
STATUTORY INSTRUMENTS

2010 No. 2955

The Family Procedure Rules 2010

PART 30

APPEALS

Permission

30.3.—^{F1}(1) Paragraphs (1B) and (2) of this rule set out when permission to appeal is, or is not, required under these rules to appeal against a decision or order of the family court.

(1A) This rule does not apply where the route of appeal from a decision or order of the family court is to the Court of Appeal, namely where the appeal is against a decision or order made by a circuit judge or Recorder—

- (a) in proceedings under—
 - (i) Part 4 of the 1989 Act (care and supervision);
 - (ii) Part 5 of the 1989 Act (protection of children);
 - (iii) paragraph 19(1) of Schedule 2 to the 1989 Act (approval by the court of local authority arrangements to assist children to live abroad); or
 - (iv) the 2002 Act (adoption, placement etc.);
- (b) in exercise of the family court’s jurisdiction in relation to contempt of court where that decision or order was made in, or in connection with, proceedings referred to in sub-paragraph (a); or
- (c) where that decision or order was itself made on an appeal to the family court.

(Appeals in the cases referred to in this paragraph are outside the scope of these rules. The CPR make provision requiring permission to appeal in those cases.)

(1B) Permission to appeal is required under these rules—

- (a) unless paragraph (2) applies, where the appeal is against a decision made by a circuit judge, Recorder, district judge or costs judge; or
- (b) as provided by Practice Direction 30A.]

(2) Permission to appeal is not required where the appeal is against—

- (a) a committal order; ^{F2}...
- (b) a secure accommodation order under section 25 of the 1989 Act ^{F3}; or]

^{F4}(c) a refusal to grant habeas corpus for release in relation to a minor.]

(3) An application for permission to appeal may be made—

- (a) to the lower court at the hearing at which the decision to be appealed was made ^{F5}or, if the hearing is adjourned to a later date, the hearing on that date]; or
- (b) to the appeal court in an appeal notice.

(Rule 30.4 sets out the time limits for filing an appellant's notice at the appeal court. Rule 30.5 sets out the time limits for filing a respondent's notice at the appeal court. Any application for permission to appeal to the appeal court must be made in the appeal notice (see rules 30.4(1) and 30.5(3).)

(4) Where the lower court refuses an application for permission to appeal, a further application for permission to appeal may be made to the appeal court.

(5) [^{F6}Subject to paragraph (5A), where] the appeal court, without a hearing, refuses permission to appeal, the person seeking permission may request the decision to be reconsidered at a hearing.

[^{F7}]^{F8}(5A) Where—

- (a) a judge of the High Court; or
- (b) in the family court—
 - (i) a judge of the High Court;
 - (ii) a Designated Family Judge; or
 - (iii) where the application relates to financial remedy proceedings, a Nominated FRC Circuit Judge,

refuses permission to appeal without a hearing and considers that the application is totally without merit, the judge may make an order that the person seeking permission may not request the decision to be reconsidered at a hearing.]

(5B) Rule 4.3(5) will not apply to an order that the person seeking permission may not request the decision to be reconsidered at a hearing made under paragraph (5A).]

[^{F9}(5C) In paragraph (5A) “Nominated FRC Circuit Judge” means any circuit judge nominated by the National Lead Judge of the Financial Remedies Court for the purposes of that paragraph.]

(6) A request under paragraph (5) must be filed within 7 days beginning with the date on which the notice that permission has been refused was served.

(7) Permission to appeal may be given only where—

- (a) the court considers that the appeal would have a real prospect of success; or
- (b) there is some other compelling reason why the appeal should be heard.

(8) An order giving permission may—

- (a) limit the issues to be heard; and
- (b) be made subject to conditions.

^{F10}(9)

Textual Amendments

- F1** Rules 30.3(1)-(1B) substituted for rule 30.3(1) (3.10.2016) by The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) (Amendment) Order 2016 (S.I. 2016/891), arts. 1, 3 (with art. 4)
- F2** Word in rule 30.3(2)(a) omitted (6.4.2015) by virtue of The Family Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/3296), rules 1(3), 11(a) (with rule 15)
- F3** Word in rule 30.3(2)(b) substituted (6.4.2015) by The Family Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/3296), rules 1(3), 11(b) (with rule 15)
- F4** Rule 30.3(2)(c) inserted (6.4.2015) by The Family Procedure (Amendment No. 4) Rules 2014 (S.I. 2014/3296), rules 1(3), 11(c) (with rule 15)
- F5** Words in rule 30.3(3)(a) inserted (1.4.2022) by The Family Procedure (Amendment) Rules 2022 (S.I. 2022/44), rules 1(3), 28(1)
- F6** Words in rule 30.3(5) substituted (1.4.2013) by The Family Procedure (Amendment) Rules 2013 (S.I. 2013/530), rules 1, 5(a)

- F7** Rule 30.3(5A)(5B) inserted (1.4.2013) by The Family Procedure (Amendment) Rules 2013 (S.I. 2013/530), rules 1, **5(b)**
- F8** Rule 30.3(5A) substituted (6.4.2023) by The Family Procedure (Amendment) Rules 2023 (S.I. 2023/61), rules 1(3), **14(a)**
- F9** Rule 30.3(5C) inserted (6.4.2023) by The Family Procedure (Amendment) Rules 2023 (S.I. 2023/61), rules 1(3), **14(b)**
- F10** Rule 30.3(9) omitted (22.4.2014) by virtue of The Family Procedure (Amendment No. 2) Rules 2014 (S.I. 2014/667), rules 1, **22(b)** (with rule 45)

Changes to legislation:

There are currently no known outstanding effects for the The Family Procedure Rules 2010, Section 30.