



# Criminal Justice and Courts Act 2015

## 2015 CHAPTER 2

### PART 3

#### COURTS AND TRIBUNALS

##### *Appeals in civil proceedings*

#### 64 Appeals from the Upper Tribunal to the Supreme Court

In the Tribunals, Courts and Enforcement Act 2007, after section 14 insert—

**“14A Appeal to Supreme Court: grant of certificate by Upper Tribunal**

- (1) If the Upper Tribunal is satisfied that—
  - (a) the conditions in subsection (4) or (5) are fulfilled in relation to the Upper Tribunal's decision in any proceedings, and
  - (b) as regards that decision, a sufficient case for an appeal to the Supreme Court has been made out to justify an application under section 14B,the Upper Tribunal may grant a certificate to that effect.
- (2) The Upper Tribunal may grant a certificate under this section only on an application made by a party to the proceedings.
- (3) The Upper Tribunal may grant a certificate under this section only if the relevant appellate court as regards the proceedings is—
  - (a) the Court of Appeal in England and Wales, or
  - (b) the Court of Appeal in Northern Ireland.
- (4) The conditions in this subsection are that a point of law of general public importance is involved in the decision of the Upper Tribunal and that point of law is—
  - (a) a point of law that—

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*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 64. (See end of Document for details)*

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- (i) relates wholly or mainly to the construction of an enactment or statutory instrument, and
  - (ii) has been fully argued in the proceedings and fully considered in the judgment of the Upper Tribunal in the proceedings, or
- (b) a point of law—
  - (i) in respect of which the Upper Tribunal is bound by a decision of the relevant appellate court or the Supreme Court in previous proceedings, and
  - (ii) that was fully considered in the judgments given by the relevant appellate court or, as the case may be, the Supreme Court in those previous proceedings.
- (5) The conditions in this subsection are that a point of law of general public importance is involved in the decision of the Upper Tribunal and that—
  - (a) the proceedings entail a decision relating to a matter of national importance or consideration of such a matter,
  - (b) the result of the proceedings is so significant (whether considered on its own or together with other proceedings or likely proceedings) that, in the opinion of the Upper Tribunal, a hearing by the Supreme Court is justified, or
  - (c) the Upper Tribunal is satisfied that the benefits of earlier consideration by the Supreme Court outweigh the benefits of consideration by the Court of Appeal.
- (6) Before the Upper Tribunal decides an application made to it under this section, the Upper Tribunal must specify the court that would be the relevant appellate court if the application were an application for permission (or leave) under section 13.
- (7) In this section except subsection (6) and in sections 14B and 14C, “the relevant appellate court”, as respects an application, means the court specified as respects that application by the Upper Tribunal under subsection (6).
- (8) No appeal lies against the grant or refusal of a certificate under subsection (1).

#### **14B Appeal to Supreme Court: permission to appeal**

- (1) If the Upper Tribunal grants a certificate under section 14A in relation to any proceedings, a party to those proceedings may apply to the Supreme Court for permission to appeal directly to the Supreme Court.
- (2) An application under subsection (1) must be made—
  - (a) within one month from the date on which that certificate is granted, or
  - (b) within such time as the Supreme Court may allow in a particular case.
- (3) If on such an application it appears to the Supreme Court to be expedient to do so, the Supreme Court may grant permission for such an appeal.
- (4) If permission is granted under this section—
  - (a) no appeal from the decision to which the certificate relates lies to the relevant appellate court, but
  - (b) an appeal lies from that decision to the Supreme Court.

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- (5) An application under subsection (1) is to be determined without a hearing.
- (6) Subject to subsection (4), no appeal lies to the relevant appellate court from a decision of the Upper Tribunal in respect of which a certificate is granted under section 14A until—
  - (a) the time within which an application can be made under subsection (1) has expired, and
  - (b) where such an application is made, that application has been determined in accordance with this section.

#### **14C Appeal to Supreme Court: exclusions**

- (1) No certificate may be granted under section 14A in respect of a decision of the Upper Tribunal in any proceedings where, by virtue of any enactment (other than sections 14A and 14B), no appeal would lie from that decision of the Upper Tribunal to the relevant appellate court, with or without the permission (or leave) of the Upper Tribunal or the relevant appellate court.
- (2) No certificate may be granted under section 14A in respect of a decision of the Upper Tribunal in any proceedings where, by virtue of any enactment, no appeal would lie from a decision of the relevant appellate court on that decision of the Upper Tribunal to the Supreme Court, with or without the permission (or leave) of the relevant appellate court or the Supreme Court.
- (3) Where no appeal would lie to the relevant appellate court from the decision of the Upper Tribunal except with the permission (or leave) of the Upper Tribunal or the relevant appellate court, no certificate may be granted under section 14A in respect of a decision of the Upper Tribunal unless it appears to the Upper Tribunal that it would be a proper case for giving permission (or leave) to appeal to the relevant appellate court.
- (4) No certificate may be granted under section 14A in respect of a decision or order of the Upper Tribunal made by it in the exercise of its jurisdiction to punish for contempt.”

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#### **Commencement Information**

**II** S. 64 in force at 8.8.2016 by S.I. 2016/717, art. 3(a) (with art. 4)

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Courts Act 2015, Section 64.