HM Courts &
Tribunals Service

Form **204**

How to Prepare an Appeal Bundle for the Court of Appeal

This leaflet explains what you need to do in order to comply with Part 52 of the Civil Procedure Rules and the Practice Direction which supplements that Part.

Why must I prepare an appeal bundle?

To help the Judge to understand what your case is about. You must put your documents together in a standard way so that the judge can find what he needs quickly and easily.

What do I have to do?

If you are applying for permission to appeal, you will have to provide a core bundle within 14 days of filing your appellant's notice. It is very important that you keep one copy of the core bundle for your own use.

If permission is not required or if permission has been granted you will need to provide further copies for the Court and the respondent(s). You will be provided with further information in this case. Each bundle must be exactly the same so that everyone in court is looking at identical bundles.

As soon as you have decided you want to appeal, you must immediately take steps to obtain the judgment of the decision you are appealing. (See page 3, How do I get a copy of the judgement? and page 4, How do I order transcripts?)

How do I prepare a core bundle for permission to appeal?

The following rules must be followed in every case. These rules and requirements are important. If your bundle does not comply with them, it will delay the progress of your case and may lead to your appellant's notice being dismissed for failure to comply.

The Civil Appeals Office will send you a core bundle index similar to the one at Annex 2 at the end of this leaflet. The index lists all the documents you must include in your bundle for permission to appeal. Core bundle indices for all types of cases can be found on the Civil Appeals Office website at http://hmctsformfinder.justice.gov.uk/HMCTS/GetForms.do?court_forms_category=Court%20Of%20Appeal%20Civil%20Division

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You should collate all the documents listed in the relevant core bundle index and place them in a ring binder folder in the same order as they are listed in the index. Page numbers should be added to the bottom right hand corner of every page in the bundle. The index should be placed at the front and the relevant page numbers for each document contained in the bundle should be added to the index.

Do not place original documents in the bundle.

Where you are unable to file all the necessary documents, you must say which documents have not been included and why they are not currently available. You must provide an estimate of when the missing document(s) can be filed and request an extension of time for filing them.

What do I do if I want to rely on additional documents?

If there are additional documents not listed in the relevant core bundle index which are necessary for the court to read in order to determine the application for permission to appeal, you may file a supplementary bundle. It must contain no more than 350 pages unless the court gives permission. Any application for permission to rely on a supplementary bundle of more than 350 pages must be made by application notice with a fee of £569.

You must ONLY include documents in the bundle which were before the court or tribunal which made the decision you want to appeal. If you wish to rely on evidence that was not before the lower court, you must seek the court's permission. Any application to rely on fresh evidence must be made by application notice with a fee of £569.

Transcripts of the evidence are very rarely needed at the permission to appeal stage.

Documents in the bundle should not be marked or written on. The documents must look exactly the same as the ones which the judge in the lower court had. If you wish to comment on any document you should do so separately.

Format of appeal bundles

There are special rules about the format of an appeal bundle. See Annex 1 at the end of this leaflet.

How do I get a copy of the judgment?

As soon as you have decided you want to appeal, you must immediately take steps to obtain the judgment of the decision you are appealing (unless unusually the order you are appealing was made on the papers without an oral hearing).

The 'judgment' is the document which sets out the full reasons which the Judge gave for their decision. It is not the order which just states the result of the decision e.g. the claim is dismissed. The Lord Justice (the Judge in the Court of Appeal) needs to see the judgment so he can understand the reasons why the Judge reached their decision.

How you get copies of the judgment depends on whether or not the judgment was given verbally in court and tape-recorded, or a written judgment was handed down (see below).

If you are not sure whether the judgment was recorded, ask the appropriate court office.

There is a list on page 5 telling you which office to contact.

Written Judgments

If judgment is not given verbally in court, the judge will usually reserve his/her decision and list the matter at a later date to hand down the judgment. At this hearing the judge gives each party a typed copy of the judgment – a 'written judgment'. Tribunals often provide the parties with decisions in writing and these are sent to the parties. These documents are provided free.

If the Judge gave a written judgment you should include a copy of that document in the bundle.

Judgment given orally in Court

You must provide an official typed text of any judgment given orally in court and recorded (a 'transcript of judgment'). The transcript will have to be produced by a firm which specialises in that work (a 'transcriber') and approved by the judge.

For details of how to order a transcript of judgment see page 4. You will usually have to pay the transcriber a fee for the transcript. They will be able to advise you of the cost. In certain circumstances, where you can provide cogent proof that you cannot afford the cost, you can make an application to the court for the transcript to be provided to you at public expense. Ask your case manager in the Civil Appeals Office for the relevant form.

It is important that you keep a copy of the transcript for your own use, for example, if there is a hearing.

What do I do if the judgment was not given in writing and was not recorded?

Where the judgment was not given in writing and was not officially recorded, it is the duty of any lawyers who were acting in the case to take written notes of the judgment. In such a case, you will need to obtain a typed note of judgment from one of those lawyers.

If you were represented at that hearing, ask your own lawyer first but, if you were not legally represented, ask the other side's lawyer if they attended.

If you have already been granted permission to appeal or you do not need permission, the lawyer will have to agree the note with the other side's lawyer and then have it approved by the Judge.

Neither your lawyer, nor the other side's lawyer, is entitled to charge any fee for providing or agreeing a note of judgment.

Tell the Civil Appeals Office immediately if you experience any difficulties or delays in obtaining either a transcript or a note of judgment.

What about a record of the evidence?

Transcripts or notes of evidence are not generally needed for the purpose of determining an application for permission to appeal or for most appeals. Ask your case manager in the Civil Appeals Office if you need guidance (e.g. because the Lord Justice asked for transcripts of evidence when he granted permission to appeal). The case manager's name and contact details are on correspondence addressed to you from the Civil Appeals Office.

How do I order transcripts?

Contact the appropriate lower court office immediately (see the list below) and they will let you know what you have to do to order an official copy of the transcript. A Request for Transcription form (EX107) can be obtained via HMCTS form finder at hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do The EX107 Guidance Notes also explain what you have to do to order a transcript.

You will have to order and pay for one copy of the transcript of judgment (and a transcript of evidence, where necessary).

When you have ordered and paid for the transcript, the transcribers will send it to you to put with your bundle. You should send a copy of the transcript to the Civil Appeals Office as soon as you receive it and it will be placed with your bundle. You must keep a copy for your own use.

Which office do I contact about transcripts?

The appropriate office to contact about transcripts is:

High Court cases heard at the Royal Courts of Justice in London (other than cases in the Administrative Court)	The Court's Recording & Transcription Unit Royal Courts of Justice Strand London WC2A 2LL Phone: 020 7947 7820 Email: rcj.cratu@hmcts.gsi.gov.uk
High Court cases heard anywhere else	The office of the court at which your case was heard
Cases in the Administrative Court	The official transcriber for the Administrative Court are: Opus 2 International Ltd 5th Floor 5 New Street Square London EC4A 3BF Email: civil@opus2.com To obtain a transcript you must i) make the request in writing; ii) pay for the transcript in advance; iii) send a copy of the Administrative Court bundle to Opus 2 International Phone enquiries: 020 7831 5627
Employment Appeal Tribunal cases	The Employment Appeal Tribunal Second Floor Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Email: londoneat@hmcts.gsi.gov.uk EAT Judgments are provided free of charge but must be requested within 14 days of the seal date of the order being appealed. Phone: 020 7273 1041
Upper Tribunal cases	The office of the Tribunal where your case was heard.
County Court cases	The office of the County Court which dealt with your case.

Preparation of a skeleton argument

The purpose of a skeleton argument is to assist the court by setting out as concisely as practicable the arguments upon which you intend to rely. A skeleton argument assists both you and the court in understanding the basis for your case.

If you are unable to file the skeleton argument with your appellant's notice you should apply as soon as possible to the Civil Appeals Office for an extension of time, with reasons (see page 7 for the address of the Civil Appeals Office).

A skeleton argument must:

a) Be concise (it should not normally exceed 25 pages excluding front and back sheets)

b) Be printed on A4 paper in not less than 12 point font and 1.5 line spacing, including footnotes

c) Both define and confine the areas of controversy (i.e. clearly explain the areas where you consider that the decision of the court or tribunal below was wrong or unjust)

d) Be set out in numbered paragraphs

e) Be cross-referenced to any relevant document in the bundle

f) Be self-contained and not incorporate by reference, material from previous skeleton arguments

g) Not include extensive quotations from documents or authorities

h) Be labelled as applicable (e.g. applicant's PTA skeleton, respondent's appeal skeleton) and be dated on its front sheet.

All documents which are relied upon must be clearly identified.

You should consider what other information the court will need. This may include a list of persons who feature in the case or a glossary of technical terms.

Where you have filed a skeleton argument in support of an application for permission to appeal, the same skeleton argument may be relied on in the appeal or you may file an appeal skeleton argument.

What do I do when I have finished?

If you are applying for permission to appeal, you must file one copy of your core bundle, and any supplementary bundle if applicable, within 14 days of filing your appellant's notice. Make sure you keep a copy for yourself.

If you need further time, you must apply to the Civil Appeals Office, before the time limit expires, for an extension of time, with reasons.

The address for filing documents with the Civil Appeals Office is:

Civil Appeals Office Registry Room E307
3rd Floor East Block
Royal Courts of Justice
Strand
London WC2A 2LL

The Office is open Monday to Friday, 10.00am to 4.30pm.

If permission to appeal is granted by the Court of Appeal, you will be given instructions about the documents which have to be added to your core bundle in preparation for the appeal hearing.

Adding documents to a bundle already filed

If you wish to add a document to a supplementary bundle already lodged with the court, the document should identify the Court of Appeal reference number, the relevant bundle and page number so that it can be added to the bundle in the appropriate place. It should not be stapled and it should be hole punched for immediate inclusion in the binders in use. A revised index should be provided at the same time.

Annex 1

Pagination

Bundles must be paginated, each and every page being numbered individually and consecutively.

Page numbers should be inserted in bold figures at the bottom right hand corner of each page and in a form that can be clearly distinguished from any other pagination on the document.

Page numbering must not reduce the font size of any document below 12 points.

Index

For core bundles, the relevant core bundle index from the Civil Appeals Office website should be used.

For any supplementary bundle, an index must be included at the front of the bundle listing all the documents and providing the page references for each of them. Every document should be identified briefly but accurately.

Where the appeal bundle consists of more than one file, an index to all the files should be included in the first file and an index included for each file. The full name of the case should not be inserted on the index if this would waste space.

There is a diagram at the back of this leaflet which shows how the pages should be numbered and what a supplementary bundle index should be like (see Annex 3).

Chronological order

Except for core bundles, the documents should be in chronological order.

Binding

All documents, with the exception of transcripts, must be bound together. This may be in a lever arch file or ring binder. Plastic sleeves containing loose documents must not be used. Binders and files must be strong enough to withstand heavy use and must be in fully working order when lodged with the court.

The size of any bundle should match its contents. A large lever arch file should not be used for just a few pages. No file whatever its size should be overloaded.

The only documents which do not have to be fixed into the bundle are official transcripts or your skeleton argument if you are not able to file it with your appellant's notice.

Format and presentation

Where possible the documents should be on A4 size paper (like this leaflet). All documents should be placed in the bundle so as to ensure that the text starts nearest the spine and can be read from left to right. The copies of the documents in the bundle should be single-sided, not backed or double-sided copies.

No more than one copy of any document should be included unless there is a good reason.

Where any marking or writing in colour on a document is important, the document must be copied in colour or marked up correctly in colour.

Documents which are not easily legible should be transcribed and the transcription marked and placed next to the document transcribed.

Documents in a foreign language should be translated and the translation marked and placed next to the document translated. The translation should be agreed or, if it cannot be agreed, each party's proposed translation should be included.

Different sections of the file may be separated dividers so long as these are clearly indexed.

All staples, heavy metal clips etc, must be removed.

Bundle Labels

Every bundle must be clearly identified, on the spine and on the front cover, with the name of the case and the Court of Appeal's reference. Where the bundle consists of more than one file, each file must be numbered on the spine, the front cover and the inside of the front cover.

Sanctions for non-compliance

If an appellant fails to comply with the requirements as to the provision of bundles of documents, without good reason, the application or appeal will be at risk of being dismissed for failure to so comply.

Annex 2 - Specimen Core Bundle Index

Court of Appeal Ref:

Name v Name
CORE BUNDLE INDEX

Document	Pages
1. Sealed Appellant's Notice and grounds of appeal	
2. Skeleton argument	
3. Chronology of relevant events	
4. Upper Tribunal order being appealed	
5. Where the order was made at or following a hearing, Upper Tribunal judgment (either transcript or as sent out to the parties)	
6. Upper Tribunal decision refusing/granting permission to appeal to the Court of Appeal and covering letter	
7. Skeleton argument lodged by either party in the Upper Tribunal (if applicable)	
8. Detailed Grounds of Defence (if applicable)	
9. Upper Tribunal decision granting permission to apply for judicial review (if applicable)	
10. Upper Tribunal paper decision refusing permission to apply for judicial review (if applicable and if different from decision being appealed)	
11. Judicial Review Acknowledgment of Service and summary grounds of defence (T482)	
12. Sealed Judicial Review Claim Form (T480) and grounds	
13. Copy of the decision challenged in the judicial review	
14. Copy of any application (or further representations) which was the subject of the decision challenged in the judicial review, with any enclosures	

Use for: Judicial Review appeals from the Upper Tribunal Immigration and Asylum Chamber (C2)

Annex 3
Specimen Supplementary Bundle Index

Court of Appeal Ref _____

Jones v. Smith

SUPPLEMENTARY BUNDLE INDEX

Document	**Pages**
Transcript of evidence dated xx-xx-xxxx	1-8
Witness Statement in support of application for a stay of execution	9-16
Order of Mr X dated xx-xx-xxxx	17-18
Application Notice dated xx-xx-xxxx	19-23
1st Witness Statement/Affidavit of Defendant	24-28
2nd Witness Statement/Affidavit of Claimant	29-35
Witness Statement of Claimant	36-39
Witness Statement of Defendant	40-44
Etc.	

1

2

3

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5

Continue numbering each page in order through to end

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