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STATUTORY INSTRUMENTS

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**1991 No. 1247**

**The Family Proceedings Rules 1991**

**PART IV**

**PROCEEDINGS UNDER THE CHILDREN ACT 1989**

**Appeals**

**4.22.—**(1) Where an appeal lies—

- (a) to the High Court under section 94, or
- (b) from any decision of a district judge to the judge of the court in which the decision was made,

it shall be made in accordance with the following provisions; and references to “the court below” are references to the court from which, or person from whom, the appeal lies.

(2) The appellant shall file and serve on the parties to the proceedings in the court below, and on any guardian ad litem,

- (a) notice of the appeal in writing, setting out the grounds upon which he relies;
- (b) a certified copy of the summons or application and of the order appealed against, and of any order staying its execution;
- (c) a copy of any notes of the evidence;
- (d) a copy of any reasons given for the decision.

(3) The notice of appeal shall be filed and served in accordance with paragraph (2)(a)–

- (a) within 14 days after the determination against which the appeal is brought, or
- (b) in the case of an appeal against an order under section 38(1), within 7 days after the making of the order, or
- (c) with the leave of the court to which, or judge to whom, the appeal is to be brought, within such other time as that court or judge may direct.

(4) The documents mentioned in paragraph (2)(b) to (d) shall, subject to any direction of the court to which, or judge to whom, the appeal is to be brought, be filed and served as soon as practicable after the filing and service of the notice of appeal under paragraph (2)(a).

(5) Subject to paragraph (6), a respondent who wishes—

- (a) to contend on the appeal that the decision of the court below should be varied, either in any event or in the event of the appeal being allowed in whole or in part, or
- (b) to contend that the decision of the court below should be affirmed on grounds other than those relied upon by that court, or
- (c) to contend by way of cross-appeal that the decision of the court below was wrong in whole or in part,

shall, within 14 days of receipt of notice of the appeal, file and serve on all other parties to the appeal a notice in writing, setting out the grounds upon which he relies.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(6) No notice under paragraph (5) may be filed or served in an appeal against an order under section 38.

(7) In the case of an appeal mentioned in paragraph (1)(a), an application to—

- (a) withdraw the appeal,
- (b) have the appeal dismissed with the consent of all the parties, or
- (c) amend the grounds of appeal,

may be heard by a district judge.

(8) An appeal of the kind mentioned in paragraph (1)(a) shall, unless the President otherwise directs, be heard and determined by a single judge.