

The Supreme Court of the United Kingdom

Practice Direction 5

Papers for the Appeal Hearing

General note

5.1.1 The Supreme Court does not wish to impose very detailed requirements as to the manner in which documents are presented to the Court for appeal hearings. Where parties are in any doubt as to how documents should be presented they should consult the Registrar and discuss the practice which should be adopted. The provisions of paragraphs 5.1.2 to 5.1.5 must, however, be strictly complied with.

5.1.2 All documents placed before the Court must be

- a. printed or reproduced (both as to font size and otherwise) so as to be easily legible – preferably font size 12 and one and a half line spacing¹;
- b. reproduced on paper of A4 size, printed on both sides; and
- c. (unless this causes great difficulty) presented in bound form, properly labelled and indexed. Gothic script and Roman numerals should be avoided.²

Documents must be presented in a form which is robust, manageable and not excessively heavy. The bundles should not be more than approximately one inch (2.5cm) thick and comb-bound.³

Duplication of material must be avoided particularly where two or more appeals are heard together. See Practice Direction 6 for core volumes, cases and authorities volumes.

5.1.3 **The statement of facts and issues** must be a single document, drafted initially by the appellant but *“submitted to, and agreed with, every respondent before being filed”*: rule 22(2). The statement must set out the relevant facts and, if the parties cannot agree as to any matter, the statement should make clear what items are disputed. It is usually helpful for it to contain a chronology with a list of the key dates. This should be set out in an annex and include cross-references to the page numbers of any relevant documents in the appendix. The statement should contain references to every law report of the proceedings below, and should state the duration of the proceedings below. It should be signed by counsel for all parties. The statement of facts and issues is a neutral document and is not to be used to argue a party’s case. It is the professional duty of the parties’ legal representatives to co-operate to produce the statement⁴.

5.1.4 **The appendix** should contain only such material as is necessary for understanding the legal issues and the argument to be presented to the Supreme Court (see rule 22(2)). It should not contain documents which were not in evidence below, nor should it contain transcripts of the proceedings or evidence below unless they are essential to the legal argument. If necessary, the appendix should be prepared in several parts, only the most essential documents being included in Part 1; only Part 1 will be included in the core volumes. The appendix must be submitted to, and agreed with, every respondent before being filed: rule 22(2).

5.1.5 Documents must be included in the appendix in the following order –

¹ Amended Jan 2012

² Amended Jan 2012

³ Amended Jan 2012

⁴ Amended Oct 2016

- a. the order appealed against;
- b. if separate from the order at (a) above, the order refusing permission to appeal to the Supreme Court;
- c. the official transcript of the judgment of the court below⁵;
- d. the final order(s) of all other courts below;
- e. the official transcript of the final judgment(s) of all other courts below;
- f. (where they are necessary for understanding the legal issues and the argument) the relevant documents filed in the courts below;
- g. (where they are necessary for understanding the legal issues and the argument) the relevant documents and correspondence relating to the appeal.

All documents must be numbered, and each part of the Appendix must include a list of its contents.

Time limits

5.2.1 The statement of facts and issues and the appendix must be filed by the appellant within 112 days after the filing of the notice under rule 18(1)(c) or the filing of the notice of appeal: rule 22(1).

5.2.2 If the appellant is unable to comply with the relevant time limit, an application for an extension of time must be made. (See rule 5 and paragraph 5.2.3.)

Extensions of time for filing the statement of facts and issues and the appendix

5.2.3 Appellants who are unable to complete preparation of the statement and appendix within the time limit may apply to the Registrar for an extension of that time under rule 5. Any application must be made in the general form of application, Form 2, (see Annex 1 to Practice Direction 7) and should explain the reason(s) why an extension is needed.

5.2.4 The Registrar may grant an application for an extension of time, provided that it does not prejudice the preparation for the hearing or its proposed date. The time limits provided by the Rules are, however, generous and applicants for an extension of time must set out in some detail why they are unable to comply with any relevant time limit.

Respondents' consent

5.2.5 Respondents are expected not to withhold unreasonably their consent to an application for an extension of time. Appellants are advised to communicate the views of respondents to the Registry since, if they raise no objection, the application may be dealt with on paper.

Filing the Statement and Appendix

5.2.6 When the statement and appendix are ready,

- a. **the original and 7 copies** of the statement,

⁵ If the judgment has been published in a report which is ordinarily received in court, copies of the report may be filed instead of transcripts. Transcripts of judgments marked "in draft" are not accepted without certification by the relevant court that the copy is the final version of the judgment.

- b. **eight copies** of Part 1 of the appendix and
- c. **10 copies** of Parts 2 etc. (if any)

must be filed at the Registry with the prescribed fee. (For the fee payable, see Annex 2 to Practice Direction 7.)

5.2.7 Within 7 days after filing the statement and the appendix, the parties must comply with rule 22(3) by notifying the Registrar that the appeal is ready to list and providing a time estimate (see paragraph 6.2.1 of Practice Direction 6).