

Appellant's notice

For office use only

Date received

Appeal case no.

Date issued

Full name of person to whom the proceedings relate
(this is the person who lacks, or is alleged to lack, capacity)

SEAL

Please read first

- If you wish to appeal against a decision of the Court of Protection then you must complete this form and file it with the court.
- Do not use this form if you are appealing to the Court of Appeal. You need to follow the Court of Appeal procedures.
- The first person to appeal against any decision of the court is called the appellant. Any other party to the appeal is called a respondent.
- Respondents can apply for permission if they wish to make an additional, different appeal, or can apply to have the order of the first instance judge upheld on different or additional grounds by filing a COP36 respondent's notice.
- You have limited time to file your appellant's notice with the court. You must file it:
 - within the time limit set by the first instance judge; or
 - where the first instance judge did not set a time limit, within 21 days of the date of the decision you wish to appeal against.
- You must pay a fee when you file an appellant's notice. Please refer to the fees leaflet COP44 for details.
- You may need to pay for any costs you incur during proceedings. If the court considers that you have acted unreasonably you can be ordered to pay the costs incurred by other parties.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write your name, the name and date of birth of the person to whom the application relates, and the number of the question you are answering on each separate sheet.
- There are additional guidance notes at the end of this form.
- For assistance in completing the form please see guidance notes and website: www.gov.uk/court-of-protection
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Section 1 – Details of the decision you are appealing against

1.1 Case number

1.2 The name of the first instance judge (the judge whose decision you want to appeal)

1.3 Status of the first instance judge, if known

Tier 2 Judge (eg. circuit judge, senior judge or recorder)

Tier 1 Judge (eg. district judge, judge of the first tier tribunal, deputy district judge)

1.4 Date of the decision you wish to appeal

D	D	M	M	Y	Y	Y	Y
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1.5 Address of the person to whom the proceedings relate

1.6 Date of birth of the person to whom the proceedings relate

D	D	M	M	Y	Y	Y	Y
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Section 2 – Details of appellant and respondent(s)

Your details (the appellant)

2.1 Your details Mr. Mrs. Miss Ms. Other _____

First name

Middle name(s)

Last name

2.2 Address
(including
postcode)

Telephone no.

Daytime	<input type="text"/>
Evening	<input type="text"/>
Mobile	<input type="text"/>

E-mail address

2.3 Is a solicitor representing you? Yes No

If Yes, please give the solicitor's details.

Name

Address
(including
postcode)

Telephone no.

Fax no.

<input type="text"/>	<input type="text"/>	<input type="text"/>
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DX no.

E-mail address

2.4 Which address should official documentation be sent to?

- Your address
- Solicitor's address
- Other address (please provide details)

Details of respondent(s) to the appeal (see note 1)

2.5

Full name including title	Full address including postcode

Section 3 – Application for permission to appeal

3.1 Do you need permission from the court to appeal? (see note 2)

- Yes
- No, I am appealing against an order for committal to prison

3.2 If Yes, has permission to appeal been granted?

- Yes
- No, I now seek permission to appeal

Section 4 – Details of appeal

4.1 Nature of decision you wish to appeal **(see note 3)**

- Case management decision
- Grant or refusal of an interim application
- Final decision
- Other (please give details)

4.2 What are you asking the appeal judge to do? **(see note 4)**

4.3 If you are asking the appeal judge to affirm, set aside or vary part of the order please specify which part

Section 5 – Grounds for appeal and skeleton argument

5.1 Please set out your grounds for appeal. (see note 5)

5.2 Please use the COP37 skeleton argument form for your arguments in support of your grounds for appeal.

A skeleton argument: (tick only one box)

is filed with this notice; or

will follow within 21 days of filing this notice.

Section 6 – Other applications

Please complete this section if you are asking for orders in addition to the order asked for in section 4.2. If you make other applications with your appellant's notice the court can either deal with these at any hearing which deals with your application for permission to appeal, or at another separate hearing before the hearing of your appeal.

6.1 Are you applying for a stay of execution of any order against you? Yes No

If Yes, please state why you are applying for a stay of execution.

6.2 Are you applying for an extension of time for filing the appellant's notice? (**see note 6**) Yes No

If Yes, please state the reasons for the delay.

6.3 Are you making any other applications to the court? (**see note 7**) Yes No

If Yes, please state what order you are asking the court to make and state the reasons for your application.

Evidence in support

6.4 Any evidence in support of other applications must be filed with this appellant's notice. If you are attaching any written evidence please use the COP24 witness statement form.

Evidence attached

Section 7 – Supporting documents

7.1 To support your appeal you should file all relevant documents listed below with this notice. To show which documents you are filing, please tick the appropriate boxes.

- Two copies of your appellant’s notice for the court (i.e. the original plus one copy);
- One copy of your skeleton argument;
- A sealed (stamped by the court) copy of the order being appealed;
- A suitable record of the judgment of the first instance judge;
- A copy of any order giving or refusing permission to appeal, together with a copy of the judge’s reasons for allowing or refusing permission to appeal;
- Any witness statements or affidavits in support of any other applications included in your appellant’s notice;
- The application form and any application notice or response (where relevant to the subject of the appeal);
- In cases where the decision itself was made on appeal, the order of the first instance judge, the reasons given and the appellant’s notice used to appeal from that order;
- Any other documents which you reasonably consider necessary to enable the court to reach its decision on the hearing of the application or appeal; and
- Such other documents as the court may direct.

7.2 If you have not been able to obtain any of the documents listed in 7.1 within the time allowed to file the appellant’s notice please list the documents in the table and explain why you cannot provide them. You will still need to file the documents with the court – please give the date you expect to be able to do so.

Title of document	Reason not supplied	Date when it will be supplied

Section 8 – Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

*(I believe) (The appellant believes) that the facts stated in this appellant's notice are true.

Signed

*Appellant('s solicitor)('s litigation friend)

Name

Date

**Name
of firm**

**Position or
office held**

* Please delete the options in brackets that do not apply.

Now read note 8 about what you need to do next.

Guidance notes

Note 1

Details of respondent(s) to the appeal

You must provide the details of the parties to the proceedings before the first instance judge who are affected by the appeal. You must serve respondents with copies of all documents relating to your appeal when the court has issued your appellant's notice in order to allow them the opportunity to respond.

Note 2

Application for permission to appeal

You do not need permission from the court to appeal if the order you are appealing against is an order for committal to prison.

You do need permission to appeal against any other order. Permission to appeal will be granted only where:

- the court considers that the appeal would have a real prospect of success; or
- there is some other compelling reason why the appeal should be heard.

Note 3

Details of appeal

Case management decisions include orders relating to:

- the timetable for hearing;
- the filing and exchange of information (of witnesses and experts);
- disclosure of documents; or
- adding a party to proceedings.

A grant or refusal of an interim application might include an injunction to prevent you from doing something or a declaration confirming an action is lawful.

Note 4

What are you asking the appeal judge to do?

You need to explain in section 4.3 what order you are asking the court to make. Please be specific about what you are asking the appeal judge to do. The appeal judge has the power to:

- affirm, set aside or vary any order made by the first instance judge;
- refer any claim or issue to that judge for determination;
- order a new hearing; or
- make a costs order.

Note 5

Grounds for appeal and arguments in support

An appeal must be based on relevant grounds (i.e. reasons for appealing). An appeal judge will only allow an appeal against a decision that is either wrong or unjust because of a serious procedural or other irregularity in the proceedings before the first instance judge.

Please set out briefly why you are appealing the judge's decision. Remember that you must not include any grounds for appeal that rely on new evidence (that is evidence that has become available since the order was made). You may not produce new evidence in your appeal unless the court allows you to do so (see section 6).

Note 6

Extension of time for filing the appellant's notice

If the time for filing your appellant's notice has expired then you need to file this notice and include an application for an extension of time. You need to state the reason(s) for the delay and the steps you have taken in attempting to avoid the delay.

Note 7

Other applications

If you wish to produce new evidence in your appeal you need to apply to the court to do so. You need to tell the court why the evidence was not available to the first instance judge and explain why you think it is necessary for the appeal.

Note 8**What you need to do next**

When you have completed your appellant's notice and supporting documents, you should take, or send them to the Court of Protection, along with any fee. For details on where to send your notice check the website: www.gov.uk/court-of-protection.

If your skeleton argument will follow your appellant's notice, it must be filed within 21 days of the appellant's notice.

Any supporting documents that you cannot obtain in time to file with your appellant's notice must be filed with the court in such time as the court may direct, and in any case as soon as possible.

Note 9**What happens next?****If you need permission to appeal**

The court will tell you if permission is granted, refused or if a date has been fixed for a hearing of the application for permission.

If permission is granted the court will issue your appellant's notice and will return a sealed copy. You will need to serve a copy on each respondent and notify the person to whom the proceedings relate.

If you already have permission, or do not need permission to appeal

The court will issue your appellant's notice and will return a sealed copy. You will need to serve a copy on each respondent and notify the person to whom the proceedings relate.