, if an eviction is imminent and the applicant has applied for a stay of execution. The applicant must then apply to the Civil Appeals Office for expedition¹¹³ and explicitly request that the ancillary application be dealt with in advance of the permission application, on an urgent basis. A request for urgent consideration can be made in section 11 of the appellant's notice or by email to the Civil Appeals Office. A formal application, pursuant to CPR Part 23 is not required for this purpose. The request must set out clearly why the applicant considers the ancillary application is urgent and the timescale within which it must be determined.
- 8.7** The ancillary application will either be referred urgently to a Lord or Lady Justice for determination in advance of the permission application or the application for urgent consideration will be refused and you will receive reasons for the refusal.

Ancillary applications at the appeal stage

- 8.8** Once permission to appeal has been granted, any ancillary application must be made in an application notice (form N244) or the respondent may make an ancillary application in section 9 of a respondent's notice.
- 8.9** Such applications may be dealt with in advance of the appeal hearing or at the same time as the court hears the appeal. Where an ancillary application is considered with the appeal, you will receive an order from the court at the conclusion of the case dealing with the outcome of the appeal and the ancillary application.

¹¹³ See CPR PD 52C, para. 26

- 8.10** Where there is a reason for an ancillary application to be dealt with before the appeal hearing, you will receive a separate order with the outcome of the application. Ancillary applications dealt with in advance of the appeal are generally either urgent or there is some other reason why a decision must be made in advance of the appeal hearing, for example, deciding whether a supplementary bundle for the appeal is permitted to include more than 350 pages. Your case manager will confirm how any ancillary application will be dealt with.

Specific examples

8.11 Application for permission to rely upon fresh evidence

- Fresh evidence is evidence which was not considered by the lower court judge. In order to rely on fresh evidence in your appeal, you need the court's permission to rely upon it.
- Relevant considerations are i) whether the evidence could not with reasonable diligence have been obtained for use in the lower court; ii) the evidence would probably have had an important influence on the result of the case; and iii) the evidence is apparently credible.¹¹⁴
- An application for permission to rely on fresh evidence should not be made unless you are in possession of the fresh evidence you seek to rely upon. It should not be used in relation to evidence you hope to obtain at some point in the future.
- You must provide a copy of the fresh evidence when you file the application.
- If the evidence is extensive, the fresh evidence should be placed in an indexed and paginated bundle, clearly marked as a "Fresh Evidence Bundle".
- If the application is made at the permission stage, the application is likely to be referred to a judge for determination at the same time as the application for permission to appeal.
- If the application is made at the appeal stage, the application is likely to be listed with the appeal and the parties will be asked for their view as to whether this will affect the appeal time estimate.

¹¹⁴ Ladd v Marshall [1954] 1 WLR 1489, Sharab v Al-Saud [2009] EWCA Civ 353 at [52].

8.12 Application for a stay of execution

- If the lower court order requires you to take some action, for example, to pay costs to the other party, you may apply for a stay of execution until your appeal has been determined. If a stay is granted, this would stop the other party enforcing the order against you until your appeal has been determined.
- With limited exceptions, an appeal does not operate as an automatic stay of any order or decision of the lower court.¹¹⁵ You will need to make an application for a stay in the Court of Appeal.
- If you consider the stay application is urgent, this should be stated within the application, with reasons to explain the urgency. The covering letter, email or E-Filing should be clearly marked as urgent.
- If the application is not obviously urgent, the court will send a standard letter confirming that the application will be processed in the normal course. The letter will advise you that if the application becomes urgent, you should inform the court immediately and provide reasons for the urgency.
- In relation to the stay of a costs order or an order for payment on account of costs, the Civil Appeals Office will not treat such an application as urgent unless there is evidence of imminent enforcement action taken by the respondent.
- A stay application will generally be referred for determination with the application for permission to appeal, unless it becomes urgent and must be determined in advance.

8.13 Application for an order to limit the recoverable costs in appeals from the Employment Appeal Tribunal or Upper Tribunal¹¹⁶

- If costs recovery is normally limited or excluded in the lower court (for example, in the Employment Appeal Tribunal or Upper Tribunal), an applicant may apply for an order limiting the recoverable costs of the appeal.
- Such an application should be made as soon as practicable.
- If the application is made by an appellant or an applicant for permission to appeal, it should ideally be included in Part C of section 10 of the

¹¹⁵ CPR 52.16

¹¹⁶ CPR 52.19

appellant's notice, accompanied by a statement of reasons and evidence in section 11. If the appellant's notice has already been issued, the applicant or appellant should make the application pursuant to Part 23, by way of an application notice (form N244).

- If the application is made by a respondent to an appeal, it should be made pursuant to Part 23, by way of an application notice (form N244) or in a respondent's notice if one is relied upon.
- If such an application is made, a Lord or Lady Justice may make an order on the basis of the information supplied by the applicant, giving the other party an opportunity to apply to have it varied or set aside. Alternatively, the judge may ask the other party for a response before making any order. In either case, the decision will normally be made without a hearing.
- In determining the application, the court will have regard to all the circumstances of the case and the need to facilitate access to justice.

8.14 Application for permission to rely on a supplementary bundle of more than 350 pages¹¹⁷

- A supplementary bundle in support of either an application for permission to appeal or an appeal may not exceed 350 pages, unless the court gives permission.
- Supplementary bundles may only contain documents which are relevant to the grounds of appeal and which it is necessary for the court to i) read in order to determine the application for permission to appeal; or ii) read in preparation for or during the appeal hearing.
- Any application for permission to rely on a supplementary bundle of more than 350 pages should be accompanied by a copy of the draft, proposed supplementary bundle index, which should include page numbers.
- The application must explain why it is essential for the court to read all the additional documents and, in relation to appeals, whether there is agreement between the parties as to their inclusion.
- The application will be determined by a Master on the papers.

¹¹⁷ 6 CPR PD 52C, para. 27(2), 27(9) and 27(11)

8.15 Application to intervene

- A non-party may make an application for permission to intervene in an appeal if, for example, the prospective intervener has special expertise in the subject matter of the appeal and could assist the court in reaching an informed decision on the appeal.
- A formal application must be made, using an application notice (form N244) and payment of the court fee. See chapter 2, paras. 2.44 – 2.49 for guidance on paying the court fee.
- The application should make clear whether the prospective intervener seeks to intervene by way of written submissions only or by way of oral submissions at the appeal hearing too and why the intervention will assist the court. If the prospective intervener wishes to make oral submissions, a time estimate for the oral submissions must be provided.
- The views of the parties should be sought before making the application and their views should be included with the documents in support of the application.
- If party views have not been sought before the application is issued, the Civil Appeals Office will seek to obtain the views of the parties before referring the application to a Lord or Lady Justice for determination.

8.16 Application for Security for costs¹¹⁸

- An application for security for costs can only usually be made in relation to a substantive appeal.
- If the respondent wishes to apply for security for costs at the permission stage, for example, because the application for permission to appeal has been adjourned to an oral hearing with the appeal to follow immediately if permission to appeal is granted, the application must be made under Part 3 (the court's general case management powers).
- The application should state whether the applicant seeks an oral hearing or is content for it to be determined on paper by a Master.
- The appellant in the main appeal will be given an opportunity to file and serve submissions in response before the application is determined.

¹¹⁸ CPR 25.15

8.17 Application for Anonymity

- With limited exceptions,¹¹⁹ if an anonymity order has been made in the lower court and you want anonymity to be continued in the appeal, you will need to make a fresh application for anonymity in the Court of Appeal.
- If an anonymity order has been made in the lower court, a copy of the sealed anonymity order or orders should be filed with the application in the Court of Appeal.
- The starting point for the consideration of anonymity orders is open justice. Given the importance of open justice, appellants should generally be expected to be named in proceedings in the Court of Appeal. Any departure from the principle of open justice will need to be justified. The court will only order that the identity of a person shall not be disclosed if it considers non-disclosure is necessary to secure the proper administration of justice and in order to protect the interests of that person.¹²⁰ This may require the weighing of the competing interests of a party (for example, their rights under the European Convention on Human Rights or their ability to present their case without hindrance) against the need for open justice.

8.18 Application for disclosure

- The application should include a list of the specific documents you seek to be disclosed. It is not acceptable to request, for example, disclosure of all the documents held by the other party.
- If such an application is made at the permission to appeal stage, the application will ordinarily be referred for consideration with the application for permission to appeal. If the judge considers that disclosure is necessary, s/he will grant the application for disclosure and adjourn the permission application until disclosure has taken place.

¹¹⁹ Asylum or protection claims, child cases, victims of trafficking and victims of sexual abuse

¹²⁰ CPR 39.2(4)

9. Mediation

What is mediation?

- 9.1** Mediation is a flexible and confidential process used to settle a dispute between two or more people, businesses or other organisations. It involves appointing a mediator, who is an independent and impartial third person, to help the parties talk through the issues, negotiate and come to a mutually agreeable solution. You can mediate before taking legal action or while legal action is ongoing.

What is the Court of Appeal Mediation Scheme?

- 9.2** The Court of Appeal Mediation Scheme (CAMS) provides affordable mediation for all Civil Division appeals (other than family and immigration appeals). The Scheme does not extend to cases involving extremely complex issues or very large amounts of money with parties able to fund commercial mediation rates. CAMS has been running in its present format since 2003.
- 9.3** The CAMS administrators are currently CEDR, the services arm of the Centre for Effective Dispute Resolution.
- 9.4** CAMS will be available where the single Lord or Lady Justice considering the application permission to appeal recommends it or where the parties themselves agree to mediate through CAMS or where the case falls within the Automatic Referral Scheme (see paras. 9.7 – 9.8 below). Referral for mediation usually takes place when permission to appeal has been granted but a referral can also be made when permission has been adjourned to an oral hearing on notice to the respondent(s). The Civil Appeals Office will notify CEDR and CEDR will then invite the parties to participate in a mediation.
- 9.5** Parties may at any time after permission to appeal has been granted (or adjourned) opt of their own volition to use CAMS. A recommendation from a single judge is not a necessary condition precedent for use of CAMS.
- 9.6** When a case is referred for mediation and permission to appeal has been granted, the Civil Appeals Office will still list the appeal, but not before 10 weeks has elapsed, to give time for the parties to mediate.

The Automatic Referral Scheme

- 9.7** In certain types of cases, if permission to appeal is granted by the single judge, the case will be automatically referred by the Civil Appeals Office to CEDR who will invite the parties to participate in a mediation. The only exception is if the single judge specifies in the order granting permission to appeal that the appeal is not suitable for a CAMS referral, giving reasons for that decision. The Civil Appeals Office will then progress the case in the usual way and list the appeal.
- 9.8** The Automatic Referral Scheme applies to the following cases:
- (a) All cases involving a litigant in person (other than family and immigration cases);
 - (b) All appeals in personal injury, clinical negligence and all other professional negligence claims;
 - (c) All contractual disputes of any nature with a judgment or claim value of up to £500,000;
 - (d) All inheritance disputes;
 - (e) All boundary disputes;
 - (f) Appeals from the Employment Appeal Tribunal; and
 - (g) Residential landlord and tenant appeals.

The CAMS process

- 9.9** CEDR will invite the parties to mediate. If the parties agree, CEDR will arrange a mediation. A CAMS mediation may take place in-person or remotely via Zoom or Microsoft Teams and the parties should seek to agree the format. If an in-person mediation is chosen, the parties are responsible for arranging the venue and paying any related costs.
- 9.10** CEDR will nominate three mediators from the CAMS panel. All mediators on the panel are duly accredited by a recognised training provider and regarded as sufficiently experienced to be admitted to the panel by the Court of Appeal. They are independent mediation practitioners and are not judges or agents, representatives or employees of HM Courts and Tribunals Service. The parties are required to agree a single mediator from the three nominated. In default, CEDR will appoint one of the three.

- 9.11** Once a mediator has been agreed or appointed, CEDR will seek to agree a date for the mediation with the parties and the mediator. CEDR will render a fee note and the mediation fees must be paid no later than 7 days before the date of the mediation. See paras. 9.13 – 9.16 below for information about the fees.
- 9.12** The Civil Appeals Office will receive no report from either the mediator or CEDR about what happened during a mediation. The only information provided to the Civil Appeals Office by CEDR is confirmation as to whether a mediation took place or not and if so, whether settlement was reached so as to bring the appeal proceedings to an end. If either party refused to mediate, CEDR will inform the Civil Appeals Office of any reason provided by that party (see paras. 9.17 – 9.18 below).

Fees for a CAMS mediation

- 9.13** The standard fee per party for a CAMS mediation is set out below. The standard fee includes both the fee for the mediator and also CEDR's costs of setting up and administering the mediation.

Value	Price Per Party Online	Price Per Party In- Person	Additional Hours price per party
Less than £1million	£950 + VAT	£1150 +VAT	£125 + VAT
£1 million +	£1,900 + VAT	£2,200 +VAT	£175 + VAT

- 9.14** The fee covers the mediator's time for up to four hours preparation and five hours mediation. If the parties agree to continue with the mediation for more than the five hours allotted, this additional mediation time is invoiced after the mediation in accordance with the rates set out in the table above.
- 9.15** A cancellation fee is payable at a graduated level depending upon how long before the mediation the cancellation takes place.
- 9.16** The mediator may ask CEDR to recover reasonable expenses for travel to the mediation venue in addition to the standard fee. This would need to be shared equally by the parties.

Declining mediation: costs implications

- 9.17** CAMS is not a compulsory scheme and participation in the Automatic Referral Scheme is not compulsory. Any party to an appeal is free to decline to participate in a mediation, whether it falls within the Automatic Referral Scheme or where the single judge in granting permission to appeal recommends mediation. Any party referred to CAMS may withdraw from CAMS at any time (subject to any cancellation fees payable if a mediation is cancelled late).
- 9.18** Parties should note, however, that the Master of the Rolls and the Court of Appeal regard the court's recommendation that parties should mediate, or the court's identification of the case as suitable for mediation under the Automatic Referral Scheme, as significant. If a party chooses to ignore such a recommendation or automatic referral or to reject another party's proposal to mediate, there is Court of Appeal authority that if such rejection of mediation is found to be unreasonable, this can be taken into account under CPR 44.5 when deciding what costs orders should be made and can even result in a costs sanction against parties who otherwise succeed in their appeal. Parties should therefore be aware that a refusal to mediate and the reasons given for refusal may be taken into account in determining costs.

Appendix 1 - Specimen core bundle index

Court of Appeal Ref: CA-2025-000111

Jones v Smith

CORE BUNDLE INDEX

Document	Pages
1. Sealed Appellant's Notice and grounds of appeal 1 -	20
2. Skeleton argument 21 -	41
3. Chronology of relevant events 42 -	43
4. Sealed order under appeal 44 -	45
5. Transcript of judgment 46 -	59
6. N460 - reasons for allowing or refusing permission to 60 - 62 appeal to the Court of Appeal (if applicable)	62
7. Claim Form including Particulars of Claim 63 -	98
8. Defence 99 -	128
9. Relevant contractual clauses 129 -	147

Number each page in the bottom right-hand corner, continuing page numbering in order through to the end.

Appendix 2 - Specimen supplementary bundle index

Court of Appeal Ref: CA-2025-000111

Jones v Smith

SUPPLEMENTARY BUNDLE INDEX

Document	Pages
1. Extract of transcript of proceedings dated xx-xx-xxxx	1 - 8
2. Witness statement in support of application for a stay of execution	9 - 16
3. Order of HHJ X dated xx-xx-xxxx	17 - 18
4. Application notice dated xx-xx-xxxx	19 - 23
5. 2nd Witness Statement of Claimant dated xx-xx-xxxx	24 - 28
6. 2nd Witness Statement of Defendant dated xx-xx-xxxx	29 - 35
7. 1st Witness Statement of Claimant dated xx-xx-xxxx	36 - 39
8. 1st Witness Statement of Defendant dated xx-xx-xxxx	40 - 44
Etc.	

Number each page in the bottom right hand corner, continuing page numbering in order through to the end.

Appendix 3 - Help for Litigants in Person

The table below sets out sources of help and assistance for litigants in person:

Name	Help offered	Contact details
RCJ Advice	Advice on legal problems including help with completing forms, making an application for fee remission, paying a fee, making up a bundle and making corrections to a bundle which has already been filed.	Room M29 Royal Courts of Justice Strand London WC2A 2LL Email: civiltriage@rcjadvice.org.uk Telephone: 0203 475 4373 Wednesday 2 – 4.30pm
Court of Appeal Scheme	Preparation of a skeleton argument in support of an application for permission to appeal.	Send a copy of the sealed appellant's notice, the grounds of appeal, the order that you want to appeal and the judgment to: coas@weareadvocate.org.uk or by post to 2nd floor Lincoln House, 296-302 High Holborn, London WC1V 7JH.
Advocate	Drafting an appeal skeleton argument and legal representation at an appeal hearing.	Apply for help at: https://weareadvocate.org.uk

Appendix 4 - Glossary of terms

Advocate	A solicitor or barrister representing a party at a hearing before the court.
Ancillary application	Any application made to the Court of Appeal, other than an application for permission to appeal. Ancillary applications are often given a distinct reference number by adding a letter after the main reference number e.g. CA-2023- 001234-A or CA-2023-001234-B.
Appeal Questionnaires	Appeal Questionnaire Part 1: Certificate that a completed Appeal Questionnaire Part 2 has been served on the respondent(s). Appeal Questionnaire Part 2: Advocate's time estimate for the appeal hearing.
Appellant	A party who is bringing an appeal (who has been granted permission to appeal or who does not require permission to appeal).
Appellant's Notice	Form to be used when commencing an appeal or an application for permission to appeal in the Court of Appeal N161 - Appellant's notice (publishing.service.gov.uk)
Applicant	A party bringing an application for permission to appeal.
Application Notice (N244)	Form to be used when making an application after the appellant's notice has been issued (sealed by the court). Form N244 and guidance notes can be found at: Make an application to a court ('application notice'): Form N244 - GOV.UK (www.gov.uk)
Authorities bundle	A bundle which contains copies of the cases which an advocate intends to rely on at an appeal hearing. The contents of the authorities bundle must be agreed between the appellant's advocate and the respondent's advocate.
Barrister	A specialist legal professional representing a party at a hearing before the court. Also referred to as an advocate or Counsel.

Case Lawyer	Legally qualified individual responsible for case managing applications for permission to appeal and appeals from issue through to determination.
Case Manager	Member of the administrative team in the Civil Appeals Office who works with the case lawyer to case manage appeals through to determination.
Certificate of Service	A document certifying that specified documents have been served on the other parties and when.
Civil Appeals Office	The administrative office which supports the Court of Appeal (Civil Division).
Civil Procedure Rules	The rules governing practice and procedure in the civil courts. Where relevant they also apply to appeals in the Civil Division of the Court of Appeal. They can be found at Rules & Practice Directions – Civil Procedure Rules (justice.gov.uk) . The part which applies specifically to appeals in the Court of Appeal is Part 52.
Committal order	An order used to send someone to prison for contempt of court.
Core bundle	A bundle which includes only those documents specified in the relevant core bundle index.
Counsel	A specialist legal professional representing a party at a hearing before the court. Also referred to as a barrister or advocate.
Extempore judgment	Judgment given orally in court.
Fees	Court fees are payable when filing certain documents, including an appellant's notice and Appeal Questionnaire. For details of all the fees payable in the Court of Appeal, see the Guidance at: Court of Appeal (Civil) fees - GOV.UK (www.gov.uk)
Filing	Lodging documents with the Civil Appeals Office. A document is filed once it has been received by the Civil Appeals Office.
Grounds of appeal	A document identifying how the judgment of the lower court is wrong or unjust because of a serious procedural or other irregularity. The grounds of appeal must not be included in the appellant's notice but should be in a separate document, clearly headed "Grounds of Appeal".

Habeas Corpus	A legal order for an inquiry to determine whether a person has been lawfully imprisoned.
Help With Fees	Money off a court fee because you are on benefits or have a low income.
Important Notes for Respondents	A document provided to an applicant by the Civil Appeals Office when an appellant's notice seeking permission to appeal is issued. The document must be served by the applicant on the respondent(s).
Interested party	In judicial review proceedings or planning appeals, a person (other than the claimant or defendant) who is directly affected by the claim.
Issuing	An appellant's notice, application notice or respondent's notice is issued when it is sealed by the court with an official stamp.
Listing Window Notification Letter	A letter from the Civil Appeals Office setting out the steps that must be taken by the parties prior to an appeal hearing. Many of the deadlines run from the date of the Listing Window Notification Letter.
Litigant in person	A person who conducts legal proceedings on their own behalf, without legal representation.
Lower court	The court or tribunal from which an appeal is brought.
Party Details Form	Form sent to the parties with the Listing Window Notification Letter which must be completed and returned to the Civil Appeals Office with full details of the parties and their legal representatives.
Practice Directions	The Practice Directions supplement the Civil Procedure Rules providing more details regarding the practice and procedure to be followed in the civil courts. The Practice Direction which applies specifically to appeals in the Civil Division of the Court of Appeal is Practice Direction 52C, found at: Practice Direction 52C – appeals to the court of appeal – Justice UK

Replacement skeleton arguments	The parties' final skeleton arguments which should be included in the bundles for an appeal. They should be identical to the appeal skeleton arguments already filed and served but amended (only) to include cross references to the appeal bundles. They should not contain substantive amendments. A replacement skeleton argument is defined at CPR PD 52C para. 1.
Respondent	A person other than the appellant who was a party to the proceedings in the lower court and who is affected by the appeal. There may be more than one respondent.
Sealed appellant's notice	An appellant's notice that has been issued and sealed by the Civil Appeals Office with an official stamp.
Second appeal	An appeal from a decision which was itself the outcome of a substantive appeal in the lower court.
Service	Sending copies of documents to the other parties to the appeal, by email or post. If you are serving by email, the party who you are serving must have agreed to accept service by email ¹²¹ . A document is served once it has been received by the other party in an agreed format. If you serve a document by email, you do not in addition have to send or deliver a hard copy.
Skeleton argument	A document which sets out as concisely as possible the arguments which are relied upon to support the grounds of appeal. The grounds of appeal and the skeleton argument should be separate documents.
Supplementary bundle	A bundle in addition to the core bundle containing documents which it is necessary for the judge to read.
Supplementary skeleton argument	A skeleton argument filed in addition to the appeal skeleton argument. The permission of the court is required to rely on a supplementary skeleton argument.

¹²¹ CPR PD 6A, para. 4.1

Transcript of judgment	An approved text of the judgment given orally by the lower court judge (transcribed from an audio recording).
Transcript of proceedings	An approved text of the whole lower court hearing (transcribed from an audio recording).
Written judgment	A judgment formally handed down by the lower court judge.



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