

**PRACTICE NOTE**

**COURT OF APPEAL, CIVIL DIVISION  
LISTING WINDOWS AND HEAR-BY DATES**

1. The hear-by dates for different classes of appeal were last revised and published in the Court of Appeal's consolidated Practice Direction [1999] 1 WLR 1027 which has since been superseded by CPR Part 52 and its supplemental Practice Direction. In my review of the legal year 1999/2000 I announced that the hear-by dates for certain appeals, which had previously stood at 15 months would, from November 2000, be reduced to 12 months. The table below sets out further reductions in hear-by dates reflecting the very substantial progress made by the Court in improving the service it offers litigants. The longest hear-by date will now be 10 months and most considerably less. These dates will apply to all appeals filed on or after 1<sup>st</sup> October 2001.
2. In the exercise of its case management responsibilities the Court will strive to ensure that appeals are generally heard within their listing windows, many of which have now been enlarged. Applications for an expedited hearing will continue to be determined by a single Lord Justice or the Master in accordance with the principles set out in Unilever plc v Chefaro Proprietaries Ltd (Practice Note) [1995] 1 WLR 243. Applications for permission for a hearing date to be fixed beyond a hear-by date will likewise be determined by a single Lord Justice or the Master, but will be granted only for the most compelling reasons.

TYPE OF APPEAL		Listing Window	
		Start Window for Appeal	Hear-By Date, End Window for Appeal
<b>Family</b>	Child cases	3 mths	4 mths
	Financial and other	5 mths	9 mths
<b>Administrative Court Cases</b>	Immigration Appeals, Interlocutory and Education appeals	4 mths	6 mths
	Other Administrative Court final orders	5 mths	8 mths
<b>High Court</b>	CPR, Part 24	4 mths	6 mths
	Other interlocutory orders	4 mths	8 mths
	Bankruptcy and Directors' Disqualification cases	4 mths	6 mths
	Preliminary issues	4 mths	6 mths
	Final orders	5 mths	9 mths
	Possession	4 mths	6 mths
<b>County Court</b>	Interlocutory orders	4 mths	8 mths
	Possession	4 mths	6 mths
	Preliminary issues	4 mths	6 mths
	Final orders	5 mths	9 mths
<b>Tribunals</b>	Other than Immigration & Social Security appeals	5 mths	9 mths
	Social Security Appeals	5 mths	9 mths
	Immigration Appeals	4 mths	6mths

## **Applications for an Expedited Hearing**

The guidelines were set out by Sir Thomas Bingham, Master of the Rolls, in his judgment in *Unilever PLC v Chefaro Proprietaries Ltd* (Practice Note) [1995] 1 WLR 243, 246-7. He said:

“...[I]t is in our view possible to give a reliable indication of the principles the court is likely to apply....

Some appeals are so urgent that justice can only be done if the appeal is heard either immediately or within days. In this category we put:

- (1) appeals against committal orders, particularly if the adverse finding is challenged or the sentence is short;
- (2) cases in which children are likely to suffer extraordinary prejudice (that is, prejudice beyond that almost inevitably consequent on involvement in proceedings) if a decision is delayed;
- (3) cases under the 1980 Hague Convention on the Civil Aspects of International Child Abduction (Cmnd. 8281);
- (4) asylum appeals concerning return to third countries, where the right to return may be jeopardised by delay;
- (5) cases in which the execution of a possession order is imminent and which appear to have some merit;
- (6) cases in which a decision is about to be taken or implemented which will be irrevocable or confer rights on third parties;
- (7) cases in which publication of allegedly unlawful material is imminent;
- (8) appeals against judicial decisions made in the course of continuing proceedings.

In all these cases, not least (5), the court will expect the parties involved to approach it as soon as they learn of the order which it is sought to challenge. When the approach is left until the eleventh hour, or the necessary materials are not provided, it may well prove impracticable to arrange a hearing.

The court recognises the need to try and arrange expedited hearings where it appears that, without such expedition,

- (1) a party may lose its livelihood, business or home or suffer irreparable loss or extraordinary hardship;
- (2) the appeal will become futile;
- (3) the resolution of numerous cases, turning on the outcome of a case under appeal, will be unreasonably delayed, or the orderly management of class or multi-party litigation in a lower court will be disrupted;
- (4) widespread divergencies of practice are likely to continue, with the prospect of multiple appeals until the correct practice is laid down;

(5) there would be serious detriment to good public administration or to the interests of members of the public not concerned in the instant appeal.

Where these criteria are not satisfied, the court will not ordinarily grant an expedited hearing of appeals on preliminary issues, or substantial interlocutory appeals (even where this means loss of a trial date), or appeals concerning the construction of a standard document.”