

**IN THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**DIVISIONAL COURT**

Claim No. QB-2019-004208

**BETWEEN:**

**HER MAJESTY'S SOLICITOR GENERAL**

**Applicant**

**-and-**

**NEELU BERRY**

**Respondent**

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**NOTE ON APPEAL PROVISIONS**

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1. The Administration of Justice Act 1960 s13 governs appeals "*from any order or decision of a court in the exercise of jurisdiction to punish for contempt of court (including criminal contempt)*": s13(1).
2. Section 13 displaces any other enactment dealing with appeals to which it applies: see s13(1). Insofar as CPR Part 52 is inconsistent with AJA s13, it has no effect: see CPR 52.1(4).
3. An appeal against an order or decision of a Divisional Court to which s13 applies lies only to the Supreme Court: s13(2)(c).
4. Ordinarily, an appeal to the Supreme Court may be brought only with permission, and permission may not be granted unless the case involves a point of law of general public importance which ought to be considered by the Supreme Court: AJA 1960, s1(2).
5. The presence of a point of law of general public importance is not required in the case of a contempt appeal as a prerequisite for the grant of permission, but the requirement for permission remains: s13(4).

6. Permission must be sought from the Divisional Court within 28 days of the date of that Court's decision or, if later, the date on which it gives reasons for its decision. An application for permission may be renewed to the Supreme Court within 28 days of the Divisional Court refusing permission. Either Court may extend these time limits upon the application of the Appellant.
  
7. In *Barnet London Borough Council v Hurst (Practice Note)* [2003] 1 WLR 722 (noted at White Book Vol 2, 3C-39) the Court of Appeal drew a distinction between an order for committal (no permission required for an appeal to the CA) and other orders or decisions made in the exercise of a court's contempt jurisdiction (permission to appeal required). However, *Barnet* concerned the application of CPR 52.3 in the case of appeals to the Court of Appeal or below, not appeals to the Supreme Court. The provisions governing appeals to the Supreme Court do not allow for a similar disapplication of the requirement for permission to appeal.
  
8. The relevant sections of the AJA 1960 are annexed to this Note.

**11 February 2021**

**Aidan Eardley**

**5RB**