

# Chapter 1

## Appellate Courts

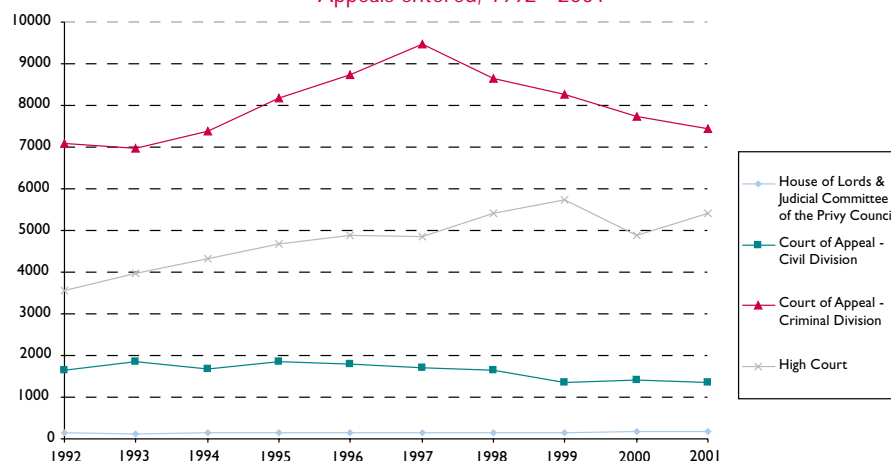
The various appellate courts are-

- **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 2001-

- 85 appeals were disposed of by the Judicial Committee of the Privy Council (Table 1.1)
- 53% 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, 30% against conviction and 66% against sentence were allowed (Table 1.8)
- in the Civil Division of the Court of Appeal 1,120 final appeals were disposed of, 30% of which were allowed (Table 1.9)
- Appeals and applications entered in the Queen’s Bench Division increased by nearly 12% (Table 1.17)

**Appellate Courts:**  
Appeals entered, 1992 - 2001



## The Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council was given its name and established on its present statutory footing by the Judicial Committee Act 1833, but the origins of its overseas jurisdiction go 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. Today the Judicial Committee of the Privy Council has both a Commonwealth and a domestic jurisdiction.

In 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 or, in the case of Republics, to the Judicial Committee itself; it also hears appeals from United Kingdom overseas territories. By agreement with the Sultan of Brunei, the Committee can hear appeals from the Brunei Court of Appeal, but in civil matters only, and gives its advice to the Sultan.

The Judicial Committee's domestic jurisdiction has four main elements-

- a) appeals and references under the devolution statutes of 1998, which give the Judicial Committee jurisdiction to hear and determine "devolution issues", i.e. issues relating to the competences and functions of the devolved legislative and executive authorities established in Scotland, Northern Ireland and Wales
- b) appeals from decisions of disciplinary and other committees of the bodies governing the medical, dental, veterinary and other health-care professions
- c) appeals from the Channel Islands and Isle of Man, which are analogous to Commonwealth appeals and are dealt with under the same rules
- d) appeals against pastoral schemes under the Pastoral Measure 1983

Leave to appeal to the Judicial Committee of the Privy Council is usually required. For Commonwealth civil appeals leave can be granted by the Court of Appeal and in many countries the appellant is entitled to be given leave as of right if the amount in dispute exceeds a given value. Leave to appeal is not required for health-care profession appeals or devolution appeals from the Inner House of the Scottish Court of Session. For criminal appeals from outside the United Kingdom leave to appeal cannot usually be given by the Court of Appeal except where the appeal turns on a question of constitutional interpretation, in which case the appellant is usually entitled to be given leave by the Court of Appeal as of right. Where leave to appeal cannot be given by the Court of Appeal, or it has refused leave, the would-be appellant may apply by way of petition to the Judicial Committee for special leave to appeal. Under the rules for Commonwealth appeals all such petitions are dealt with at an oral hearing unless the respondent consents; but in devolution and pastoral cases they are dealt with on the papers unless they are referred for an oral hearing.

For Commonwealth appeals and for devolution appeals and references a board of five members of the Judicial Committee will normally sit; other appeals and petitions and other matters are dealt with by a Board of three, which is the quorum.

In 2001 the Judicial Committee sat on 123 days (102 in 2000). A total of 102 appeals were registered during the year (90 in 2000) and 58 petitions for special leave to appeal were dealt with (64 in 2000).

Of the Commonwealth appeals dealt with during 2001, 41 were civil and 13 were criminal; of these, nine appeals (all civil) were either dismissed for non-prosecution or withdrawn. New Zealand is the largest single source of civil appeals: following the pattern of recent years the appeals from there were mostly commercial or revenue disputes or cases under the Public Works Act 1981 where the issue was whether a public authority had to sell back to the original owners land that was no longer needed for the purpose for which it was originally compulsorily acquired. Some New Zealand appeals were, however, of a different character. One raised the question whether the Maori Land Court had power to grant an injunction against a local authority which had begun a statutory process to designate land for the route of a road. Another raised issues as to the distribution of assets held for Maori by the Treaty of Waitangi Fisheries Commission: should they be distributed only to "iwi", and if so, does "iwi" mean only traditional Maori tribes or does it include so-called "urban" Maori? In another appeal a barrister and a firm of solicitors challenged the power of the court to order them to pay NZ\$65,000 towards the litigation costs of a former client on the basis that they were incompetent to a level which amounted to a serious dereliction of their duty to the court. Civil appeals of note from other countries included an appeal from Anguilla in a case where the host of a "phone-in" programme on the government radio station which had been closed down by the government, claimed that the suspension of the programme constituted a contravention of his and others' constitutional rights to freedom of expression; an appeal from Antigua and Barbuda in a case where the appellant's equipment used for unauthorised broadcasting had been seized and in its appeal the appellant raised the issue whether the government's refusal to grant it a broadcasting licence breached its constitutional right to freedom of speech; an appeal from Jersey in which an action by the appellant to enforce an agreement for the grant of a right of way over a strip of land was resisted by the respondent on the basis that under the customary law of Jersey a contract for the sale of property at a price which is less than half of the real value is unenforceable as a "*dol réel*" arising from a "*déception d'outré moitié du juste prix*"; an appeal from the Isle of Man in which the appellants claimed that the respondents, their former employers, had promised to give them their house in return for reduced pay for seven years; an appeal from The Bahamas in a case where the liquidators of a company, acting for the benefit of a group of Canadian shareholders, sought compensation against former officers of the company in respect of false statements which temporarily inflated the value of the company's shares and applied for a world-wide Mareva injunction against their assets; an appeal by the widow of the former Prime Minister of Grenada seeking to compel the return by the government of property that was illegally confiscated from her husband by the revolutionary government of 1979-83; an appeal from the Turks and Caicos Islands raising issues as to the proper law of arbitration proceedings and the meaning of a "reasoned award"; an appeal from Jamaica in an action for conversion of a cheque, or alternatively for restitution of money paid out by way of mistake, the result of activities by fraudulent third parties; another appeal from Jamaica in which the majority shareholders in a bank and a building society claimed that the assumption by the government of temporary management and control amounted to a compulsory acquisition and that under the Constitution they were entitled to compensation.

There was a decline in 2001 in the volume of criminal appeals both in absolute terms and as a proportion of the total. There was also a significant drop in the number of criminal cases registered during the year. As in all recent years, the majority of criminal appeals disposed of from the Commonwealth were cases of capital murder. There were no constitutional decisions of note in criminal appeals in 2001.

In its devolution jurisdiction, the Judicial Committee dealt with 10 appeals (in five groups), all of them under the Scotland Act 1998 and all but one group being claims made in Scottish criminal proceedings that the Lord Advocate, as prosecutor, was infringing their human rights. In one of these cases a drug trafficker claimed that he was being wrongly penalised by way of a confiscation order for offences of which he had not been convicted; in another group of cases the issue was as to whether the financial limits imposed by legal aid regulations on defence costs were compatible with the accused's right to a fair trial; and in a third group of cases the issue was whether temporary sheriffs in Scotland have the independence and impartiality required by the European Human Rights Convention. One group of three cases arose out of civil proceedings relating to legislation of the Scottish Parliament, passed in 1999, which precluded the discharge from hospital, where the safety of the public so requires, of a patient who is suffering from a mental disorder, even if he is not detained for medical treatment. Only two new devolution appeals were registered in 2001 (following special leave to appeal granted by the Judicial Committee): they were heard in December 2001 but judgment had not been delivered by the end of the year. Apart from that, no devolution appeals or petitions were pending at the end of 2001.

There were 32 health-care profession appeals registered in 2001, a rise of more than 50% on the figure (19) for 2000. Of the new appeals, the overwhelming majority (30) were under the Medical Act 1983. In some cases it was argued that with the coming into force of the Human Rights Act 1998 the Judicial Committee of the Privy Council was required to adopt a more interventionist approach than before towards appeals of this kind. In the latter part of the year government legislation was introduced into Parliament to replace the right of appeal to the Privy Council with a right of appeal to the High Court in all cases of this kind except appeals by veterinary surgeons.

There were no appeals or petitions for leave to appeal under the Pastoral Measure 1983 in 2001.

**Table 1.1**  
**Judicial Committee of the Privy Council: Appeals entered and disposed of, showing results, 2001**

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 <sup>1</sup>		
		Dismissed	Varied	Allowed			
<b>Overseas:</b>							
Anguilla	1	-	-	1	-	1	1
Antigua and Barbuda	1	-	1	1	-	2	1
Bahamas	4	2	-	-	1	3	4
Barbados	-	2	-	-	-	2	-
Belize	3	-	-	2	1	3	2
Bermuda	4	-	-	-	-	-	4
Cayman Islands	4	1	-	-	1	2	3
Grenada	2	-	-	3	1	4	2
Isle of Man	-	1	-	-	-	1	-
Jamaica	6	2	1	1	-	4	9
Jersey	1	-	-	1	-	1	1
Mauritius	5	1	-	-	1	2	5
New Zealand	14	11	-	2	3	16	13
St. Christopher and Nevis	1	1	-	-	-	1	1
St. Lucia	3	-	-	-	-	-	3
St. Vincent and The Grenadines	-	-	-	1	-	1	-
Trinidad and Tobago	19	1	-	6	1	8	22
Turks and Caicos Islands	-	1	-	-	-	1	-
<b>United Kingdom:</b>							
Appeals under Medical Act 1983	30	10	4	1	6	21	15
Appeals under Dentists Act 1984	1	-	1	-	-	1	1
Professions Supplementary to Medicine Act 1960	1	1	-	-	-	1	-
Appeals under the Scotland Act 1998	2	4	-	5	1	10	2
<b>Total</b>	<b>102</b>	<b>38</b>	<b>7</b>	<b>24</b>	<b>16</b>	<b>85</b>	<b>89</b>

<sup>1</sup> Dismissed for non-prosecution, or withdrawn

**Table 1.2**  
**Judicial Committee of the Privy Council: Petitions for special leave to appeal heard, granted and refused, 2001**

	Granted	Refused	Total number heard
<b>Commonwealth or other territory</b>			
Antigua and Barbuda	1	-	1
The Bahamas	-	7	7
Belize	1	-	1
British Virgin Islands	-	1	1
Cayman Islands	2	-	2
Dominica	1	-	1
Isle of Man	1	1	2
Jamaica	3	3	6
Mauritius	2	2	4
New Zealand	7	6	13
St. Lucia	1	2	3
Trinidad and Tobago	10	2	12
Petitions under Medical Act 1983	-	1	1
Petitions from Scotland under the Scotland Act 1998	2	2	4
<b>Total</b>	<b>31</b>	<b>27</b>	<b>58</b>

## 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 in Ordinary. 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 before making a final recommendation to the House.

During 2001, 274 petitions for leave to appeal were presented, 269 were disposed of (68 of which were allowed) and 99 were outstanding at the end of the year.

**Table 1.3**  
*House of Lords: Petitions for leave to appeal presented and disposed of, showing results, 2001*

Courts from which appeals were brought	Number of petitions presented	Petitions disposed of				Total
		Withdrawn	Allowed	Refused	Dismissed as inadmissible	
<b>England &amp; Wales:</b>						
Court of Appeal						
Civil	196	11	46	135	7	199
Criminal	34	-	13	13	1	27
Court Martial	2	-	2	-	-	2
Attorney General's Reference	-	-	-	1	-	1
Divisional Court	22	2	6	15	-	23
High Court ('Leapfrog')	7	-	5	3	-	8
<b>Scotland:</b>						
Court of Session	-	-	-	-	-	-
<b>Northern Ireland:</b>						
Court of Appeal						
Civil	9	-	1	5	-	6
Criminal	4	-	-	3	-	3
Divisional Court	-	-	-	-	-	-
<b>Total</b>	<b>274</b>	<b>13</b>	<b>73</b>	<b>175</b>	<b>8</b>	<b>269</b>

Apart from occasional appeals heard by the House when not sitting for public business, appeals are heard by Appellate Committees which normally consist of five Lords of Appeal. Hearings typically last two to three days. After the hearing, each member of the Committee writes his opinion; and the Committee report these to the House at a sitting for judicial business, with counsel attending at the bar.

Judgments of the House of Lords can be found on the Internet, at [www.parliament.uk](http://www.parliament.uk). Further information about the role and work of the law lords can also be found on this site.

During 2001, 84 appeals were presented of which 53 were from the Civil Division of the Court of Appeal. A total of 88 appeals received judgment. At the end of the year 57 appeals were pending and a further five were awaiting judgment (one of the latter was awaiting a ruling from the Court of Justice of the European Communities).

**Table 1.4**  
**House of Lords: Appeals presented and disposed of, showing the courts appealed from and results, 2001**

Courts from which appeals were brought	Number of appeals presented	Appeals disposed of			Total	Point of law answered
		Without a judgment	Allowed	Allowed in part/varied		
<b>England &amp; Wales:</b>						
Court of Appeal						
Civil	53	-	30	-	28	1
Criminal	15	-	5	-	6	2
Attorney General's Reference	1	-	-	-	-	1
Divisional Court	5	-	2	-	6	-
High Court ('Leapfrog')	3	-	3	-	-	3
Courts Martial	3	-	-	-	-	-
<b>Scotland:</b>						
Court of Session (Civil)	3	-	3	1	-	4
<b>Northern Ireland:</b>						
Court of Appeal						
Civil	1	-	1	-	-	1
Criminal	-	-	-	-	-	-
Divisional Court	-	-	-	-	-	-
<b>Total</b>	<b>84</b>	<b>-</b>	<b>44</b>	<b>1</b>	<b>40</b>	<b>4</b>

**Table 1.5**  
**House of Lords: Civil appeals (England and Wales) determined, showing subject matter, 2001**

Subject matter	Total determined
Adoption	1
Banking/finance	2
Contract	6
Copyright	1
Duty of care	2
Employment	6
Fair trading	1
Husband and wife	9
Immigration	4
Insolvency	1
Insurance	2
Judicial Review	5
Jurisdiction	1
Landlord and Tenant	2
Misconduct in public office	3
Negligence	1
Pensions	2
Planning	1
Profit from criminal offence	2
Restrictive practices	1
Revenue	3
Shipping	2
<b>Total</b>	<b>58</b>

During 2001, one cause was referred to the Court of Justice of the European Communities for a further ruling and two determinations were received; one reference was pending at the end of the year. 86 interlocutory petitions were presented during the year - 71 of which were not referred to an Appeal Committee. The total number of days sat for judicial business was 124.

**Table 1.6**  
**House of Lords: Interlocutory petitions and days sat, 2001**

Nature of Proceedings	
Interlocutory petitions in appeals presented during the year	86
Sittings for Judicial Business:	
Days sat to hear petitions for leave	16
Days sat to hear appeals	116

## 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 2001, a total of 7,440 applications for leave to appeal were received, of which 1,943 were against conviction in the Crown Court and 5,497 against the sentence imposed. Of the applications for leave to appeal which were considered by a single judge, 28% (438) of those seeking to appeal against conviction were granted as were 31% (1,551) against sentence (27% and 29% respectively in 2000). Of those applications which were refused, 422 were renewed to the Full Court against conviction and 759 against sentence.

**Table 1.7**  
*Court of Appeal (Criminal Division): Results of applications for leave to appeal, 1992-2001<sup>1</sup>*

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Received:</b>										
Conviction	2,118	2,134	2,342	2,393	2,288	2,318	2,099	2,104	2,068	1,943
Sentence	4,959	4,848	5,050	5,794	6,436	7,160	6,550	6,170	5,672	5,497
<b>Total</b>	<b>7,077</b>	<b>6,982</b>	<b>7,392</b>	<b>8,187</b>	<b>8,724</b>	<b>9,478</b>	<b>8,649</b>	<b>8,274</b>	<b>7,740</b>	<b>7,440</b>
<b>Considered by single judge:</b>										
Conviction:										
Granted	517	601	514	472	419	589	542	480	508	438
Refused	1,035	1,088	1,376	1,444	1,429	1,530	1,407	1,402	1,351	1,145
Sentence:										
Granted	1,541	1,597	1,213	1,263	1,544	1,801	1,909	1,743	1,597	1,551
Refused	3,187	2,863	3,675	3,846	4,629	4,810	4,613	4,095	3,892	3,475
<b>Total</b>	<b>6,280</b>	<b>6,149</b>	<b>6,778</b>	<b>7,025</b>	<b>8,021</b>	<b>8,730</b>	<b>8,471</b>	<b>7,720</b>	<b>7,348</b>	<b>6,609</b>
<b>Applications renewed:</b>										
Conviction	406	372	527	579	474	665	668	637	551	422
Sentence	505	347	573	635	823	1,105	1,147	1,072	932	759
<b>Total</b>	<b>911</b>	<b>719</b>	<b>1,100</b>	<b>1,214</b>	<b>1,297</b>	<b>1,770</b>	<b>1,815</b>	<b>1,709</b>	<b>1,483</b>	<b>1,181</b>
<b>Applications to renew granted by Full Court:</b>										
Conviction	50	73	27	123	155	131	172	123	144	150
Sentence	95	49	56	151	146	391	377	306	291	240
<b>Total</b>	<b>145</b>	<b>122</b>	<b>83</b>	<b>274</b>	<b>301</b>	<b>522</b>	<b>549</b>	<b>429</b>	<b>435</b>	<b>390</b>

<sup>1</sup> From 1997, figures relate to applications rather than appellants

Of the appeals heard by the Full Court during 2001, 30% (135) against conviction were allowed and 66% (1,101) against sentence were allowed. 58 retrials were ordered by the Full Court compared to 72 in 2000.

**Table 1.8**

*Court of Appeal (Criminal Division): Results of appeals heard by the Full Court, 1992-2001<sup>1</sup>*

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Conviction:</b>										
Allowed	299	402	351	253	250	236	290	171	150	135
Dismissed	370	524	577	521	469	367	403	380	333	313
<b>Sentence:</b>										
Allowed	1,049	1,309	1,384	1,222	1,379	1,468	1,589	1,564	1,284	1,101
Dismissed	439	600	643	538	603	602	609	614	522	561
<b>Number of retrials ordered</b>	12	20	51	52	53	33	73	70	72	58

<sup>1</sup> From 1997, figures relate to applications rather than appellants

### *Civil Division*

The figures show that the number of applications for permission to appeal remains stable but at a high level. The Court however continues to consider and decide these promptly.

There is a marked decrease in the number of full court applications filed and decided. This is due to a change in jurisdiction allowing a single Lord Justice to decide applications which would previously have been listed before a full court. Applications for permission to apply for judicial review in particular have been affected by this change.

The number of outstanding appeals continues to fall, reflecting the changed routes of appeal in some areas of work, and the effect of the almost universal permission to appeal requirement, which limits the number of cases reaching a full appeal hearing. The outstanding appeal figure includes 115 cases which were stood out pending the House of Lords judgment in 'Zequiri', given on 24th January 2002.

Two areas of change are worthy of note. The introduction of the Human Rights Act in October 2000 and the reduction in hearby dates announced in July 2001.

The introduction of the Human Rights Act had led to predictions of an avalanche of Human Rights issues. There were visions of the courts imploding under the weight of Human Rights cases. There was no implosion however, and thanks to careful and thorough preparation by Judges and the Civil Appeals office, cases brought under the Act have been heard in a speedy, measured and systematic way.

The reduction in hearby dates announced by the Master of the Rolls on 4th July 2001 [2001] 1 WLR 1517 has had the effect of reducing still further waiting times for the hearing of appeals.

**Table 1.9**  
***Court of Appeal (Civil Division): Final appeals filed and disposed of, showing court appealed from and results, 2001***

	Disposed of						Total
	Filed	Allowed	Dismissed	Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
<b>Court or tribunal appealed from</b>							
Chancery	118	43	52	29	1	3	128
Revenue	11	2	13	1	-	-	16
Bankruptcy	14	4	5	2	-	1	12
Family Division	4	1	3	-	1	-	5
Queen's Bench	184	73	90	50	-	13	226
Queen's Bench Administrative Court	226	50	84	21	-	25	180
Queen's Bench Commercial	61	18	29	21	-	3	71
Queen's Bench Admiralty	4	3	3	3	-	-	9
County court	296	95	100	74	-	24	293
County court family	21	8	7	7	-	-	22
County court admiralty	-	-	-	-	-	-	-
Lands Tribunal	9	3	6	6	-	1	16
Employment Appeal Tribunal	43	20	21	12	-	1	54
Immigration Appeal Tribunal	50	11	16	12	-	14	53
Patents Court	15	1	8	4	-	3	16
Social Security Commissioners	13	6	5	2	-	3	16
Other Tribunals	2	-	3	-	-	-	3
<b>Total</b>	<b>1,071</b>	<b>338</b>	<b>445</b>	<b>244</b>	<b>2</b>	<b>91</b>	<b>1,120</b>

**Table 1.10.**  
**Court of Appeal (Civil Division): Interlocutory appeals filed and disposed of, showing the courts appealed from and results, 2001**

Court or tribunal appealed from	Disposed of						Total
	Filed	Allowed	Dismissed	Dismissed by consent	Struck out for failure to provide documents	Otherwise disposed of	
Chancery	36	13	11	8	-	2	34
Revenue	1	1	-	-	-	-	1
Bankruptcy	10	-	4	-	-	1	5
Family Division	21	11	5	1	-	1	18
Queen's Bench	92	34	37	15	-	7	93
Queen's Bench Administrative Court	-	1	-	-	-	-	1
Queen's Bench Commercial	34	9	19	5	-	1	34
Queen's Bench Admiralty	1	-	-	1	-	-	1
County court	45	14	8	8	-	4	34
County court family	46	25	14	-	-	3	42
County court admiralty	-	-	-	-	-	-	-
Lands Tribunal	-	-	-	-	-	-	-
Employment Appeal Tribunal	1	-	1	-	-	-	1
Immigration Appeal Tribunal	-	-	-	-	-	-	-
Patents Court	-	1	-	-	-	-	1
Social Security Commissioners	-	-	-	-	-	-	-
Other Tribunals	-	1	-	-	-	-	1
<b>Total</b>	<b>287</b>	<b>110</b>	<b>99</b>	<b>38</b>	<b>-</b>	<b>19</b>	<b>266</b>

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, although there has been a slight increase in the past two years.

**Table 1.11**  
**Court of Appeal (Civil Division): Applications set down and disposed of, 1992-2001**

Year	Full Court <sup>1</sup>		Single judge		Permission to Appeal		Registrar/Master		Total	
	Filed	Disposed	Set down	Disposed	Set down	Disposed	Set down	Disposed	Set down	Disposed
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	1,930	1,790	240	210	2,905	2,660
1997	622	661	71	69	1,844	2,031	201	212	2,738	2,973
1998	715	715	165	144	1,897	1,934	68	128	2,845	2,921
1999	584	611	1,326	1,150	2,382	2,134	43	52	3,183	2,967
2000	437	566	304	262	2,411	2,604	68	62	3,210	3,494
2001	288	313	320	335	2,415	2,388	72	80	3,095	3,116

<sup>1</sup> 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 Administrative Court (which replaced the Crown Office List on 2 October 2000) 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 number of bankruptcy appeals from county courts (38) accounted for 54% of disposals in 2001 (47% in 2000). Of these, nine were allowed, four withdrawn or struck out and the remaining 25 dismissed after hearing.

**Table 1.12**  
*High Court - Chancery Division: Appeals and special cases from inferior courts and tribunals set down and determined, showing subject matter<sup>1</sup> and results, 2001*

	Set down for hearing	Disposed of			Total
		After hearing			
		Allowed	Dismissed	Withdrawn or struck out	
<b>Subject matter</b>					
<b>Bankruptcy:</b>					
county courts	51	9	25	4	38
High Court Registrars	56	3	24	6	33
<b>Total</b>	<b>107</b>	<b>12</b>	<b>49</b>	<b>10</b>	<b>71</b>

<sup>1</sup> With effect from 4 May 2000 new appeal procedures were created and contained within Part 52 of the Civil Procedure Rules. As a result separate information relating to the Taxes Management Act Section 56 and 100 is no longer collated

## Queen's Bench

In the Queen's Bench Divisional Court a total of 4,732 applications for leave to apply for judicial review were received in 2001. 28% of the total applications for leave to apply for judicial review dealt with in 2001 were allowed. During 2001, in immigration matters 19% (507) of the 2,679 applications for permission determined were allowed, and in criminal, housing and other matters 39% (893) of the total 2,288 applications for permission determined were allowed. Of the 1,325 substantive applications for judicial review disposed of in 2001, 38% (505) were allowed, 39% (523) were dismissed and 22% (297) withdrawn.

**Table 1.13**  
*High Court - Queen's Bench Division - Administrative Court Matters: Applications for permission to apply for judicial review and applications for judicial review disposed of and results, 2001*

Nature of review	Applications for permission to apply for judicial review			Applications for judicial review disposed of					
	Received	Granted	Refused	Determined by the Court					Total
				Single judge		Divisional Court		Withdrawn	
				Allowed	Dismissed	Allowed	Dismissed		
Immigration	2,421	507	2,172	270	80	-	1	83	434
Criminal	330	127	288	-	233	53	53	11	350
Others	1,830	721	1,082	178	149	2	3	186	518
Homeless	151	45	25	2	4	-	-	17	23
<b>Total</b>	<b>4,732</b>	<b>1,400</b>	<b>3,567</b>	<b>450</b>	<b>466</b>	<b>55</b>	<b>57</b>	<b>297</b>	<b>1,325</b>

A total of 137 appeals by way of case stated were received in 2001, an increase of nearly 10% on the number received in 2000 (125). The vast majority, 82% (112), were appeals from magistrates' courts. Of the total number of 116 cases disposed of in 2001, 46% (53) were allowed, 49% (57) dismissed and 5% (6) were withdrawn.

**Table 1.14**  
*High Court - Queen's Bench Division - Administrative Court Matters: Appeals by way of case stated received and disposed of and results, 2001*

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	24	1	3	8	12	-	24	
Magistrates' Court	112	4	1	40	40	5	90	
Minister or Tribunal	1	-	-	-	1	1	2	
<b>Total</b>	<b>137</b>	<b>5</b>	<b>4</b>	<b>48</b>	<b>53</b>	<b>6</b>	<b>116</b>	

A total of 424 appeals and applications other than by way of judicial review and case stated were received in the Administrative Court during 2001, an increase of 17% on the total number received in 2000. 89% of the cases (379) were concerned with statutory appeals. Of the total number of 269 cases disposed of in 2001, 38% (103) were allowed, 48% (128) were dismissed and 14% (38) were withdrawn.

**Table 1.15**  
*High Court - Queen's Bench Division - Administrative Court Matters: Appeals and applications received and disposed of (other than by judicial review and case stated) and results, 2001*

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 <sup>1</sup>	220	51	64	-	-	17	132	
Others	159	24	24	27	37	20	132	
Habeas Corpus	42	-	1	-	1	-	2	
Committal for contempt	3	-	1	1	-	1	3	
<b>Total</b>	<b>424</b>	<b>75</b>	<b>90</b>	<b>28</b>	<b>38</b>	<b>38</b>	<b>269</b>	

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

## Family

In the Family Division five appeals were disposed of in 2001. Of these, one was allowed and three dismissed, compared with 12 disposed of in 2000 when four were allowed and one dismissed. 20% of appeals dealt with were withdrawn or struck out (58% in 2000). At the end of 2001 there were eight appeals outstanding. Cases 'pending' for more than one year can also be dismissed at the discretion of the President of the Family Division.

**Table 1.16**  
**High Court - Family Division: Appeals set down and disposed of showing subject matter and results, 2001**

	Brought forward	Set down	Allowed	Dismissed	Withdrawn or struck out	Total	Carried forward
<b>Appeals to Divisional Court from orders made by magistrates' court on domestic matters</b>							
Guardianship orders etc	-	1	-	-	-	-	1
Domestic proceedings or maintenance orders	5	11	1	3	1	5	6
By way of 'case stated'	-	1	-	-	-	-	1
<b>Total</b>	<b>5</b>	<b>13</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>8</b>

**Table 1.17**  
**Appellate Courts: Appeals entered in selected years since 1938, by nature of court**

Nature of Court	1938	1958	1968	1978	1988	1990	1999	2000	2001
Judicial Committee of the Privy Council	107	44	37	52	61	52	69	90	102
House of Lords:									
From courts in									
England & Wales	32	29	41	77	75	54	77	63	80
Elsewhere	11	23	11	6	15	7	5	16	4
Court of Appeal:									
Civil Division	574	668	948	1,401	1,645	1,580	1,339	1,420	1,358
Criminal Division <sup>1</sup>	..	..	6,414	6,099	7,235	6,307	8,274	7,740	7,440
High Court:									
Chancery Division	..	27	119	74	111	161	149	147	107
Queen's Bench Division <sup>2</sup>	263	186	394	510	1,800	2,738	5,566	4,734	5,293
Family Division	..	102	263	247	240	235	21	12 <sup>3</sup>	13
<b>Total</b>	<b>987</b>	<b>1,079</b>	<b>8,227</b>	<b>8,466</b>	<b>11,182</b>	<b>11,134</b>	<b>15,500</b>	<b>14,222<sup>3</sup></b>	<b>14,397</b>

<sup>1</sup> Includes applications

<sup>2</sup> Includes judicial review, appeals by way of case stated and statutory appeals

<sup>3</sup> Revised since last publication