



Routes of Appeal

This leaflet explains what you need to do in order to comply with Part 30 of the Family Procedure Rules and Practice Direction 30A which supplements that Part.

Which court is the appeal court?

The appeal court is the court to which an appeal is made. The route of appeal depends on:

- the type of case
- the court from whose decision the appeal is brought ('the lower court')
- who made that decision (e.g. a district judge or a circuit judge) and the type of decision.

This leaflet seeks to provide general guidance on the routes of appeal in family proceedings. It does not and cannot provide authoritative guidance. If you are in doubt as to the correct court to which you should appeal, you may wish to speak to a solicitor or your local Citizens Advice.

You must make sure you file your Appellant's Notice (either **FP161** or **N161**) in the correct appeal court. The form used will depend on which court you are appealing to.

Family proceedings

Judge who made the decision to be appealed	Appeal to
One or more lay justices sitting in the family court	Judge of circuit judge level sitting in the family court.
A judge of district judge level sitting in the family court	Judge of circuit judge level sitting in the family court.
A district judge or Senior District Judge of the Family Division sitting in the family court in proceedings for a financial remedy	Judge of High Court judge level sitting in the family court
A circuit judge or recorder sitting in the family court, except where the next row applies	A High Court judge sitting in the High Court
<p>A circuit judge or recorder sitting in the family court where the appeal is from:</p> <p>(a) a decision or order in proceedings under:</p> <p style="padding-left: 20px;">(i) Part 4 or 5 of, or paragraph 19(1) of Schedule 2 to, the Children Act 1989; or</p> <p style="padding-left: 20px;">(ii) the Adoption and Children Act 2002;</p> <p>(b) a decision or order in exercise of the court's jurisdiction in relation to contempt of court, where that decision or order was made in, or in connection with, proceedings of a type referred to at (a) above; or</p> <p>(c) a decision or order made on appeal to the family court (a 'second appeal')</p>	The Court of Appeal
A costs judge	Judge of High Court judge level
Judge of High Court judge level	The Court of Appeal
Any other judge sitting in the family court not referred to above	The Court of Appeal

<p>Any of the following sitting in the High Court:</p> <ul style="list-style-type: none"> - district judge of the High Court - deputy district judge - Senior District Judge of the Family Division - district judge of the Family Division - costs judge - a person appointed to act as a deputy for a costs judge 	<p>High Court Judge sitting in the High Court</p>
<p>Judge of the High Court sitting in the High Court (including a person acting as such a judge in accordance with section 9(1) or (4) of the Senior Courts Act 1981</p>	<p>The Court of Appeal</p>

In most cases, permission to appeal is required. If the appeal court refuses permission without a hearing, a request may be made for an oral hearing to that court.

If at a hearing the appeal court refuses permission to appeal, then no further right of appeal exists.

Permission to Appeal

Generally, the permission of the court is required before an appeal in family proceedings can be heard . If you have not obtained permission from the court which made the decision you want to appeal against, or if that court refused permission, you must request permission to appeal in your appellant’s notice.

Permission to appeal may only be given where the court considers that your appeal will have real prospect of success or there is some other compelling reason why the appeal should be heard.

You do not need permission to appeal where the appeal is against:

- a committal order
- a refusal to grant habeas corpus for release in relation to a minor
- a secure accommodation order under section 25 of the Children Act 1989 or section 119 of the Social Services and Well-being (Wales) Act 2014
- a decision made by one or more lay justices sitting in the family court

Where a circuit judge sitting in the family court refuses permission to appeal from a district judge but makes a separate order (e.g. for costs) at the hearing of the application for permission to appeal, that separate order may be appealed. Permission to appeal is required for such an appeal.

Re-opening a final determination of any Appeals

The Family Division of the High Court will not reopen a final determination of any appeal unless:

- it is necessary to do so to avoid real injustice;
- the circumstances are exceptional and make it appropriate to re-open the appeal; and
- there is no alternative effective remedy. (Rule 30.14 FPR)

Second Appeals

A right to a second appeal in the Court of Appeal only exists in exceptional cases, and there is a tougher test to overcome. In a second appeal, an appeal may only be made to the Court of Appeal if that Court considers that the appeal would raise an important point of principle or practice or that there is some other compelling reason for the Court of Appeal to hear it.

Consider before you pay the court fee, whether you will be able to satisfy the tougher test for permission and wish your application to go forward. The fee will not be refunded if your application is not successful.

Note: You only have a right to a second appeal if the court which dealt with a first appeal heard a full appeal from an earlier order not if it refused you permission to appeal from a lower court at an oral hearing (see section below).

Refusal of permission to appeal by the appeal court

Where an appeal court refuses permission to appeal to itself at an oral hearing, there is no further appeal against that decision to any court (section 54(4) Access to Justice Act 1999).

Appeal Courts

Where the High Court is the appeal court the appellant's notice (**FP161**) must be filed at the Family Division Appeals Office, Floor 1M, Queen's Building, Royal Courts of Justice, Strand, London, WC2A 2LL. DX 44450 Strand

Where the Court of Appeal is the appeal court, the appellant's notice (**N161**) must be filed at the Civil Appeals Office Registry, Room E307, 3rd Floor East Block, Royal Courts of Justice, Strand, London, WC2A 2LL. DX 44450 Strand

Where the family court is the appeal court, before sending the the appellant's notice (**N161**), please check details of your nearest family court at <https://courtribunalfinder.service.gov.uk>

An appeal may be transferred to another court for the appeal to be heard. The appeal may be transferred either at the request of a party in the proceedings or by an order of the court. If your case is transferred, details of the court to which your case is being moved to will be provided in the order.