



## Routes of Appeal

This leaflet explains what you need to do in order to comply with Part 52 of the Civil Procedure Rules and the Practice Direction 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. It does not and cannot provide authoritative guidance.

You must make sure you file your appellant's notice in the correct appeal court.

### Family proceedings

The Court of Appeal is the correct appeal court where the decision being appealed was made by:

- a Circuit Judge or Recorder in public law child proceedings (i.e. where the court is considering whether to make a care order or an adoption order);
- a High Court Judge;
- a judge on an appeal to the family court (see page 3 for second appeals).

A High Court Judge of the Family Division is the appeal court where the decision being appealed was made by:

- a Circuit Judge or Recorder in private law child proceedings (e.g. disputes between parents about where a child should live or contact arrangements);
- a District Judge of the High Court or a Senior District Judge of the Family Division.

A judge of Circuit Judge level sitting in the Family Court is the appeal court where the decision appealed was made by:

- two or three lay magistrates;
- a lay justice;
- a District Judge sitting in the Family Court.

The above does not cover all routes of appeal in family proceedings. Paragraph 2.1 of Practice Direction 30A which supplements Part 30 of the Family Procedure Rules sets out the routes of appeal in family proceedings.

## **Civil proceedings in the County Court and High Court (other than insolvency proceedings)**

The Court of Appeal is the correct appeal court where the decision appealed is made by:

- a High Court Judge;
- a judge on hearing an appeal (see page 3 for second appeals).

A High Court Judge is the appeal court where the decision appealed is made by:

- a Circuit Judge in the County Court;
- a Master in the High Court;
- a District Judge in the County Court in non-insolvency proceedings brought pursuant to the Companies Acts.

A Circuit Judge in the County Court is the appeal court where the decision appealed is made by a District Judge in any other proceedings sitting in the County Court.

The above does not cover all routes of appeal. Table 1 at section 3 of Practice Direction 52A supplementing Part 52 of the Civil Procedure Rules sets out the routes of appeal in non-insolvency proceedings.

# Insolvency Proceedings in the County Court and High Court

The Court of Appeal is the correct appeal court where the decision appealed is made by:

- a High Court Judge;
- a judge on hearing on appeal (see page 3 for second appeals).
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A High Court Judge is the appeal court where the decision appealed is made by:

- a Master, Registrar or District Judge sitting in the High Court;
- a Circuit Judge sitting in the County Court;
- a District Judge sitting in the County Court in individual insolvency proceedings.

An appeal lies to a High Court Judge or Registrar where the decision appealed is made by a District Judge in the County Court in corporate insolvency proceedings.

## Permission to appeal

In most cases the lower court or the appeal court must grant permission to appeal before the appeal court will hear a full appeal. If the lower court refuses permission to appeal, a further application for permission to appeal may be made to the appeal court.

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

## Second Appeals

A second appeal is an appeal:

- from a decision of the County Court or the High Court which was itself made on hearing a full appeal; or
- from a decision made on appeal to the Family Court.

A second appeal only lies where the first appeal court has granted permission to appeal to itself and heard the substantive appeal. If the first appeal court refuses permission to appeal to itself there is no further right of appeal (section 54(4) Access to Justice Act 1999).

A right to a second appeal only exists in exceptional cases, and there is a tougher test to overcome to obtain permission to appeal. A second appeal will only be heard

by the Court of Appeal if it considers that the appeal has a real prospect of success and raises an important point of principle or practice or if there is some other compelling reason for the Court of Appeal to hear it. Permission to appeal is required from the Court of Appeal itself.

Consider before you pay the court fee, whether you will be able to satisfy the tougher test for permission to appeal. The fee will not be refunded if your application for permission to appeal is unsuccessful.

## **Appeal / Hearing centres**

Where a circuit judge sitting in a county court refuses permission to appeal from a district judge but makes an additional decision (e.g. for costs) at the hearing of the application for permission to appeal, that additional decision may be appealed. Permission to appeal is required for such an appeal. Where the order was made by a Circuit Judge, the appeal would lie to a High Court Judge.

Where the High Court is the appeal court, the appellant's notice must be filed in the appeal centre on the Circuit in which the lower court is situated, where the appeal may be managed and heard. An appeal can be transferred to another appeal centre.

The following table shows the appeal centres for each Circuit.

<b>Circuit</b>	<b>Appeal Centres</b>
Midland Circuit	Birmingham
North Eastern Circuit	Leeds
Northern Circuit	Manchester Wrexham
Wales Circuit	Cardiff
Western Circuit	Bristol
South Eastern Circuit	Royal Courts of Justice

## Tribunal proceedings

The Court of Appeal is the appeal court where the decision appealed is made by:

- the Upper Tribunal. (This applies to substantive appeal decisions of the Upper Tribunal only. Where the Upper Tribunal refuses permission to appeal from a decision of the First Tier Tribunal, there is no right of appeal to the Court of Appeal);
- the Employment Appeal Tribunal;
- the Competition Appeal Tribunal.

The Upper Tribunal is the appeal tribunal where the decision appealed is made by the First Tier Tribunal.

The Employment Appeal Tribunal is the appeal tribunal where the decision appealed is made by the Employment Tribunal.

## Permission to Appeal to the Court of Appeal

The Upper Tribunal must consider permission to appeal to the Court of Appeal **before** an appellant's notice can be filed in the Court of Appeal (section 13(5) Tribunals Courts and Enforcement Act 2007). If the Upper Tribunal refuses permission to appeal to the Court of Appeal, a renewed application can be made direct to the Court of Appeal.

Permission to appeal must be granted either by the appropriate Tribunal or by the Court of Appeal before the Court of Appeal will go on to hear a substantive appeal.