



# I want to appeal - what should I do?

For people who want to appeal against a court decision

## About this leaflet

This leaflet will help you if you are in a dispute that has gone to court and you want to appeal against the decision. It will tell you:

- what to consider before you appeal;
- what you need to make an appeal; and
- what to expect from the appeals process.

You can find more information about making an appeal in the guidance notes that come with the appellant's notice, form N161, sent to you by the court.

## Terms we use in this leaflet

The court in which your case was decided is referred to as the 'lower court'.

The court to which you are appealing is known as 'the appeal court'.

If you are the person who wants to appeal, you are the 'appellant', and the other party (person) is known as the 'respondent'.

Important information about this leaflet. This leaflet is only a guide. You may want to get independent legal advice before making decisions based on this leaflet.

If you need this leaflet in an alternative format, for example in large print, please contact your local court.

## **Can I appeal against the outcome of my case?**

You cannot appeal against the lower court's decision just because you think the judge 'got it wrong'. You can only appeal if you have proper legal grounds – for example, if you can show that the decision was wrong because of a serious mistake or because the procedure was not followed properly.

If you are in any doubt about your grounds for appeal, you should get advice from a solicitor, law centre or advice agency.

## **What should I think about before I make an appeal?**

Appealing can be a costly and lengthy process. These are some of the things you need to consider before you begin.

### **You may need permission to appeal**

In most cases, you will have to ask a judge's permission to appeal (unless you were already granted permission at your hearing). The judge will only grant this permission if they think the appeal has a real chance of succeeding.

### **You need to act quickly**

Once the court has made its decision, you have a limited time in which to appeal.

You must file your appellant's notice:

- within the time limit set by the judge whose order you are appealing against; and
- if the judge sets no time limit, within 21 days of the decision you want to appeal against.

### **You may need legal advice**

The success of your appeal is likely to depend on detailed legal and procedural points, so we strongly advise you to get advice from a solicitor.

You can also get free legal information and advice from a law centre or a citizens advice bureau at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

## You may have to pay a fee

You will usually have to pay a court fee when you appeal. You will find a list of court fees in the leaflet **EX50 - Civil and Family Court fees** available online from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

You might not have to pay a court fee because of your financial situation or if paying a fee would cause you hardship. For more information, or to apply for a fee remission, download a copy of the combined leaflet and form **EX160A Court and Tribunal fees – Do I have to pay them?** which you can get from [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

## Costs may be awarded against you

If you lose your appeal, you may be told to pay the other person's costs, including the costs of their solicitor, if they have one.

## Do I need permission to appeal?

You will need to ask for permission to appeal if:

- you did not ask for permission during your hearing; or
- you did ask for permission but your request was refused. In both cases you must get permission from the appeal court.

You may also have to get permission from the appeal court if yours was a small-claims case, and the decision was made in your absence because you did not go to the hearing.

**Remember**, the judge will only grant permission to appeal if they think the appeal has a real chance of succeeding.

## How do I apply for permission to appeal?

Whether you are applying for permission to appeal or already have permission and want to file your appeal now, the process is the same.

In both instances, you should fill in the appellant's notice. You can get a copy of this form at [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

The form comes with detailed guidance notes, which you should read carefully before you begin. The notes tell you how to fill in the form and what documents you must provide with your application.

To apply for permission, you must fill in both the sections on permission and the sections on your appeal and the reasons for it. You should send your filled-in form to the relevant court.

## How do I issue an appeal?

If you have permission and are ready to issue your appeal, you must fill in the appellant's notice (except the sections on permission) and send it with the appropriate fee to the appeal court. This is known as 'filing an appeal'.

You must include enough copies of the notice and the supporting documents as indicated in the guidance notes.

**Remember**, you cannot introduce new evidence in your application without the appeal court's permission. New evidence is evidence that was not used at your hearing, or which has become available since then.

## When must I file my appeal?

The date by which you must file your appeal will usually be given on the order you received giving you permission to appeal. If no date is set, you must file your appellant's notice within 21 days of the date when the decision in your case was made.

**Remember**, if you file an appellant's notice that you haven't filled in fully and you need to alter it after it has been filed, you will need to apply to the appeal court to do this.

## Which court should I appeal to?

This depends on the level of the judge who made the decision in your case and the type of order they made, as outlined below.

- If your decision was made by a district judge in a county court claim (other than a final decision in a multi-track claim), your appeal will be dealt with by a circuit judge. The hearing will normally be held in a county court. You must file your appeal notice with the office of the court where your case is being handled.
- If your decision was made by a circuit judge in a county court (other than a final decision in a multi-track claim), your appeal will be dealt with by a High Court judge. The appeal will be heard in an appeal or hearing centre. You must file your appeal in an appeal centre which is in the same geographical justice area as the lower court. You can find a list of appeal centres on page 7 of this leaflet.
- If your decision was made by a master or district judge in a High Court claim, your appeal will be dealt with by a High Court judge. You should file your appeal notice with an appeal centre on same circuit as the lower court. You can find a list of these appeal centres on page 7 of this leaflet.

- If you are appealing against a decision made by a circuit judge, master or district judge that was a final decision in a multi-track claim, your appeal will be dealt with by the Lord Justice of Appeal. Your appeal will take place in the Royal Courts of Justice in London. You should file your appeal in the Civil Appeals Office at the Royal Courts of Justice.
- If your decision was made by a High Court judge, your appeal will be dealt with by a Lord Justice of Appeal. Your hearing will take place in the Royal Courts of Justice in London. You should file your appeal in the Civil Appeals Office at the Royal Courts of Justice.

## **What happens next?**

Once you have filed an appellant's notice, the court will send copies of all the documents you have filed to the respondent. If you want to send copies to the respondent yourself, you must tell the court. Court staff will send you copies stamped with the court seal, which you must send to the respondent within seven days of the date you filed your appellant's notice.

What happens next will depend on whether or not you are asking permission to appeal, and the outcome of that application.

I already have permission or permission is not needed

The court will send you a notice telling you:

- when your appeal will be heard or the time period (known as the 'listing window') during which it is likely to be heard; and
- what you need to prepare for the appeal hearing (called 'directions').

## **I have applied for permission to appeal**

Your application will be passed to a judge, who will consider it. This will usually happen without you having to go to a hearing. The court will send you an order setting out the judge's decision.

## **Permission has been granted**

Your permission to appeal may be granted fully or with limitations. The order granting permission will let you know which issues you may raise in your appeal and which you may not. If you do not agree with this, you can apply to the appeal court to vary the terms of the permission. You must do this as soon as possible and you must let the respondent know that you are doing this. This application will normally be dealt with at the beginning of your appeal hearing.

## Permission has been refused

If the judge has considered your permission to appeal on paper and refused, and believes your application cannot in any way be justified, they may order that you cannot ask their decision to be reconsidered at an oral hearing. If the judge does not make this order, you can ask them to reconsider their decision at an oral hearing.

To do this, you must apply within seven days of receiving notice of the refusal and you must send a copy of your request to the respondent. If you do not apply within seven days, the refusal decision becomes final.

**Remember**, if you are granted an oral hearing and permission is again refused, there is no appeal against this decision.

## Other applications

If a separate hearing is needed to deal with any other applications you made with your appellant's notice – for example, for more time to collect the documents you need – the court will tell you the time and date of this hearing. Otherwise, the court will make a decision on these matters and will tell you the result.

## Can the respondent appeal?

Yes. The respondent may disagree with the decision of the lower court, or want to uphold that decision but for different reasons than those given by the judge. They will need permission to appeal, just like you. They must fill in the respondent's notice, similar to the appellant's notice, and provide supporting documents, which they must also send to you.

The court will normally hear the respondent's appeal at the same time as yours.

## Appeal and hearing centres

Your appeal may be heard at an appeal centre or hearing centre in the same region as the lower court. These are listed below.

Region	Appeal centres	Hearing only centres
Midlands Region	Birmingham Nottingham	Lincoln Leicester Northampton Stafford
North East Region	Leeds Newcastle Sheffield	Teesside
North West Region	Chester Liverpool Manchester Preston	Carlisle
HMCTS Wales	Cardiff Swansea	
South West Region	Bristol Exeter Winchester	Plymouth Truro
Region	Appeal centres	Hearing only centres
South East Region	Chelmsford Lewes Luton Maidstone Norwich Oxford Reading St Albans	
London	Royal Courts of Justice	

# How a dispute might progress to court

The diagram below shows how a dispute claim can progress through court. This leaflet covers the part of the process that is highlighted.



## Being in a dispute

A dispute is when someone is involved in a disagreement with another person or organisation, for example over money owed.

## Finding an alternative to court

The court says you should try to settle the dispute using ways other than going to court. These are generally cheaper and faster. If an alternative way is successful, you leave the process here.

## Starting the court process

The court process starts when a claim is made through the courts. The claim can then either be defended or admitted.

## The claim is defended

If the claim is defended or if you or the other party cannot agree on the money owed, the dispute will go to court.

or

## The claim is admitted

If the claim is admitted, the person it was made against should pay what is owed. The dispute then ends and you leave the process here.

## Small claims track

Claims for £10,000 or less are likely to be dealt with by the small claims track. These cases will usually last less than six months.

or

## Fast or multi-track

Claims for more than £10,000 are likely to be dealt with by the fast or multi-track. These cases can be complicated and so can take longer than six months to complete.

## Appealing against a court decision

If you or the other party (person) disagree with the judge's decision, you can appeal. You must have proper grounds and permission from the judge to make an appeal.



## Where can I get more information?

For general information about solving legal disputes, visit [www.gov.uk/browse/justice/courts-sentencing-tribunals](http://www.gov.uk/browse/justice/courts-sentencing-tribunals)

You may also get free legal advice from a law centre or a citizens advice bureau at [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

To read our other leaflets in this series, visit [hmctsformfinder.justice.gov.uk](http://hmctsformfinder.justice.gov.uk)

For contact details of all our courts, visit [hmctscourtfinder.justice.gov.uk](http://hmctscourtfinder.justice.gov.uk)

## For people with a disability

If you have a disability that makes going to court or communicating difficult, or you need any information in an alternative format, for example large print, please contact the court concerned who will be able to help you. You can find contact details for all of our courts online at [hmctscourtfinder.justice.gov.uk](http://hmctscourtfinder.justice.gov.uk)

