

# The Supreme Court of the United Kingdom

## Practice Direction 2

### The Registry of the Supreme Court

2.1.1 The Registry of the Supreme Court is situated on the ground floor of the building in Parliament Square which houses the Supreme Court, the former Middlesex Guildhall. The staff of the Registry act under the guidance and supervision of the Registrar. The Registry of the Judicial Committee of the Privy Council is situated in the same room and the staff of that Registry act under the guidance and supervision of the Registrar of the Privy Council. Where a member of staff of one Registry is not available, a member of staff of the other Registry will try to assist.

2.1.2 The postal address of the Supreme Court is

The Supreme Court of the United Kingdom,  
Parliament Square,  
London  
SW1P 3BD

DX 157230 Parliament Square 4.

The telephone numbers are 020 7960 1991, 1992

The email address for the Registry is [registry@supremecourt.uk](mailto:registry@supremecourt.uk)

The Registry is open from 10.00 a.m. to 4.30 p.m. on Mondays to Thursdays during the law terms<sup>1</sup> and from 10 a.m. to 4.00 p.m. on Fridays and outside the law terms. During August the Registry is open from 10.00 a.m. to 2.00 p.m.

2.1.3 The Registry is open on every day of the year except

- a. Saturdays and Sundays,
- b. the Thursday before Good Friday, Good Friday and the day after Easter Monday,
- c. during the Christmas vacation,
- d. Bank Holidays in England and Wales under the Banking and Financial Dealings Act 1971, and
- e. such other days as the Registrar, with the agreement of the President and the Chief Executive, may direct.

The “Christmas vacation” is the two week period over Christmas Day and New Year’s Eve and in 2009, for example, starts on 21 December 2009 and ends on 2 January 2010. At a time when the Registry is closed, the Registrar can for urgent business be contacted via the Supreme Court switchboard on 020 7960-1900.

2.1.4 Enquiries about fees and the filing of documents, papers and volumes should be addressed to Registry. The management of the Supreme Court’s list is dealt with by the listing

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<sup>1</sup> The law terms are the four terms of the year during which the Supreme Court holds its sittings see Practice Direction 6 paragraph 6.2.1.

officer under the direction of the Registrar and enquiries about the listing of appeals should be addressed to the listing officer in the first instance. Enquiries about the assessment of costs should be addressed to the Registrar or the costs clerk.

2.1.5 Cheques and drafts for fees should be made payable to “The Supreme Court of the United Kingdom”.

2.1.6 Cheques and drafts for security money should be made payable to “UK Supreme Court Security Fund Account”.

### **Filing Documents in the Registry of the Supreme Court**

2.1.7 A document may be filed in the Registry “by any of the following methods—

- a. personal delivery;
- b. first class post (or an alternative service which provides for delivery on the next working day);
- c. through a document exchange;
- d. (with the consent of the Registrar) by electronic means in accordance with [...] practice direction” 14: rule 7(1).

When an application for permission to appeal, a notice of appeal, a notice of objection, an acknowledgement by a respondent or an application is filed, it will be sealed by a member of staff in the Registry: rule 7(4).

2.1.8 A document filed by first-class post or through a document exchange will be taken to have been filed on the second day after it was posted or left at the document exchange, as the case may be (not including days which are not business days) : rule 7(2). Business days are defined by rule 3(2) and mean any day other than a Saturday, Sunday, Christmas Day, Good Friday or a bank holiday under the Banking and Financial Dealings Act 1971, in England and Wales. Where a document is received on a business day at a time when the Registry is closed, the document will be taken to have been filed in time and the Registrar may give whatever consequential directions appear appropriate.

2.1.9 Except with the consent of the Registrar, **“the contents of documents**

- a. **filed in hard copy must also be provided to the Registry by electronic means, and**
- b. **filed by electronic means must also be provided to the Registry in hard copy,”**

in accordance with the relevant practice direction: rule 7(3). See Practice Direction 14 for filing by electronic means.

2.1.10 The Registrar may refuse to accept any document which is illegible or does not comply with any provision in the Rules or any relevant practice direction. On refusing to accept a document, the Registrar will give whatever directions appear appropriate. (See rule 8.)

2.1.11 The Registry will not issue an application for permission to appeal or other document unless:

- a. it has been properly served on the respondents (see rule 6);

- b. all the required documents are supplied; and
- c. the prescribed fee is paid or a request for fee remission from court fees is made (see paragraphs 2.1.28 – 2.1.30).

### **Time limits**

2.1.12 Rule 10(2) provides that an application for permission to appeal must be made first to the court below and an application may be made to the Supreme Court only after the court below has refused to grant permission to appeal. Where an application is made to the Supreme Court, the Rules provide for the following time limits to apply.

- a. Except in cases of contempt of court and in leapfrog appeals, an application for permission to appeal must be filed “within 28 days from the date of the order or decision of the court below”: rule 11. This period runs from the date of the substantive order appealed from, not from the date on which the order is sealed or the date of any subsequent procedural order (e.g. an order refusing permission to appeal).
- b. A notice of appeal must be filed within 42 days of the date of the order or decision of the court below: rule 19(2). This period runs from the date of the substantive order appealed from, not from the date on which the order is sealed or the date of any subsequent procedural order (e.g. an order granting permission to appeal).
- c. If an appellant has applied for public funding, the Registrar must be informed in writing within the original 28 or 42 day period that public funding has been applied for. The above periods are then extended to 28 days after the final determination of the application for funding, including any appeals. (See rules 5(2) and 11.)

2.1.13 The Registry may accept an application for permission to appeal or a notice of appeal which is out of time if the application or the notice sets out the reason(s) why it was not filed within the time limit and it is in order in all other respects. The Registrar may reject an application for permission to appeal solely on the ground that it is out of time.<sup>2</sup>

2.1.14 The Justices or the Registrar may extend or shorten any time limit set by the Rules unless to do so would be contrary to any statutory provision. They may do so either on an application by one or both parties or without an application being made. An application for an extension of time may be granted after the time limit has expired. The Registrar will notify the parties when a time limit is varied. (See rule 5.)

2.1.15 A Respondent who has applied for public funding or other party who has difficulty in complying with a relevant time limit should contact the Registry.<sup>3</sup>

(See paragraphs 1.2.9 and 1.2.16 of Practice Direction 1 for general time limits for permission applications. For special cases see paragraph 2.1.16 and for notices of appeal see paragraph 4.3.1 of Practice Direction 4.)

### **Special cases: contempt of court and leapfrog appeals**

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<sup>2</sup> Amended April 2015

<sup>3</sup> Amended April 2015

2.1.16 An application for permission to appeal in

- a. a case involving civil contempt of court must be filed within 14 days, beginning with the date of the refusal of permission by the court below; and
- b. a “leapfrog appeal”<sup>4</sup> must be filed within one month from the date on which the certificate is granted under sections 12 to 16 of the Administration of Justice Act 1969, sections 14A to 14C of the Tribunals, Courts and Enforcement Act 2007, sections 37A to 37C of the Employment Tribunals Act 1996 or sections 7B to 7D of the Special Immigration Commission Act 1997.

### **Form of application for permission to appeal and notice of appeal**

2.1.17 The form of an application for permission to appeal is dealt with in paragraphs 3.1.1 – 3.1.5 of Practice Direction 3. The form of a notice of appeal is dealt with in paragraphs 4.2.1 – 4.2.4 of Practice Direction 4.

### **Case title**

2.1.18 Applications for permission to appeal and appeals carry the same title as in the court below, except that the parties are described as appellant(s) and respondent(s). For reference purposes, the names of parties to the original proceedings who are not parties to the appeal should nevertheless be included in the title: their names should be enclosed in square brackets. The names of all parties should be given in the same sequence as in the title used in the court below.

2.1.19 Applications for permission to appeal and appeals in which trustees, executors etc. are parties are titled in the short form, for example *Trustees of John Black's Charity (Respondents) v. White (Appellant)*.

2.1.20 In any application or appeal concerning children or where in the court below the title used has been such as to conceal the identity of one or more parties to the proceedings, this fact should be clearly drawn to the attention of the Registry at the time of filing, so that the title adopted in the Supreme Court can take account of the need for anonymity. Applications involving children are normally given a title in the form *B (Children)*.

2.1.21 In case titles involving the Crown, the abbreviation “R” meaning “Regina” is used. “R” is always given first. So case titles using this abbreviation take the form *R v Jones (Appellant)* or *R v Jones (Respondent)* (as the case may be) or *R (on the application of Jones) (Appellant) v Secretary of State for the Home Department (Respondent)*.

2.1.22 Apart from the above, Latin is not used in case titles.

### **Service**

2.1.23 Documents such as applications for permission to appeal and notices of appeal must be served by the party or their solicitors on the respondents or their solicitors, in accordance with rule 6 or with any relevant statutory provisions<sup>5</sup>, before they are filed. A party or his solicitor will

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<sup>4</sup> Amended April 2015

<sup>5</sup> The Companies Act 1985 and the Companies Act 2006 provide for the method of service on companies and limited liability partnerships.

be taken to have consented to a particular method of service if, for example, their writing paper includes a fax number or a numbered box at a document exchange unless they have indicated in writing that they are not willing to accept service by that particular method.

2.1.24 A certificate of service which complies with rule 6(4) by giving details of the persons served, the method of service used and the date on which the document was served personally, posted, delivered to the document exchange or sent electronically, must be included either in the original document and signed or a separate certificate of service must be provided.

### **Supporting documents**

2.1.25 See paragraph 3.1.7 of Practice Direction 3 for the documents which must be filed with an application for permission to appeal.

2.1.26 See paragraph 4.3.2 of Practice Direction 4 for the documents which must be filed with a notice of appeal.

2.1.27 See paragraph 7.1.3 of Practice Direction 7 for guidance on documents which may need to be filed in support of an application.

### **Fees**

2.1.28 The fees which are payable in the Supreme Court are prescribed by an order made under section 52 of the Act and rule 45 allows the Registrar to refuse to accept a document or to allow a party to take any step unless the relevant fee is paid.

2.1.29 In circumstances where a party would suffer financial hardship by the payment of fees, the requirement to pay fees may be waived (see the *Supreme Court Fees Order 2009*, S.I. 2009/2031). Any request for fee remission should be made to the Registrar, supported by evidence of the party's means. The Registrar may then grant full or part remission of the relevant fee. Remission of fees is usually granted where a remission of fees has been granted in the court below.

2.1.30 For the fees payable in the Supreme Court see Annex 2 to Practice Direction 7.

2.1.31 Any fees paid are not refunded, even if it is decided that an application for permission to appeal is inadmissible or if an application or other proceeding is withdrawn.

2.1.32 Conditional fee agreements. In certain circumstances payment of the court fee may be deferred if the Appellant's solicitors are operating under a CFA which imposes the liability to pay the court fees on the Appellant personally and the solicitor confirms that the Appellant would be eligible for fee remission and provides the necessary supporting evidence. If the Registrar is satisfied with the information provided, then the solicitor will be informed that payment of the fee had been deferred but that the remission of the fee would be reviewed once the permission application had been decided. Where permission to appeal is refused, payment of the fee will be waived if it is confirmed that the Appellant's means had not changed.<sup>6</sup>

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<sup>6</sup> Amended Nov 2013