STATUTORY INSTRUMENTS

2024 No. 997

JUDICIAL COMMITTEE

The Judicial Committee (Appellate Jurisdiction) Rules Order 2024

Made - - - - 2nd October 2024

Coming into force in accordance with articles 1 and 2

At the Court at Buckingham Palace, the 2nd day of October 2024

Present,

The King's Most Excellent Majesty in Council

His Majesty, in exercise of the powers conferred upon Him by section 24 of the Judicial Committee Act 1833(**a**), section 1 of the Judicial Committee Act 1844(**b**), section 17 of the Veterinary Surgeons Act 1966(**c**) and section 1 of the Brunei (Appeals) Act 1989(**d**), is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Judicial Committee (Appellate Jurisdiction) Rules Order 2024 and shall come into force on the day after the day on which it is made, except as provided in article 2.

The Judicial Committee (Appellate Jurisdiction) Rules 2024

2.—(1) The Schedule to this Order, which contains the Judicial Committee (Appellate Jurisdiction) Rules 2024, shall have effect.

(2) The Judicial Committee (Appellate Jurisdiction) Rules 2024 shall come into force as provided in rule 1 of those Rules.

Revocation

3. The Judicial Committee (Appellate Jurisdiction) Rules Order 2009(**e**) is revoked on the date on which the Judicial Committee (Appellate Jurisdiction) Rules 2024 come into force, subject to the transitional provision made in rule 63 of those Rules.

Richard Tilbrook
Clerk of the Privy Council

(**a**) 1833 c. 41.
(**b**) 1844 c. 69.
(**c**) 1966 c. 36.
(**d**) 1989 c. 36.
(**e**) S.I. 2009/224.

SCHEDULE

Article 2(1)

The Judicial Committee (Appellate Jurisdiction) Rules 2024

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Part 1

Scope and interpretation

Citation and commencement

1. These Rules may be cited as the Judicial Committee (Appellate Jurisdiction) Rules 2024 and come into force on 2nd December 2024.

Scope and objective

2.—(1) The rules in Parts 1 to 7 and the practice directions which supplement them provide the procedure for civil and criminal appeals to the Judicial Committee under its general appellate jurisdiction.

(2) The rules in Parts 8 and 9 provide the procedure for appeals under two separate enactments—

(a) the rule in Part 8 applies to appeals to the Judicial Committee under section 17 of the Veterinary Surgeons Act 1966;

(b) the rule in Part 9 applies to appeals to the Judicial Committee under section 1 of the Brunei (Appeals) Act 1989.

(3) The rule in Part 10 applies to appeals against draft Pastoral Schemes and the rules in Part 11 provide the procedure where matters are referred under section 4 of the Judicial Committee Act

1833 to the Judicial Committee for the Committee to hear or consider and to give advice to His Majesty.

(4) These Rules must be applied and interpreted with a view to securing that the Judicial Committee is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

Interpretation

3.—(1) In these Rules—

"agent" means a legal representative or other person qualified to conduct proceedings before the Judicial Committee;

"appellant" includes a party who files an application for permission to appeal or who files a notice of appeal;

"business day" means 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;

"certificate of service" means a certificate given under rule 8(5);

"certificate of value" means a certificate in which the appellant states—

(a) the sum of money or the amount of damages the appellant is claiming;

(b) the sum of money or the amount of damages the appellant has been awarded;

(c) the value of the land or property which is the subject of the appeal; or

(d) whether the monetary value of the relief the appellant is seeking is—

(i) not more than GBP£100,000,

(ii) more than GBP£100,000 but not more than GBP£500,000, or

(iii) more than GBP£500,000.

When calculating the amount or value to be specified in a certificate of value, an appellant must disregard any possibility that interest or costs may be recovered.

"counsel" includes any person with the right to be heard as an advocate at a full hearing before the Judicial Committee whether because they have a right to be heard in the courts from which the appeal came or because they have a right to be heard in a senior court in the United Kingdom;

"court below" means the court from which an appeal (or application for permission to appeal) is made to the Judicial Committee;

"electronic means" means email or other means of electronic communication of the contents of documents;

"filing" means filing in the Registry in accordance with rule 7 and related expressions have corresponding meanings;

"form" and the "appropriate form" have the meanings given by rule 5;

"the Judicial Committee" means the Judicial Committee of the Privy Council;

"key documents bundle" has the meaning given by rule 30;

"member" means a member of the Judicial Committee;

"party" includes an applicant for permission to appeal and an intervener under rule 25;

"portal", "portal party" and "non-portal party" have the meanings given by rule 4;

"the Registrar" means the Registrar of the Judicial Committee;

"the Registry" means the Registry of the Judicial Committee;

"respondent" includes a respondent to an application for permission to appeal;

"service" and related expressions have the meanings given by rule 8;

"statement of facts and issues" has the meaning given by rule 28(1).

(2) References in these Rules to a notice of appeal or cross-appeal include an application for permission to appeal or cross-appeal which (under rule 19 or rule 24) stands as a notice of appeal or cross-appeal.

(3) References in these Rules or in any form to a party's signing, filing or serving any document or taking any other procedural step include the signature, filing or service of that document or the taking of such other procedural step by the party's legal representative.

(4) Any reference in these Rules to a practice direction means a practice direction issued by the Judicial Committee to supplement these Rules, to provide for the forms to be used in proceedings before the Judicial Committee and to provide general guidance and assistance for legal representatives, agents and the parties.

(5) Where any of these Rules or any practice direction requires a document to be signed, that requirement is satisfied if the signature is printed by computer or other mechanical means.

(6) Where these Rules require or permit the Judicial Committee to perform an act of a formal or administrative character, that act may be performed by the Registrar or a member of staff of the Registry.

Part 2

The portal, filing and service of documents

The portal and portal parties

4.—(1) In these Rules—

(a) the "portal" means the portal for filing and managing cases in the Judicial Committee electronically;

(b) a "portal party" is a party who (or whose representative) has been granted access to the relevant case file on the portal for the purpose of taking part in the appeal;

(c) a "non-portal party" is a party who (and whose representative) has not been granted access to the relevant case file on the portal.

(2) A person who wishes to participate in an appeal as a party and who is legally represented by a solicitor or counsel must be a portal party in respect of that appeal.

(3) A party who is not legally represented may be a portal party or a non-portal party.

(4) A party who is or becomes a portal party at any stage of an appeal must remain a portal party until that appeal is finally disposed of, unless permitted to become a non-portal party by the Registrar.

(5) A party who is a non-portal party at the start of an appeal but who becomes a portal party during the course of the appeal must notify the other parties to the appeal of that fact via the portal.

(6) Orders issued in the portal are sealed with an electronic seal.

Forms

5.—(1) In these Rules, a form means a form set out in a practice direction and a reference to the "appropriate form" means the form provided by the relevant practice direction for any particular case.

(2) The forms must be used in the cases to which they apply, and in the circumstances for which they are provided by the relevant practice direction, but a form may be varied by the Judicial Committee or a party if the variation is required by the circumstances of a particular case.

Time Limits

6.—(1) Unless to do so would be contrary to any enactment, the Judicial Committee may extend or shorten any time limit set by these Rules or any relevant practice direction—

(a) of its own motion; or

(b) on the application of one or more parties,

and may do so after the time limit has expired.

(2) Where appropriate, the Registrar shall notify the parties when a time limit is varied under this rule.

(3) Where a party to a proposed appeal has applied for public funding and the Registrar is informed of the application, the Registrar may extend the time limits provided for in these Rules until after the final determination of the application for public funding, having regard in particular to the promptness with which the party has made, and the manner in which the party has pursued, that application.

(4) Where a period for the doing of any act is specified by these Rules, by a practice direction, or by any judgment or order—

(a) an act done at the Registry shall be in time if done on the next day on which the Registry is open, if the period ends on a day on which the Registry is closed; and

(b) that period expires at midnight on the last day according to the local time of the place where the person does the act.

Filing

7.—(1) Documents shall be filed in the Registry by portal and non-portal parties in accordance with this rule.

(2) Save where otherwise expressly provided for by these rules, a portal party must file all documents via the portal in accordance with the relevant practice direction.

(3) A non-portal party may file a document by any of the following methods—

(a) personal delivery;

(b) a service which provides for tracked delivery and which notifies the sender of the date on which the document is delivered to the addressee;

(c) by electronic means.

(4) A document filed by personal delivery or by electronic means is treated as filed on the day it is delivered or sent electronically. A document filed by a tracked delivery service is treated as filed on the day on which it is delivered to the addressee, according to the notification provided by the service to the sender.

Service

8.—(1) "Portal service" means the service of a document which has been filed by a portal party by—

(a)) a notification appearing in the portal containing a statement to the effect that that document has been filed; and

(b) the sending of an email alert from the portal to—

(i) the email address for service of the party to be served; and

(ii) the email address for service of the party who would, apart from this rule, be required to serve the document.

(2) If an email alert relating to a document is sent to a party in accordance with paragraph (1)(b)(i), the document is taken to be served on the party—

(a) on the day the email alert was sent if the email alert was sent during the office hours of the Registry; or

(b) on the next business day after the email alert was sent if the email alert was sent outside those hours.

(3) "Non-portal service" means service by any of the following methods—

(a) personal service;

(b) a service which provides for tracked delivery and which notifies the sender of the date on which the document is delivered to the addressee;

(c) (with the consent of the party to be served or at the direction of the Registrar) by electronic means in accordance with the relevant practice direction.

(4) Where the postal address of a non-portal party on whom a document is to be served is unknown, the Registrar may direct that service is effected by an alternative method of service.

(5) A certificate of service by a non-portal party is a certificate giving details of the persons served and the method of service used and must state the date on which the document was served personally, delivered to the addressee by the tracked delivery service or sent electronically.

(6) In these Rules, unless expressly otherwise provided, where a party is required to serve a document on another party—

(a) a portal party must serve other portal parties by way of portal service and must serve non-portal parties by way of non-portal service;

(b) a non-portal party must serve all parties by way of non-portal service.

(7) A document served by personal delivery or by electronic means is treated as served on the day it is delivered or sent electronically. A document served by a tracked delivery service is treated as served on the day on which it is delivered to the addressee, according to the notification provided by the service to the sender.

(8) Non-portal service must take place within 7 days of filing the document or of the document being issued, whichever is the later, subject to any direction to the contrary by the Registrar.

Communications with the Judicial Committee

9.—(1) This rule applies to a person who is a portal party and who has filed—

(a) an application for permission to appeal under rule 13;

(b) a notice of objection under rule 15;

(c) submissions under rule 16;

(d) a notice of appeal under rule 20;

(e) a notice of intention to participate under rule 22; or

(f) an application for permission to intervene under rule 25.

(2) Save as provided for in paragraph (3), after the person has taken the step referred to in paragraph (1), all communications between that party and the Judicial Committee must be made via the portal using the public channel which enables all other portal parties participating in the application or appeal to view the communication via the portal.

(3) Communications from persons who have taken the step referred to in paragraph (1)—

(a) relating to confidential matters including payment of fees, anonymisation of the party, or proposed withholding of or redactions from material placed on the Judicial Committee's website under rule 45;

(b) relating to matters which are purely routine, uncontentious and administrative;

(c) which are authorised by a rule or practice direction to be sent to the Judicial Committee without at the same time being provided to the other party or parties or their representatives,

must be made via the portal either using the public channel or by using the confidential channel to which the other portal parties do not have access.

(4) Any communication made via the portal using the confidential channel must state clearly why it is being sent via that channel.

(5) Where a non-portal party is a party to the proceedings, all parties must communicate with the Judicial Committee and with the other parties in accordance with the relevant practice direction.

Non-compliance with these Rules

10.—(1) Any failure by a party to comply with these Rules or any relevant practice direction does not have the effect of making the proceedings invalid.

(2) Where any provision in these Rules or any relevant practice direction is not complied with, the Judicial Committee may give whatever directions appear appropriate having regard to the seriousness of the non-compliance and generally to the circumstances of the case.

(3) The Registrar may refuse to accept any document which does not comply with any provision in these Rules or any relevant practice direction and may give whatever directions appear appropriate.

(4) Directions given under this rule may include the summary dismissal of an appeal or debarring a respondent from resisting an appeal.

Procedural decisions

11.—(1) Any procedural question arising in the course of a hearing before the Judicial Committee will be determined by the Judicial Committee.

(2) Subject to paragraph (3), the powers under the following rules may be exercised by a single member or by the Registrar without an oral hearing—

(a) rule 6 (time limits);

(b) rule 10 (non-compliance with Rules);

(c) rule 37 (withdrawal etc of application or appeal);

(d) rule 39 (change of interest);

(e) rule 40 (advocates to the Judicial Committee and assessors);

(f) rule 41 (security for costs);

(g) rule 43 (stay of execution);

(h) rule 45(4) (redaction of material from published documents).

(3) Any contested application—

(a) alleging contempt of the Judicial Committee;

(b) in respect of a direction under rule 10 dismissing an appeal or debarring a respondent from resisting an appeal; or

(c) for security for costs,

shall be referred to a panel of three or more members who shall, in a case of alleged contempt, and may, in any other case, hold an oral hearing.

(4) Where under these Rules any matter falls to be decided by a single member, that member may, where it appears appropriate, direct an oral hearing or may refer the matter to a panel of three or more members to be decided with or without an oral hearing.

(5) Where under these Rules any matter falls to be decided by the Registrar, the Registrar may—

(a) direct an oral hearing;

(b) refer the matter to a single member (and paragraphs (2) and (4) shall then apply in relation to the member);

(c) refer the matter to a panel of three or more members to be decided with or without an oral hearing.

(6) A party may apply for any decision of the Registrar under these Rules to be reviewed by a single member (in which case paragraphs (2) and (4) apply in relation to the member) and any application under this rule must be filed within 14 days of the Registrar's decision.

(7) Subject to rule 32, oral hearings on procedural matters must be heard in open court or in a place to which the public are admitted.

(8) If any procedural question arises which is not dealt with by these Rules, the Judicial Committee or the Registrar may adopt any procedure that is consistent with the overriding objective and these Rules.

Part 3

Application for permission to appeal

Making an application

12.—(1) In cases where the grant of permission to appeal is in the discretion of the court below or of the Judicial Committee, no appeal will be heard by the Judicial Committee unless permission to appeal has been granted either by the court below or by the Judicial Committee.

(2) Every application to the Judicial Committee for permission to appeal must be made—

(a) by a portal party by completing the relevant pages in the portal;

(b) by a non-portal party in the appropriate form.

Filing and issue of application

13.—(1) An application for permission to appeal must be filed within 56 days from the date of the order or decision of the court below or the date of the court below refusing permission to appeal (if later).

(2) Where an application for permission to appeal is filed by a portal party in accordance with rule 7(2), that party must upload to the portal the documents listed in paragraph (4).

(3) Where an application for permission to appeal is filed by a non-portal party in accordance with rule 7(3), it must be accompanied by the documents listed in paragraph (4).

(4) The documents listed in this paragraph are—

(a) a certificate of value;

(b) the order of the court below against which the appellant seeks permission to appeal;

(c) the judgment of the court below to which the order gives effect;

(d) if available, the order of the court below refusing permission to appeal to the Judicial Committee or granting final permission to appeal as the case may be;

(e) the grounds of appeal for which the appellant seeks permission to appeal;

(f) a precis of the factual background of the case and a chronology of proceedings;

(g) the order of the first instance court (if different) which was challenged in the court below;

(h) the judgment of the first instance court (if different).

(5) The Registrar may refuse to issue an application on the ground that—

(a) the Judicial Committee does not have jurisdiction to issue it;

(b) it contains no reasonable grounds; or

(c) it is an abuse of process,

and may give whatever directions appear appropriate.

(6) Before refusing to issue an application—

(a) where the proposed ground for such a refusal is that the application contains no reasonable grounds or is an abuse of process, the Registrar must request submissions from the appellant, and may request submissions from any other proposed party;

(b) where the proposed ground is that the Judicial Committee does not have jurisdiction, the Registrar may request submissions from a proposed party.

(7) The Registrar must notify the appellant of any request made for submissions to another proposed party and must provide the appellant with a copy of any submissions received.

(8) Subject to paragraph (5), the Registrar shall issue the application for permission and shall direct the appellant to serve the application.

Service of application

14.—(1) Once an application for permission to appeal has been issued by the Registrar and the Registrar has directed the appellant to serve the application, it must be served in accordance with this rule.

(2) All portal and non-portal parties must serve the application (but not the documents listed in rule 13(4)) by way of non-portal service (regardless of whether the person to be served is a portal party or a non-portal party) in accordance with rule 8(3) and (4).

(3) The persons to be served are—

(a) every respondent; and

(b) any person who was an intervener in the court below.

(4) After the application for permission has been served—

(a) a portal party must give a declaration of service via the portal giving the details required by the portal;

(b) a non-portal party must file a certificate of service in accordance with rule 8(5).

Notice of objection by respondent

15.—(1) Each respondent who wishes to object to the application for permission to appeal must within 28 days file notice of objection setting out any submissions the respondent wishes to make including any submissions as to the jurisdiction of the Judicial Committee.

(2) The notice of objection shall be issued by the Judicial Committee either in the portal or by being approved by the Judicial Committee as the case may be.

(3) Within 7 days of notice of objection being issued or approved under paragraph (2), each respondent who has filed such a notice must serve that notice on—

(a) the appellant;

(b) any other respondent; and

(c) any person who was an intervener in the court below.

(4) A respondent who does not file and serve a notice of objection under this rule will not be permitted to participate in the application and will not be given notice of its progress.

Interventions in applications

16.—(1) Any person and in particular—

(a) any official body or non-governmental organisation seeking to make submissions in the public interest; or

(b) any person with an interest in proceedings by way of judicial review,

may file submissions asking the Judicial Committee to grant or dismiss an application for permission to appeal (including for lack of jurisdiction) which has been issued by the Judicial Committee and request that the Judicial Committee takes them into account.

(2) Once the submissions are filed, they must be served by the person on—

(a) the appellant;

(b) every respondent; and

(c) any person who was an intervener in the court below.

(3) Any submissions which are filed and served shall be referred to the Judicial Committee to be considered with the application for permission to appeal.

Consideration of application for permission to appeal

17.—(1) Every issued application for permission to appeal (together with any submissions made under rule 16 and any respondent's notice of objection) shall be considered without a hearing by the Judicial Committee.

(2) The Judicial Committee may—

(a) grant or refuse permission to advance all or any of the grounds of appeal;

(b) invite the parties to file written submissions within 14 days as to the grant of permission on terms (whether as to costs or otherwise); or

(c) direct an oral hearing.

(3) Where the Judicial Committee has invited the parties' submissions as to terms, the application will be reconsidered without a hearing by the Judicial Committee and the Judicial Committee may refuse permission or grant permission (either unconditionally or on terms) to advance all or any of the grounds of appeal.

(4) Where the Judicial Committee grants permission to advance limited grounds of appeal it shall (unless it directs otherwise) be taken to have refused permission to advance the other grounds.

(5) An order shall be prepared and sealed to record any decision made under this rule.

(6) The order must be notified—

(a) by the Judicial Committee—

(i) to portal parties via the portal;

(ii) to non-portal parties by appropriate means;

(iii) to any person who made submissions under rule 16 by appropriate means;

(b) by the appellant to any person who was an intervener in the court below, if that person did not make submissions under rule 16.

(7) Any person notified of the order under paragraph (6)(a)(iii) or (b) or under rule 18(2) of an order granting permission and who wishes to intervene in the appeal must make an application under rule 25.

Oral hearing of application for permission to appeal

18.—(1) Where the Judicial Committee has directed an oral hearing, the Registrar will fix a date for the hearing of the application for permission to appeal and will notify the date to the appellant and every respondent who has given notice under rule 15.

(2) A party may be heard by one counsel or in person and, where there are several respondents, they should appear by the same counsel unless their different interests justify separate representation.

(3) An order shall be prepared and sealed to record any decision made under this rule. The order must be notified in accordance with rule 17(6).

Part 4

Commencement and preparation of appeal

Notice of intention to proceed where permission granted by Judicial Committee

19.—(1) Where the Judicial Committee grants permission to appeal, rules 20 and 21 shall not apply and—

(a) the application for permission to appeal shall stand as the notice of appeal;

(b) the grounds of appeal shall be limited to those for which permission has been granted; and

(c) the appellant must, within 14 days of the grant by the Judicial Committee of permission to appeal, file notice under this rule of an intention to proceed with the appeal.

(2) An appellant who files a notice of intention to proceed under paragraph (1)(c) must serve that notice on each respondent and on any person who was an intervener in the court below.

(3) An appellant who is a non-portal party must file a certificate of service in accordance with rule 8(5).

Filing and issue of notice where permission of the Judicial Committee not required

20.—(1) This rule and rule 21 apply to appeals where permission to appeal from the Judicial Committee is not required either because the court below has exercised its discretion to grant permission or because the appeal is an appeal as of right for which the court below has granted final leave to appeal.

(2) The notice of appeal must be filed within 56 days of the date of the order or decision of the court below granting permission or final leave to appeal, as the case may be.

(3) The grounds of appeal may not (without the permission of the Registrar or the Judicial Committee) differ materially from those for which discretionary permission to appeal has been granted by the court below.

(4) At the same time as filing the notice of appeal—

(a) a portal party must upload the documents listed in paragraph (5);

(b) a non-portal party must send the Registrar by email (and not by sending hard copies) the documents listed in paragraph (5).

(5) The documents to be uploaded or sent by email to the Registry in accordance with paragraph (4) are as follows—

(a) a certificate of value;

(b) the order of the court below against which the appellant is appealing;

(c) the judgment of the court below to which the order gives effect;

(d) the order of the court below granting discretionary permission to appeal or final leave to appeal;

(e) the grounds of appeal;

(f) a precis of the factual background of the case and a chronology of proceedings;

(g) the order of the first instance court (if different) which was challenged in the court below;

(h) the judgment of the first instance court (if different).

(6) The Judicial Committee shall—

(a) issue the notice of appeal; and

(b) direct the appellant to serve the notice.

Service of notice of appeal

21.—(1) Once a notice of appeal has been issued by the Judicial Committee and the appellant has been directed to service the notice, the notice must be served by the appellant in accordance with this rule.

(2) All portal and non-portal parties must serve the notice (but not the documents listed in rule 20(5)) by way of non-portal service, regardless of whether the person to be served is a portal party or a non-portal party, in accordance with rule 8(3) and (4).

(3) The persons to be served are—

(a) every respondent; and

(b) any person who was an intervener in the court below.

(4) After the notice of appeal has been served—

(a) a portal party must give a declaration of service via the portal giving the details required by the portal;

(b) a non-portal party must file a certificate of service in accordance with rule 8(5).

Filing of acknowledgement by respondent

22.—(1) Each respondent who intends to participate in the appeal must file notice of intention to participate.

(2) The notice of intention to participate in the appeal must be filed within 21 days after—

(a) service of the notice of intention to proceed under rule 19(2); or

(b) service of the notice of appeal under rule 21(2).

(3) A respondent who wishes to argue that the order appealed from should be upheld on grounds different from those relied on by the court below, must state that clearly in the notice of intention to participate (but need not cross-appeal).

Service of acknowledgment by respondent

23.—(1) Each respondent must within 7 days of filing the notice of intention to participate serve that notice on the appellant and any other respondent.

(2) A respondent who does not give notice under this rule will not be permitted to participate in the appeal and will not be given notice of its progress.

Cross-appeals

24.—(1) A respondent who wishes to argue that the order appealed from should be varied must obtain permission to cross-appeal either from the court below or from the Judicial Committee.

(2) An application to the Judicial Committee for permission to cross appeal must be filed by the respondent within 21 days after the filing by that respondent of the notification of intention to participate in the appeal.

(3) Part 3 of these Rules will apply (with appropriate modifications) to an application to the Judicial Committee for permission to cross-appeal and (if practicable) applications for permission to appeal and cross-appeal shall be considered together.

(4) Where there is a cross-appeal, this Part of these Rules applies (with appropriate modifications) and in particular—

(a) either the application to the Judicial Committee for permission to cross-appeal shall stand as a notice of cross-appeal or such a notice (in the appropriate form) shall be filed and served within 30 days of the grant by the Judicial Committee of permission to cross appeal or of the filing of the notice of the cross appeal;

(b) there must be a single record, a single statement of facts and issues and a single key documents bundle (divided if necessary into parts) in respect of the appeal and the cross-appeal; and

(c) the appellant is primarily responsible for the preparation of all the documents for the appeal and for providing information to the Registrar under rule 26.

Intervention

25.—(1) After permission to appeal has been granted by the Judicial Committee or a notice of appeal has been issued, a person claiming to have an interest in an appeal may apply for permission to intervene in the appeal.

(2) An application under this rule must be filed via the portal.

(3) The Judicial Committee will consider the application without a hearing and may refuse permission to intervene or may permit intervention—

(a) by written case only; or

(b) by written case and oral submissions,

and any written case may be limited to a specified number of pages and oral submissions may be limited to a specified duration.

(4) Every person who is granted permission to intervene must seek directions from the Registrar as soon as reasonably practicable to enable that person to participate in the appeal.

Listing of the appeal

26.—(1) The Registrar shall notify the parties—

(a) that the appeal is ready to list;

(b) of the period within which the hearing of the appeal will take place;

(c) of the number of members of the Judicial Committee who will form the Board to hear the appeal.

(2) The Registrar may, in the notification given under paragraph (1), request such further information as is appropriate for the purpose of fixing the hearing of the appeal.

(3) Within 21 days after being notified under paragraph (1) the parties must—

(a) provide the dates within the period notified by the Registrar on which all parties are available for the hearing of the appeal;

(b) specify the number of hours that their respective counsel estimate to be necessary for their oral submissions;

(c) state whether anyone attending the hearing on their behalf requires reasonable adjustments to be made;

(d) state whether their representatives will be attending the hearing in person or remotely via video link;

(e) provide any other information requested by the Registrar.

(4) Following receipt of the information in paragraph (3), the Registrar shall notify the parties of the date fixed for the hearing.

The record

27.—(1) Subject to any direction made by the Registrar to the contrary, the appellant must either—

(a) send to the Registry the certified record of the proceedings below; or

(b) arrange for the certified record of the proceedings below to be sent to the Registry by the proper officer of the court below,

and must do so within the time set by, and otherwise in accordance with, the requirements specified in the jurisdiction of the court below.

(2) The appellant must prepare the reproduced record being the record containing all such documents (including originating process, pleadings, transcripts of evidence, exhibits, judgments and orders) relating to the proceedings in the court below as are necessary for the hearing of the appeal by the Judicial Committee.

The statement of facts and issues and the reproduced record

28.—(1) Within 20 weeks from the Registrar notifying the parties under rule 26(1) that the appeal is ready to list, the appellant must—

(a) prepare and file a statement of the relevant facts and issues; and

(b) file the reproduced record referred to in rule 27.

(2) The form and contents of the statement of facts and issues and of the reproduced record must comply with the relevant practice directions.

(3) The parties must endeavour to agree the contents of the statement of facts and issues and of the reproduced record and in the event of a disagreement the Registrar may give such directions as appear appropriate.

Filing and service of cases

29.—(1) The appellant must file a written case and serve it on the other parties within the time limit specified in the relevant practice direction.

(2) The respondent and any intervener in the appeal must file a written case and serve it on the other parties within the time limit specified in the relevant practice direction.

(3) The form and contents of a case must comply with the relevant practice direction.

(4) Where there is more than one respondent, any respondent claiming to have a separate interest may (at that respondent's own risk as to costs) file and serve a separate case.

(5) An intervener may not include in its written case any submissions on an issue which is not an issue raised in the notice of appeal or cross-appeal for which permission has been granted, or in the respondent's notice of acknowledgement.

The key documents bundle

30.—(1) The appellant must prepare, in accordance with the practice direction, a key documents bundle, including an index for use at the hearing, taking into account any grouping of appeals pursuant to rule 38.

(2) The key documents bundle must contain at least the following documents—

(a) the agreed statement of facts and issues;

(b) the parties' written cases;

(c) the orders of the court below and the first instance court; and

(d) the judgments of the court below and the first instance court.

(3) Not later than 28 days before the date of the hearing—

(a) the appellant must send enough hard copies of the key documents bundle to the Registry to provide one to each member sitting and an additional copy for the Registry;

(b) an appellant who is a portal party must upload to the portal a single electronic file containing the key documents bundle;

(c) an appellant who is a non-portal party must file and serve a single electronic file containing the key documents bundle on every other party to the appeal.

The main hearing bundle

31.—(1) The appellant must prepare, in accordance with the relevant practice direction, a single electronic file (known as the "main hearing bundle") containing—

(a) the documents included in the key documents bundle;

(b) the reproduced record prepared in accordance with rule 27;

(c) all other documents which any party participating in the appeal wishes to place before the Judicial Committee which are not part of the reproduced record;

(d) the authorities that may be referred to during the hearing including an index of those authorities;

(e) an index.

(2) Not later than 28 days before the date of the hearing—

(a) an appellant who is a portal party must upload to the portal the main hearing bundle;

(b) an appellant who is a non-portal party must file and serve the main hearing bundle on every other party to the appeal.

Part 5

Hearing and decision of Judicial Committee

Hearing in open court

32.—(1) Except where it is necessary in the interests of justice or in the public interest to sit in private for part of an appeal hearing, every contested appeal shall be heard in open court.

(2) Where the Judicial Committee decides it is necessary to sit in private, it shall announce its reasons for so doing publicly in advance of the hearing.

(3) Hearings shall be conducted in accordance with the relevant practice direction and any directions given by the Judicial Committee. Directions given by the Committee may limit oral submissions to a specified duration.

Judgment

33. A judgment may be—

(a) delivered in open court; or

(b) if the Judicial Committee so directs, promulgated.

Orders

34.—(1) Every final order shall be prepared and sealed by the Registrar and must state the date on which it is made and comes into effect. The Registrar may invite written submissions as to the form of the order.

(2) An interlocutory or procedural order made by the Judicial Committee shall take effect from the day when it is given or made or such later date as may be specified.

Part 6

Miscellaneous

Procedural applications

35.—(1) Every procedural application must be filed via the portal by a portal party or in the appropriate form for general procedural applications by a non-portal party unless a particular form is provided for a specific application.

(2) An application must—

(a) set out the reasons for making the application; and

(b) where necessary, be supported by written evidence.

(3) Once an application has been filed, it must be served on every other party.

(4) A party who wishes to oppose an application must, within 14 days after service, file a notice of objection and must serve that notice on the applicant and any other parties.

(5) A party who does not give notice under this rule will not be permitted to participate in the application and will not be given notice of its progress.

(6) An application for permission to appeal, a notice of appeal or any other document filed under these Rules may be amended with the permission of the Registrar on such terms as appear appropriate and the Registrar may invite the parties' written submissions on any application to amend.

Requests for expedition

36.—(1) Any request for urgent consideration of an application for permission to appeal or for an expedited hearing must be made to the Registrar.

(2) Wherever possible the views of all parties should be obtained before such a request is made.

Withdrawal etc of application for permission to appeal or of appeal

37.—(1) An application for permission to appeal or a notice of appeal may be withdrawn with the written consent of all parties or with the permission of the Registrar on such terms as appear appropriate.

(2) The Judicial Committee may set aside or vary the order under appeal by consent and without an oral hearing if satisfied that it is appropriate so to do.

(3) In this rule an "application for permission to appeal" includes an application to cross-appeal under rule 24 and a "notice of appeal" includes a notice of cross-appeal.

Grouping appeals

38. The Registrar may direct that appeals raising the same or similar issues shall be heard either together or consecutively by the same Board of the Judicial Committee and may give any consequential directions that appear appropriate.

Change of interest

39. The Registrar must be informed promptly of—

(a) the death or bankruptcy of any individual party;

(b) the winding up or dissolution of any corporate party;

(c) any compromise of the subject matter of an appeal; or

(d) any event which does or may deprive an appeal of practical significance to the parties,

and the Registrar may give any consequential directions that appear appropriate.

Advocates to the Judicial Committee and Assessors

40.—(1) The Judicial Committee may request the Attorney General of the jurisdiction from which an appeal is pending to appoint, or may itself appoint, an advocate to assist the Judicial Committee with legal submissions.

(2) The Judicial Committee may appoint nautical assessors or other specialist advisers to assist the Judicial Committee in Admiralty appeals or on other technical questions.

(3) The fees and expenses of any advocate or assessor appointed under this rule shall be costs in the appeal.

Security for costs

41.—(1) Where the Judicial Committee grants permission to appeal, an order for security for costs may be made by the Judicial Committee or by the Registrar.

(2) Where permission to appeal has been granted by the court below, security for costs of the appeal shall be a matter for that court.

Parties receiving help with fees

42.—(1) An appellant who has been granted, or has applied for, assistance from public funds under arrangements in force in the appellant's jurisdiction may file an application with the Judicial Committee for help with fees.

(2) The Registrar shall certify, if the application is approved, that the appellant shall receive help with fees.

(3) Where a certificate under paragraph (2) has effect in relation to an appellant, the appellant is entitled to remission or reduction of any liability for fees which are payable under these Rules.

(4) A certificate under paragraph (2) has effect in relation to an appellant until it is withdrawn by the Registrar.

(5) The Registrar may withdraw a certificate in relation to an appellant if—

(a) assistance from public funds is not granted or is withdrawn in the appellant's jurisdiction;

(b) it is discovered that the appellant's financial position was incorrectly stated; or

(c) there is a material change in the appellant's financial position.

(6) This rule shall apply to respondents as it applies to appellants with such modifications as may be necessary.

Stay of execution or conservatory order

43.—(1) Any appellant who wishes to obtain a stay of execution of the order appealed from or some conservatory order pending an appeal must first seek it from the court below before applying to the Judicial Committee.

(2) In exceptional circumstances the Judicial Committee may grant a stay of execution or make a conservatory order.

Change of agent

44.—(1) If a party for whom an agent is acting wishes to change that agent, the party or the new agent must notify the Registrar and the former agent of the change.

(2) Until such notices are given the former agent will continue to be treated as the party's agent.

Publication and disposal of documents

45.—(1) All documents filed become the property of the Judicial Committee and may be inspected by the media or members of the public on application to the Registrar but the Registrar

may refuse an application for reasons of commercial confidentiality or national security or in the public interest.

(2) In each appeal, the statement of facts and issues and the parties' written cases will be made available to the public via the Judicial Committee's website.

(3) A party who objects to the publication on the website of all or part of any such document must apply to the Registrar as soon as possible and, in any event, not later than 42 days before the hearing for a direction that the document should not be published or that it should be published subject to redactions proposed in a copy of the relevant document attached to the application.

(4) The Registrar will decide whether the proposed withholding or redactions are necessary for reasons of commercial confidentiality, national security or otherwise in the public interest.

(5) Subject to the determination of any application made under paragraph (3) the published documents will be placed on the Judicial Committee's website not later than 7 days before the hearing.

(6) Any hard copy documents provided to the Judicial Committee may be destroyed following the disposal of the appeal unless the Registrar (on a written application made within 21 days of the end of the proceedings) directs otherwise.

Fees to be taken

46.—(1) Unless and except in so far as the fees are remitted or reduced because the party is receiving help with fees, every party in civil proceedings taking a step described in column 1 of the table in the Appendix to these Rules must pay fees in the amounts set out in column 2, according to the value of the appeal as stated in the certificate of value provided under rule 13(4) or 20(5).

(2) The Registrar may refuse to accept a document or refuse to allow a party to take any step unless the relevant fee is paid.

Part 7

Costs

Order for costs

47.—(1) The Judicial Committee may make such orders as it considers just in respect of the costs of any appeal, application for permission to appeal or other application to or proceeding before the Judicial Committee.

(2) The power to make orders for costs may be exercised either at the final determination of an appeal or application for permission to appeal or in the course of the proceedings.

(3) Orders for costs will not normally be made either in favour of or against interveners but such orders may be made if the Judicial Committee considers it just to do so (in particular if an intervener has in substance acted as the sole or principal appellant or respondent).

Submissions as to costs

48.—(1) A party who wishes to make submissions as to costs must notify the Judicial Committee of this either before or after judgment.

(2) Following such a notification, the Judicial Committee shall give such directions as appear appropriate and it may, in particular, give directions—

(a) for the simultaneous or sequential filing of written submissions as to costs within a specified period after judgment;

(b) for the hearing of oral submissions as to costs after judgment;

(c) for the hearing of oral submissions after the filing of written submissions.

Claim for costs

49.—(1) Where the Judicial Committee has made an order for costs, the claim for costs must be submitted to the Registry within three months beginning with the date on which the costs order was made.

(2) The claim for costs must comply with the relevant practice direction and the receiving party must supply such further particulars, information and documents as the Registrar may direct.

(3) The receiving party must serve the claim for costs on the paying party.

(4) Within 21 days beginning with the day on which a claim for costs is served, the paying party may (or, in the circumstances specified in the relevant practice direction, must) file points of dispute and the paying party must serve any points of dispute filed on the receiving party.

(5) Within 14 days beginning with the day on which points of dispute are served, the receiving party may file a response and must serve any response filed on the paying party.

Assessment of costs

50.—(1) Every detailed assessment of costs shall be carried out by one or more costs assessors.

(2) The receiving party and the paying party will, where appropriate, be notified by the costs assessor of the date of the assessment.

(3) Where one of the parties so requests or in the circumstances specified in the relevant practice direction, the costs assessor may make a provisional assessment of costs without the attendance of the parties.

(4) The costs assessor must notify the parties of the outcome of a provisional assessment and, if a party is dissatisfied with the outcome and points of disagreement cannot be resolved in correspondence, the costs officer must appoint a date for an oral hearing.

(5) Any request for an oral hearing following a provisional assessment of costs must be made within 14 days of the receipt of the decision on the assessment.

(6) In this rule a "costs assessor" means a costs officer, a Costs Judge (a Taxing Master of the Senior Courts) who has been appointed as a costs officer and the Registrar.

Basis of assessment

51.—(1) Where the costs are to be assessed they will be assessed—

(a) on the standard basis; or

(b) on the indemnity basis,

in the manner specified by rule 52.

(2) Where an order is made without indicating the basis on which the costs are to be assessed, the costs shall be assessed on the standard basis.

(3) This rule applies subject to any order or direction to the contrary.

The standard basis and the indemnity basis

52.—(1) Costs assessed on the standard basis are allowed only if they are proportionate to the matters in issue and are reasonably incurred and reasonable in amount.

(2) Any doubt as to whether costs assessed on the standard basis are reasonably incurred and are reasonable and proportionate in amount shall be resolved in favour of the paying party.

(3) Costs assessed on the indemnity basis are allowed only if they are reasonably incurred and reasonable in amount.

(4) Any doubt as to whether costs assessed on the indemnity basis are reasonably incurred and are reasonable in amount will be resolved in favour of the receiving party.

Amount of assessed costs to be specified

53. The amount of any assessed costs must be inserted in the order made under rule 34 but, if that order is drawn up before the assessment has been completed, the amount assessed will be certified by the Registry.

Appeal from assessment

54. A party who is dissatisfied with an assessment of costs may appeal to the Judicial Committee by filing a procedural application within 14 days in accordance with rule 35.

Payment out of security for costs

55. Any security for costs lodged by an appellant will be dealt with by the Registrar in accordance with the directions of the Judicial Committee.

Part 8

Appeals under section 17 of the Veterinary Surgeons Act 1966

Appeals under section 17 of the Veterinary Surgeons Act 1966

56.—(1) The rules in Parts 1 to 7 shall apply (subject to the following and any other necessary modifications) to appeals to the Judicial Committee under section 17 of the Veterinary Surgeons Act 1966(**a**).

(2) Part 3 (Application for permission to appeal) shall not apply in relation to such an appeal.

(3) The Council of the Royal College of Veterinary Surgeons ("the Council") shall be the respondent to the appeal.

(4) The time for filing a notice of appeal shall be 28 days from the date of service on the appellant of a direction under section 16 of the Veterinary Surgeons Act 1966.

(5) The appellant must arrange for the record to be prepared and certified by the Council.

Part 9

Appeals under section 1 of the Brunei (Appeals) Act 1989

Appeals under section 1 of the Brunei (Appeals) Act 1989

57.—(1) The rules in Parts 1 to 7 shall apply (subject to the following and any other necessary modifications) to appeals to the Judicial Committee under section 1 of the Brunei (Appeals) Act 1989(**b**).

(2) In such appeals, references to orders and decisions in rules 17(5), 18(3) and 34(1) shall be construed as references to recommendations to His Majesty the Sultan and Yang Di-Pertuan.

(3) For rule 53 there shall be substituted the following—

> "The amount of any assessed costs will be inserted in the recommendation made under rule 34 but, if that recommendation is made before the assessment has been completed, the amount assessed will be certified by the Registrar [for the Judicial Committee] to recommend to His Majesty the Sultan and Yang Di-Pertuan.".

(**a**) 1966 c. 36.
(**b**) 1989 c. 36.

Part 10

Appeals against draft Pastoral Schemes

Appeals against draft Pastoral Schemes

58.—(1) The rules in Parts 1 to 7 (except for the requirement to file a certificate of value), and the Practice Directions which supplement them, shall be applied with such modifications and variations as may be required to applications for leave to appeal and appeals against draft pastoral schemes.

(2) In this rule "draft pastoral schemes" refers to schemes made by the Church Commissioners which may be the subject of an appeal under the Mission and Pastoral Measure 2011 (2011 No.3).

Part 11

References to the Judicial Committee

References under section 4 of the Judicial Committee Act 1833

59. Subject to the provisions of this Part, where a reference is made to the Judicial Committee, the rules in Parts 1 to 7 and the Practice Directions which supplement them, shall be applied with such variations or modifications as may be required by the particular circumstances of the reference.

Making the reference

60. The person at whose request the reference was made (in this Part referred to as "the applicant") must, within 21 days after the making of the reference—

(a) provide the Registrar with the name and address of any person who is affected by the reference (in this Part referred to as "the respondent"); and

(b) supply the Registrar with the names, addresses and contact details of the applicant's legal representatives and (if known) of the respondent's legal representatives.

Documents for the hearing of the reference

61.—(1) At least 8 weeks before the hearing, the applicant must file an index of the documents which are necessary for consideration of the matter referred.

(2) The index must be submitted to, and agreed with, every respondent before being filed.

(3) The applicant and every respondent must then file their respective written cases and serve them.

Orders on a reference

62. The Judicial Committee may make such orders as it considers just in respect of the reference or other proceeding on the reference before the Judicial Committee and it may, during the course of the proceedings, order the applicant to make a payment on account of the respondent's costs in such sum as it considers fit.

Part 12

Transitional provision

Transitional provision

63. Unless the Judicial Committee or the Registrar directs otherwise, the rules in the Schedule to the Judicial Committee (Appellate Jurisdiction) Rules Order 2009(**a**) ("the 2009 Rules") shall continue to apply to—

(a) appeals which were proceeding before these Rules came into effect;

(b) applications for permission to appeal and notices of appeal filed under rules 11 and 18 of the 2009 Rules before these Rules came into effect.

APPENDIX

Rule 46: Fees to be taken

Number and description of fee	Amount of Fee Appeal value up to £100,000	Amount of fee Appeal value £100,000 –£500,000	Amount of fee Appeal value over £500,000
1 On filing an application for permission to appeal	£150	£500	£1000
On filing a notice under rule 17(1) – notice of intention to proceed	£100	£800	£1600
On filing notice of appeal	£100	£800	£1600
2 On filing a notice of objection by a Respondent	£160	£160	£160
On filing an acknowledgement by a Respondent	£160	£160	£160
3 On filing an incidental application	£100	£100	£100
On filing a notice of objection to an incidental application	£70	£70	£70
On filing an application to appeal the Registrar's decision	£100	£100	£100
4 On filing a case	£400	£2500	£5000
5 On request for a copy of a document For ten pages or less For each subsequent page	 £5 50p	 £5 50p	 £5 50p
6 On filing a request for an assessment of costs	2.5% of the sum claimed + 2.5% of the sum allowed	2.5% of the sum claimed + 2.5% of the sum allowed	2.5% of the sum claimed + 2.5% of the sum allowed
7 On an appeal against a decision made on an assessment of costs	£150	£150	£150
8 Certified documents	£20	£20	£20

(**a**) S.I. 2009/224.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order replaces the Judicial Committee (Appellate Jurisdiction) Rules Order 2009 (S.I. 2009/224), and the Schedule to this Order contains new rules (the Judicial Committee (Appellate Jurisdiction) Rules 2024) to govern the practice and procedure to be followed in relation to appeals to the Judicial Committee of the Privy Council.

The new rules comprise 12 Parts and an Appendix.

Part 1—

- sets out the scope of the Rules, the overriding objective to secure that the Judicial Committee is accessible, fair and efficient, and the duty of the Judicial Committee to interpret and apply these Rules with a view to securing that the Judicial Committee is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged (rule 2);
- makes provision for interpretation (rule 3).

Part 2—

- makes provision for a new portal for filing and managing cases at the Judicial Committee electronically, establishes the concept of a "portal party" (a party who (or whose representative) has been granted access to the relevant case file on the portal for the purpose of taking part in the appeal) and a "non-portal party" (a party who (and whose representative) has not been granted access), and requires any party who is legally represented to be a portal party (rule 4);
- provides for forms (rule 5); the Judicial Committee's ability to vary time limits (rule 6); the methods of filing (rule 7) and service (rule 8) of documents by portal parties and non-portal parties; communication with the Judicial Committee via the portal (rule 9); the effect of non-compliance with the Rules (rule 10); and provision about procedural decisions, including enabling certain such decisions to be taken by a single member or the Registrar of the Judicial Committee without an oral hearing (rule 11).

Part 3 contains the rules governing applications for permission to appeal including provision for filing and issue of applications and for service of the application for portal parties and non-portal parties respectively (rules 12 to 14), objections and interventions in applications (rule 15 and 16) and how applications are considered (rules 17 and 18).

Part 4 contains the rules about commencement of, and preparation for, an appeal, providing for relevant time limits, the documents that are to be filed and the manner of filing and service of them by portal parties and non-portal parties respectively (rules 19-23); cross-appeals and interventions (rules 24-25); listing of the appeal (rule 26) and the record of the court below and the document bundles for the appeal hearing (rules 27-31).

Part 5 contains rules about the hearing and decision of appeals by the Judicial Committee.

Part 6 contains miscellaneous general provisions such as for the making of a procedural application, request for expedition, grouping of appeals, the hearing or withdrawal of appeals, changes in the interest, or legal representation, of parties, appointment of Advocates to the Judicial Committee and Assessors, the publication and disposal of documents, fees and orders for security for costs.

Part 7 contains provisions in relation to claims for, and the assessment of, costs and for the payment out of money paid in as security for costs.

Parts 8, 9 and 10 contain provision about three specific types of appeals to the Judicial Committee (appeals under the Veterinary Surgeons Act 1966, appeals under the Brunei (Appeals) Act 1989 and appeals against Pastoral Schemes).

Part 11 contains provision about references to the Judicial Committee under section 4 of the Judicial Committee Act 1833.

Part 12 makes transitional provision for the Judicial Committee (Appellate Jurisdiction) Rules 2009 to continue to apply, notwithstanding their replacement by these Rules, in certain matters started before these Rules came into effect.

The Appendix sets out the fees to be taken in respect of proceedings before the Judicial Committee.

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