

Guidance notes for completing the appeal notice

Court staff can tell you about procedure, they cannot give legal advice - for example, about the likely success of the appellant's appeal, whether you should reply to it or whether you should yourself appeal.

If you need legal advice about the appeal, you should contact an advocate immediately.

If you are legally represented, your advocate should complete the form on your behalf.

When to file an appeal notice

You need to file a notice if you wish:

- to appeal against the decision of the lower court or tribunal (this includes asking for the decision to be varied); or
- to ask the appeal court to uphold the decision for different or additional reasons.

You have only a limited time in which to file your appeal notice, so you must act quickly.

General notes on completing the notice

Set out below are notes to help you fill in the form. You should read the notes to each section carefully before you begin to complete that particular section.

Use a continuation sheet if you need more space for your answers, marking clearly which section the information refers to. Write the claim number on it and attach it securely to the notice.

If you do not have all the documents or information you need for your reply or appeal, you must not allow this to delay sending or taking the form to the Court Office within the correct time. Complete the form as fully as possible and provide what documents you have.

Heading

Fill in the boxes in the same way as the appellant's appeal notice which has been served on you. You must include the claim number.

Details of the appeal

Tick the appropriate box to show what you are requesting the appeal court to do.

Details of the decision you are appealing against

Give all the required details. Most of the information you will need to complete this section will be found on the decision you are appealing against.

Set out in the box provided the decision, or the part of the decision, against which you are appealing, as set out in the decision of the lower court or tribunal.

Permission to appeal

If you are appealing the decision of a tribunal, you should check whether you need permission to appeal and, if so, whether you need to ask for that permission from the court or tribunal appealed against or the appeal court.

Variation of decision

If you wish the appeal court to make a decision different from that appealed against, set out the terms of the decision sought.

Grounds of appeal (or for upholding the decision)

An appeal must be based on relevant grounds (reasons for appealing). In certain cases the appeal court will only hear an appeal on the ground that the lower court or tribunal's decision was wrong in law.

Set out briefly your typed reasons and using a continuation sheet if necessary, why you think the lower court or tribunal's decision was wrong or unjust. List your reasons in short separately numbered paragraphs.

If you are asking the appeal court to uphold the lower court or tribunal's decision on different or additional grounds, you must give reasons. Set your reasons out briefly. If possible, list them in short separately numbered paragraphs.

Evidence

Remember that you must not include any grounds for appealing or upholding the decision which rely on evidence that has become available since the decision was made. You may not produce new evidence in your appeal without first obtaining the permission of the appeal court.

Additional orders

If you are asking for a stay and/or an extension of time, tick the appropriate box(es) and give the reasons for your request.

If you wish to make additional applications to the appeal court in connection with your appeal, you may do so either in the appeal notice or in a separate application notice (form HC8A) obtainable from the Courts Office.

Supporting documents

Do not delay filing your appeal notice at the Courts Office, Isle of Man Courts of Justice, Deemsters Walk, Bucks Road, Douglas Isle of Man IM1 3AR. If you have not been able to obtain any of the documents listed below within the time allowed, complete the notice as best you can and ensure the notice is filed on time.

Set in separate lists and firmly attach to the notice:-

- the documents to be used in the appeal which are filed with the notice
- any documents that you intend to use but which you do not have available (with the reasons why you have been unable to obtain them and the date when you expect them to be available).

Whenever possible, the following documents should be filed with your appeal notice:-

- a copy of any order giving or refusing permission to appeal, together with a copy of the court's or tribunal's reasons for allowing or refusing permission to appeal;
- any witness statements or affidavits in support of any application included in your appeal notice;
- any other documents which are necessary to enable the appeal court to reach a decision; and
- such other documents as the appeal court may direct.

All written evidence whether in a witness statement or an affidavit must be typed and a typed copy of any manuscript evidence should also be exhibited to the relevant witness statement, affidavit or other document adducing the same.

You should remember that if you file any of the documents at a later date, you must check whether or not the information contained in the later documents alters any of the details already given in your appeal notice. If it does, you will need to apply to the appeal court for permission to amend the notice.

Filing your completed appeal notice and documents

Send or take the appeal notice and copies of all the other documents so as to reach the Courts Office within the time allowed, with the appropriate fee. The Courts Office can tell you how much this is. You must send or take 2 copies of the appeal notice, plus one copy for the appellant and one copy for each other respondent to be served. The court will stamp each copy of the notice with the court seal, retain one copy and return the others to you.

You must serve the appeal notice on the appellant and each other respondent as soon as practicable but no later than 7 days after it is filed in the Courts Office. Each respondent must be served with:-

- a copy of your appeal notice
- a set of copies of all the other documents which you have filed

If you file any additional document, you must also serve a copy of it on the appellant and each other respondent.

When you receive a copy of your appeal notice with the date and time for case management endorsed thereon you must serve it upon each respondent as soon as practicable but in any event no later than 7 days after it was issued by the Courts Office.