
STATUTORY INSTRUMENTS

2009 No. 1603

The Supreme Court Rules 2009

PART 3

Commencement and preparation of appeal

Form and filing of notice where permission granted by the Court

- 18.**—(1) Where the Court grants permission to appeal, rules 19 and 20 shall not apply and
- (a) the application for permission to appeal shall stand as the notice of appeal;
 - (b) the grounds of appeal shall be limited to those on which permission has been granted;
 - (c) the appellant must, within 14 days of the grant by the Court of permission to appeal, file notice under this rule of an intention to proceed with the appeal.
- (2) When notice is filed under rule 18(1)(c), the application for permission to appeal will be re-sealed and the appellant must then—
- (a) serve a copy on each respondent and on any person who was an intervener in the court below or whose submissions were taken into account under rule 15; and
 - (b) file the requisite number of copies and a certificate of service.
- (3) In any other case an appellant must file a notice of appeal under rule 19.

Commencement Information

11 [Rule 18](#) in force at 1.10.2009, see [rule 1](#)

Form and filing of notice where permission not required

- 19.**—(1) Every notice of appeal shall be made in the appropriate form.
- (2) The notice of appeal together with the requisite number of copies must be filed within 42 days of the date of the order or decision of the court below.
- (3) The appellant must also file—
- (a) a copy of the order appealed from and
 - (b) (if separate) a copy of the order granting permission to appeal
- and, if the order appealed from is not immediately available, the notice of appeal must be filed without delay and the order filed as soon as it is available.

Commencement Information

12 [Rule 19](#) in force at 1.10.2009, see [rule 1](#)

Changes to legislation: The Supreme Court Rules 2009, PART 3 is up to date with all changes known to be in force on or before 16 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Service of notice

20.—(1) Before the notice of appeal is filed, a copy must be served on each respondent and on any person who was an intervener in the court below.

(2) When the notice of appeal is filed, the appellant must file a certificate of service.

Commencement Information

I3 [Rule 20](#) in force at 1.10.2009, see [rule 1](#)

Acknowledgement by respondent

21.—(1) Each respondent who intends to participate in the appeal must, within 14 days after service under rule 18(2)(a) or 20, file notice in the appropriate form together with a certificate of service.

(2) Before the notice is filed, a copy must be served on—

- (a) the appellant,
- (b) any other respondent, and
- (c) any person who was an intervener in the court below or whose submissions were taken into account under rule 15.

(3) A respondent who does not file notice under this rule will not be permitted to participate in the appeal and will not be given notice of its progress.

Commencement Information

I4 [Rule 21](#) in force at 1.10.2009, see [rule 1](#)

Documents for appeal hearing

22.—(1) Within 112 days after the filing of the notice under rule 18(1)(c) or the filing of the notice of appeal, the appellant must file—

- (a) a statement of the relevant facts and issues; and
- (b) an appendix (prepared in accordance with the relevant practice direction) of the essential documents which were in evidence before, or which record the proceedings in, the courts below.

(2) Both the statement and the appendix must be submitted to, and agreed with, every respondent before being filed.

(3) Within 7 days after the filing of the statement and the appendix, every party must—

- (a) notify the Registrar that the appeal is ready for listing, and
- (b) specify the number of hours that their respective counsel estimate to be necessary for their oral submissions

and the Registrar will subsequently inform the parties of the date fixed for the hearing.

(4) The appellant and every respondent (and any intervener and advocate to the Court) must then sequentially exchange their respective written cases and file them, and every respondent (and any intervener and advocate to the Court) must for the purposes of rule 23 provide copies of their respective written cases, in compliance with the relevant practice direction.

Commencement Information

I5 [Rule 22](#) in force at 1.10.2009, see [rule 1](#)

The core volumes

23. As soon as the parties' cases have been exchanged and in any event not later than 14 days before the date fixed for the hearing the appellant must file the requisite number of core volumes and, if necessary, additional volumes containing further parts of the appendix, in compliance with the relevant practice direction.

Commencement Information

I6 [Rule 23](#) in force at 1.10.2009, see [rule 1](#)

Authorities

24. The volumes of authorities that may be referred to during the hearing must be prepared in accordance with the relevant practice direction and the requisite number of copies of the volumes of authorities must be filed by the appellant at the same time as the core volumes.

Commencement Information

I7 [Rule 24](#) in force at 1.10.2009, see [rule 1](#)

Cross-appeals

25.—(1) A respondent who wishes to argue that the order appealed from should be upheld on grounds different from those relied on by the court below, must state that clearly in the respondent's written case (but need not cross-appeal).

(2) Except where—

- (a) leave is required from the Court of Session for an appeal from that court, or
- (b) an appeal lies to the Court as of right,

a respondent who wishes to argue that the order appealed from should be varied must obtain permission to cross-appeal from the Court.

(3) Part 2 of these Rules shall apply (with appropriate modifications) to an application to the Court for permission to cross-appeal and (if practicable) applications for permission to appeal and to cross-appeal shall be considered together by the same panel of Justices.

(4) Where there is a cross-appeal, this Part of these Rules shall apply with appropriate modifications and in particular—

- (a) either the application for permission to cross-appeal to the Court shall stand as a notice of cross-appeal, or such a notice (in the appropriate form) shall be filed and served within 42 days of the grant by the Court of permission to appeal or of the filing of the notice of appeal;
- (b) there shall be a single statement of facts and issues, a single appendix of essential documents (divided if necessary into parts) and a single case for each party in respect of the appeal and the cross-appeal (and each case should state clearly that it is in respect of both the appeal and the cross-appeal); and

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- (c) the appellant shall remain primarily responsible for the preparation of all the papers for the appeal and for notifying the Registrar under rule 22(3).

Commencement Information

18 Rule 25 in force at 1.10.2009, see [rule 1](#)

Intervention

26.—(1) After permission to appeal has been granted by the Court or a notice of appeal has been filed, any person and in particular—

- (a) any official body or non-governmental organization seeking to make submissions in the public interest,
- (b) any person with an interest in proceedings by way of judicial review,
- (c) any person who was an intervener in the court below or whose submissions were taken into account under rule 15,

may apply to the Court for permission to intervene in the appeal.

(2) An application under this rule must be made in the appropriate form and shall be considered on paper by a panel of Justices who may refuse permission to intervene or may permit intervention—

- (a) by written submissions only; or
- (b) by written submissions and oral submissions

and any oral submissions may be limited to a specified duration.

(3) No permission is required—

- (a) for an intervention by the Crown under section 5 of the Human Rights Act 1998, or
- (b) for an intervention by the relevant officer in a case where the Court is exercising its devolution jurisdiction.

(For rules relating to Human Rights Act issues and the Court's devolution jurisdiction see rules 40 and 41.)

Commencement Information

19 Rule 26 in force at 1.10.2009, see [rule 1](#)

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Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Rules revoked by [S.I. 2024/949 rule 62\(2\)](#)