

THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

PRACTICE DIRECTION 2

The Registry of the Judicial Committee

2.1.1 The Registry of the Judicial Committee of the Privy Council is currently situated in Downing Street, London but, with effect from 3 August 2009, the Registry of the Judicial Committee of the Privy Council will be situated on the ground floor of the building in Parliament Square which houses the Supreme Court of the United Kingdom, the former Middlesex Guildhall. The staff of the Registry act under the guidance and supervision of the Registrar of the Judicial Committee.

2.1.2 The postal address of the Judicial Committee is

The Judicial Committee of the Privy Council, Downing Street, London SW1A 2AJ.

The email address is judicial.committee@jcpc.x.gsi.gov.uk and the telephone numbers are 020 7276 0483, 0485.

The Registry is open from 10.00 a.m. to 4.30 p.m. on Mondays to Thursdays during the law terms¹ and from 10 a.m. to 4.00 p.m. on Fridays and outside the law terms.

2.1.3 The Registry is open on every day of the year except

- (a) Saturdays and Sundays,
- (b) the Thursday before Good Friday, Good Friday and the day after Easter Monday,
- (c) during the Christmas vacation,
- (d) Bank Holidays in England and Wales. under the Banking and Financial Dealings Act 1971, and
- (e) such other days as the Registrar² may direct.

The “Christmas vacation” is the two week period over Christmas Day and New Year’s Eve and in 2009, for example, starts on 21 December 2009 and ends on 2 January 2010.

2.1.4 Enquiries about fees and the filing of documents, records and papers should be addressed to Registry. The management of the Judicial Committee’s list is dealt with by the listing officer under the direction of the Registrar and enquiries about the listing of appeals should be addressed to the listing officer in the first instance.

¹ The law terms are the four terms of the year during which the Judicial Committee holds its sittings see Practice Direction 6 paragraph 6.2.1.

² From August 2009, the Registry of the Judicial Committee will in practice be open at the same times as the Registry of the Supreme Court. The dates on which that Registry will be open are fixed by the Registrar of the Supreme Court with the agreement of the President and the Chief Executive of the Supreme Court.

Enquiries about the assessment of costs should be addressed to the Registrar or the costs clerk.

2.1.5 Cheques and drafts for fees should be made payable to “The Judicial Committee Fees Account”.

2.1.6 Cheques and drafts for security money should be made payable to “The Judicial Committee Security Account”.

Filing Documents in the Registry of the Judicial Committee

2.1.7 A document may be filed in the Registry “*by any of the following methods—*

- (a) personal delivery;*
- (b) first class post (or an alternative service which provides for delivery on the next working day);*
- (c) through a document exchange;*
- (d) (with the consent of the Registrar) by electronic means in accordance with [this] practice direction”: rule 7(1).*

When an application for permission to appeal, a notice of appeal, a notice of objection, an acknowledgement or an application is filed, it will be sealed by a member of staff in the Registry: rule 7(4).

2.1.8 A document filed by first-class post or through a document exchange will be taken to have been filed on the second day after it was posted or left at the document exchange, as the case may be (not including days which are not business days): rule 7(2). Business days are defined by rule 3(2) and mean 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. Where a document is received on a business day at a time when the Registry is closed, the document will be taken to have been filed in time and the Registrar may give whatever consequential directions appear appropriate.

2.1.9 Except with the consent of the Registrar, “*the contents of documents*

- (a) filed in hard copy must also be provided to the Registry by electronic means, and*
- (b) filed by electronic means must also be provided to the Registry in hard copy”,*

in accordance with Practice Directions 5 and 6: rule 7(3).

2.1.10 The Registrar may refuse to accept any document which is illegible or does not comply with any provision in the Rules or any relevant practice direction. Where

the Registrar refuses to accept a document, the Registrar will give whatever directions appear appropriate. (See rule 8.)

2.1.11 The Registry will not issue an application for permission to appeal or other document unless:

- (a) it has been properly served on the respondents (see rule 6);
- (b) all the required documents are supplied; and
- (c) the prescribed fee is paid or a request for fee remission or exemption from fees is made (see paragraphs 2.1.25 -2.1.28).

Time Limits

2.1.12 The Rules provide for the following time limits to apply:

(a) 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 (if later) from the date of the court below refusing permission (leave) to appeal: rule 11(2). Where permission (or leave) to appeal is required, it should be sought first from the court below.

(b) A notice of appeal must be filed within 56 days of the date of the order or decision of the court below or (if later) from the date of the order or decision of that court granting permission (leave): rule 18(2).

(c) If an appellant has applied to be treated as a financially assisted person (see rule 38), the above periods are extended to 28 days after the final determination of the application for funding, including any appeals. (See rules 5(5), 11 and 18.)

2.1.13 The Registry may accept applications for permission to appeal or notices of appeal which are out of time if the application or notice sets out the reason(s) why it was not filed within the time limit and it is in order in all other respects. See paragraph 3.1.6 of Practice Direction 3 and paragraph 4.4 of Practice Direction 4.

2.1.14 The Judicial Committee or the Registrar may extend or shorten any time limit set by the Rules unless to do so would be contrary to any statutory provision. They may do so either on an application by one or both parties or without an application being made. An application for an extension may be granted after the time limit has expired. The Registrar will notify the parties when a time limit is varied. (See rule 5.)

2.1.15 The Registrar may reject an application for permission to appeal solely on the ground that it is out of time.

Form of application for permission to appeal and notice of appeal

2.1.16 The form of an application for permission to appeal is dealt with in paragraphs 3.1.1 – 3.1.4 of Practice Direction 3. The form of a notice of appeal is dealt with in paragraphs 4.2.1 – 4.2.5 of Practice Direction 4.

Case title

2.1.17 Applications for permission to appeal and appeals carry the same title as in the court below, except that the parties are described as appellant(s) and respondent(s). For reference purposes, the names of parties to the original proceedings who are not parties to the appeal should nevertheless be included in the title: their names should be enclosed in square brackets. The names of all parties should be given in the same sequence as in the title used in the court below.

2.1.18 Applications for permission to appeal and appeals in which trustees, executors etc. are parties are titled in the short form, for example *Trustees of John Black's Charity (Respondents) v. White (Appellant)*.

2.1.19 In any application or appeal concerning children or where in the court below the title used has been such as to conceal the identity of one or more parties to the proceedings, this fact should be clearly drawn to the attention of the Registry at the time of filing, so that the title adopted in the Judicial Committee can take account of the need for anonymity. Applications involving children are normally given a title in the form *B (Children)*.

Service

2.1.20 Documents such as applications for permission to appeal and notices of appeal must be served by the party or their agent on the respondents or their agents, in accordance with rule 6, before they are filed. A party or agent will be taken to have consented to a particular method of service if, for example, their writing paper includes a fax number or a numbered box at a document exchange unless they have indicated in writing that they are not willing to accept service by that particular method. Service may be effected on agents abroad or on registered offices of a corporate party where the local law so permits.

2.1.21 A certificate of service which complies with rule 6(4) by giving details of the persons served, the method of service used and the date on which the document was served personally, posted, delivered to the document exchange or sent electronically, must be included either in the original document and signed or a separate certificate of service must be provided.

Supporting documents

2.1.22 See paragraph 3.1.6 of Practice Direction 3 for the documents which must be filed with an application for permission to appeal.

2.1.23 See paragraph 4.3.2 of Practice Direction 4 for the documents which must be filed with a notice of appeal.

2.1.24 See paragraph 7.1.3 of Practice Direction 7 for guidance on the documents which may need to be filed with an application.

Fees

2.1.25 The fees which are payable are prescribed by rule 42 and the Appendix to the Rules. Fees are payable at the time a document is filed or a step is taken, **not** at the conclusion of the proceedings and rule 42 allows the Registrar to refuse to accept a document or to allow a party to take any step unless the relevant fee is paid.

2.1.26 In circumstances where an appellant has applied to be treated as a financially assisted person in accordance with rule 38, the requirement to pay fees may be waived. Any request should be made to the Registrar by affidavit verifying the appellant's means (see paragraphs 7.12.1 – 7.12.3 of Practice Direction 7).

2.1.27 For the fees which are payable, see Annex 2 to Practice Direction 7.

2.1.28 Any fees paid are not refunded, even if it is decided that the application for permission to appeal is inadmissible or if an application is withdrawn.