



A guide to the Supreme Court for those without a legal representative

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1. Introduction

This guide is designed to assist people without legal representation who would like to bring a case to the Supreme Court. The guide provides a brief introduction to the Supreme Court and explains how proceedings before the Supreme Court work.

For further information, please see our website: www.supremecourt.uk. If you have questions that are not covered by the materials on our website, please [contact Registry](#).

Please note that Registry is **unable to assist** with enquiries relating to the following types of matters:

- personal matters which have not been brought before a court (such as family disputes, housing issues and healthcare issues);
- cases that are pending before (i.e. have not yet been decided by) other courts;
- complaints about the conduct of legal representatives;

- complaints about the conduct of judges or the court staff of other courts;
- requests to verify the legitimacy of a company; and
- political matters.

Registry is also unable to provide any legal advice. Please see section [6] below (*Sources of legal advice and representation*) for information on where you can obtain free legal advice or assistance.

2. What is the Supreme Court?

The Supreme Court is the highest court of appeal in the United Kingdom (UK). It hears appeals on arguable points of law of general public importance from England and Wales, Northern Ireland and, in some circumstances, Scotland. For more information about the Supreme Court, please refer to our website www.supremecourt.uk.

3. When can I appeal to the Supreme Court?

In general, you only can appeal to the Supreme Court if: (i) an appeal court in the UK (or, in exceptional circumstances, a High Court in England and Wales or Northern Ireland) has issued a judgment in your case (see subsection [3.1] below); and (ii) you have been granted Permission to Appeal to the Supreme Court by either the court that issued the judgment, or the Supreme Court itself (see subsection [3.2] below).

If you are interested in appealing your case to the Supreme Court, please use the flowchart under subsection [3.3] below to check that you have satisfied the necessary requirements.

3.1. Types of decisions that can be appealed

The Supreme Court ordinarily hears appeals against decisions from the Court of Appeal in England and Wales, the Court of Appeal in Northern Ireland and the Court of Session in Scotland. In exceptional circumstances, a case may be appealed directly to the Supreme Court from the High Court in England and Wales or the High Court in Northern Ireland.

There are some limits to the types of decisions that may be appealed to the Supreme Court. For example, the Supreme Court will not hear appeals against the following types of decisions:

- decisions by other courts (such as the High Court or the Court of Appeal) refusing to grant Permission to Appeal;

- decisions by other courts (such as the High Court or the Court of Appeal) refusing to re-open an appeal or an application for Permission to Appeal; and
- decisions made by tribunals, magistrates' courts, county courts, or sheriffs.

3.2. Requirement of permission

In nearly all cases, permission is required for a person to bring their case to the Supreme Court. Permission can be granted by either:

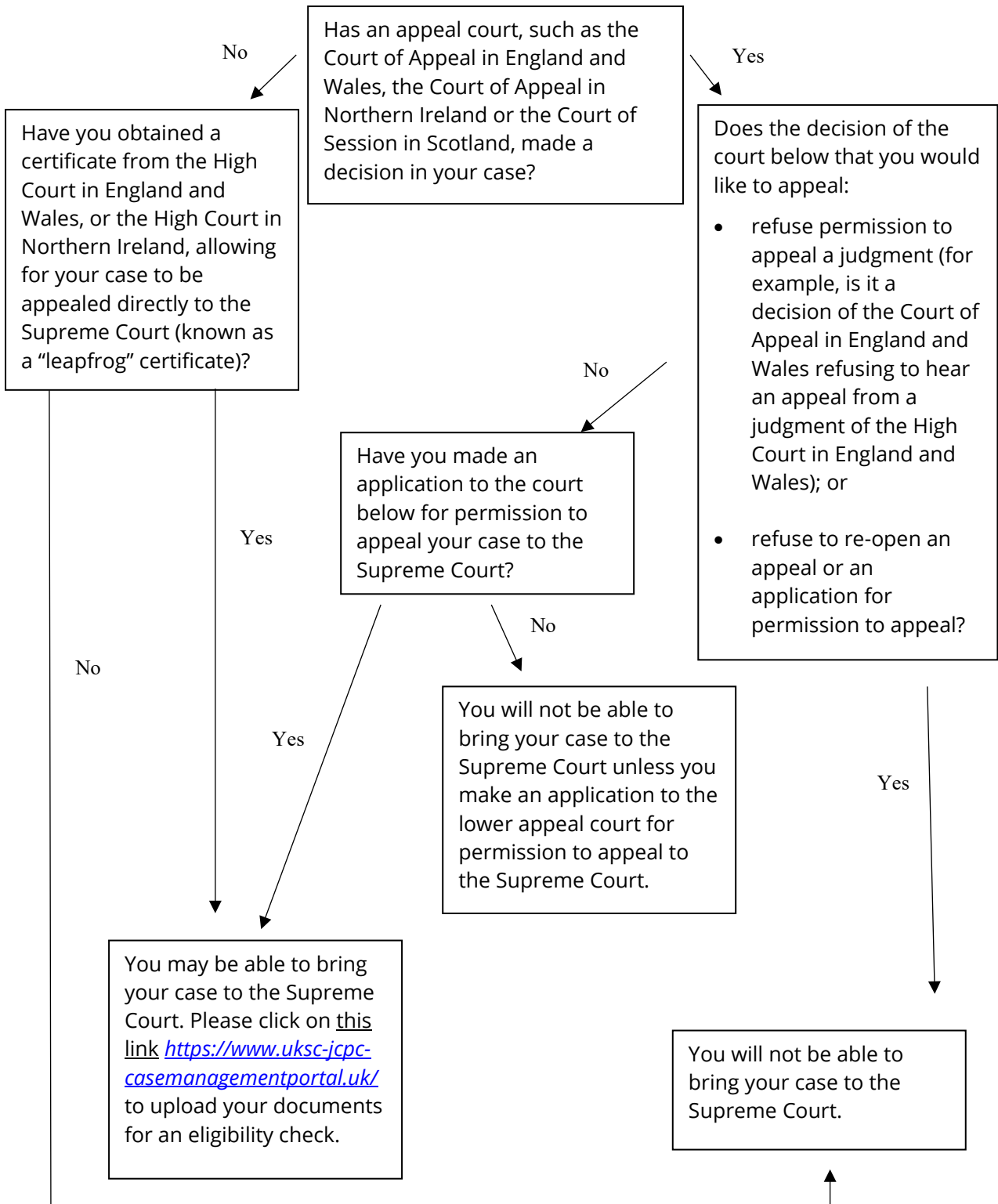
- the court whose decision is being appealed (known as the "court below"); or
- the Supreme Court itself.

If you would like to appeal a decision to the Supreme Court, it is first necessary to request permission from the court below. This must be done before making any application to the Supreme Court for Permission to Appeal. For information as to how to request permission from the court below, please refer to the relevant court's website.

If the court below grants you Permission to Appeal to the Supreme Court, the Supreme Court will hear your case: please refer to section [5] (*What happens if I have been granted Permission to Appeal to the Supreme Court?*) for further information. If the court below refuses Permission to Appeal to the Supreme Court, you can then apply directly to the Supreme Court for Permission to Appeal.

3.3. Flowchart

Please follow this flowchart to determine whether you may be able to bring your case to the Supreme Court.



4. Applying to the Supreme Court for Permission to Appeal

As explained above under subsection [3.2], if the court below refuses Permission to Appeal to the Supreme Court, you can apply directly to the Supreme Court for permission. An application for Permission to Appeal to the Supreme Court must be filed within 28 days from the date of the order of the court below refusing Permission to Appeal.

4.1. Submitting your Permission to Appeal application

In order to apply to the Supreme Court for Permission to Appeal, you must provide certain information and documentation to Registry. The Supreme Court uses an online case management portal through which you submit your case documents and track your application. The first step is to go through the Court's 'Eligibility Checker' by logging into the case management portal here: <https://www.uksc-jcpc-casemanagementportal.uk/>

First you should register as a portal user and then log in. You should then click the 'File a new case' button and select no when asked if you are legally represented. You will be asked to upload a copy of the order you are seeking to appeal.

If required, the Court's case management team members will be able to help you fill out the digital forms. If you are unable to access the internet, Registry will assist you with an offline application.

There is detailed guidance about how the portal works in the Portal Practice Direction, available here www.supremecourt.uk/how-to-appeal/practice-directions#portal-guidance. If, once you have a case issued as a Permission to Appeal or appeal in the portal, you need further help navigating the portal the Registry can assist.

Generally, it will be necessary to provide the following information as part of your Permission to Appeal application:

- the reasons why you would like to challenge the order of the court below; and
- the factual background to your case and a history of the proceedings.

It will also be necessary to provide the following documents:

- the order of the court below against which you are seeking Permission to Appeal (for example, an order from the Court of Appeal in England and Wales dismissing your first appeal);
- the judgment of the court below to which the order gives effect (for example, a judgment setting out the decision by the Judges in the Court of Appeal in England and Wales explaining why they have dismissed your first appeal);
- the order of the court below refusing you Permission to Appeal to the Supreme Court, if separate;
- the order of the first instance court in your case (such as the High Court in England and Wales), if different from the order of the court below; and

- the judgment of the first instance court in your case (such as the High Court in England and Wales), if different from the judgment of the court below.

Normally, you are required to pay a fee in order to submit an application for Permission to Appeal: see www.supremecourt/how-to-appeal/fees. However, if this will involve financial hardship, and you are able to provide satisfactory proof of your financial circumstances, the Supreme Court's Registrar may waive the fee (or part of the fee) www.supremecourt.uk/how-to-appeal/guidance#help-with-fees-guidance.

4.2. Suspending the effect of the order being appealed

The filing of an application for Permission to Appeal in the Supreme Court does not automatically suspend the effect of the order which is being appealed. Therefore, if (for example) the court below has ordered you to pay money to another person, you will still be obliged to pay that money even though you are seeking to challenge the order before the Supreme Court.

If you would like to delay complying with the order while an appeal against it before the Supreme Court is ongoing, you must apply to the court below for a "stay of execution". If the court below grants the stay of execution, it may be on the condition that you file your application for Permission to Appeal with the Supreme Court within a specified time. The Supreme Court very rarely grants stays of execution itself.

4.3. Involvement of the opposing party

After you have submitted your Permission to Appeal application, the opposing party or parties must be served with a copy of the application and they may, if they wish, file a "notice of objection" setting out their reasons why they think Permission to Appeal should not be granted by the Supreme Court. If they do, and Permission to Appeal is subsequently refused by the Court, they will be able to require you to pay them the costs they have incurred preparing their notice of objection (unless the Justices of the Supreme Court order otherwise). This is a risk you should weigh up when applying for Permission to Appeal.

4.4. Consideration of your application

Once you have submitted your Permission to Appeal application to Registry, and the opposing party or parties in your case have submitted any notice of objection, the Supreme Court will consider whether to grant you Permission to Appeal.

Permission to Appeal is only granted for applications that, in the opinion of the Justices, raise an arguable point of law of general public importance which ought

to be considered by the Supreme Court at that time. In nearly all cases, the Justices will decide whether or not to grant Permission to Appeal after considering the documents submitted by the parties and without an oral hearing. The Justices' decision will be recorded in an order which will be communicated to you (and the other parties to your case). If Permission to Appeal is refused, the order will set out brief reasons provided by the Justices for their decision.

Please note that the Court hears only a limited number of appeals, and the Justices have the sole responsibility of deciding which appeals raise points of law of general public importance. If Permission to Appeal is refused, then that decision is final: there is no right to request that the decision be reviewed (whether on paper or at an oral hearing).

5. What happens if I have been granted Permission to Appeal to the Supreme Court?

If you have been granted Permission to Appeal to the Supreme Court, you must notify the Court and the other parties to your case that you intend to proceed with your appeal. A further fee is ordinarily payable at this stage (www.supremecourt.uk/how-to-appeal/fees), although (as above) this may be waived or reduced by the Registrar in cases of financial hardship.

Once you have filed your notice to proceed, arrangements will be made for your appeal to be heard by the Court. You will be referred to as the "appellant" in the case, and your opponent will be referred to as the "respondent". There may be more than one appellant and respondent in a case.

5.1. Legal representation

If Permission to Appeal is granted to you by the Supreme Court and you do not have legal representation, Registry will try to help you to find a lawyer who is willing to represent you for free. A lawyer will be able to prepare and file documents required by the Court in advance of the hearing, and will be able to argue your case (also known as making "oral submissions" on your behalf) at the hearing itself.

5.2. Listing of the appeal hearing

In preparation for the appeal hearing, the parties to the case must inform the Court of the number of hours they think they or their legal representatives will need to make their oral submissions. They should also notify the Court of any reasonable adjustments they require. Usually, appeal hearings last one or two days, depending on the number and complexity of issues the Court needs to consider.

Once the above information has been received, the Registrar will inform the parties of the time period within which the hearing will take place, and the number of Justices who will be sitting on the panel to hear the case (usually five). The parties should then provide the Registrar with an agreed list of dates on which they would be available to attend the appeal hearing.

5.3. Documents for the appeal hearing

In advance of the appeal hearing, the parties must prepare and file certain documents with the Court, including:

- a statement, agreed between the parties, of the facts and issues relevant to the case (known as the “statement of facts and issues”); and
- the parties’ written arguments in the appeal (also known as “written submissions” or “written cases”).

Once the above documents have been filed with the Court, the parties must collate relevant case materials into two sets of “bundles”: a “key documents bundle” and a “main hearing bundle”.

The key documents bundle should be filed in hard copy (one copy of each member of the hearing panel and one for the court) and electronic form at least 42 days before the appeal hearing, and should include the following documents:

- the statement of facts and issues;
- the parties’ written cases;
- the orders of the court below and the first instance court; and
- the judgments of the court below and the first instance court.

The main hearing bundle should be filed in electronic form only at least 21 days before the appeal hearing, and should include the following documents:

- all of the documents in the key documents bundle;
- all other documents which any party participating in the appeal wishes to draw to the Justices’ attention during the hearing; and
- previous judgments in other cases that may be referred to during the hearing in order to support the parties’ arguments (also known as “authorities”).

For further information about the documents that will need to be filed before the appeal hearing, please see [Practice Direction 5](#) and [Practice Direction 6](#).

5.4. The appeal hearing

At the hearing, you (as the appellant) will have the opportunity to present your arguments first. The respondent to the appeal will then present their arguments, and you will have a right to reply to those arguments. Hearings are normally held in public, unless exceptional circumstances apply.

To gain more of a sense of what happens at Supreme Court hearings, you can watch live court sittings and recorded cases on our website at www.supremecourt.uk.

5.5. The judgment

In nearly all cases, the Court will not announce its decision at the end of the hearing. Instead, the Justices will prepare a written judgment after the hearing. The judgment will normally be shared with the parties in draft form a few months after the hearing. It will then be formally “handed down” at a further hearing and published on the Supreme Court website.

Supreme Court judgments are final and cannot be appealed, unless your case raises a human rights issue that falls within the scope of the work of the European Court of Human Rights.

6. Sources of legal advice and representation

For free or low cost legal advice and assistance (also known as “pro bono” legal advice and assistance), please refer to the following sources:

- **Legal aid advisers.** Legal aid can help meet the costs of legal advice and representation. You can search for legal advisers with legal aid contracts in England and Wales through the [UK Government website](#).
- **Law centres.** Law centres can provide you with legal advice and do not charge money for their services. You can find law centres across the UK through the [Law Centres Network](#).
- **Solicitors.** Some solicitors offer free consultations, or “fixed fee” consultations (where you will know in advance what the advice will cost). You can find solicitors who provide services in England and Wales through the [Law Society website](#).
- **Barristers.** You may be able to instruct barristers in England and Wales directly (without going through a solicitor first) through the Bar Council’s [Direct Access Portal](#). This could save you money in legal fees. For free legal services from barristers in Northern Ireland, please refer to the [Bar Pro Bono Unit](#). For free legal services from advocates in Scotland, please refer to the [Free Legal Services Unit](#).

- **You may also seek help from here:** [Support Through Court](#) and [Homepage | RCJ advice](#) and [Citizens Advice](#)

Please note that Registry is not able to help you find legal representation if you do not have Permission to Appeal to the Supreme Court.