



Notes for guidance on completing the Permission to Appeal Notice/Appeal Notice



The following notes are a step by step guide to completing the Permission to Appeal Notice/Appeal Notice. They tell you what information is needed for each of the numbered sections in the form.

Section 1- Details of the parties

This section requires you to give the full name, address, telephone number, fax number and email address of the person seeking permission to appeal/the person appealing. You must also provide the contact details of the person who was the other party in the proceedings before the Court of First Instance or Tribunal. It is important that you provide as many details as possible so that the Court knows how to contact you and the other party/parties to the proceedings.

Section 2- Details of the case you are seeking permission to appeal against

In this section you must provide full details of the case you are seeking permission to appeal against. This requires you to provide the Court with the case number that you were given for your previous case and to indicate, by ticking the appropriate box, whether you are seeking permission to appeal against a decision of the Civil and Commercial Court (Court of First Instance) or the Regulatory Tribunal. You must also provide the date of the decision you wish to appeal which will be found printed on the Judgment or Decision as would have been sent to you by the Court's Registry.

You must also ensure that your application will be filed within the time limit prescribed by the Court's Regulations and Procedural Rules. If, for any reason, your application is to be filed late (i.e. outside the prescribed time limit) you must explain to the Court the reason why there has been a delay in filing your application and also why it would be in the interests of justice for the Court to consider the application out of time. For example, you may have been in hospital and so consider that the Court should, in the interests of justice, be prepared to consider your application even though it is out of time. Please note that if you fail to provide a reason why your application is late, the Court will not consider your application and will instead return it to you. The Court may, in some circumstances, write to you requesting evidence if you have provided a reason as to why your application is late.

You must also state whether you have made a previous application seeking permission to appeal the decision. If you have, and if your application has been refused, then you should note that any such decision is final.

Section 3- Legal representation

In this section you should tell the Court whether or not you are legally represented. If you are making the application yourself (and do not have a lawyer) then you should tick the 'no' box. If you are legally represented then your lawyer should be completing the form for you. If you are legally represented but are completing the form yourself, then you should provide your lawyer's contact details so the Court knows how to get in touch with them.

You should also, if you are able to do so, provide the Court with the details of the lawyers who represented the other party in the Court of First Instance or Regulatory Tribunal. If you are unable to do so, then simply leave this part of the form blank.

Section 4- Grounds for seeking permission to appeal/Grounds of appeal

This section requires you to explain, in numbered paragraphs, why you are seeking permission to appeal the decision of the Court of First Instance or Regulatory Tribunal. It is not sufficient to say that you are unhappy with the decision or you think that it was the wrong one. You must explain, in accordance with the Court's Regulations and Rules, why you say that there are substantial grounds for considering that a Judgment or Decision of the Court or Regulatory Tribunal is erroneous and that there is a significant risk that it will result in serious injustice. If you fail to do this, then your application cannot be considered properly by the Court and it is unlikely to be successful.

If you believe that the Regulatory Tribunal had no legal authority or power to hear your case in the first place and/or make the Decision(s) it did, you should explain why.

When setting out your application, you should aim to provide no more than 25 typed pages of submissions. In the majority of cases, applications can be clearly and concisely set out in under 10 pages and so you should not aim to provide the Court with a 25 page application if you can set it out in fewer pages.

Section 5- Other applications

In this section you should deal with any other applications you are asking the Court to consider. As a general rule, and unless the Court directs otherwise, applications seeking permission to appeal will be dealt with on the papers (i.e. without the need for an oral hearing). If, however, you wish to have an oral hearing you must explain, in the first part of this section, why you believe such a hearing is necessary.

If the Court has already granted you permission to appeal and you are content for the full appeal hearing to be dealt with on paper you should tick the 'yes' box. If you want an oral hearing then you should tick 'no'.

This section also deals with the issue of new evidence. As appeals are conducted by way of review rather than by way of re-hearing, the Court will not usually allow parties to submit new evidence that was not considered by the Court of First Instance or Regulatory Tribunal. If you wish to rely upon any new evidence you must seek the permission of the Court. This requires you to explain what the nature of the evidence is (for example a business document or a statement from a person who was not a witness in the previous proceedings) and why it was not made available before the Court of First Instance or Regulatory Tribunal. Providing you do this, the Court will make a decision as to whether or not it will consider this evidence as part of the application seeking permission to appeal and/or appeal hearing.

Section 6- Acknowledgements and statement of truth

This section must be completed and signed by you or by your lawyer on your behalf. Where you are completing the application on behalf of a registered company or corporation, it must be signed by either a director, treasurer, secretary, chief executive, manager or other officer of the company or, in the case of a corporation, the mayor, chairman, president or town clerk.

Proceedings for contempt of court may be brought against any person who signs a statement of truth without an honest belief in its truth.