

SUPREME COURT OF JUDICATURE OF NORTHERN IRELAND

COURT OF APPEAL (CIVIL AND CRIMINAL DIVISIONS)
CHANCERY DIVISION
QUEEN'S BENCH DIVISION
FAMILY DIVISION

PART A - SKELETON ARGUMENTS AND RELATED DOCUMENTS

PART B - APPEAL BOOKS

1. This Practice Direction revokes and replaces Practice Direction 3/98 issued by the Lord Chief Justice on 10 July 1998, Practice Direction 6/97 issued by the Master (Chancery) on 6 June 1997 and Practice Direction 2/03 issued by the Master (Queen's Bench and Appeals) and the Master (High Court) on 27 March 2003.
2. In this Direction:-
 - (a) "applicant" refers to an appellant or a plaintiff, a petitioner, or any other applicant by originating or other process (excluding a counterclaim) under which the relevant proceeding has been listed for hearing;
 - (b) "respondent" refers to a defendant or other respondent to the moving party's application or appeal;
 - (c) "the Office" refers to the appropriate Court Office (contact details of which are indicated in the First Schedule) for the relevant proceedings;
 - (d) "the court" includes masters; and
 - (e) "other party" refers to a party who is not the applicant or respondent who is given leave, or is directed by the court, to participate at the hearing.

PART A – SKELETON ARGUMENTS AND RELATED DOCUMENTS

Proceedings where skeleton arguments are compulsory

3. Subject to paragraphs 4 to 5 skeleton arguments must be provided by the applicant, respondent, or other party as follows:
 - (a) in the Court of Appeal, in civil and criminal appeals, including case stated and Attorney General's references under section 36 of the Criminal Justice Act 1998;
 - (b) in any judicial review proceedings;
 - (c) in any other class of proceedings in the Queen's Bench, Chancery or Family Division where a judge directs;

- (d) in any class of proceedings (not covered by (c)) before masters where the master directs;
 - (e) in any proceeding where the applicant or respondent anticipate that points of law of any complexity will be argued; and
 - (f) in any other proceedings where the court directs.
4. In any proceeding the court may dispense with the requirement for skeleton arguments.
 5. Litigants in person, that is those applicants or respondents who do not have a solicitor or barrister, will be expected to provide skeleton arguments unless the court dispenses with the requirement. The Court will make some allowance for the fact that the litigant in person has no legal representation.
 6. The Court may require the provision of a supplemental skeleton argument by the applicant, respondent, or other party.

Form and content of skeleton arguments

7. The purpose of a skeleton argument is to identify the points to be argued at hearing, not to conduct the arguments. Skeleton arguments must be typed and state:
 - (a) The full title and record number of the proceedings;
 - (b) The name of the party providing the skeleton argument;
 - (c) The name of counsel and the solicitor appearing on behalf of that party. (This does not apply in the case of litigants in person).
 - (d) Where the points in the skeleton argument arise from portions of a transcript of evidence or from police interviews, the relevant portion or portions of the transcript or police interview (that is the page of the Book of Appeal, the paragraph and line number).
 - (e) Where there are references to legislation; the relevant statute, article, section, regulation etc.
 - (f) Where there are references to authorities the proposition of law that the authority demonstrates should be clearly stated. Authorities and, if appropriate, the part of the judgment that supports the proposition should be cited with reference to the particular page number and (where available) paragraph reference for the passage in the case, textbook or journal.

Schedules

8. Each skeleton argument should have the following schedules, where appropriate:

- (a) A list of authorities. Full citations should be given (including of unreported cases), including page numbers and, where available, paragraph reference. An example is attached at annex B.
- (b) A chronology of relevant events to be provided by the applicant. An example is attached at annex C. It will be assumed that this is agreed between the applicant and respondent unless the skeleton argument states otherwise.
- (c) In criminal appeals a list of the interviews being relied upon, set out in chronological order. These references should include the page number in Book of Appeal, paragraph number etc.
- (d) In complex cases a list of the key persons in the case and their part in the case. An example is attached at annex D.

Provision of Authorities For the Court

- 9. Where reference is made to a journal, textbook or a case which is not reported in any official or authorised report a copy (four copies for the Court of Appeal) of the relevant passage in the journal or textbook or of the case should be lodged together with the skeleton argument.

Delivery of skeleton arguments

- 10. Subject to any contrary direction by the court:
 - (a) the applicant shall lodge in the Office (see annex A) and copy to the respondent and any other party a skeleton argument and all related documents at least ten working days before the date fixed for the hearing;
 - (b) the respondent shall lodge in the Office and copy to the applicant and any other party a skeleton argument and all related documents at least five working days before the date fixed for hearing;
 - (c) any other party shall lodge in the Office and copy to all other parties a skeleton argument and all related documents at least five working days before the date fixed for hearing;
 - (d) Four copies of the skeleton argument and related documents must be lodged with the Office in Court of Appeal cases, one copy in all other cases.

Electronic Communication

- 11. The use of e-mail reduces significantly the time required for processing cases. Skeleton arguments, annexes and copies of authorities and any other related

documents should, where possible, be submitted to the relevant Office by e-mail (the e-mail addresses are given at Annex A).

12. Where the skeleton arguments, annexes and copies of related authorities and documents are submitted electronically to the Office and other parties the time scale for submission is reduced by one working day.
13. Where electronic communication is used in accordance with paragraph 12 there is no need to also lodge hard copies as provided by paragraph 10. Where it is not possible to send copies of authorities by e-mail the requisite number of copies shall be lodged in the Office on the same day that the e-mails are sent.

PART B: APPEAL BOOKS

Provision of Appeal Books

14. In civil and criminal appeals to the Court of Appeal, including Attorney-General's references, four copies of the appeal book should be lodged with the Office by the applicant not less than 7 days before the appeal is listed for hearing.
15. In appeals to the Court of Appeal by way of case stated four copies of the book of appeal should be lodged with the Office within 14 days after entering the appeal for hearing.
16. The applicant should supply the respondent with an exact copy of the appeal book and retain an exact copy for his or her own use in Court. Counsel is free during court proceedings to use their own annotated papers from the trial proceedings however he /she must refer the court to the relevant section in the court's appeal book as supplied by the applicant.

Indexing

17. The book of appeal must contain an index of all documents. Every document should be clearly separated by a page divider and all pages in the book of appeal should be numbered sequentially from page 1 to the end. The index should clearly list all documents in the book of appeal each document being identified by reference to the appropriate divider number and page number(s). A sample index for a criminal case is attached at annex E.

Content

18. The documents to be included, where relevant, in a book of appeal in respect of a criminal appeal to the Court of Appeal are:

- (a) Form 2 – Notice of Appeal
 - (b) Form 3 – Grounds of Appeal
 - (c) Form 4 – Particulars of Trial
 - (d) Indictment
 - (e) Details of Co-Accused
 - (f) Pre-sentence report
 - (g) Previous Convictions of Appellant and any Co-Accused if relevant
 - (h) Prosecution Statement
 - (i) Defence Statement
 - (j) Defendant’s Article 13(3) statement
 - (k) Medical Report
 - (l) Transcripts of Evidence and the summing up
 - (m) Additional Evidence
 - (n) Index to Crown Court Witnesses
 - (o) Index to Crown Court Exhibits
 - (p) Sentence and sentencing remarks
 - (q) Any other documents which may be relevant to the appeal.
19. The documents to be included in a book of appeal in respect of an Attorney General’s reference are:
- (a) Attorney General’s reference;
 - (b) Form 4 –Particulars of Trial;
 - (c) Details of co-accused;
 - (d) Transcript of sentence;
 - (e) All relevant papers that were before the trial judge; and
 - (f) Any other relevant material.
20. The documents to be included in a book of appeal in respect of a civil appeal to the Court of Appeal are:
- (a) The notice of appeal;
 - (b) The respondent’s notice;
 - (c) The judgment or order of the court below;
 - (d) The pleadings (including particulars), if any, in the case of an appeal in an Admiralty cause or matter, the preliminary acts, if any;
 - (e) The transcript, if any, of the judgment of court below or, in the absence of such a note, the judge’s note of his reasons for giving the judgment or making the order;
 - (f) Such parts of the transcript, if any, of the evidence given in the court below as are relevant to any question at issue on the appeal or, in the absence of such a note, such parts of the judge’s note of the evidence as are relevant to any such question;

- (g) Any list of exhibits made under Order 35, rule 8 of the Rules of the Supreme Court (Northern Ireland) 1980, or the schedule of evidence, as the case may be;
 - (h) Such affidavits, exhibits, or parts of exhibits, as were in evidence in the court below and as are relevant to any question in issue in the appeal; and
 - (i) Any other documents which may be relevant to the appeal.
21. “Any other documents” should include, for example, a bundle of correspondence agreed between the applicant and the respondent where correspondence is at issue.
22. The documents to be included in a book of appeal in respect of an appeal by case stated to the Court of Appeal are:
- (a) The requisition to state a case;
 - (b) The case stated;
 - (c) The legal aid certificate (if any);
 - (d) Any other documents which may be relevant to the appeal.
23. Where available a copy of the judgment or order giving rise to the case stated should form part of the book of appeal.

PARTS A and B– NON COMPLIANCE

24. Where the applicant, respondent, or any other party fails to comply with this Practice Direction in any respect he or she will be required to account for the failure to the Court and, in the absence of a good and sufficient explanation, the party in default may be penalised in costs.

Commencement

14. This Direction comes into operation on 9th February 2005 and will apply to proceedings listed for hearing on or after 7th March 2005.

Dated this 9th February 2005

Lord Chief Justice

LIST OF OFFICES

1. Appeals & Lists Office
Fax No – 90235186
Tel Nos – 90724702 & 90724705
Email address – centraloffice@courtsni.gov.uk
2. Chancery Office and Bankruptcy and Companies Office
Fax No – 90239932
Tel Nos – 90724688, 90724670 & 90724666
Email address – chanceryoffice@courtsni.gov.uk
3. Central Office
Fax No - 90235186
Tel Nos – 90724707, 90724696 & 90724701
Email address – centraloffice@courtsni.gov.uk
4. Commercial List Office
Fax No – 90235186
Tel Nos – 90724673 & 90724672
Email address – commerciallistoffice@courtsni.gov.uk
5. Judicial Review Office
Fax No – 90235186
Tel Nos. 90724673 & 90724642
Email address – judicialreviewoffice@courtsni.gov.uk
6. Probate & Matrimonial Office
Fax No – 90310568
Tel Nos – 90724675, 90724676 & 90724678
Email address – probate&matrimonial@courtsni.gov.uk
7. Office of Care and Protection
Fax No – 90322782
Tel Nos – 90724740, 90724748 & 90724749
Email address – officeofcare&protection@courtsni.gov.uk

LIST OF AUTHORITIES

NAME OF PROCEEDINGS: Smith v Jones (1996 No. 200)

PARTY PROVIDING THE LIST: The Plaintiff

NAME OF COUNSEL: A N Other QC, BC Dobbs

CASES

1. Manchester Corporation v Connolly [1970] 1 Ch 420 at 427G to 429B
2. Guild v IRC [1992] 2 AC 310 at 315G to 316B
3. Higgins v Job [1982] EGLR 300, page 72, line 8 (copy provided)

TEXT BOOKS

1. Chitty on Contracts V51 (27th Edition) p.300 paragraph 3.22

ARTICLES

1. "Possessory title and licences" by Grabbit and Keep [1980] MLR 300, page 63, paragraph 6.36, (copy sent by hand)

STATUTES

The Limitation (Northern Ireland) Order 1989 Arts 100 and 89 as amended by The Limitation (NI) Order 2002 Art 3.

Land Registration Rules (Northern Ireland) 1994 (SRO No. 424) Rules 3 and 4.

CHRONOLOGY OF EVENTS

Date	Event
2.30pm Monday 15 May 2003	John Morgan strikes teacher, Ms Patterson
4.10 pm Monday 15 May 2003	School excludes John Morgan
Tuesday 16 May 2003	Call made to parents by teacher, Mr Jones
Wednesday 17 May 2003	Parents interviewed by teacher
Thursday 25 May 2003	Parents seen by Headmaster
Friday 26 May 2003	Parents and son meet Chairman of Board of Governors
Wednesday 2 June 2003	First Exam
Wednesday 2 June 2003	Board meets to discuss case.
Tuesday 8 June 2003	Pupil reinstated
Thursday 12 August 2003	Results issued

LIST OF KEY PERSONS

Name	Role
Mr James White	Accused
Mr John White	Victim
Ms Yellow	Mother of victim – key witness as to intent
Mr Brown	Co-accused
Mr Pink defence	Friend of victim – key witness for

**HER MAJESTY’S COURT OF APPEAL
IN NORTHERN IRELAND**

THE QUEEN

-v-

JOHN BLACK

Appeal against conviction – DIPLOCK

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BOOK 2

11. INDEX to various transcripts of evidence	52
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