

FORM 204

**CIVIL
APPEALS**

**How to Prepare
an
Appeal Bundle
for
The Court of Appeal**

**Issued by the Court of Appeal
Civil Division
Civil Appeals Office**

This Leaflet explains what you need to do in order to comply with Part 52 of the Civil Procedure Rules and the Practice Direction which supplements that Part.

Why must I prepare an appeal bundle?

1. To help the Judge to understand what your case is about. You must put your documents together in a standard way so that the judge can find what he needs quickly and easily.

What do I have to do?

2. You will have to provide one bundle when you file your appellant's notice. You will need to make one copy for yourself. If permission is not required or if permission is given you will need further copies for the Court and the other side. You will be provided with further information in this case.
3. Each bundle must be exactly the same so that everyone in court is looking at identical bundles.

How do I prepare an appeal bundle?

4. The following rules must be followed in every case. These rules and requirements are important. If your bundle does not comply with them, it will delay the progress of your case and may lead to your appellant's notice being dismissed for your failure to comply.
 - 4.1 Put copies of the following documents into the bundle **in the same order** as they are listed below. Do not use originals.

- a) a sealed copy of the appellant's notice;
- b) any skeleton argument you intend to rely on unless it is already included in your appellant's notice;¹ (Please see Form N163 for guidance)
- c) a sealed copy of the order being appealed. If you have not received it, file it as soon as you have;
- d) any order giving or refusing permission to appeal, together with a copy of Form N460 recording the judge's reasons for allowing or refusing permission to appeal;
- e) any witness statement or affidavit that supports any application included in your appellant's notice;
- f) a "transcript" of judgment which sets out the full reasons for the Judge's decision. See *para.6* below;
- g) where permission to appeal has been given or permission is not required; those parts of any transcript of evidence² which are **directly** relevant to any question at issue on the appeal (*see para.6.10*);
- h) the claim form and statements of case (where they are relevant to the subject of the appeal);
- i) any application notice (or case management documentation) which is relevant to the subject of the appeal;

¹ It is strongly recommended that you file a skeleton argument as it will help both you and the Judge to understand the basis for your case. If you are unable to file it with your appellant's notice you must do so within 14 days.

² For example, the evidence of the main witness who gave evidence at the trial.

- j) in cases where the decision you want to appeal was itself made on appeal (*e.g.* from district judge to Circuit Judge), the first order, the reasons given and the appellant's notice used to appeal from that order;
- k) in the case of judicial review or a statutory appeal, the original decision which was the subject of the application to the lower court;³
- l) in cases where the appeal is from a Tribunal, a copy of the Tribunal's reasons for the decision, a copy of the decision reviewed by the Tribunal and the reasons for the original decision and any documents filed with the Tribunal setting out the grounds of appeal from that decision;
- m) any other documents which are **necessary** to enable the Court to reach its decision;⁴
- n) such other documents as the court may direct.

4.2 Where you are unable to file all the necessary documents, you must say which documents have not been included and why they are not currently available. You must provide an estimate of when the missing document(s) can be filed and file them as soon as you are able so to do.

How do I know what documents to include?

- 5.1 You must put into the bundle **only** the documents which are in the list above, **not** any others.
- 5.2 You must **ONLY** include documents which are **relevant** to the appeal or application. All documents that do not relate to the issues to be considered must be excluded.
- 5.3 You must only put in the bundle documents which were before the court, or tribunal, that made the decision you want to appeal.
- 5.4 You must include all the documents or evidence which could have an effect on the appeal ("relevant evidence"). That does **not** mean just the evidence which you put in or which is in your favour. You also have to put in the bundle relevant evidence which the other side put in, and relevant evidence which does not support your case.⁵
- 5.5 You must not put any marks on the documents in the bundle. They must look exactly the same as the ones which the Judge had. If you wish to comment on any document you should do so separately.
- 5.6 The copies of the documents in the bundle should be single-sided, not backed or double-sided copies.
- 5.7 There are special rules about the format of an appeal bundle. See Annex 1 at the end of this leaflet.

³ The "lower court" is the court which made the decision you want to appeal: for example, the High Court in a judicial review case.

⁴ For example affidavits, witness statements, summaries, experts' reports and exhibits where they are directly relevant to the subject matter of the appeal.

⁵ Transcripts of the evidence are not needed at the permission to appeal stage: see paras.4.1(g) and 6.10.

How do I get a copy of the judgment?

- 6.1 As soon as you have decided you want to appeal, you must **immediately** begin to obtain the judgment of the decision you are appealing.
- 6.2 The "Judgment" is the document which sets out the full reasons which the Judge gave for his/her decision. It is not the order which just states the *result* of the decision *e.g.* the claim is dismissed. The Lord Justice (the Judge in the Court of Appeal) needs to see the judgment so he can understand the reasons why the judge reached his decision.
- 6.3 How you get copies of the Judge's judgment depends on whether or not the judgment was recorded, or given in writing.
- 6.4 If you are not sure whether the judgment was recorded, ask the appropriate court office. There is a list at *paragraph 7.4* telling you which office to contact.
- 6.5 Sometimes the Judge gives each party a typed copy of the judgment - a "written judgment". Tribunals often provide the parties with decisions in writing. These documents are provided free.

What do I do if the judgment was given in writing?

- 6.6 If the Judge gave a written judgment you should include a copy of that document in the bundle.

What do I do if the judgment was recorded?

- 6.7 You must provide an official typed text, the "transcript" of the judgment. The transcript will have to be produced by a firm which specialises in that work ("transcribers"). You will also need to keep a copy of the transcript for yourself *e.g.* to use at the hearing.
- 6.8 For details of how to order transcripts *see paragraph 7*. You will have to pay the transcribers a fee for the transcript. They will be able to advise you of the cost. In certain circumstances, where you can provide cogent proof that you cannot afford the cost, you make an application for the transcript to be provided to you at public expense. Ask your case progression manager for the form which the Civil Appeals Office provides.

What do I do if the judgment was not recorded?

- 6.9 Where the judgment was not given in writing and was not officially recorded, it is the duty of any lawyers who were acting in the case to take written notes of the judgment. In such a case, you will need to obtain a typed note of judgment from one of those lawyers.

- If you were represented at that hearing ask your own lawyer first but, if you did not have one, ask the other side's lawyer if they attended.
- If you have already been granted permission to appeal or you do not need it, the lawyer will have to agree the note with the other side's lawyer then have it approved by the Judge.
- Neither your previous lawyers, nor the other side's lawyers, are entitled to charge any fee for providing or agreeing a note of judgment.
- Tell the Civil Appeals Office *immediately* if you experience any difficulties or delays in obtaining either a transcript or a note of judgment.

What about a record of the evidence?

6.10 Transcripts or notes of evidence are not generally needed for the purpose of determining an application for permission to appeal or for most appeals. Ask your case progression manager if you need guidance (*e.g.* because the Judge asked for transcripts of evidence when he gave you permission to appeal). Their name and contact details are on correspondence addressed to you from the Civil Appeals Office.

How do I order transcripts?

- 7.1 Contact the appropriate court office **immediately** (*see the list below*) and they will let you know what you have to do to order the official copies of the transcript.
- 7.2 You will have to order and pay for one copy of the transcript of the judgment (and the evidence, where necessary). Later on you may have to provide additional copies for the Court and you will need to keep a copy for your own use.
- 7.3 When you have ordered and paid for the transcript, the transcribers will send it to you to put with your bundle. The transcripts do not need to be bound in the bundle, but can be kept separate.

Which office do I contact about transcripts?

7.4. The appropriate office to contact about transcripts is: -

<i>High Court cases heard at the Royal Courts of Justice in London (other than cases in the Administrative Court)</i>	The Court's Recording & Transcription Unit Royal Courts of Justice Strand London WC2A 2LL Tel: 020 7947 6154
<i>High Court cases heard anywhere else</i>	The office of the court at which your case was heard

<i>Cases in the Administrative Court</i>	<p>The Official Shorthandwriters to the Administrative Court are:</p> <p>Merrill Legal Solutions 165 Fleet Street London ECA 2DY</p> <p>Fax: 020 7422 6138</p> <p>Email: rcj@merrillcorp.com</p> <p>To obtain a transcript you must i) make the request in writing; ii) pay for the transcript in advance; iii) send a copy of the Administrative Court bundle to Merrill. Telephone enquiries: 020 7421 4036</p>
<i>Employment Appeal Tribunal Cases</i>	<p>The Employment Appeal Tribunal 58 Victoria Embankment London EC4Y 0DS</p> <p>Tel: 020 7273 1041</p>
<i>Other Tribunals</i>	<p>The office of the Tribunal where your case was heard.</p>
<i>County Court Cases</i>	<p>The office of the County Court which dealt with your case</p>

What do I do when I have finished?

- 8.1. You must file one copy of your appeal bundle with your appellant's notice. Make sure you keep a copy for yourself.
- 8.2. The address for filing documents with the Civil Appeals Office is:

Civil Appeals Office Registry
Room E307
3rd Floor East Block
Royal Courts of Justice
Strand, London
WC2A 2LL

The Office is open Monday to Friday, 10.00am to 4.30pm.

- 8.3. If you have already been granted permission to appeal or permission to appeal is not required, you will have to send a copy of your bundle to the other side with the copy of your appellant's notice when you serve it on them.
- 8.4. In all other cases do not send bundles to the other side unless and until you are directed to do so by the Civil Appeals Office. You may need to copy your bundle later to provide additional copies to the Court and copy to the other side(s). Remember, all the copies must be exactly the same. If permission to appeal is granted by the Court of Appeal, you will be given instructions about the documents which have to be added to your appeal bundle.

Civil Appeals Office
8th May 2009

(1) Pagination

- (a) Bundles must be paginated, each page being numbered individually and consecutively. The pagination used at trial must also be indicated. Letters and other documents should normally be included in chronological order.
- (b) Page numbers should be inserted in bold figures at the bottom of the page and in a form that can be clearly distinguished from any other pagination on the document.

(2) Avoidance of duplication

No more than one copy of any document should be included unless there is a good reason.

(3) Format and presentation

- (a) Where possible the documents should be on A4 size paper (like this leaflet). Where a document has to be read across rather than down the page, it should be so placed in the bundle as to ensure that the text starts nearest the spine.
- (b) Where any marking or writing in colour on a document is important, the document must be copied in colour or marked up correctly in colour.
- (c) Documents which are not easily legible should be transcribed and the transcription marked and placed next to the document transcribed.
- (d) Documents in a foreign language should be translated and the translation marked and placed next to the document translated. The translation should be agreed or, if it cannot be agreed, each party's proposed translation should be included.
- (e) The size of any bundle should match its contents. A large lever arch file should not be used for just a few pages. No file whatever its size should be overloaded.
- (f) Different sections of the file may be separated by cardboard or other tabbed dividers so long as these are clearly indexed.

(4) Binding

- (a) All documents, with the exception of transcripts, must be bound together. This may be in a lever arch file, ring binder or plastic folder. Plastic sleeves containing loose documents must not be used. Binders and files must be strong enough to withstand heavy use.
- (b) Large documents such as plans should be placed in an easily accessible file. Large documents which will need to be opened up frequently should be inserted in a file larger than A4 size.

- (c) The only documents which do not have to be fixed into the bundle are official transcripts or your skeleton argument if you are not able to file it with your appellant's notice.

(5) Indices and labels

- (a) An index must be included at the front of the bundle listing all the documents and providing the page references for each of them. In the case of documents such as letters, invoices or bank statements, they may be given a general description.
- (b) Where the appeal bundle consists of more than one file, an index to all the files should be included in the first file and an index included for each file. The full name of the case should not be inserted on the index if this would waste space. Documents should be identified briefly but properly.

(6) Identification

- (a) Every bundle must be clearly identified, on the spine and on the front cover, with the name of the case and the Court of Appeal's reference. Where the bundle consists of more than one file, each file must be numbered on the spine, the front cover and the inside of the front cover.
- (b) Outer labels should use large lettering e.g. 'Appeal Bundle A'. The full title of the appeal should be omitted. A label should be used on the front as well as on the spine.

(7) Staples etc.

All staples, heavy metal clips etc, must be removed.

(8) Statements of case

- (a) Statements of case should be assembled in 'chapter' form - i.e claim followed by particulars of claim, followed by further information, irrespective of date.
- (b) Redundant documents, e.g. particulars of claim overtaken by amendments should generally be excluded.

(9) New Documents

- (a) Before a new document is introduced into bundles which have already been delivered to the court, steps should be taken to ensure that it carries an appropriate bundle/page number so that it can be added to the court documents. It should not be stapled and it should be prepared with punch holes for immediate inclusion in the binders in use.
- (b) If it is expected that a large number of miscellaneous new documents will from time to time be introduced, there should be a special tabbed empty loose-leaf file for that purpose. An index should be produced for this file, updated as necessary.

(10) Inter-solicitor correspondence

Since correspondence between solicitors is unlikely to be required for the purposes of an appeal, only those letters which will need to be referred to should be copied.

(11) Sanctions for non-compliance

If the appellant fails to comply with the requirements as to the provision of bundles of documents, without good reason, the application or appeal will be referred for consideration to be given as to why it should not be dismissed for failure to so comply.

- (12) There is a diagram at Annex 2 the back of this leaflet which shows how the pages should be numbered and what the index should look like (*see back page*).

Specimen Index

ANNEX 2

Court of Appeal Ref _____

Jones v. Smith

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Document	Pages
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Etc.	

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2

3

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Continue numbering each page in order through to end

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