

Chapter 1

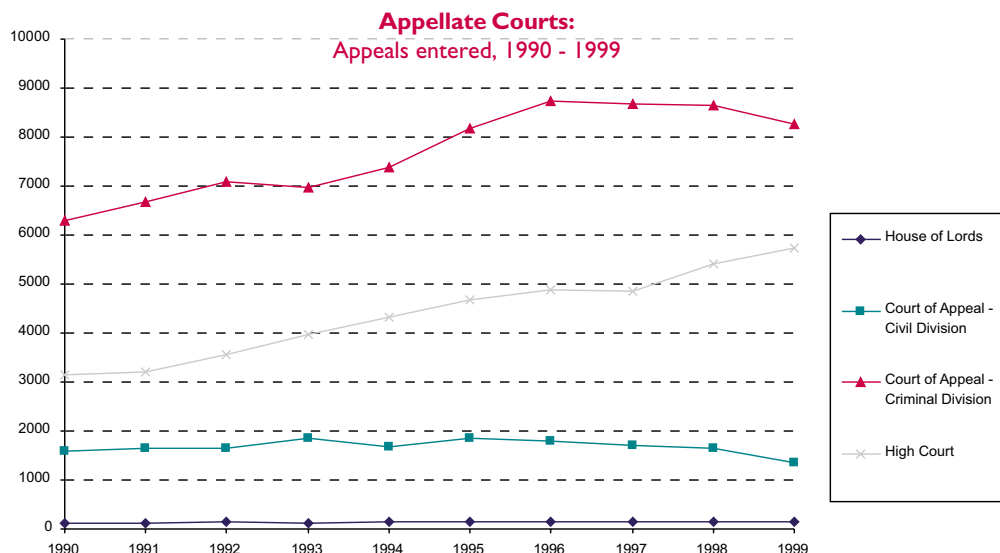
Appellate Courts

The various appellate courts are-

- **The Judicial Committee of the Privy Council** - the final court of appeal for 24 Commonwealth territories and six independent Republics within the Commonwealth
- **The House of Lords** - the supreme Court of Appeal in Great Britain and Northern Ireland
- **The Court of Appeal** - divided into the *Criminal Division* hearing appeals from the Crown Court and Courts Martial, and the *Civil Division* hearing appeals mainly against decisions in the High Court and county courts
- **The High Court** - has three Divisions - Chancery Division (Chapter 2), Queen’s Bench Division (Chapter 3) and Family Division (Chapter 5) - each of which handles different types of civil work. It exercises an appellate jurisdiction through its three Divisions in such matters as bankruptcy, judicial review, and ‘case stated’ (ruling whether a court or tribunal was wrong in law or in excess of its jurisdiction) and appeals from magistrates’ courts in domestic matters including orders involving children

During 1999-

- 64 appeals were disposed of by the Judicial Committee of the Privy Council (Table 1.1)
- 46% of appeals disposed of by the House of Lords were allowed or varied (Table 1.4)
- of the appeals heard by the Court of Appeal Criminal Division, 31% against conviction and 72% against sentence were allowed (Table 1.8)
- in the Civil Division of the Court of Appeal 1,127 final appeals were disposed of, 25% of which were allowed (Table 1.9)
- Appeals and applications entered in the Queen’s Bench Division rose by nearly 7% (Table 1.17)



Figures for the House of Lords include those for the Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council has a Commonwealth, domestic and pastoral jurisdiction. Five judges normally sit to hear Commonwealth appeals and will in future do so to hear devolution appeals and references. Three sit for other matters. Exercising its Commonwealth jurisdiction, which is the largest part of its work, the Committee hears appeals from those independent Commonwealth countries which have retained the appeal to Her Majesty in council and from the United Kingdom overseas territories. The independent countries include New Zealand, Jamaica and St. Vincent and the Grenadines; the U.K. overseas territories include Bermuda, the British Virgin Islands, Gibraltar and the Cayman Islands. The Committee also hears appeals from certain republics within the Commonwealth, notably Dominica, Mauritius and Trinidad and Tobago. By agreement with the Sultan of Brunei, the Committee hears appeals from the Brunei Court of Appeal, but in civil matters only.

The Committee derives its statutory powers from the Judicial Committee Act 1833 but its history goes back to medieval times when the King sought his Privy Council's advice on disputes arising in the Channel Islands, from where an appeal still lies. The Committee has both civil and criminal jurisdiction; it also determines constitutional appeals from countries which have achieved independence since 1945 and have a written constitution.

A total of 69 appeals and 67 petitions for special leave to appeal were registered in 1999 (78 and 95 respectively in 1998), and the Judicial Committee sat on 118 days (105 in 1998). While much of its heavier civil business continues to come from New Zealand, the majority of its criminal business originates in the Caribbean. There is however a growing number of substantial civil appeals from Caribbean.

Leave to appeal in criminal cases can only be granted by the Judicial Committee itself and a significant part of the Judicial Committee's time is spent in determination of applications for special leave to appeal in such cases; indeed a majority of all petitions for special leave to appeal are by convicted murderers sentenced to death. Of the 82 petitions for special leave to appeal heard in 1999, 37 were granted and 45 refused.

The Judicial Committee's domestic jurisdiction has hitherto consisted mainly of hearing appeals by doctors and members of other health professions from the Professional Conduct and other Committees of the governing bodies of those professions. In 1999 judgment was given in nine such appeals (eight in 1998) following a hearing, the majority being under the Medical Act 1983. The Committee has also jurisdiction under the Pastoral Measure 1983 to hear appeals against Church Commissioners' Schemes, principally in regard to the uniting of parishes or benefices. Leave to appeal must first be obtained from the Judicial Committee.

In 1999 the Judicial Committee acquired jurisdiction to hear and determine questions relating to the competences and functions of the legislative and executive authorities established in Scotland and Northern Ireland by the Scotland Act 1998 and the Northern Ireland Act 1998, respectively, and questions as to the competence and functions of the Assembly established by the Government of Wales Act 1998. Cases of this kind can reach the Judicial Committee through four routes-

- a) direct references of a Bill of the Scottish Parliament or Northern Ireland Assembly, to be heard in the Judicial Committee as a court of first instance;
- b) appeals to the Judicial Committee from certain superior courts;

- c) references from -
 - i) appellate courts, including the House of Lords, and
 - ii) any court or tribunal, on the application of the appropriate Law Officer or the Welsh Assembly;
- d) references by Law Officers or the Welsh Assembly to the judicial Committee of issues that are not the subject of current legislation or litigation.

When exercising the jurisdiction the Board may consist only of members of Judicial Committee who hold or have held high judicial office in the United Kingdom.

There was one petition for special leave to appeal in a devolution case lodged in 1999 but it does not appear in the table because it was not determined until after the end of the year.

Of the Commonwealth appeals decided in 1999, 20 were civil and 19 were criminal. Among the rulings of the Privy Council in civil appeals were the following: that land compulsorily acquired by the Crown in New Zealand for mining must be offered back to the former owners if no longer required for that purpose; that the surplus in a pension fund for the employees of a privatised Jamaican Airline should be divided equally between the employees and the airline; that the rupture of two grain silos in Jamaica two weeks after Hurricane Gilbert was caused by the hurricane and was accordingly covered by hurricane damage insurance; that a statutory prohibition in Bermuda on the operation of restaurants which are evidently part of an international chain was not an infringement of constitutionally protected property rights of a company which was planning to operate such a restaurant under licence; and that on the strength of decided cases in other jurisdictions where civil codes akin to the Code Napoleon apply, a gift *inter vivos* of immovable property in St. Lucia could not be revoked by the donor either on grounds that it had not been accepted or on grounds of alleged ingratitude of the recipients.

On the criminal side, a number of appeals raised the question, where an appeal is allowed and the conviction quashed, of how long after the alleged offence was committed it is appropriate to order a retrial. In another case an appeal was allowed and the appellants' convictions quashed on grounds of delay and the number of previous trials or part trials. Other issues included the adequacy of jury directions given with regard to identification evidence, the felony/murder rule and lies told by the accused; also the admissibility of confession statements, the competence of counsel representing the appellant at the trial and/or in the Court of Appeal, and the adequacy of the investigation before or during the trial or on appeal of the accused's mental state in cases where such an investigation seemed to be called for. In the constitutional motions by condemned men the grounds on which it was claimed that death sentences ought not be carried out included bad prison conditions (including allegations that the appellants were not given their rights under the prison rules), that the Inter-American Commission on Human Rights had ordered a stay of execution, that two unlawful death warrants had previously been read and that hanging as a method of execution is unconstitutional.

The domestic appeals included on major appeal arising out of the events at the Bristol Royal Infirmary where a number of babies had died following paediatric cardiac surgery; one of the issues in the appeal was as to the professional responsibility (as a doctor) of the person who was the chief executive of the hospital. In another appeal the Privy Council held that the Health Committee of the General Medical Council had a duty to give at least a short statement of their reasons for their decisions.

Table 1.1
Judicial Committee of the Privy Council: Appeals entered and disposed of, showing results, 1999

Courts from which appeals were brought	Number of appeals entered	Appeals disposed of				Total	Appeals pending at end of year
		After a hearing			Without a hearing ¹		
		Dismissed	Varied	Allowed			
Commonwealth Territories and Republics:							
Anguilla	1	-	-	-	-	-	1
Antigua and Barbuda	-	-	-	-	-	-	1
Bahamas	5	1	-	-	1	2	5
Barbados	-	1	-	1	-	2	-
Belize	1	-	-	1	1	2	1
Bermuda	1	1	-	-	-	1	2
Cayman Islands	-	1	-	-	-	1	1
Dominica	1	-	-	-	-	-	1
Gibraltar	-	-	-	1	-	1	-
Grenada	1	-	-	-	-	-	1
Jamaica	8	4	-	2	1	7	10
Jersey	1	1	-	-	-	1	1
Mauritius	5	3	-	-	-	3	5
New Zealand	14	4	-	2	4	10	8
St. Christopher and Nevis	-	-	-	1	-	1	-
St. Lucia	-	1	-	-	-	1	2
St. Vincent and The Grenadines	2	-	-	-	-	-	2
Trinidad and Tobago	10	5	-	9	1	15	10
Turks and Caicos Islands	1	-	-	-	1	1	1
Virgin Islands	1	-	-	-	-	-	2
Appeals under Medical Act 1983	12	6	-	1	5	12	9
Appeals under Dentists Act 1984	3	-	-	1	1	2	1
Professions Supplementary to Medicine Act 1960	2	1	-	-	-	1	1
Appeals under the Pastoral Measure 1983	-	1	-	-	-	1	-
Total	69	30	-	19	15	64	65

¹Dismissed for non-prosecution, or withdrawn

Table 1.2.
Judicial Committee of the Privy Council: Petitions for special leave to appeal heard, granted and refused, 1999

	Granted	Refused	Total number heard
Commonwealth or other territory			
The Bahamas	1	1	2
Barbados	-	1	1
Belize	2	-	2
Bermuda	1	-	1
Cayman Islands	1	1	2
Dominica	1	-	1
Gibraltar	-	1	1
Grenada	3	-	3
Isle of Man	-	1	1
Jamaica	4	10	14
Mauritius	1	3	4
New Zealand	1	5	6
St. Christopher and Nevis	1	-	1
St. Vincent and The Grenadines	2	1	3
Trinidad and Tobago	19	21	40
Total	37	45	82

The House of Lords

The House of Lords is the supreme court of appeal in Great Britain and Northern Ireland, save that it has no jurisdiction to hear appeals in Scottish criminal cases. An appeal lies to the House of Lords-

- (a) from any order or judgment of the Court of Appeal in England, by leave of that court or of the House of Lords subject to restrictions imposed by statute or by practice in specific matters
- (b) from any order or judgment of the Court of Session in Scotland unless such appeal has been excluded by statute
- (c) in certain circumstances (limited by statute) direct from a decision of the High Court
- (d) from any order or judgment of the Court of Appeal in Northern Ireland, by leave of that court or of the House of Lords, subject to statutory restrictions
- (e) in certain circumstances (limited by statute) direct from the decision of the High Court in Northern Ireland

Petitions for leave to appeal are referred to an Appeal Committee of three Lords of Appeal. Leave to appeal is usually either refused or provisionally granted (subject to the respondent's objections) solely on the basis of written submissions by the parties, but the Committee may also decide to hear Counsel for the parties at an oral hearing before a final decision is taken. During 1999, 241 petitions for leave to appeal were entered and 235 were disposed of, 68 of which were allowed and 86 were outstanding at the end of the year.

Table I.3
House of Lords: Petitions for leave to appeal presented and disposed of, showing results, 1999

Courts from which appeals were brought	Number of petitions entered	Petitions disposed of				Dismissed as inadmissible	Total
		Withdrawn	Allowed	Refused			
England & Wales:							
Court of Appeal							
Civil	196	12	58	123	2	195	
Criminal	12	1	3	6	-	10	
Court Martial	-	-	-	-	-	-	
Attorney General's Reference	-	-	-	-	-	-	
Divisional Court	27	-	5	17	-	22	
High Court ('Leapfrog')	1	-	1	-	-	1	
Scotland:							
Court of Session	1	-	-	1	-	1	
Northern Ireland:							
Court of Appeal							
Civil	2	-	1	3	-	4	
Criminal	2	-	-	2	-	2	
Divisional Court	-	-	-	-	-	-	
Total	241	13	68	152	2	235	

Apart from occasional appeals heard in the Chamber during parliamentary recesses or prorogation of Parliament, appeals are heard by an Appellate Committee which normally consists of five Lords of Appeal. Hearings typically last two to three days. After the members of the Committee have written their opinions, the Committee reports to the House when it sits for judicial business, normally on a Thursday. Counsel usually attend, and may be invited to make oral submissions on costs before judgment is delivered.

Judgments of the House of Lords can be found on the Internet, at www.parliament.uk. Further information about the role and work of the Law Lords can also be found on this site.

During 1999, 82 appeals were presented of which 67 were from the Civil Division of the Court of Appeal. A total of 60 appeals were determined by way of a judgment. At the end of the year 75 appeals were pending and a further 19 were awaiting Judgment (5 of the latter are awaiting ruling from the Court of Justice of the European Communities).

Table I.4
House of Lords: Appeals presented and disposed of, showing the courts appealed from and results, 1999

Courts from which appeals were brought	Number of appeals presented	Appeals disposed of					Point of law answered	Total	Vacated & ordered to be reheard
		Without a judgment	Allowed	Allowed in part/varied	Dismissed	Judgment			
England & Wales:									
Court of Appeal									
Civil	67	14	20	5	18	-	57	-	
Criminal	3	1	-	-	-	-	1	-	
Attorney General's Reference	-	-	-	-	-	-	-	-	
Divisional Court	6	-	3	3	4	-	10	-	
High Court ('Leapfrog')	1	-	-	-	-	-	-	-	
Courts Martial	-	-	-	-	-	-	-	-	
Scotland:									
Court of Session (Civil)	4	1	3	1	-	-	5	-	
Northern Ireland:									
Court of Appeal									
Civil	1	-	-	-	1	-	1	-	
Criminal	-	-	-	-	2	-	2	-	
Divisional Court	-	-	-	-	-	-	-	-	
Total	82	16	26	9	25	0	76	-	

Table 1.5
House of Lords: Civil appeals determined, showing subject matter, 1999

Subject matter	Total determined
Children	3
Commons	1
Company	1
Deed	1
Defamation	1
Employment	7
European Community	1
Extradition	5
Husband and Wife	1
Immigration	2
Insurance	2
Judicial Review	2
Landlord and Tenant	5
Negligence	4
Parliament	1
Planning	2
Police (right of search)	1
Practice	2
Prisons	2
Rating	1
Revenue	6
Road traffic	2
Servitude	1
Social Security	1
Tresspass	1
Undue Influence	1
Vendor and Purchaser	1
Total	58

During 1999, one case was referred to the Court of Justice of the European Communities and three judgments were received; five references were pending at the end of the year. 132 interlocutory petitions were presented during the year - 118 of which were not referred to an Appeal Committee. The total number of days sat for judicial business was 114.

Table 1.6
House of Lords: Miscellaneous proceedings and days sat, 1999

Nature of Proceedings	
Interlocutory petitions in appeals presented during the year	132
Committee for Privileges:	
Peerage Claims:	
presented	-
disposed of	-
pending	-
References by the House:	
referred	2
disposed of	2
pending	-
Sittings for Judicial Business:	
Days sat to hear petitions for leave	4
Days sat to hear appeals	110

The Court of Appeal

The Court of Appeal is divided into two Divisions, criminal and civil. Its courtrooms and offices are situated in the Royal Courts of Justice in London. The judges of the Court of Appeal are the Lord Chief Justice, the Master of the Rolls and 35 Lords Justices. The President of the Family Division and the Vice-Chancellor of the Chancery Division also sit there for part of their time. The Criminal Division, presided over by the Lord Chief Justice and the Vice-President of the Criminal Division, hears appeals in criminal matters from the Crown Court. Courts are constituted from the Lord Chief Justice, Vice-President and Lords Justices assisted by High Court judges as required. The Civil Division, presided over by the Master of the Rolls, hears appeals mainly against decisions of the High Court and county courts and also of tribunals and certain other courts such as, for example, the Patents Court. In the Civil Division, courts of two or three judges are normally constituted from the Master of the Rolls and the Lords Justices.

Criminal Division

During 1999, a total of 8,274 applications for leave to appeal were received, of which 2,104 were against conviction in the Crown Court and 6,170 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, 23% (480) of those seeking to appeal against conviction were granted as were 28% (1,743) against sentence (28% and 29% respectively in 1998). Of those applications which were refused, 637 were renewed to the Full Court against conviction and 1,072 against sentence.

Table 1.7
Court of Appeal (Criminal Division): Results of applications for leave to appeal, 1990-1999¹

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Received:										
Conviction	1,705	1,957	2,118	2,134	2,342	2,393	2,288	2,318	2,099	2,104
Sentence	5,255	4,714	4,959	4,848	5,050	5,794	6,436	7,160	6,550	6,170
Total	6,307	6,671	7,077	6,982	7,392	8,187	8,724	9,478	8,649	8,274
Considered by single judge:										
Conviction:										
Granted	443	569	517	601	514	472	419	589	542 ²	480
Refused	1,009	1,038	1,035	1,088	1,376	1,444	1,429	1,530	1,407	1,402
Sentence:										
Granted	1,579	1,623	1,541	1,597	1,213	1,263	1,544	1,801	1,909	1,743
Refused	3,308	3,378	3,187	2,863	3,675	3,846	4,629	4,810	4,613	4,095
Total	6,339	6,608	6,280	6,149	6,778	7,025	8,021	8,730	8,471	7,720
Applications renewed:										
Conviction	429	344	406	372	527	579	474	665	668	637
Sentence	679	672	505	347	573	635	823	1,105	1,147	1,072
Total	1,108	1,016	911	719	1,100	1,214	1,297	1,770	1,815	1,709
Applications to renew granted by Full Court:										
Conviction	101	93	50	73	27	123	155	131	172	123
Sentence	209	196	95	49	56	151	146	391	377	306
Total	310	289	145	122	83	274	301	522	549	429

¹ From 1997, figures relate to applications rather than appellants

² Revised figure

Of the appeals heard by the Full Court during 1999, 31% (171) against conviction were allowed and 72% (1,564) against sentence were allowed (the same percentage as last year). 70 retrials were ordered by the Full Court compared to 73 in 1998.

Table 1.8
Court of Appeal (Criminal Division): Results of appeals heard by the Full Court, 1990-1999¹

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Conviction:										
Allowed	256	269	299	402	351	253	250	236	290	171
Dismissed	337	308	370	524	577	521	469	367	403	380
Sentence:										
Allowed	1,526	1,219	1,049	1,309	1,384	1,222	1,379	1,468	1,589	1,564
Dismissed	492	514	439	600	643	538	603	602	609	614
Number of retrials ordered	3	15	12	20	51	52	53	33	73	70

¹ From 1997, figures relate to applications rather than appellants

Civil Division

Overall figures have remained largely the same, the exception being the increase of 52 appeals in Queens Bench Division final cases. The numbers of Chancery and Queen's Bench Division appeals have also risen, and the disposal figure in these areas has doubled. County court cases also show an increase of 30% in disposals when compared to those set down.

Table 1.9
Court of Appeal (Civil Division): Final appeals set down and disposed of, showing court appealed from and results, 1999

Court or tribunal appealed from	Set down	Disposed of					Total
		Allowed	Dismissed	Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
Chancery	105	26	43	44	4	8	125
Revenue	13	1	5	3	-	-	9
Bankruptcy	14	5	5	4	-	2	16
Family Division	6	3	4	1	-	-	8
Queen's Bench	130	43	92	89	7	28	259
Queen's Bench Divisional	112	40	47	21	-	5	113
Queen's Bench Commercial	28	5	12	11	1	1	30
Queen's Bench Admiralty	5	-	3	1	-	2	6
County court	319	119	176	87	9	23	414
County court divorce	10	6	10	-	-	-	16
County court admiralty	-	-	-	-	-	-	-
Lands Tribunal	3	3	3	2	-	-	8
Employment Appeal Tribunal	31	12	13	6	-	2	33
Immigration Appeal Tribunal	70	10	10	15	-	16	51
Patents Court	17	1	3	10	-	3	17
Social Security Commissioners	11	5	8	6	-	3	22
Other Tribunals	2	-	-	-	-	-	-
Total	876	279	434	300	21	93	1,127

Table I.10.
Court of Appeal (Civil Division): Interlocutory appeals set down and disposed of, showing the courts appealed from and results, 1999

Court or tribunal appealed from	Disposed of						Total
	Set down	Allowed	Dismissed	Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
Chancery	63	30	26	16	-	4	76
Revenue	-	-	-	-	-	-	-
Bankruptcy	1	-	-	1	-	-	1
Family Division	18	3	9	4	-	-	16
Queen's Bench	139	44	71	42	2	21	80
Queen's Bench Divisional	-	-	-	-	-	-	-
Queen's Bench Commercial	30	11	19	11	-	1	42
Queen's Bench Admiralty	1	-	2	1	-	-	3
County court	141	58	40	36	1	12	47
County court divorce	50	22	18	4	-	7	51
County court admiralty	-	-	-	-	-	-	-
Lands Tribunal	-	-	-	-	-	-	-
Employment Appeal Tribunal	1	-	1	-	-	-	1
Immigration Appeal Tribunal	-	-	-	-	-	-	-
Patents Court	19	5	12	3	-	-	20
Social Security Commissioners	-	-	-	-	-	-	-
Other Tribunals	-	-	-	-	-	-	-
Total	463	173	198	118	3	45	537

Applications to the Court of Appeal show a general increase over the past four years, particularly with regard to Single judge applications, which are largely for permission to appeal. The exceptions to this trend are the Registrar's or Master's cases, where the figures have dropped from 240 issued in 1996, to 43 issued in 1999.

Table I.11
Court of Appeal (Civil Division): Applications set down and disposed of, 1990-1999

Year	Full Court ¹		Single judge		Permission to Appeal		Registrar/Master		Total	
	Set down	Disposed	Set down	Disposed	Set down	Disposed	Set down	Disposed	Set down	Disposed
1990	528	489	609	580	-	-	289	290	1,426	1,359
1991	542	554	656	593	-	-	265	257	1,463	1,404
1992	655	545	755	696	-	-	270	249	1,680	1,490
1993	1,198	842	537	730	-	-	245	231	1,980	1,803
1994	1,674	1,492	524	528	-	-	247	249	2,445	2,269
1995	1,756	1,779	687	486	-	-	215	239	2,658	2,504
1996	655	593	80	67	1930	1790	240	210	2,905	2,660
1997	622	661	71	69	1844	2031	201	212	2,738	2,973
1998	715	715	165	144	1897	1934	68	128	2,845	2,921
1999	596	623	1326	1150	2343	2098	43	49	4308	3920

¹ Includes new 'leave to appeal' cases

The High Court

The three Divisions of the High Court exercise appellate jurisdiction in the following manner-

- (a) The Divisional Court of the Chancery Division hears appeals in revenue matters from the Commissioners of Taxes. All bankruptcy appeals from the county courts and from the High Court Registrars under the Insolvency Act 1986 are heard by a single judge of the Chancery Division
- (b) The Divisional Court of the Queen's Bench Division and the Crown Office List nominated judges, exercise jurisdiction in respect of
 - (i) Judicial Review
 - (ii) Appeals by way of 'case stated'
 - (iii) Habeas Corpus
 - (iv) Committal for contempt committed in an inferior court or elsewhere (but not in connection with proceedings in the High Court)
 - (v) Appeals and applications under various statutory provisions including those on planning matters under the Town and Country Planning Acts
- (c) The Divisional Court of the Family Division hears appeals from magistrates' courts in a wide variety of domestic matters including orders involving children. The appeals are entered at the Principal Registry in London

In the Queen's Bench Divisional Court, supervisory jurisdiction, by way of judicial review, is exercised over the Crown Court (for matters relating to trial on indictment), inferior courts and tribunals, and the actions and decisions of public bodies or Government ministers or other persons charged with the performance of public acts and duties. The remedy of judicial review is concerned with the legality and propriety of the decision-making process as distinct from the merits of the decision in question. It is only appropriate when all other avenues of appeal have been exhausted. The court exercises control when deemed appropriate by making what are known as 'prerogative orders'. These may for example command a person or body to perform a duty, prohibit an inferior court or tribunal from exceeding its jurisdiction or quash the decision under challenge.

Appeals by way of case stated arise when a person is dissatisfied on a point of law with a decision of the Crown Court, a magistrates' court or other tribunal. The court or tribunal concerned is required to 'state a case' by preparing a statement for the opinion of the High Court giving the facts and the reason for the decision and setting out the question for the Divisional Court.

An application for a writ of Habeas Corpus is usually made to the Divisional Court but if no court is sitting a single judge may hear the matter. This procedure provides for a person detained in custody (eg in prison, police cell or elsewhere) to challenge the legality of his detention. If the imprisonment is found to be unlawful the court will order release but otherwise the person concerned is returned to custody.

Chancery

The Chancery Division disposed of 180 appeals and special cases in 1999, 26 more than in 1998. The number of bankruptcy appeals from county courts (89) accounted for 50% of disposals in 1999 (53% in 1998). Of these, 21 were allowed, 19 withdrawn or struck out and the remaining 49 dismissed after hearing.

Table I.12
High Court - Chancery Division: Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter and results, 1999

	Set down for hearing	Disposed of				Total
		After hearing			Withdrawn or struck out	
		Allowed	Dismissed	Otherwise disposed		
Subject matter						
Taxes Management Act 1970						
Section 56	18	6	18	-	10	34
Taxes Management Act 1970						
Section 100	4	-	-	-	-	-
Bankruptcy:						
county courts	85	21	49	-	19	89
High Court Registrars	42	12	34	-	11	57
Total	149	39	101	-	40	180

Queen's Bench

In the Queen's Bench Divisional Court a total of 4,959 applications for leave to apply for judicial review were received in 1999. 49% of the total applications for leave to apply for judicial review dealt with in 1999 were allowed. In 1999 immigration matters 41% (597) of the 1,440 applications for permission determined were allowed, and in criminal, housing and other matters 57% (776) of the total 1,358 applications for permission determined were allowed. Of the 1,077 substantive applications for judicial review disposed of in 1999, 47% (504) were allowed, 19% (208) were dismissed and 34% (365) withdrawn.

Table I.13
High Court - Queen's Bench Division - Crown Office Matters: Applications for permission to apply for judicial review and applications for judicial review disposed of and results, 1999

Nature of review	Applications for permission to apply for judicial review				Applications for judicial review disposed of					
					Determined by the Court					
	Received	Granted	Refused	Lapsed ¹	Single judge		Divisional Court		Withdrawn	Total
				Allowed	Dismissed	Allowed	Dismissed			
Immigration	2,769	597	843	807	188	40	1	-	127	356
Criminal	338	147	108	162	4	-	101	49	30	184
Others	1,715	600	458	640	171	108	19	8	176	482
Homeless	137	29	16	59	20	3	-	-	32	55
Total	4,959	1,373	1,425	1,668	383	151	121	57	365	1,077

¹ This figure is the total number of applications refused but not renewed, and applications withdrawn or otherwise not proceeded with at this stage

A total of 149 appeals by way of case stated were received in 1999, a decrease of 26% on the number received in 1998 (201). The vast majority, 78% (116), were appeals from magistrates' courts. Of the total number of 132 cases disposed of in 1999, 51% (67) were allowed, 45% (59) dismissed and 4% (6) were withdrawn.

Table 1.14
High Court - Queen's Bench Division - Crown Office Matters: Appeals by way of case stated received and disposed of and results, 1999

Court or tribunal appealed from	Total received	Disposed of					Withdrawn	Total
		Determined by the Court						
		Single judge		Divisional Court				
		Allowed	Dismissed	Allowed	Dismissed			
Crown Court	28	1	-	5	15	2	23	
Magistrates' Court	116	11	9	46	33	4	103	
Minister or Tribunal	5	-	-	4	2	-	6	
Total	149	12	9	55	50	6	132	

A total of 458 appeals and applications other than by way of judicial review and case stated were received in the Crown Office during 1999, a decrease of 4% on the total number received in 1998. 87% of the cases (397) were concerned with statutory appeals. Of the total number of 278 cases disposed of in 1999, 36% (99) were allowed, 36% (101) were dismissed and 28% (78) were withdrawn.

Table 1.15
High Court - Queen's Bench Division - Crown Office Matters: Appeals and applications received and disposed of (other than by judicial review and case stated) and results, 1999

Nature of appeal/ application	Total received	Disposed of					Withdrawn	Total
		Determined by the Court						
		Single judge		Divisional Court				
		Allowed	Dismissed	Allowed	Dismissed			
Statutory:								
Planning and related ¹	227	66	55	-	-	41	162	
Others	170	24	24	4	9	34	95	
Habeas Corpus	59	-	-	1	12	3	16	
Committal for contempt	2	3	-	1	1	-	5	
Total	458	93	79	6	22	78	278	

¹ Includes appeals/applications under Town and Country Planning Acts, Enforcement and Compulsory Purchase

Family

In the Family Division 12 appeals were disposed of in 1999, 20% less than in 1998. Of these, five were allowed and four dismissed, compared with 15 disposed of in 1998 when eight were allowed and five dismissed. 25% of appeals dealt with were withdrawn or struck out (13% in 1998). At the end of 1999 there were 13 appeals outstanding. Cases 'pending' for more than one year can also be dismissed at the discretion of the President of the Family Division.

Table I.16
High Court - Family Division: Appeals set down and disposed of showing subject matter and results, 1999

	Brought forward	Set down	Allowed	Dismissed	Withdrawn or struck out	Total	Carried forward
Appeals to Divisional Court from orders made by magistrates' court on domestic matters							
Guardianship orders etc	-	-	-	-	-	-	-
Domestic proceedings or maintenance orders	4	20	4	4	3	11	13
By way of 'case stated'	-	1	1	-	-	1	-
Total	4	21	5	4	3	12	13

Table I.17
Appellate Courts: Appeals entered in selected years since 1938, by nature of court

Nature of Court	1938	1958	1968	1978	1988	1990	1997	1998	1999
Judicial Committee of the Privy Council	107	44	37	52	61	52	73	78	69
House of Lords:									
From courts in England & Wales	32	29	41	77	75	54	69	77	77
Elsewhere	11	23	11	6	15	7	14	6	5
Court of Appeal:									
Civil Division	574	668	948	1,401	1,645	1,580	1,715	1,640	1,339
Criminal Division ¹	6,414	6,099	7,235	6,307	8,675	8,649	8,274
High Court:									
Chancery Division	..	27	119	74	111	161	182	186	149
Queen's Bench Division ²	263	186	394	510	1,800	2,738	4,624	5,215	5,566
Family Division	..	102	263	247	240	235	36	19	21
Total	987	1,079	8,227	8,466	11,182	11,134	15,388	15,870	15,500

¹ Includes applications

² Includes judicial review, appeals by way of case stated and statutory appeals

