



## **A guide to proceedings in the Supreme Court for those without a legal representative**

1. This guide summarises the provisions which govern the conduct of proceedings in the Supreme Court. Fuller information is available on our website [www.supremecourt.uk](http://www.supremecourt.uk) and the staff in the Registry can provide further information and advice although they are unable to provide appellants with legal advice.

### **Sources of legal advice and representation**

2. The Supreme Court cannot arrange for legal representation but individuals in England and Wales may contact the Bar Pro Bono Unit at 289-293 High Holborn, Holborn, London WC1V 6JQ or the Access to Justice Foundation at The National Pro Bono Centre, 48 Chancery Lane, London WC22A 1JF. The Citizens Advice Bureau in the Royal Courts of Justice may also be able to provide advice and assistance. For Scotland please contact Free Legal Services Unit, Advocates Library, Parliament House, Edinburgh EH1 1RF and for Northern Ireland Please contact The Bar Library, 91 Chester Street, Belfast BT1 3JQ.

### **When can I appeal to the Supreme Court?**

3. In general the Supreme Court hears appeals from the Court of Appeal in England and Wales and in Northern Ireland and from the Court of Session in Scotland. There are, however, strict limits on the Supreme Court's jurisdiction. For example, it is not possible to appeal to the Supreme Court against
  - the refusal by the Court of Appeal or by a Judge in the High Court or a County Court to grant permission to appeal;
  - the refusal by the Court of Appeal or the High Court to re-open an appeal or an application for permission to appeal; and
  - decisions made by Tribunals, a Magistrates' Court or a Sheriff.

### **Will I need permission to appeal?**

4. In nearly all cases, an appellant needs permission to appeal to the Supreme Court and an appellant must ask the court whose decision he is appealing for permission before making an application for permission to appeal to the Supreme Court.

### **How can I suspend the effect of the Order I want to appeal?**

5. The filing of an application for permission to appeal in the Supreme Court does not automatically suspend the effect of the order which is being appealed. An appellant who, for example, wishes to postpone compliance with the order being appealed, must make an application for a 'stay of execution'. The Supreme Court very rarely grants a stay of execution and an appellant who wishes to apply for a stay must apply to the court from whose decision he is appealing. If that court grants a stay, it may be on condition that the appellant files his application for permission to appeal with the Supreme Court within a specified time.

### **Do I have to pay a fee?**

6. Details of the fees which are charged in the Supreme Court can be found on our website at [www.supremecourt.uk](http://www.supremecourt.uk). If, however, payment of a fee would involve financial hardship, the Registrar may waive or remit the fee if satisfactory proof is provided of the appellant's financial circumstances.

### **What is the test which the Supreme Court applies when considering whether or not to grant permission to appeal?**

7. Many appellants who apply to the Supreme Court are disappointed if permission to appeal is not granted. The test which the Court applies is, however, a strict one. Permission to appeal is only granted for applications that, in the opinion of the Justices, raise an arguable point of law of general public importance which ought to be considered by the Supreme Court at that time, bearing in mind that the matter will already have been the subject of judicial decision and may have already been reviewed on appeal.

### **What sort of documents will I have to provide for the Supreme Court?**

8. The Supreme Court requires far fewer documents than those which are, for example, provided for an appeal to the Court of Appeal in England and Wales. An appellant needs to provide four copies of
  - the application for permission to appeal;
  - the order appealed against and the order refusing permission to appeal to the Supreme Court;
  - the official transcript of the judgment of the court appealed from;
  - the orders made by all other courts in the proceedings;
  - the transcript of the final judgments of all other courts in the proceedings; and
  - a document which sets out the history of the proceedings.

It is NOT necessary to provide any other documents; if the Justices wish to have additional documents, they will ask the Registry to obtain them.

### **Will the opposing party be involved in the decision-making process?**

9. In nearly all cases, the Justices will decide whether or not grant permission to appeal after considering the papers and without an oral hearing. The other parties to the appeal in the court appealed from may, if they wish, file a notice of objection, setting out their submissions why permission to appeal should not be granted. If they do, and if permission to appeal is refused, then they will be entitled to seek costs against the appellant unless the Justices order otherwise.

10. If permission to appeal is refused on paper there is no right to request that that decision is reviewed at an oral hearing.
11. When the Justices have decided whether or not to grant permission to appeal, the Registrar sends the parties an order which records their decision. If permission to appeal is refused, that order will set out the brief reasons which are given by the Justices for the decision.

### **What do I have to do if permission to appeal is granted?**

12. If permission to appeal is granted, the appellant is required to give notice that he intends to proceed with his appeal. A further fee is payable and further copies of the original application for permission to appeal have to be filed.
13. The listing officer of the Supreme Court will contact the parties and make arrangements for the appeal hearing to be fixed. Most appeals take two days and, wherever possible hearing dates are fixed having regard to the availability of the parties and their representatives.

### **Will I have to provide further documents for the appeal hearing?**

14. Practice Directions 5 and 6 set out the documents which are needed for an appeal hearing. These are
  - a statement of facts and issues – this document has to be agreed by all the parties to the appeal;
  - the appendix – this includes the documents listed at paragraph 8 above together with other documents which are necessary for understanding the legal issues and the arguments in the appeal; and
  - the appellant’s case and the respondent’s case – these are the statements of the parties’ arguments in the appeal: their ‘skeleton argument’.
15. The Registry will advise the parties of the timetable for the filing and exchange of the appellant’s and respondent’s cases. This timetable starts at least six weeks before the appeal hearing.
16. At least two weeks before the hearing date, the appellant must file core volumes which include
  - the notice of appeal or re-sealed application for permission to appeal;
  - statement of facts and issues;
  - the appellant’s and respondent’s cases;
  - Part I of the appendix; and
  - an index to the volumes of authorities.
17. The volumes of authorities are to be compiled jointly by the parties and they must include the various cases and judgments on which both parties wish to rely to support their arguments.
18. Finally, an electronic version of the papers must be provided on a memory stick.
19. The numbers of copies which are required will depend on the number of Justices who will be hearing the appeal but, in most cases, 10 sets of copies will be required.

### **What happens at the hearing?**

20. To get some kind of idea of what happens at hearings you can watch hearings in other cases via the Supreme Court live link on our website at [www.supremecourt.uk](http://www.supremecourt.uk).
21. At the hearing, the appellant will have the opportunity to state his arguments first. The respondent to the appeal will then make his submissions and the appellant has a right of 'reply'.
22. In nearly all cases, the Court will not announce its decision at the end of the hearing. The Justices prepare a written judgment which is sent to the parties a few weeks after the appeal hearing. The judgment will be sent to the parties in draft first and then the Justices will formally 'hand down' their decision at a further hearing.

### **The Supreme Court of the United Kingdom**

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