



## PRACTICE DIRECTION ON APPEALS

(No. 1 of 2025)

### Introduction

1. This Practice Direction is issued pursuant to article 38.2 of the Rules and Procedures (the '**Rules**') of the QFC Civil and Commercial Court (the '**QFC Court**').
2. The purpose of this Practice Direction is to set out the practice and procedure relating to appeals before the QFC Court following the reissuing of the Rules on 4 June 2025 (Law No. 39 of 2025).

### Permission to appeal

3. Judgments of the First Instance Circuit of the QFC Court or decisions of the QFC Regulatory Tribunal may be subject to applications for permission to appeal (the '**Application(s)**') to the Appeal Circuit of the QFC Court (see article 36.1 of the Rules). Any such Applications must be filed with the Registry within 30 days of the day on which the judgment or decision or order was made by the First Instance Circuit or the QFC Regulatory Tribunal (see article 36.3 of the Rules).
4. Proceedings before the Appeal Circuit are by way of review rather than rehearing (see article 36.6 of the Rules). There are very strict constraints (as set out in the judgments of the Appeal Circuit) on the admission of new evidence not tendered to the First Instance Circuit or the QFC Regulatory Tribunal and on the deployment of new arguments that were not raised before the First Instance Circuit or the QFC Regulatory Tribunal.
5. The President of the Court will constitute a Circuit of three Judges to review Applications on the papers i.e. without an oral hearing and to determine whether to grant or refuse permission for the application to be submitted to the Appeal Circuit. The Court may or may not require a response from the Respondent when reviewing Applications.
6. The Court will, when determining whether to grant permission, consider whether the Application has any merit. In considering whether the Application has merit, the Court will scrutinise the grounds of appeal against a wide range of factors including whether there are substantial grounds for considering that a judgment or decision is erroneous and if there is

a significant risk that it will result in serious injustice (as set out in the judgments of the Appeal Circuit).

7. Where the Court considers that the Application has no merit, permission to submit the application to the Appeal Circuit will be refused. Any decision to refuse permission is final and is not subject to any further appeal or review.

#### Appeals

8. Where the Court grants permission to submit the application to the Appeal Circuit, it will usually direct a hearing to decide the appeal. However, if the Appeal Circuit considers that it is just in accordance with the Overriding Objective (article 4.1 of the Rules) to deal with the appeal on the papers, it may not convene a hearing.
9. The three Judges who hear and determine the appeal as the Appeal Circuit for that appeal will ordinarily be the three Judges who constituted the Court which grants permission to submit the application to the Appeal Circuit.
10. Parties will be expected to make written submissions on appeal and, where there is to be a hearing, appear (either in person or remotely as the Appeal circuit decides) to make oral submissions.
11. The Appeal Circuit may make any order that the First Instance Circuit or Regulatory Tribunal could have made.

**Lord Thomas of Cwmgiedd**

**President of the QICDRC**

**4 June 2025**