

SCHEDULE 1

RSC ORDER 61

APPEALS FROM TRIBUNALS TO COURT OF APPEAL BY CASE STATED

Proceedings on case stated

Rule 3.—(A1) An application for permission to appeal to the Court of Appeal from any tribunal to which this Order applies may be combined with an application to the tribunal to state a case.

(A2) An application for permission to appeal may not be made to the Court of Appeal until the tribunal has stated a case.

(1) The party at whose instance a case has been stated by any tribunal to which this Order applies must, within 21 days after the date on which permission to appeal to the Court of Appeal was granted—

- (a) serve on every other party to the proceedings before the tribunal a copy of the case, together with a notice of appeal setting out his contentions on the question of law; and
- (b) serve a copy of the notice on the clerk or registrar of the tribunal.

(2) Within 7 days after service of the notice of appeal, the said party must file the case, and two copies of the notice with the Court of Appeal and Order 59, rule 5 shall apply subject to any necessary modifications.

(3) Where any enactment under which the case is stated provides that a Minister or government department shall have a right to be heard in the proceedings on the case, a copy of the case and of the notice of appeal served under paragraph (1) must be served on that Minister or department.

(4) On the hearing of the case, the Court of Appeal may amend the case or order it to be sent back to the tribunal for amendment.

(5) Order 59 shall, so far as applicable, apply, in relation to a case stated by a tribunal to which this Order applies.

(6) The office of the Court of Appeal shall notify the clerk or registrar of the tribunal of the decision of the Court of Appeal on the case and of any directions given by that Court thereon.