



LITIGATION AND DISPUTE RESOLUTION

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# New Court of Appeal Practice Direction: Filing of submissions or books of appeal from 1 Feb 2017

by **Íde O'Neill**

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## CA06 - Submissions, books of appeal and authorities in civil appeals.

A new Court of Appeal practice direction dealing with submissions, appeal books and authorities was issued by Mr Justice Sean Ryan on 20 December 2016. It applies to all civil appeals in which submissions or books of appeal are due to be filed on or after **1 February 2017**.

The practice direction demonstrates a clear desire by the Court of Appeal that all papers put before it should be relevant, concise and in good order.

The details of the practice direction are outlined below.

### Submissions

- Written submissions in ordinary appeals shall not, save with the leave of the court, exceed 10,000 words in total (to include footnotes). With the exception of complex appeals, it is expected that submissions will be significantly shorter than 10,000 words.
- Written submissions in expedited appeals shall not, save with the leave of the court, exceed 5,000 words (to include footnotes).
- Submissions should follow a prescribed template which is set out in the practice direction.
- Where a party seeks to set aside any finding of fact made by the High Court, the submissions must identify (having regard to *Hay v. O'Grady* [1992] 1 I.R. 210 and subsequent judgments) the basis upon which they maintain they are entitled so to do.
- Submissions should be presented in a prescribed format. The practice direction details the font size and type, line spacing, margins and page size to be used. It further specifies that all submissions should carry the title and record number of the case, clearly indicate on whose behalf they are presented and specify the word count. Where settled by counsel or solicitor, the name of such counsel or solicitor should appear at the foot of the submissions.
- Submissions should be filed in both hard and soft copy which must be identical.
- Soft copy submissions, in Word format, should be emailed to [courtofappealcivilsubs@courts.ie](mailto:courtofappealcivilsubs@courts.ie) within three days of the filing of the hard copy submissions.
- Copy submissions must be served on the other parties to the appeal.

### Appeal books

- Appeal books shall comprise: a core book, a book of pleadings and book(s) of evidence in the High Court. The practice direction specifies what these books should be comprised of.
- The appellant shall seek to agree the index to each appeal book by sending same to the respondent(s) no later than eight weeks prior to the hearing date. The Respondent(s) must respond

with any proposed amendments within two weeks.

- Subject to any order made at a directions hearing, the appellant shall, not later than four weeks before the date fixed for the hearing of the appeal, lodge in the Court of Appeal Office four copies of the appeal books. One copy of the appeal books shall be served at the same time on each respondent to the appeal.
- Appeal books must be clearly indexed and paginated and all documents in the appeal books must be legible and complete. Lever arch files should not be over-filled.
- Appeal books should identify on the cover and, where possible, on the spine the content and, if appropriate, the number of the book.

## **Authorities**

- It is the responsibility of the parties to the appeal to agree a book of authorities. No later than eight weeks prior to the hearing date, the appellant should deliver to the respondent and any other parties to the appeal a draft list of the authorities to be included in the books of authorities. No later than four weeks prior to the hearing date, the respondent and any other party shall deliver to the appellant a list of any additional authorities to be included in the agreed books of authorities.
- Unless otherwise directed, the appellant shall hand into court at the commencement of the hearing of the appeal three copies of the agreed indexed book(s) of authorities.
- Where a case has been reported in the official reports, such report is the only report of the case which should be included in the book of authorities.
- It is only necessary to include in the books of authorities those judgments relied on in the substance of the written submissions, and/or which may be referred to in oral argument which the court will require to read in full.

The full practice direction can be viewed [here](#)

**If you would like any further information, please contact Íde O'Neill at [ioneill@lkshields.ie](mailto:ioneill@lkshields.ie).**

## About the Author



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