

The Court of Appeal

Civil Division



Review of the Legal Year
2000 - 2001

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REVIEW OF THE LEGAL YEAR
2000-2001

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INTRODUCTION



*Rt Hon. The Lord Phillips
Master of the Rolls*

I am pleased to be able to introduce this Review of the Legal Year, the second since I was appointed to the office of Master of the Rolls, but the first I can truly call my own. In real terms I have now served a year in office. That year has seen the continuation of rapid change and modernisation in the Civil Division of the Court of Appeal, against a backdrop of ever increasing demands on the Court in terms of more legally complex cases, and extra-judicial work.

Without doubt, the most important development over the past year has been the implementation of the Human Rights Act. The Act came into force in October 2000 to much speculation. Some commentators predicted an avalanche of human rights issues. There were visions of the courts imploding under the weight of human rights cases. Since last October 141 cases raising human rights points have been determined by the Civil Division of

the Court. A further 107 cases are currently awaiting a decision. There was no implosion 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. So far it has been a great success.

For me the most notable effect of the Act is that it brought about an almost immediate change in legal culture. Although, inevitably, there have been a number of cases raising, for example, only Article 6 or Article 8 points, the majority of human rights issues have arisen as part of other more general grounds of appeal. Both lawyers and judges now look at all cases with the possible impact of the convention well in mind. The Act has established itself not merely as part of the legal armoury, but as a central strand of our law.

The past twelve months have also seen consolidation of significant changes in the arrangements for dealing with civil appeals. Part 52 of the Civil Procedure Rules, and its supporting Practice Direction, refined the requirement for Permission to Appeal for nearly all cases. Permission to Appeal will only be granted where the court considers that there is a real prospect of success, or where there is a compelling reason why the appeal should be heard. This has finally closed the book on the unarguable appeal, enabling the Court to concentrate on the more important and serious cases. Greater use has also been made of the lower courts in determining lesser appeals, so relieving the Court of Appeal of that additional burden.

Thanks to these changes, and continued improvements to office systems brought about by Master Roger Venne and his staff, the Court of Appeal has once again been able to reduce its hearby dates. In last year's review I said that the target for disposing of even the heaviest appeals would be 12 months, instead of 15 months. In my Practice Note of 4th July 2001 I was able to announce a further reduction in the longest hereby date to 10 months. This is a considerable achievement in the face of an increasing workload in terms of legal weight and reflects, in no small part, the application and commitment of every single member of the Court.

The pressures on the judges continue to grow, and the Court of Appeal is increasingly reliant on its "extended family" of judges to ensure that justice is delivered quickly and to the highest standard. I am particularly grateful to my fellow Heads of Division who take on a considerable workload in the Civil Division, in addition to their own responsibilities.

The increasing legal complexity of the work finds reflection in the number of appeals that now need to be reserved for full written judgments. For the first time the number of reserved judgments has exceeded 50%, and I believe that this figure is likely to continue to increase.

Greater complexity also affects case preparation. Counsel rightly expect appeal judges to have prepared thoroughly. Preparation is inevitably taking longer. When Lord Donaldson introduced the filing of skeleton arguments to assist the Court in narrowing the issues in appeal cases skeleton arguments were no more than one page in length. Today, judges are faced with far more detailed skeleton arguments citing all relevant authorities. Although this has helped to limit the time required for oral argument, and the majority of cases are now heard within a day, judges are spending an increasing amount of time either reading papers in preparation, or writing reserved judgments.

The Court of Appeal is now more outward looking than ever. A considerable number of Judges have attended and contributed to legal seminars and symposia, not only throughout Europe, but as far afield as China, Canada and Australia. Three judges have sat in the European Court of Human Rights in Strasbourg, and visiting judges, ministers of justice and officials have been received from a wide variety of jurisdictions. Within England and Wales the court is breaking out of its historical London seat, and has sat in Cardiff, Manchester and will shortly sit for the first time in Exeter. I have committed the Court to termly sittings in Wales.

For the year to come we will continue to consolidate the gains made, and so improve further the service we offer to the public.



THE RIGHT HONOURABLE, THE LORD PHILLIPS, MASTER OF THE ROLLS

RECENT APPOINTMENTS TO THE COURT OF APPEAL

The following judicial appointments were made during the period of this review:

2 nd October 2000	Lady Justice Arden
2 nd November 2000	Lord Justice Keene
11 th January 2001	Lord Justice Dyson
11 th January 2001	Lord Justice Longmore

During the same period there were three retirements:

31 st October 2000	Lord Justice Roch
10 th January 2001	Lord Justice Nourse
10 th January 2001	Lord Justice Otton



Lady Justice Arden



Lord Justice Keene



Lord Justice Dyson



Lord Justice Longmore

RECENT CHANGES IN PROCEDURE

The Practice Direction issued on 20th February 2001, [2001] 1WLR 479, set out revised procedures for dealing with cases assigned to the Short Warned List and introduced a new Special Fixtures List for cases that require special listing arrangements, such as the need to list a number of cases before the same constitution or at a given location. New systems have been set up within the office to manage these cases.

On 9th April 2001 the Lord Chief Justice issued a Practice Direction, [2001] 1WLR 1001, limiting the citation of previous authorities to cases which are useful and relevant. Advocates are also required to certify in respect of each authority, that the requirements of the Practice Direction have been complied with. Where an advocate seeks to cite an authority from another jurisdiction the same requirements apply but, in addition, the advocate must show that there is no authority in this jurisdiction that precludes acceptance of the proposition that the foreign authority is said to establish.

On 4th July 2001 the Master of the Rolls announced a reduction in hear by dates for many classes of appeal [2001] 1WLR 1517.



THE HUMAN RIGHTS ACT

The coming into force of the Human Rights Act provided the greatest single challenge to the Court. Thanks to a good deal of hard work by all those involved that challenge has been met. The Civil Appeals Office developed a dedicated computer screen for the purpose of recording information about cases concerning Human Rights issues, and systems are in place to identify similar issues so that cases may be linked and expedited where necessary. The largest single category of Human Rights issues concern Article 6 of the Convention – Right to a fair trial.

In the course of the year the Court of Appeal has made two declarations of incompatibility under section 4(2) of the Human Rights Act. The Court held that because section 73 of the Mental Health Act 1983 placed the burden of proof on a restricted patient, to show that he was no longer suffering from a mental disorder warranting detention, that provision was incompatible with Article 5 of the Convention which guarantees the right to liberty (*re (H) v Mental Health Review Tribunal for North East Thames Region* [2001] 3 WLR 512). The Court has also held that the prohibition imposed by section 127(3) of the Consumer Credit Act 1974 against the making of an enforcement order infringed Article 6 of the Convention and Article 1 of the First Protocol to an extent which was disproportionate (*Wilson v First County Trust Limited* [2001] 3 WLR 42). However the Court has refused a declaration of incompatibility in a case which concerned a challenge to the requirement in section 21(4) of the Housing Act 1988, to make an order for possession of a dwelling house, let on a periodic assured short hold tenancy, if the statutory conditions were satisfied.

The Court has also had the opportunity to consider a great variety of other issues relating to Human Rights including:

- ◆ the balance between the right to private life under Article 8 and the right to freedom of expression in Article 10
- ◆ the impact on prison disciplinary proceedings and squat searching of prisoners
- ◆ the Prison Service policy that children reaching the age of 18 months should no longer remain with their mothers in prison
- ◆ copyright and freedom of expression
- ◆ in the area of family law the regulations governing the imposition of secure accommodation orders and their compatibility with Article 5, and care orders made under the Children Act 1989 and their compatibility with Article 8
- ◆ the impact of Article 6 in relation to the penalties for dishonest evasion of VAT

- ◆ the effect of anti-social behaviour orders made under section 1 of the Crime and Disorder Act 1998 and whether they amounted to criminal proceedings under Article 6
- ◆ allegations of bias against a member of the Restrictive Practices Court
- ◆ the arrangements for Mental Health Review Tribunals
- ◆ the question of a child's right to education under Article 2 of the First Protocol, and whether the withholding of citizenship could be held to be an interference with family life under Articles 8 and 12
- ◆ whether a housing association performs a public function.

On 26th March 2001 the Senior Law Lord, Lord Bingham of Cornhill, the Lord Chief Justice, Lord Woolf, and the Master of the Rolls gave evidence to the Parliamentary Joint Committee on Human Rights.



CIVIL PROCEDURE RULES

In *Clark v Perks* [2001] All ER 1 the Court gave further guidance on Part IV of the Access to Justice Act 1999 and on the interpretation of CPR Part 52, which governs appeals in the Court of Appeal, the High Court and the county courts. The Court made it clear that:

- ◆ there is no appeal from the decision of an appeal court to give or refuse permission to appeal
- ◆ the stricter test for permission to appeal in s.55 of the 1999 Act for second appeals applies to appeals by case stated and to any appeal to the High Court or county court from a tribunal or other body or person.

The Court explained that the effect of s.59 is that the Court is duly constituted if it consists of one or more Lords Justices. It is therefore no longer possible to appeal an order made by a single Lord Justice to the “full” court.

In recognising the dangers posed when unsuitable lay persons seek to “assist” other litigants in person, the court gave guidance on the steps to be taken in such circumstances.



OTHER AREAS OF CASEWORK

In a leading case on the power to review subordinate legislation the Court held that it was entitled to review such legislation which had been debated in, and approved by affirmative resolution of both Houses of Parliament. The fact that in the course of debate the ministers made statements of fact supporting the legitimacy of the legislation, and that the Houses of Parliament thereafter approved the legislation, did not render it unconstitutional or contrary to Article 9 of the Bill of Rights 1689 for the court to review the material facts and form its own judgment (*R (Javed) v Secretary of State for the Home Department*, [2001] 3 WLR 323).

In *Grobbelar v News Group Newspapers Limited & Another* [2001] ECWA CIV 33 the Court held that the decision of the jury was perverse and that libel damages should not have been awarded. The case of *Alexander v Arts Council of Wales & Another* [2001] 1 WLR1840 raised the question of whether the Judge was wrong to withdraw the issue of malice from the jury in a defamation action. The Court held that a Judge may properly decide issues of law and withdraw an issue from the jury where he concludes that there was no effective issue to be tried.

In *Hamilton v Al-Fayed* (no.4) The Independent January 25th 2001, the Court exceptionally heard evidence in an appeal, and allowed cross examination in circumstances in which it was accepted that the evidence was not available at trial.

In December 2000 the Lord Chief Justice presided over *Governor & Company of the Bank of Scotland v A Ltd, B & C* [2001] EWCA Civ 52. This appeal raised a point of general importance to all banks and provided guidance as to the appropriate course of action where a bank feared running foul of tipping off offences or being held liable as constructive trustee.

During the course of the year the Court of Appeal has dealt with diverse issues on appeals from the Employment Appeal Tribunals. These include looking at the complex area of the Transfer of Undertakings (Protection of Employment) Regulations (*ADI (UK) v Firm Security Group Limited* [2001] ECWA CIV 971, *Connolly v Sellers Arenascene*) [2001] ECWA CIV 184; the construction of contracts of employment providing for working on Bank Holidays (*Dunlop Tyres Ltd v Blows & Ors*) [2001] ECWA CIV 1032; time limits for making sex and race discrimination claims (*Rhys-Harper v Relaxion Grp plc* [2001] ECWA CIV 634, *Shand v Leicestershire County Council & Anr*) [2001] ECWA CIV 226; unlawful discrimination under the Race Relations Act (*Abbey National plc v Ackroyd*); compensation in sex discrimination claims (*O'Donoghue v Redcar & Cleveland Borough Council*); disability discrimination claims (*Cave v Goodwin* [2001] ECWA CIV 391, *Post Office v Jones*) [2001] ECWA CIV 558; issues relating to football hooliganism and employment (*Post Office v Liddiard*) [2001] ECWA CIV 940; unfair dismissal and Trade Union activity (*Care First Partnership Ltd v Roffey & Ors*) [2001] 85 CA; pension rights and unfair dismissal claims (*Silvey v Pendragon plc*) [2001] ECWA CIV 784; employment and the Equal Treatment directive (*De-Souza v LB Lambeth*) [2001] EWCA CIV 794; equal pay (*Young v National Park plc*) [2001] ICR 328 CA; sex discrimination in education where a teacher had been subject to verbal abuse

from pupils (*Pearce v Governing Body of Mayfield School*) [2001] EWCA CIV 1347; redundancy and the position of part-time teachers on fixed term contracts (*Whiffen v Milham Ford Girls School*) [2001] EWCA CIV 385.

The Court gave its first judgment on success fees and “after the event” insurance premiums in the linked appeals of *Callery v Gray* and *Russell v Pal Pak Corrugated Limited* [2001] EWCA Civ 1117 & 1246, which both concerned the recoverability of such fees and premiums in modest and straightforward road traffic accident claims which settled before proceedings were issued.

Because of the importance of these issues to the insurance industry and the backlog of cases which were waiting in the system pending the outcome in these cases (over 100,000), the appeals were expedited and heard together on 5th/6th June 2001. The Court agreed to receive written and oral representations from five different bodies which had a direct interest in the issues raised. The Court also had the benefit of the experience of Chief Master Hurst, the Senior Costs Judge, who sat as an assessor. The Court requested that a separate inquiry into the quantum of ATE premiums be conducted by Master O’Hare. The Court concluded that issues of general importance in this area should be brought before it for authoritative determination as quickly as possible. A second case, *Sarwar v Alam* [2001] EWCA CIV 1401 which concerned the question of whether an ATE premium was recoverable in circumstances where before the event insurance was available to the claimant passenger under the defendant’s motor insurance policy, was expedited and disposed of during the long vacation.

After the House of Lords judgment on wrongful birth in *Macfarlane* [1999] 1 WLR 1301 – that damages were not recoverable for the costs of bringing up a healthy child – the Court in *Parkinson* [2001] EWCA Civ 530 had to deal with the issue of whether the principle in *Macfarlane* applied where the child was severely disabled. The Court found that the claimant was entitled to recover the special upbringing costs associated with caring for a disabled child, but not the basic costs of the child’s maintenance.

Cases incorporating claims for psychiatric illness appear to be a growth area in the Court, in particular cases concerning the liability of employers for psychiatric illness/depression caused by stress/work overload and four linked cases on these issues will be heard in the Michaelmas term.

THE CIVIL APPEALS OFFICE

After a period of major change following the Civil Justice reforms, new systems of work are in place and are running smoothly. The appeal rules implemented on 2nd May 2000 are now well established within the Civil Appeals Office procedures.

Following a review in the summer of 2000, further adjustments were made to office systems. The information sent to representatives, or parties where they act in person, has also been improved to reflect the changed approach. The Case Management Computer system has been updated to allow for new procedures, such as the use of a single case reference, and the earlier lodgement of papers.



New technologies have been introduced. These include the bar-coding of files and documents to ensure tighter paper management, the introduction of voice recognition technology to allow on-screen dictation, and work on the use of wide-screen technology for listing purposes. Further use of IT has resulted from the court's relationship with its official Shorthand Writers, Messrs Smith Bernal, who now file Court of Appeal judgments electronically, so enabling the transcripts to be accessed by all staff on the local computer network. In addition, the Court Service Website is now used to post judgments in cases of particular importance.

One effect of the new rules has been that staff are increasingly asked to provide information on jurisdictional and procedural matters to litigants or their advisors. Effective training and job shadowing have helped to facilitate this. The Office has contributed significantly to the very substantial progress described in this review.

OTHER MATTERS

SITTINGS OF THE COURT

Throughout the period under review the Court of Appeal, Civil Division, succeeded in sitting 10 or 11 Divisions, each consisting for the most part of three judges. In addition single Lord Justices dealt with applications for permission to appeal and ancillary applications. All this has been achieved notwithstanding the extra judicial demands made on many judges. The Court is fortunate in that the other Heads of Division devote considerable time to sitting in the Civil Division. Both the Lord Chief Justice, Lord Woolf, and the President of the Family Division, Dame Elizabeth Butler-Sloss, now each sit for approximately four weeks a term and the Vice-Chancellor, Sir Andrew Morritt, devotes approximately half his time to the Court of Appeal. The Court is also grateful to retired Lords Justices who offer their services, and to those High Court Judges who undertake occasional sittings in the Court of Appeal.

REGIONAL SITTINGS

Following the sittings of the Court of Appeal in Cardiff, which were mentioned in last year's Review, the court has continued to develop its plans for sittings outside London.

Between 30th October 2000 and 3rd November 2000 Lord Justice Pill, Lord Justice Buxton and Sir Anthony Evans sat in Cardiff and heard three appeals from cases tried in the Principality.

Between 26th February 2001 and 2nd March 2001, the Master of the Rolls with Lord Justice Kennedy and Lord Justice Dyson, sat in Manchester.

Cardiff was again the venue for sittings between 7th and 11th of May 2001, when the Master of the Rolls with Lord Justice Pill and Lord Justice Chadwick again heard appeals from South Wales. One of these resulted in a reserved judgment, which was subsequently delivered by means of video link technology between the Royal Courts of Justice and Cardiff, when consequential applications in relation to costs were also dealt with.

A further sitting in Cardiff had been planned for the week of the 16th July, however this was ultimately cancelled when the listed case settled at a very late stage.

The programme of regional sittings is planned to continue, the next being between the 29th October and the 2nd November, when the Master of the Rolls together with Lord Justice Mummery and Lord Justice Tuckey will sit in Exeter. Again, locally relevant cases will be heard.

EXTRA JUDICIAL DUTIES

This year has seen a continuing commitment by many members of the Court to work over and above their judicial sittings. Lord Justice Auld has been absent throughout the year conducting his invaluable inquiry into the criminal justice system, The Criminal Courts Review. Lord Justice Clarke completed the Thames Safety Inquiry, following the Marchioness tragedy. Other judges have sat as members of the European Court of Human Rights in Strasbourg, and there are other standing commitments to the Judicial Studies Board, the Lord Chancellor's Advisory Committee on Legal Education and Conduct, and, not least, the administrative duties of the Heads of Division and others. Last year over 600 days were devoted to such work, the equivalent of the time of about three Lord Justices. The value of these activities is not in doubt. Indeed it is essential that members of the Court have contact with other legal orders and the wider legal community. However we must not lose sight of the Court's prime function of adjudicating on appeals, and guard against the excessive use of judicial time for other purposes, no matter how valuable such individual activities may be.

VIDEO LINK AND TELEPHONE APPLICATIONS

During the course of the year Lord Justice Aldous heard the Court of Appeal's first permission to appeal application to be made by telephone in *Brown & Anr v Bennett & Ors* [2001] EWCA Civ 1352. The Court agreed to the application following a request from the applicants who were resident in the United States of America.

The reserved judgment in an appeal heard in Cardiff was delivered and argument on costs conducted by video link with Cardiff.

JUDICIAL ASSISTANTS

This year has again seen the Judicial Assistants maintaining their invaluable contribution to the work of the Court. They have prepared bench memoranda in a variety of cases and have also undertaken research. This has afforded the Judicial Assistants a greater insight into the workings of the Court and fostered a good rapport with the Lord Justices to whom they are assigned. The continued success of the scheme is due in large measure to the work of Lord Justice Buxton, who has assumed responsibility for the scheme from Lord Justice Otton, and to the quality of the Judicial Assistants, some of whom have continued to work during the Court's vacations.

PRO BONO SCHEMES

The Court has further developed its very successful liaison with the Royal Courts of Justice Citizens Advice Bureau through its Director, Joy Julien, and with other pro bono bodies.

The RCJ Citizens Advice Bureau and its team of in-house lawyers offer professional assistance in providing advice and formulating grounds of appeal. The Bureau also refers cases to a team of pro bono lawyers from City law firms, who prepare litigant's papers for court. Finally the Bar Pro Bono Unit offers a team of barristers who devote time to free representation. An experiment is about to begin which will enable most litigants in person, who obtain permission to appeal to the Court of Appeal, Civil Division to be represented by a barrister, pro bono, at the hearing.

The combined effect of these services is that most unrepresented litigants, who obtain permission to appeal, may now obtain pro bono assistance throughout the preparation and conduct of an appeal. This is a major and welcome advance.

A new facility has recently been introduced in the form of the Personal Support Unit which is part of the RCJ Advice Bureau and is staffed by volunteers who offer practical assistance. They help litigants follow the procedures involved in conducting a case in person, and will accompany them to court to offer moral support.

ADR SCHEME

Earlier this year members of CEDR (Centre for Dispute Resolution) visited the Civil Appeals Office and spent two days looking at how the Court's ADR scheme operates. Their very helpful report is now being considered. The ADR Scheme is an integral part of the appeals procedure and it is expected that, with the help of CEDR's recommendations, more appellants can be encouraged to make use of the mediation process.

THE COURT OF APPEAL USERS' COMMITTEE

The Court of Appeal continues to rely on the enthusiastic support of members of its Users Committee as a source of helpful and pragmatic advice. In the past year the Committee has discussed two major issues. First, the consultation paper which followed the Costs Judges benchmarking exercise, from which the committee's valuable feedback resulted in guidance being made available to the Court on the summary assessment of costs. Secondly, the proposal to reduce the 'heary' dates which met with enthusiastic support.

VISITS BY JUDGES FROM OVERSEAS

The Court has always welcomed overseas judicial visitors, who have an interest in its work and recent reforms. Since the publication of the last Review no fewer than twenty such visits have taken place. These have ranged from visits by individual judges with a specific personal interest, to large groups such as the Association of Commonwealth Registrars, which visits annually.

The itinerary for visits varies according to the stated interests of the visitors, but typically they will first meet the Master of the Civil Appeals Office for an introductory discussion. This may be followed by meetings with Judges and subsequent explanations of aspects of the Court's work such as the computerised case management system. Usually visitors wish to see a court sitting, and case papers are provided to help them follow the proceedings.

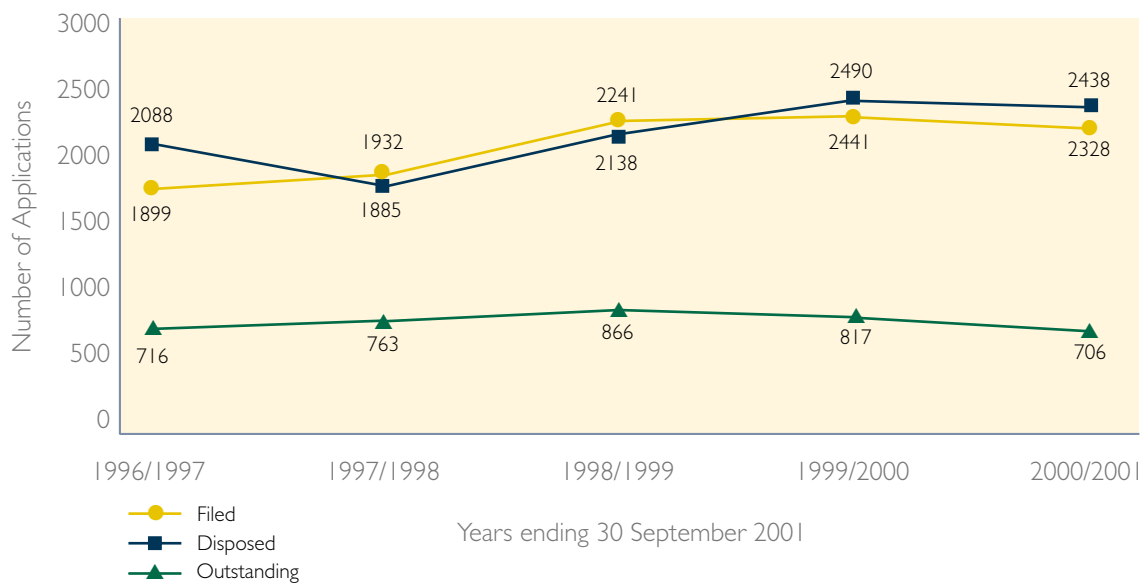
More specialised visits have also been arranged. A Finnish Judge was seconded to the court for a week, and was involved in a detailed study of casework. A party from Korea had a particular interest in the Civil Justice reforms, and two Professors from Nepal wished to discuss administrative systems and the use of information technology.

A list of overseas visitors received since the publication of the last Review will be found among the lists at the end of the review.

THE WORK OF THE COURT: STATISTICAL ANALYSIS

This year the number of applications for permission to appeal, and the number of appeals have decreased slightly. This is due to the extension of the requirement for permission to appeal, and the Destination of Appeals Order, which have resulted in fewer appeals reaching the Court of Appeal. There has also been a significant reduction in the proportion of litigants acting without professional representation. These changes in the incoming work together with the reforms made to the Court's practices have enabled it to achieve the lowest numbers of outstanding cases for more than a decade. Where appropriate the 115 cases which are currently stood out pending the decision of the House of Lords in the case of "Zequiri" have been excluded from the following statistics to show a clearer picture of the true position.

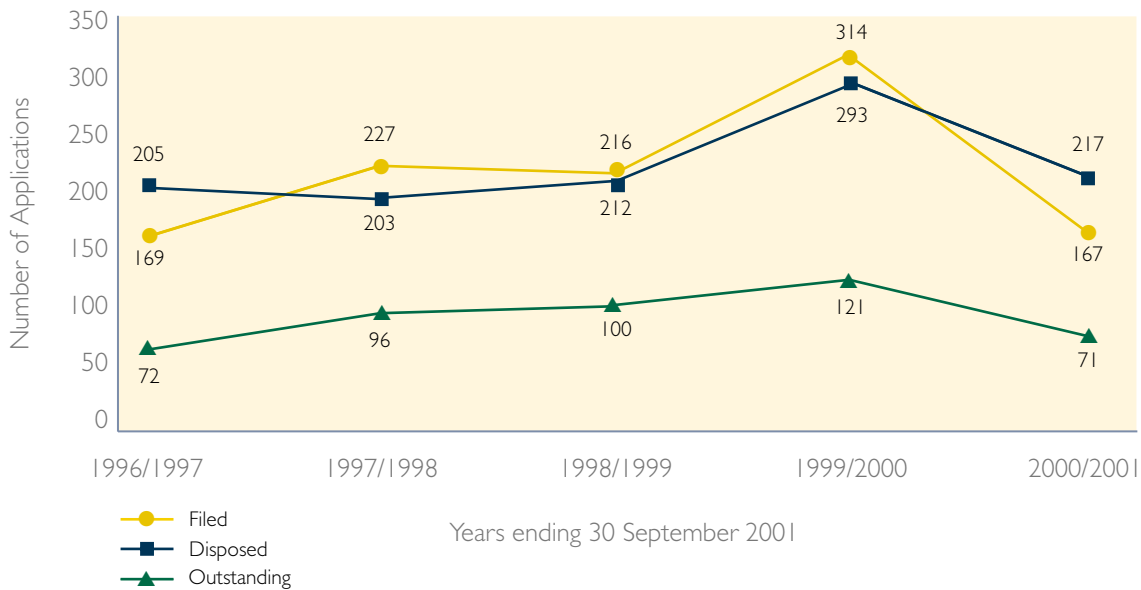
Graph 1 THROUGHPUT OF APPLICATIONS FOR PERMISSION TO APPEAL



This graph shows the changing workload over the past five years. Over the past year there has been a decrease in permission to appeal applications. Disposals continue to exceed the number of permission to appeal applications filed, resulting in a corresponding reduction in the numbers outstanding.

Graph 2

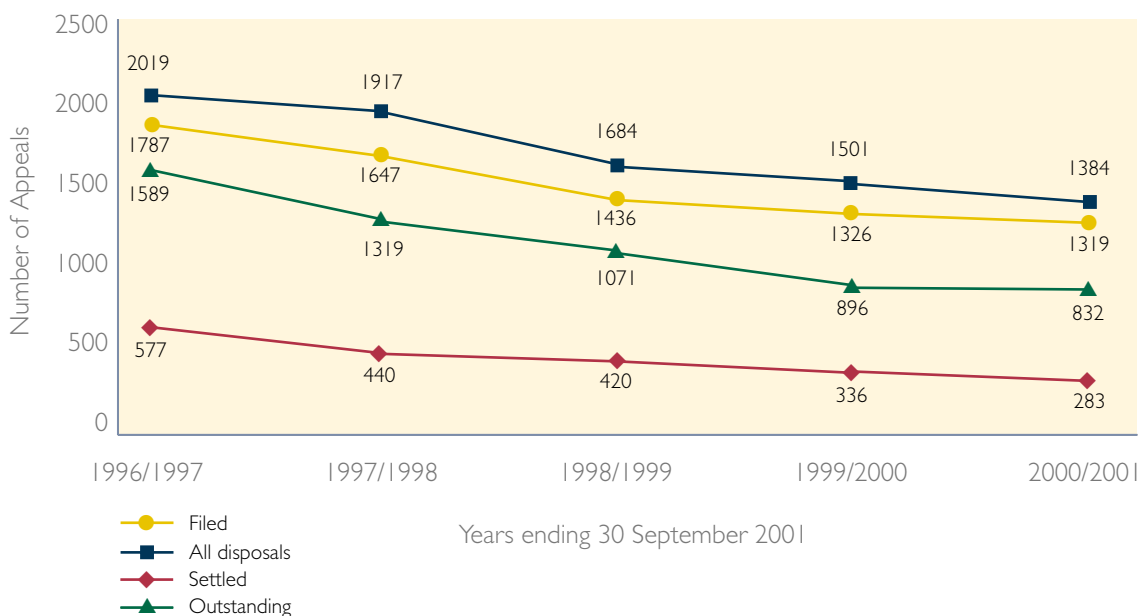
THROUGHPUT OF APPLICATIONS FOR PERMISSION TO APPEAL
A DECISION REFUSING PERMISSION TO CLAIM FOR JUDICIAL REVIEW



After a significant increase in the number of applications for permission to claim for judicial review filed last year, the number of new cases has reduced to previous levels whilst the disposal rate has been maintained. This has resulted in a significant reduction to the outstanding work in this area.

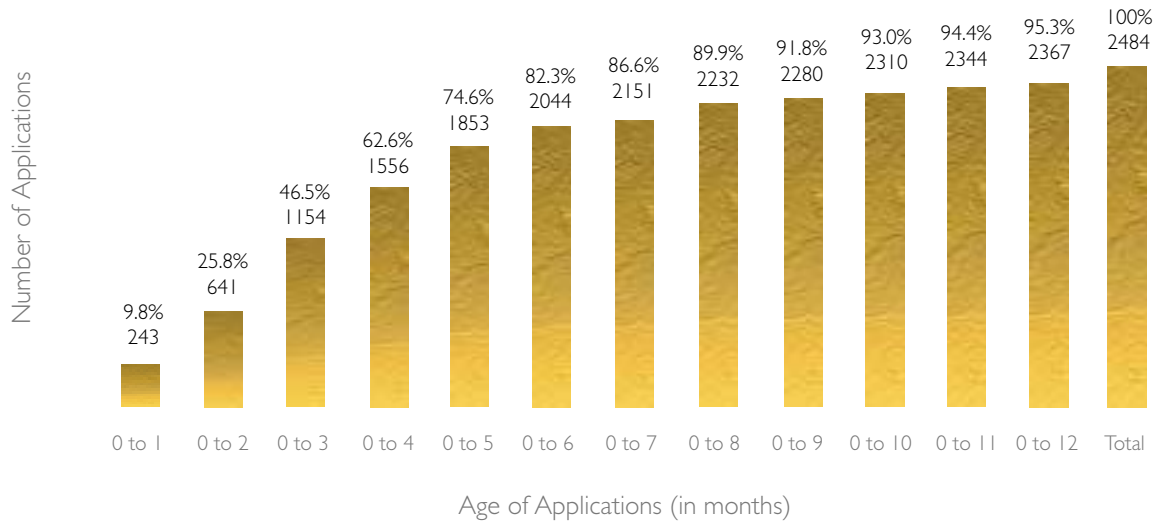
Graph 3

THROUGHPUT OF APPEALS
(minus 115 Zequiri cases)

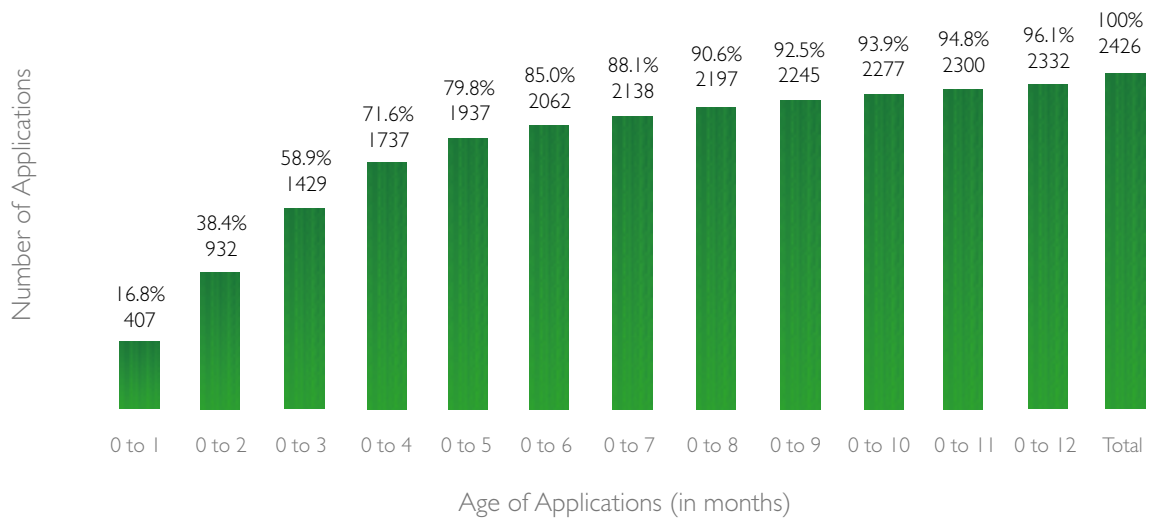


This year has shown a continued decrease in the number of outstanding appeals. The court has maintained this decline by disposing of more appeals than have been filed during the year.

Graph 4 CUMULATIVE AGE OF PERMISSION TO APPEAL APPLICATIONS DISPOSED OF IN YEAR ENDING 30 SEPTEMBER 2000



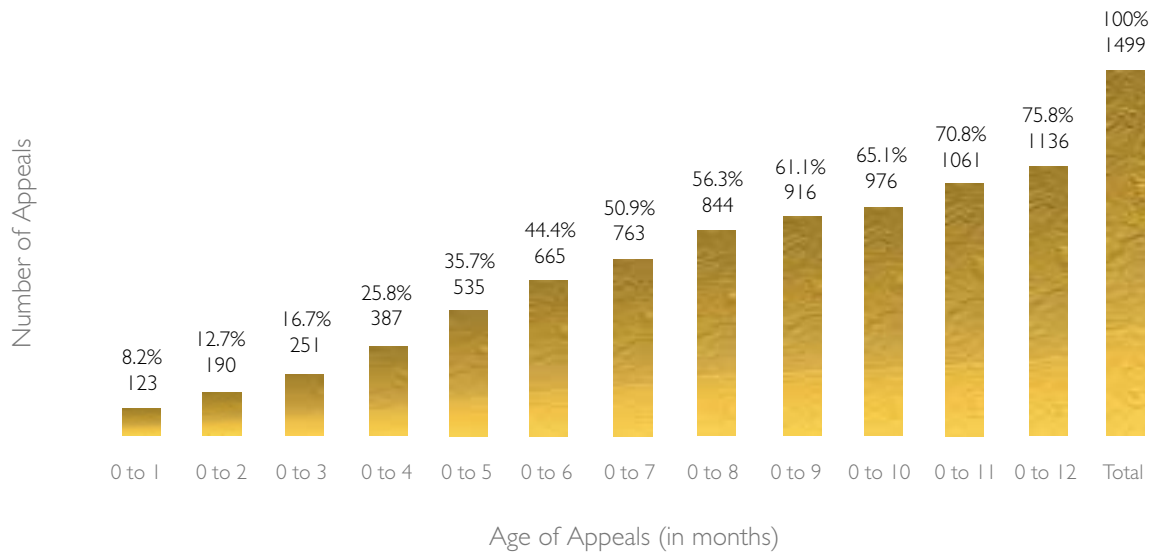
Graph 5 CUMULATIVE AGE OF PERMISSION TO APPEAL APPLICATIONS DISPOSED OF IN YEAR ENDING 30 SEPTEMBER 2001



These graphs show the Cumulative age of Permission to Appeal Applications disposed. The periods shown are for year ending 30th September 2000 and year ending 30th September 2001. On the graph showing year ending 30th September 2000, by month six, the Court had disposed of 82.3% of Permission to Appeal Applications compared with a figure of 85% for year ending 30th September 2001. This highlights the improvement in disposal timetables.

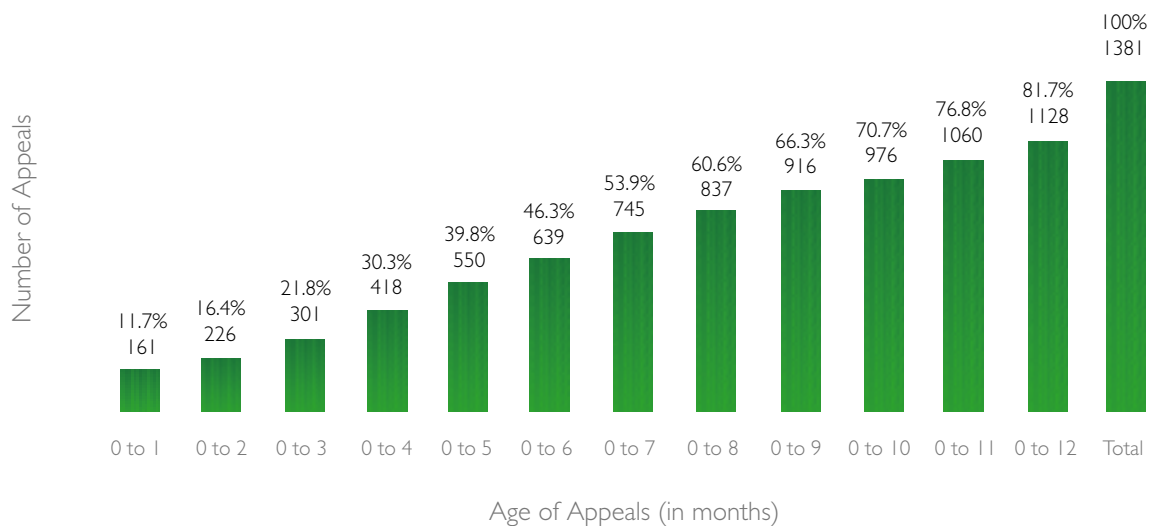
Graph 6

CUMULATIVE AGE OF APPEALS DISPOSED OF
IN YEAR ENDING 30 SEPTEMBER 2000



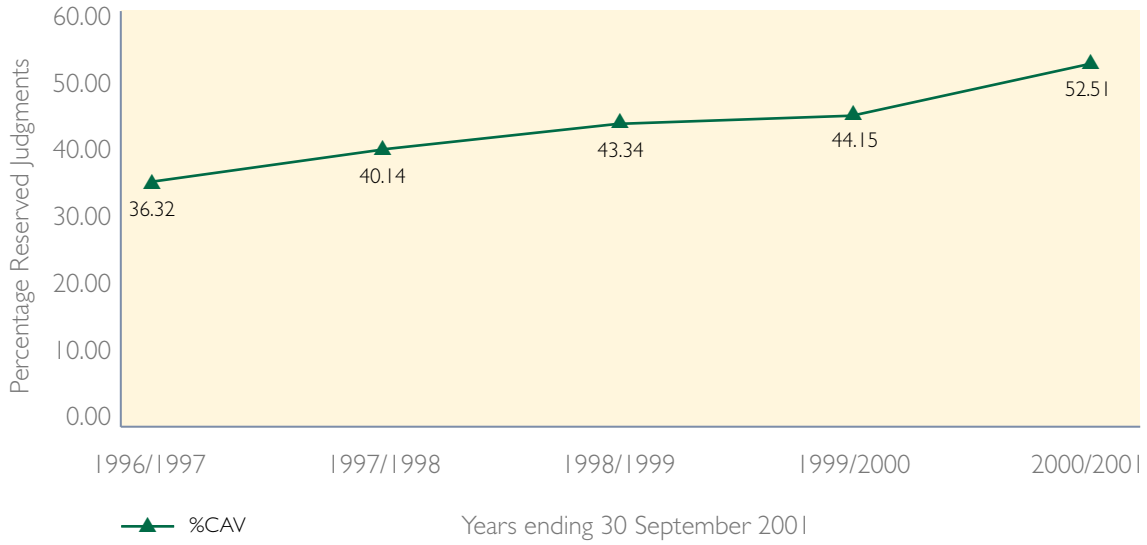
Graph 7

CUMULATIVE AGE OF APPEALS DISPOSED OF
IN YEAR ENDING 30 SEPTEMBER 2001



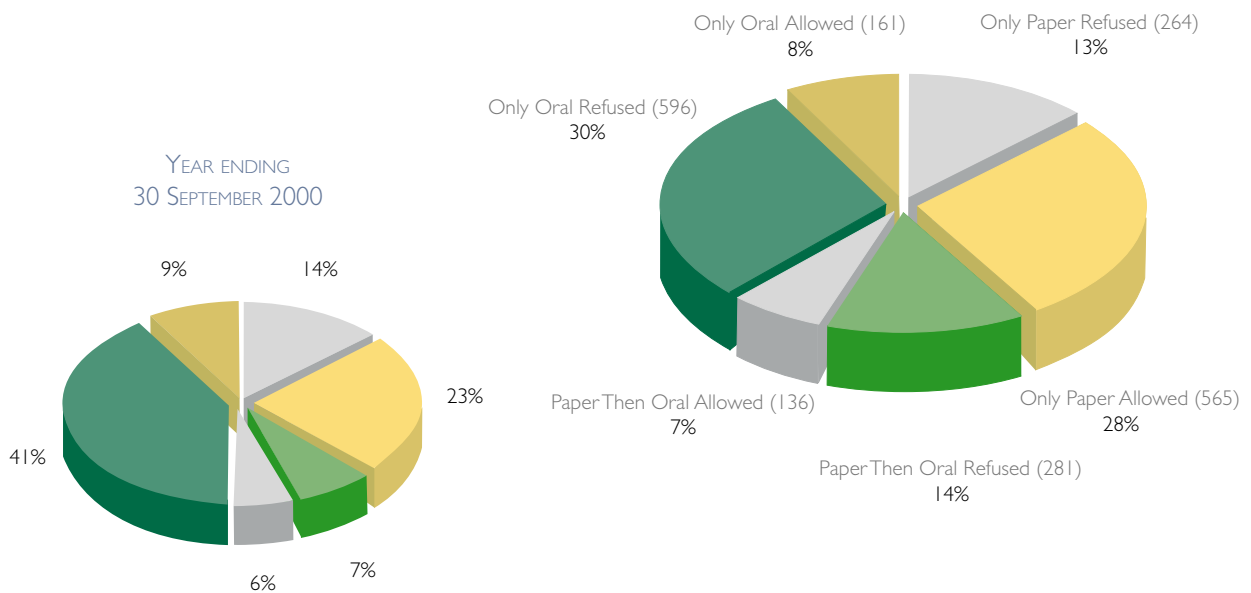
These graphs show the Cumulative Age of Appeals Disposed. The periods shown are for years ending 30th September 2000 and 30th September 2001. As with permission to appeal applications above, the tables show significant improvement in the age of cases at the time of disposal.

Graph 8 PERCENTAGE OF APPEAL JUDGMENTS RESERVED 1996 TO 2001



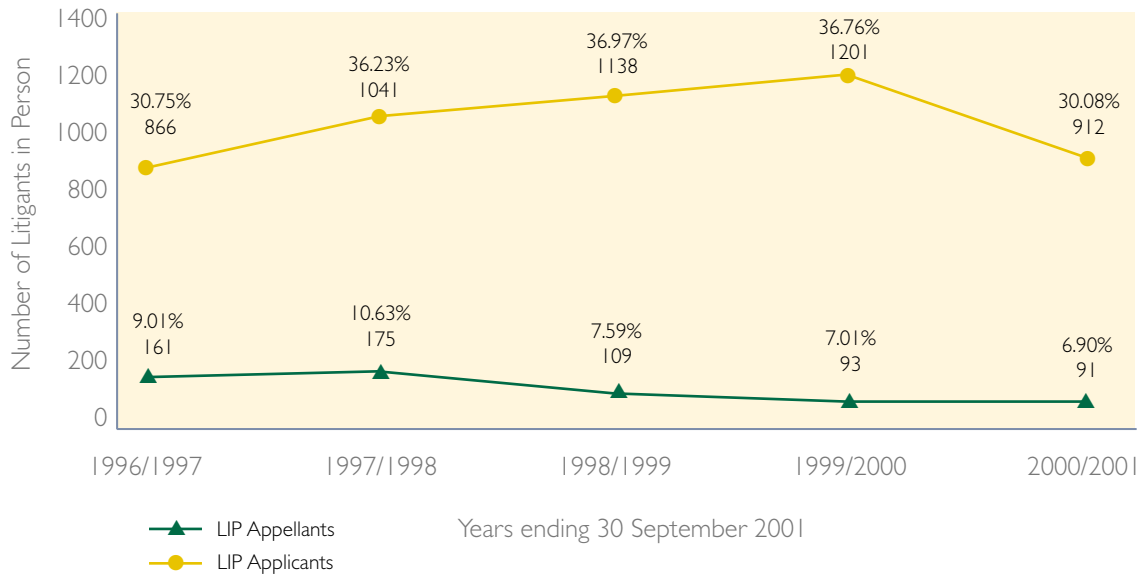
This graph shows the increasing trend of Reserved Judgments made by this Court, which is due to the increased complexity of cases.

Graph 9 DISPOSAL OF PERMISSION TO APPEAL APPLICATIONS (YEAR ENDING 30 SEPTEMBER 2001)



The pie charts show method of disposal of permission to appeal applications. This year 41% of all applications disposed by the Court were dealt with on paper. This figure, compared with 37% last year, highlights an increase in applications being decided solely on paper.

Graph 10 PERCENTAGE OF APPELLANTS/APPLICANTS IN PERSON 1996 TO 2001
(minus 115 Zequiri cases)



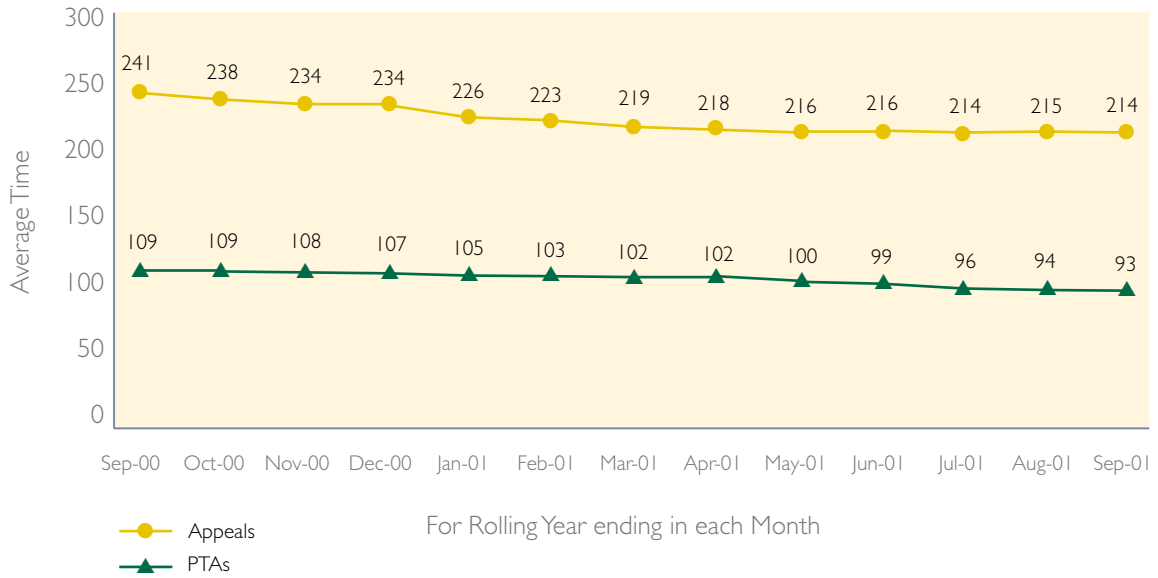
This graph shows a sharp decrease over the past year in the number of litigants in person making applications to the Court.

Graph 11 THROUGHPUT OF ALL APPLICATIONS (END OF SEPTEMBER 2001)



This graph shows the number of all types of applications.

Graph 12 ROLLING AVERAGE DISPOSAL TIME GRAPH (MINUS 115 ZEQUIRI CASES)
 NOTE: EXCLUDES APPLICATIONS OVER 1 YEAR OLD AND APPEALS OVER 2 YEARS OLD



This graph shows the average disposal of appeals, and permission to appeal applications, during the past year. The average disposal time for both appeals and permission to appeal applications show a welcome decrease over the year.

MEMBERS OF THE COURT OF APPEAL 2000/2001

Master of the Rolls and Head of Civil Justice

Rt. Hon. The Lord Phillips of Worth Matravers

Lords Justices

Rt. Hon. Lord Justice Nourse, Vice President (until 10 January 2001)

Rt. Hon. Lord Justice Kennedy

Rt. Hon. Lord Justice Simon Brown, (Vice President from 11 January 2001)

Rt. Hon. Lord Justice Rose

Rt. Hon. Lord Justice Roch (until 31 October 2000)

Rt. Hon. Lord Justice Peter Gibson

Rt. Hon. Lord Justice Henry

Rt. Hon. Lord Justice Otton (until 10 January 2001)

Rt. Hon. Lord Justice Auld

Rt. Hon. Lord Justice Pill

Rt. Hon. Lord Justice Aldous

Rt. Hon. Lord Justice Ward

Rt. Hon. Lord Justice Schiemann

Rt. Hon. Lord Justice Thorpe

Rt. Hon. Lord Justice Potter

Rt. Hon. Lord Justice Brooke

Rt. Hon. Lord Justice Judge

Rt. Hon. Lord Justice Waller

Rt. Hon. Lord Justice Mummery

Rt. Hon. Lord Justice Mantell

Rt. Hon. Lord Justice Chadwick

Rt. Hon. Lord Justice Robert Walker

Rt. Hon. Lord Justice Buxton

Rt. Hon. Lord Justice May, Deputy Head of Civil Justice

Rt. Hon. Lord Justice Tuckey

Rt. Hon. Lord Justice Clarke

Rt. Hon. Lord Justice Laws

Rt. Hon. Lord Justice Sedley

Rt. Hon. Lord Justice Mance

Rt. Hon. Lady Justice Hale, DBE

Rt. Hon. Lord Justice Latham

Rt. Hon. Lord Justice Kay

Rt. Hon. Lord Justice Rix

Rt. Hon. Lord Justice Jonathan Parker

Rt. Hon. Lady Justice Arden, DBE (from 2 October 2000)

Rt. Hon. Lord Justice Keene (from 2 November 2000)

Rt. Hon. Lord Justice Dyson (from 11 January 2001)

Rt. Hon. Lord Justice Longmore (from 11 January 2001)

MEMBERS OF THE COURT OF APPEAL 2000/2001 (continued)

**Retired Lords of Appeal in Ordinary, Lords Justices
and High Court Judges sitting in 2000/2001**

Rt. Hon. Sir Anthony Evans

Rt. Hon. The Lord Mustill

Rt. Hon. Sir Martin Nourse (from 26 February 2001)

Rt. Hon. Sir Philip Otton (from 24 April 2001)

Rt. Hon. Sir Christopher Slade

Rt. Hon. Sir Christopher Staughton

Rt. Hon. Sir Murray Stuart-Smith

Rt. Hon. Sir Swinton Thomas (from 30 October 2001)

Sir Ronald Waterhouse (until 16 February 2001)

OVERSEAS VISITORS TO THE COURT OF APPEAL

- 4 October 2000 Assistant Registrar Dawn Tan Ly-Ru from the Supreme Court of Singapore followed the hearing of a case.
- 27 October 2000 Fourteen Judges from the Court of Appeal in Antwerp followed proceedings in court, and were entertained at the Middle Temple during the lunchtime adjournment, and had subsequent discussions with Lord Justice Simon Brown, Lord Justice Henry, Lord Justice Rix and Master Venne.
- 7 November 2000 Mr Hong Ihlpyo, Chief Judge of Chongju District, Korea, met Master Venne.
- 22 November 2000 Judge Marinari, studying case management and ADR for the Minister of Justice in Italy, met Master Venne.
- 16 January 2001 Judge Gwang Tae Kim from the Cheju district of Korea had a particular interest in Civil Procedure Systems.
- 6 February 2001 The Hungarian Minister for Justice, accompanied by staff, met the Master of the Rolls and attended court.
- 8 February 2001 Professors Thapa and Shakya from the University of Nepal, with a special interest in Constitutional and Administrative law.
- 25 February 2001 Mr Vasquez, the Bolivian Minister of Justice, met the Lord Chief Justice.
- 2 March 2001 World Womens Lawyers Conference. An event presided over by Lady Justice Hale, and using a Civil Appeals Courtroom as one of its venues.
- 5 March 2001 Naoyuki Iwai, Kenji Mori, Ms Asayo Oyori and Masamichi Itatsu, Assistant Judges from Japan met the Master of the Rolls.
- 22 March 2001 Subutay Erarslan, Yunus Bali, Turkay Alica and Cedyia Umit from the Turkish Ministry of the Interior, accompanied by a Foreign Office representative.
- 1 June 2001 A party of twelve judges from Taiwan, interested in Civil Procedure reforms.
- 6 June 2001 The Honourable Dame Joan Sawyer, Chief Justice of the Bahamas, who met Master Venne.
- 12 June 2001 Eight Judges from the Norwegian Civil Procedure Committee, saw a demonstration of the Case Management Computer System, and attended court.
- 18 June 2001 Judge Supponen, who was attached to the Civil Appeals Office for one week and studied Civil Appeals procedures.
- 20 June 2001 M. de Marais, Maitre De Requetes at Consiel d'Etat, Paris, met Master Venne and saw a case in progress.
- 28 June 2001 RIPA International arranged the annual visit by a party of Commonwealth Registrars. They received an introductory talk on the work of the court supported by statistics, and followed an appeal in progress.

OVERSEAS VISITORS TO THE COURT OF APPEAL (continued)

- 25 July 2001 The Honourable Justice Callinan of the High Court of Australia met Lord Justice Mummery and Master Venne.
- 30 July 2001 Judge May Loh of the High Court of Singapore followed proceedings in court.
- 6 August 2001 Mr Justice Tshabalala, Judge President of Natal, met Master Venne.
- 30 August 2001 The Honourable Murray Rutledge Wilcox, a Judge of the Federal Court of Australia, met Master Venne.
- 31 August 2001 Ms Mayumi Moriyama, The Japanese Minister of Justice, met Lord Justice Simon Brown and Lord Justice Tuckey.

COURT OF APPEAL (CIVIL DIVISION) STAFF LIST

Name	Position
Master Venne	Head of the Civil Appeals Office and Master
Mrs Penny Harvey	Personal Secretary
Miss Heather M Goddard	Court Manager
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Master of the Rolls Office	
Mr Robert Musgrove	Private Secretary
Mrs Brenda Hodsdon	Clerk to the Master of the Rolls
Mrs Linda Francis	Senior Personal Secretary
Miss Chloe Smith	Clerk to the Master of the Rolls Office
Mrs Ann Conley	Messenger for the Master of the Rolls Office
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Case Management Group A	
Mr I M Joseph	Senior Lawyer, Deputy Master and Case Management A1
Ms Jackie Sears	Personal Secretary to the Deputy Masters
Miss Sarah Iwi	Lawyer, Case Management A2
Miss Marie Bosworth	Lawyer, Case Management A3
Miss Brenda Williams	Progress of A2 cases
Mr Andrew Caton	Progress of A1 and A3 cases
Mr Robert Greenberg	Progress of A3 cases
Mrs June Campbell	Clerk to Group A
Mr Selinder Fakir	Clerk to Group A
Miss Emily Olagunju	Clerk to Group A
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Case Management Group B	
Mrs L Di Mambro	Senior Lawyer, Deputy Master and Case Management B1
Mrs Claire Kay	Lawyer, Case Management B2
Mrs Simone Cooke	Lawyer, Case Management B3
Miss Jennifer Hyde	Lawyer, Case Management Group B3
Miss Emma Holford	Progress of B1 and B2 cases
Mr Richard Bird	Progress of B2 and B3 cases
Miss Marion Brown	Progress of B2 and B3 cases
Mr Chris Folkmans	Progress of B2 and B3 cases
Mrs Dympna Oligbo	Clerk to Group B
Miss Rada Mistic	Clerk to Group B
Mr Ahad Miah	Clerk to Groups B and C

COURT OF APPEAL (CIVIL DIVISION) STAFF LIST (continued)

Case Management Group C

Mr Mark Brodrick	Lawyer, Case Management C and Legal Secretary to the Master of the Rolls
Mrs Lesley Mason-Buggs	Supervision of Case Management Groups, Dismissal List, Papers for Judicial Assistants
Mr John Halford	Progress of Group C cases

Registry

Mr David Jenkins	Registry Manager
Miss Lisa McDonnell	Deputy Registry Manager
Miss Jacinthe Joseph	Registry Correspondence and receipt of new cases
Mrs Juhena Alam	Receives appeals and applications
Miss Helen Mitchell	Receives appeals and applications
Miss Victoria Damrell	Receives appeals and applications
Miss Katie Malait	Receives skeleton arguments and bundles
Mr Mostafa Khan	Receives skeleton arguments and bundles
Mrs Sultana Ahmed	Receives skeleton arguments and bundles
Mr Manmeet Lotay	Receives appeals and applications

Listing Office

Mrs Teresa Corcoran	Listing Officer and Listing Office manager
Miss Avis Jones	Deputy Listing Officer and correspondence relating to appeals
Miss Julie Faint	Deputy Listing Office Manager and permission to appeal correspondence
Miss Bijal Patel	Single Judge Listing
Miss Ghazia Ashraf	Single Judge Listing
Miss Tricia Edmondson	Daily Cause List
Ms Variena Barrett	Assistant to Listing Office

COURT OF APPEAL (CIVIL DIVISION) STAFF LIST (continued)

Associates Office

Miss Catherine Kemp	Associate Manager
Mr Michael Hill	Associate
Mr Ken Dhir	Associate
Mr Geoffrey Trott	Associate
Mrs Maureen Edmonds	Associate
Ms Helen Igoh	Associate
Miss Gillian Cornell	Associate
Ms Sian Fox	Associate
Miss Nurinder Kang	Associate
Mr Aundre Jordine	Fee Paid Associate
Mrs Christine Damrell	Clerk to Associates

Administration Office

Mr Geoffrey Denman	Administrative Support Manager
Mrs Joanne Fraser	Computer System Manager
Mrs Vivien Overall	Administrative Support
Mr Gareth Davies- Patrick	Administrative Support

Messenger

Mr Dan Pope	Messenger for the Civil Appeals Office, Admiralty and Commercial Registry and Queens Bench Associates
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MEMBERS OF THE COURT OF APPEAL (CIVIL DIVISION)
USERS' COMMITTEE

Rt. Hon. The Lord Phillips, Master of the Rolls (Chairman)

Rt. Hon. Lord Justice Simon Brown

Rt. Hon. Lord Justice Peter Gibson

Rt. Hon. Lord Justice Kennedy

Rt. Hon. Lord Justice Ward

Rt. Hon. Lord Justice Tuckey

Master Venne, Head of the Civil Appeals Office

Jonathan Brock Esq. QC, The Bar Council

Michael Harvey Esq. QC, The Bar Council

Ms Joy Julien, Citizens Advice Bureau, Royal Courts of Justice

Peter Leaver Esq. QC, The Bar Council

David Mackie Esq. QC, The Law Society

Guy Mansfield Esq. QC, The Bar Council

Stephen Miller Esq. QC, The Bar Council

Ms Anna Rowland, Secretary to the Law Society's Family Law Committee

Mark Shaya, Davies Arnold Cooper, Law Society

Ms Tania Sless, Beachcroft Wansbroughs, London and Solicitors Litigation Association

Roderic Wood Esq. QC, The Bar Council