



I want to appeal - what should I do?

For people who want to appeal against a court decision in
civil and family appeals

About this leaflet

This leaflet will help you if 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 forms N161, N161A, N164, FP161 or FP161A.

You can get a copy of the forms and notes for guidance (including for the Court of Appeal) at <http://hmctsformfinder.justice.gov.uk>

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 legal representative, 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 or in family proceedings, there is some other valid reason for your appeal to be heard.

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;
- in family proceedings where that judge has set no time limit but the appeal is against a case management decision or an interim care order under Section 38 (1) of the Children Act 1989, within seven days after the date of the decision you want to appeal against was made; and
- if the judge sets no time limit, within 21 days of the decision you want to appeal against.

You may need legal advice

Court staff cannot give legal advice, for example whether you should appeal or whether your appeal will be successful. 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 legal representative.

You can also get free legal information and advice from a law centre or Citizens Advice at www.citizensadvice.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 <http://hmctsformfinder.justice.gov.uk>

You may not have to pay a fee, or the fee may be reduced, if you only have a small amount of savings and investments, receive certain benefits or are on a low income. This is sometimes known as 'fee remission.'

You can apply for help with court and tribunal fees online at www.gov.uk/help-with-court-fees or through the 'EX160 Apply for help with fees' form and 'EX160A – How to apply for help with fees' guidance.

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 legal representative, if they have one.

Do I need permission to appeal?

You will not need permission to appeal against a decision of a lay magistrate in the Family Court. 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.

In a small claims case if you do not attend and you have not given the court notice that you are not attending, the party can apply to set aside judgment and not appeal. If you have given the court notice that you are not attending and you do not agree with the decision, it is an appeal.

Remember, the judge will only grant permission to appeal if they think the appeal has a real chance of succeeding or, in family proceedings, there is some other valid reason for your appeal to be heard.

How do I apply for permission to appeal?

If you have not got permission to appeal from the lower court, you must make your application for permission to appeal in the appellant's notice. You can make the application for permission to appeal and the appeal together, using the same form.

The appellant's notice will be either the N161, N164 or FP161 and will depend on the type of proceedings and which court you are making the appeal to.

Each 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.

You can get a copy of the forms and notes for guidance at <http://hmctsformfinder.justice.gov.uk>

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

Civil cases

- The general rule is that an appeal will be heard by the next level of judge, for example an appeal against a decision of a district judge in the County Court will be heard by the circuit judge in the County Court, and an appeal against a decision of a judge of the High Court will be dealt with by the Court of Appeal (see table below).

The table below sets out the details for civil cases.

Civil cases, other than insolvency proceedings

Court	Deciding judge	Decision under appeal	Heard by
County Court	District judge	Any, other than a decision in non-insolvency proceedings brought under the Companies Acts	Circuit judge in the County Court
		A decision in non-insolvency proceedings brought under the Companies Acts	High Court
	Circuit judge	Any decision	High Court
High Court	Master	Any decision	High Court
	High Court judge	Any decision	Court of Appeal
Intellectual Property Enterprise Court (IPEC)	District judge	Any decision	Enterprise judge in the IPEC
	Enterprise judge	Any decision	Court of Appeal

Civil cases, insolvency proceedings

Court	Deciding judge	Proceedings	Heard by
County Court	District judge	Individual insolvency	High Court judge
		Corporate insolvency	High Court judge or registrar
	Circuit judge	Any decision	High Court judge
High Court	Master, registrar or district judge	Any decision	High Court judge
	High Court judge	Any decision	Court of Appeal

Family cases **proceedings in the Principal Registry of the Family Division, including** proceedings under the Inheritance (Provision for Family and Dependants) Act 1975 and proceedings under the Trusts of Land and Appointment of Trustees Act 1996.

Deciding judge	Decision under appeal	Heard by
District judge	Any decision	High Court judge (Family Division)
High Court judge (Family Division)	Any decision	Court of Appeal

The table below sets out the details for where family appeals should be lodged.

Judge who made the decision to be appealed	Appeal to
One or more lay justices sitting in the family court	Circuit judge sitting in the family court
A judge of district judge level sitting in the family court	Circuit judge sitting in the family court
A district judge or senior district judge of the Family Division sitting in the family court in financial proceedings	Judge of High Court judge level sitting in the family court
A circuit judge or recorder sitting in the family court, except where the example below applies	A High Court judge sitting in the High Court

<p>A circuit judge or recorder sitting in the family court where the appeal is from:</p> <p>(a) a decision or order in proceedings under:</p> <p style="padding-left: 40px;">(i) Part 4 or 5 of, or paragraph 19(1) of Schedule 2 to, the Children Act 1989; or</p> <p style="padding-left: 40px;">(ii) the Adoption and Children Act 2002; or</p> <p>(b) a decision or order relating to contempt of court, where that decision or order was made in, or in connection with, a type of proceedings referred to in (a) above; or</p> <p>(c) a decision or order made on appeal to the Family Court (a 'second appeal').</p>	<p>The Court of Appeal</p>
<p>A costs judge</p>	<p>Judge of High Court judge level</p>
<p>Judge of High Court judge level</p>	<p>The Court of Appeal</p>
<p>Any other judge sitting in the Family Court not referred to above</p>	<p>The Court of Appeal</p>
<p>Any of the following sitting in the High Court.</p> <ul style="list-style-type: none"> - District judge of the High Court - Deputy district judge - Senior district judge of the Family Division - District judge of the Family Division - Costs judge - A person appointed to act as a deputy for a costs judge 	<p>High Court judge sitting in the High Court</p>
<p>Judge of the High Court sitting in the High Court (including a person acting as such a judge in line with section 9(1) or (4) of the Senior Courts Act 1981</p>	<p>The Court of Appeal</p>

Second appeals

An appeal from a decision of the County Court, Family Court or High Court which was itself made on appeal, must be made to the Court of Appeal.

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 an oral 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.

If the application for permission has been refused by the Court of Appeal on paper, you cannot make another application.

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

The following table set out the venues where an appeal lies to a High Court judge from the decision of a County Court or a district judge of the High Court.

Circuit	Court	Appeal Centre
Midland	Birmingham Combined Justice Centre	Birmingham Combined Justice Centre
	Boston	Lincoln
	Burton-upon-Trent	Nottingham
	Chesterfield	Nottingham
	Coventry	Coventry
	Derby	Nottingham
	Dudley	Walsall
	Hereford	Worcester
	Kettering	Northampton
	Kidderminster	Worcester
	Leicester	Leicester
	Lincoln	Lincoln
	Mansfield	Nottingham
	Northampton	Northampton
	Nottingham	Nottingham
	Nuneaton	Coventry
	Redditch	Worcester
	Stafford	Stoke-on-Trent
	Stoke-on-Trent	Stoke-on-Trent
	Telford	Telford
	Walsall	Walsall
	Warwick	Coventry
Wolverhampton	Walsall	
Worcester	Worcester	

Circuit	Court	Appeal Centre
North East	Barnsley	Sheffield
	Bradford	Bradford
	Darlington	Teesside
	Doncaster	Sheffield
	Durham	Newcastle-upon-Tyne
	Gateshead	Newcastle-upon-Tyne
	Grimsby	Kingston-upon-Hull
	Halifax	Bradford
	Harrogate	Leeds
	Hartlepool	Teesside
	Huddersfield	Bradford
	Kingston-upon-Hull	Kingston-upon-Hull
	Leeds	Leeds
	Newcastle-upon-Tyne	Newcastle-upon-Tyne
	North Shields	Newcastle-upon-Tyne
	Rotherham	Sheffield
	Scarborough	Leeds
	Scunthorpe	Kingston-upon-Hull
	Sheffield	Sheffield
	Skipton	Bradford
	South Shields	Newcastle-upon-Tyne
	Sunderland	Newcastle-upon-Tyne
	Teesside	Teesside
Wakefield	Leeds	
York	Leeds	

Circuit	Court	Appeal Centre
North West	Barrow-in-Furness	Carlisle
	Birkenhead	Liverpool
	Blackburn	Preston
	Blackpool	Preston
	Bolton	Manchester Combined Justice Centre
	Burnley	Preston
	Bury	Manchester Combined Justice Centre
	Carlisle	Carlisle
	Chester Combined Justice Centre	Chester Combined Justice Centre
	Crewe	Chester Combined Justice Centre
	Kendal	Carlisle
	Lancaster	Preston
	Liverpool	Liverpool
	Manchester Combined Justice Centre	Manchester Combined Justice Centre
	Oldham	Manchester Combined Justice Centre
	Preston	Preston
	St Helens	Liverpool
	Stockport	Manchester Combined Justice Centre
	Warrington	Chester Combined Justice Centre
	West Cumbria	Carlisle
Wigan	Liverpool	

Circuit	Court	Appeal Centre
Wales	Aberystwyth	Swansea
	Blackwood	Cardiff Combined Justice Centre
	Brecknock	Swansea
	Caernarfon	Wrexham
	Cardiff	Cardiff Combined Justice Centre
	Carmarthen	Swansea
	Conwy & Colwyn	Wrexham
	Haverfordwest	Swansea
	Llanelli	Swansea
	Llangefni	Wrexham
	Merthyr Tydfil	Cardiff Combined Justice Centre
	Mold	Wrexham
	Newport (Gwent)	Cardiff Combined Justice Centre
	Pontypridd	Cardiff Combined Justice Centre
	Port Talbot	Swansea
	Rhyl	Wrexham
	Swansea	Swansea
Welshpool & Newtown	Wrexham	

Circuit	Court	Appeal Centre
South West	Aldershot & Farnham	Winchester
	Barnstaple	Barnstaple
	Basingstoke	Winchester
	Bath	Bristol Combined Justice Centre
	Bodmin	Bodmin
	Bournemouth	Bournemouth
	Bristol	Bristol Combined Justice Centre
	Cheltenham	Bristol Combined Justice Centre
	Chippenham	Winchester
	Exeter	Exeter
	Gloucester	Bristol Combined Justice Centre
	Newport (Isle of Wight)	Winchester
	Plymouth	Plymouth
	Portsmouth	Portsmouth
	Salisbury	Winchester
	Southampton	Southampton
	Swindon	Swindon
	Taunton	Bristol Combined Justice Centre
	Torquay & Newton Abbot	Torquay & Newton Abbot
	Trowbridge	Trowbridge
	Truro	Truro
	Weston-Super-Mare	Bristol Combined Justice Centre
	Weymouth & Dorchester	Winchester
Winchester	Winchester	
Yeovil	Bristol	

Circuit	Court	Appeal Centre
South East	Banbury	Oxford
	Barnet	Barnet
	Basildon	Southend
	Bedford	Luton
	Bow	Bow
	Brentford	Brentford
	Brighton	Brighton
	Bromley	Bromley
	Bury St Edmunds	Cambridge
	Cambridge	Cambridge
	Canterbury	Canterbury
	Central London Combined Justice Centre	Central London Combined Justice Centre
	Chelmsford	Southend
	Chichester	Chichester
	Clerkenwell & Shoreditch	Clerkenwell & Shoreditch
	Colchester	Southend
	Croydon	Croydon
	Dartford	Dartford
	Eastbourne	Eastbourne
	Edmonton	Edmonton
	Guildford	Guildford
	Hastings	Hastings
	Hertford	Luton
	High Wycombe	Oxford
	Horsham	Horsham
	Hove	Hove
	Ipswich	Norwich
	Kingston-upon-Thames	Kingston-upon-Thames
	King's Lynn	Norwich
	Lambeth	Lambeth
	Lewes	Lewes
	Luton	Luton

	Maidstone	Maidstone
	Mayor's and City	Mayor's and City
	Medway	Medway
	Milton Keynes	Oxford
	Norwich	Norwich
	Oxford	Oxford
	Peterborough	Cambridge
	Reading	Oxford
	Reigate	Reigate
	Romford	Romford
	Slough	Oxford
	Southend	Southend
	St Albans	Luton
	Staines	Staines
	Thanet	Thanet
	Tunbridge Wells	Tunbridge Wells
	Uxbridge	Uxbridge
	Wandsworth	Wandsworth
	Watford	Watford
	Willesden	Willesden
	Woolwich	Woolwich
	Worthing	Worthing

Circuit	Court	Appeal Centre
London	Royal Courts of Justice	

Where can I get more information?

For general information about solving legal disputes, visit www.gov.uk/browse/justice/courts-sentencing-tribunals

You may also get free legal advice from a law centre or citizens advice at www.citizensadvice.org.uk

To read our other leaflets in this series, visit hmctsformfinder.justice.gov.uk

For contact details of all our courts, visit courtribunalfinder.service.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

HM Courts & Tribunals Service is an agency of the Ministry of Justice, responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides a fair, efficient and effective justice system delivered independently.

We aim to make sure that everyone receives prompt access to justice depending on their different needs, whether they are victims or witnesses of crime, defendants accused of crimes, in debt, children at risk of harm, businesses involved in commercial disputes, or when asserting their employment rights or challenging the decisions of government bodies.

For more information see www.gov.uk/hmcts

