

# Appellant's notice

(All appeals except small claims track appeals and appeals to the Family Division of the High Court)

Notes for guidance are available which will help you complete this form. Please read them carefully before you complete each section.

For Court use only	
Appeal Court Ref. No.	
Date filed	10 Mar 2023



HER MAJESTY'S COURT OF APPEAL CIVIL DIVISION

CA-2023-000462  
SEAL Submitted Date:  
09-03-23

## Section 1 Details of the claim or case you are appealing against

Claim or Case no.  Fee Account no.   
(if applicable)

Help with Fees - Ref no. (if applicable)  -  -

Name(s) of the  Claimant(s)  Applicant(s)  Petitioner(s)

Name(s) of the  Defendant(s)  Respondent(s)

### Details of the party appealing ('The Appellant')

Name

Address (including postcode)

Tel No.

Fax

E-mail

### Details of the Respondent to the appeal

Name

Address (including postcode)

Tel No.

Fax

E-mail

Details of additional parties (if any) are attached

Yes  No

## Section 2 Details of the appeal

From which court is the appeal being brought?

The County Court at

The Family Court at

High Court

Queen's Bench Division

Chancery Division

Family Division

Other (please specify)

What is the name of the Judge whose decision you want to appeal?

What is the status of the Judge whose decision you want to appeal?

District Judge or Deputy       Circuit Judge or Recorder       Tribunal Judge

Master or Deputy       High Court Judge or Deputy       Justice(s) of the Peace

What is the date of the decision you wish to appeal against?

Is the decision you wish to appeal a previous appeal decision?       Yes       No

## Section 3 Legal representation

Are you legally represented?

Yes  No

If Yes, is your legal representative (please tick as appropriate)

- a solicitor
- direct access counsel instructed to conduct litigation on your behalf
- direct access counsel instructed to represent you at hearings only

Name of your legal representative

N / A

The address (including postcode) of your legal representative

N / A

Tel No.	
Fax	
E-mail	
DX	
Ref.	

Are you, the Appellant, in receipt of a Civil Legal Aid Certificate?

Yes  No

Is the respondent legally represented?

Yes  No

If 'Yes', please give details of the respondent's legal representative below

Name and address (including postcode) of the respondent's legal representative

SEE SUPPLEMENTARY SHEET AS MORE THAN ONE RESPONDENT AND CONTACT DETAILS

Tel No.	
Fax	
E-mail	
DX	
Ref.	

## Section 4 Permission to appeal

Do you need permission to appeal?

Yes  No

Has permission to appeal been granted?

**Yes** (Complete Box A)

**No** (Complete Box B)

### Box A

Date of order granting permission

Name of Judge granting permission

### Box B

I NADINE TAYLOR (Individual), MATTHEW O'CONNOR (Individual) and FATHERS FOR JUSTICE LIMITED (Co.Regn 05954235)

the Appellant('s legal representative) seek permission to appeal.

If permission to appeal has been granted **in part** by the lower court, do you seek permission to appeal in respect of the grounds refused by the lower court?

Yes  No

## Section 5 Other information required for the appeal

Please set out the order (or part of the order) you wish to appeal against

SEE ATTACHED ORDER, DATED 21 FEBRUARY 2023.

THE APPELLANTS WISH TO APPEAL AGAINST CLAUSES 2,3,4,6,7,8,9,10,11,12 OF THE ORDER WHICH ARE SET OUT IN FULL ON THE ATTACHED SHEET HEADED "ZC17P00039 CLAUSES OF THE ORDER 21-2-2023 UNDER APPEAL".

Have you lodged this notice with the court in time?

(There are different types of appeal - see Guidance Notes N161A)

Yes  No

If '**No**' you must also complete **Part B of Section 10 and Section 11**

## Section 6 Grounds of appeal

Please state, in numbered paragraphs, **on a separate sheet** attached to this notice and entitled 'Grounds of Appeal' (also in the top right hand corner add your claim or case number and full name), why you are saying that the Judge who made the order you are appealing was wrong.

## Section 7 Arguments in support of grounds for appeal

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' are set out **on a separate sheet** and attached to this notice.

**OR** (in the case of appeals other than to the Court of Appeal)

I confirm that the arguments (known as a 'Skeleton Argument') in support of the 'Grounds of Appeal' will follow within 14 days of filing this Appellant's Notice. A skeleton argument should only be filed if appropriate, in accordance with CPR Practice Direction 52B, paragraph 8.3.

## Section 8 Aarhus Convention Claim

For applications made under the Town and Country Planning Act 1990 or Planning (Listed Buildings and Conservation Areas) Act 1990

I contend that this claim is an Aarhus Convention Claim  Yes  No

If Yes, and you are appealing to the Court of Appeal, any application for an order to limit the recoverable costs of an appeal, pursuant to CPR 52.19, should be made in section 10.

If Yes, indicate in the following box if you do not wish the costs limits under CPR 45 to apply. If you have indicated that the claim is an Aarhus claim set out the grounds below

## Section 9 What are you asking the Appeal Court to do?

I am asking the appeal court to:-  
(please tick the appropriate box)

- set aside the order which I am appealing
- vary the order which I am appealing and substitute the following order. Set out in the following space the order you are asking for:-

- order a new trial

## Section 10 Other applications

Complete this section **only** if you are making any additional applications.

### Part A

- I apply for a stay of execution. (You must set out in Section 11 your reasons for seeking a stay of execution and evidence in support of your application.)

### Part B

- I apply for an extension of time for filing my appeal notice. (You must set out in Section 11 the reasons for the delay and what steps you have taken since the decision you are appealing.)

### Part C

- I apply for an order that:

(A) That the Appellants be permitted to apply forthwith for and receive a full unredacted Transcript of the whole Proceedings on 20/02/2023 in Case ZC17P00039 before Arbuthnot J in Court 49 Royal Courts of Justice.  
Hearing times - Approx. start 10.30am - Adjourned for Lunch 13.10 - 14.15 - Ended Approx. 17.00hrs.

(B) That the Appellants be permitted to apply forthwith for and receive full unredacted Transcripts of the Proceedings at the Hearings on 27/06/2022 and 08/02/2023 in Case ZC17P00039 before Arbuthnot J at RCJ.

(You must set out in Section 11 your reasons and your evidence in support of your application.)

In support of my application(s) in Section 10, I wish to rely upon the following reasons and evidence:

(A) TRANSCRIPT 20/02/2023

1. The Appellants (Proposed Intervenor(s)) were parties in their own right on their Intervention Application – see *Re W (Minor)* [2016] EWCA Civ.1140, [2017] 1WLR 2415, [2017] 1FLR 1629 CA at Paras.39,40 – and in that capacity *prima facie* had the legal right to a copy of the Transcript of the Proceedings on 20 February 2023 as full participants therein.
2. The Appellants have genuine need of the Transcript as their own Notes taken at the time were not fully comprehensive nor in all probability adequately accurate as they are not shorthand writers, and the Grounds of Appeal do necessitate reference to the Transcript as they include complaints about the Learned Judge below misrepresenting submissions made by their advocate. We also wish to check the accuracy of our references in the Grounds of Appeal to submissions made in the Court below and judicial dicta in the course of the proceedings. Further, as there is an issue as to whether the special Intervenor proceedings could or could not be adequately severed from the main child welfare proceedings so that the Intervenor proceedings could reasonably be heard in Open Court, it is really necessary to study the Transcript to see whether that was in the event feasible (see Open Court Grounds of Appeal at Grounds Paras.4-34). We wish to have the opportunity to file the Transcript with the Appeal documents in the circumstances.
3. The Judge herself in refusing Leave to obtain the Transcript for 20 February 2023 said that we should apply to the Court of Appeal as they can order this.
4. As the Judge's refusal has been included as an ancillary order (made on 21 February 2023) under Appeal, Clause 11 in the Order 21/02/2023, please also see Grounds of Appeal thereon at Grounds Paras.75-77. The Court of Appeal can of course itself order provision of the Transcript for purposes of these Appeal proceedings, without necessarily holding that the Judge was wrong to refuse it herself.

(B) TRANSCRIPTS 27/06/2022 & 8/02/2023

1. These Transcripts are crucial for verifying whether the refusal of the Judge to allow provision of them led to serious procedural irregularity and unfairness to the Appellant Intervenor(s) for the Hearing of their Intervention Application on 20 February 2023: see the Grounds of Appeal at Grounds Paras.60-63 and Paras.35-38.
2. The Transcript for 27/06/2022 was and is needed to determine whether, as alleged by the Intervenor(s) and corroborated by the Father Mr Alcott (Applicant below and 1st Respondent in this Appeal) new findings of fact relating to the Intervenor(s) were made at the 27/06/2022 Hearing, or whether as the Judge asserted the only relevant findings of fact were all in the Extract from the fact-finding proceedings in early 2022, in her Judgment and Schedule of Findings dated 13 April 2022, and no new findings were made on 27 June 2022. Yet as a matter of record, the key findings objected to by the Intervenor(s) and recorded in the Recitals to the Order 27/06/2022 served on them are different to anything in the Extract and cannot be found in the Extract. The Judge herself seemed somewhat confused as to exactly what her findings were and where they are to be found: Grounds Para.38. It is also *prima facie* suspicious that the Judge refused several applications by the Intervenor(s) for this Transcript in good time before 20 February 2023 and even refused the same application by Mr Alcott who had a right to the Transcript in his capacity as a Party in ZC17P00039.
3. The Transcript for 08/02/2023 is needed to determine the truth or otherwise as to whether there was serious judicial misconduct by the Judge at the Pre-Trial Review Hearing on 8 February 2023 which through no fault of their own the Intervenor(s) could not attend, but it was attended remotely by Mr Alcott and who in his response Skeleton below supported by a Statement of Truth replying to the Intervenor(s)' main Application and Skeleton alleged she had descended into the arena and discussed their case and sided with the counsel for the Respondent(s) in a grossly biased and prejudicial manner. This Transcript again was applied for by the Intervenor(s) promptly the same day 8/02/2023 but was refused, but could have been obtained in adequate time for the 20/02/2023 Hearing. The Judge herself admitted that if all Mr Alcott's account was true then that could be the end of her judicial career. At the least she would be obliged to recuse herself.

**Vulnerability**

Do you believe you, or a witness who will give evidence on your behalf, are vulnerable in any way which the court needs to consider?

- Yes. Please explain in what way you or the witness are vulnerable and what steps, support or adjustments you wish the court and the judge to consider.

The 1st Appellant, Nadine Taylor, is a vulnerable witness and participator and as such was provided with a screen in the Court Room and a separate waiting room, protecting her from the 1st Respondent Mother, her Solicitor Janet Broadley and Counsel, and the 2nd Respondent's Legal Team including Counsel and the Child's Guardian, Eileen Carr, during both Hearings on the 20th and 21st February 2023.

- No

# Statement of Truth

This must be completed in support of the evidence in Section 11

I understand that proceedings for contempt of court may be brought against a person who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

I believe that the facts stated in section 11 are true.

The applicant believes that the facts stated in section 11 are true. I am authorised by the applicant to sign this statement.

## Signature

Applicant

Litigation friend (where applicant is a child or a Protected Party)

Applicant's legal representative (as defined by CPR 2.3(1))

## Date

Day

Month

Year

09

03

2023

Full name

NADINE TAYLOR, MATTHEW O'CONNOR FATHERS 4 JUSTICE

Name of applicant's legal representative's firm

N / A

If signing on behalf of firm or company give position or office held

MATTHEW O'CONNOR, DIRECTOR

## Section 13 Supporting documents

To support your appeal you should file with this notice all relevant documents listed below. To show which documents you are filing, please tick the appropriate boxes.

If you do not have a document that you intend to use to support your appeal complete the box over the page.

### In the County Court or High Court:

- three copies of the appellant's notice for the appeal court and three copies of the grounds of appeal;
- one additional copy of the appellant's notice and grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order being appealed;
- a copy of any order giving or refusing permission to appeal; together with a copy of the judge's reasons for allowing or refusing permission to appeal; and
- a copy of the Civil Legal Aid Agency Certificate (if legally represented).

### In the Court of Appeal:

- three copies of the appellant's notice and three copies of the grounds of appeal on a separate sheet attached to each appellant's notice;
- one additional copy of the appellant's notice and one copy of the grounds of appeal for each of the respondents;
- one copy of the sealed (stamped by the court) order or tribunal determination being appealed;
- a copy of any order giving or refusing permission to appeal together with a copy of the judge's reasons for allowing or refusing permission to appeal;
- one copy of any witness statement or affidavit in support of any application included in the appellant's notice;
- where the decision of the lower court was itself made on appeal, a copy of the first order, the reasons given by the judge who made it and the appellant's notice of appeal against that order;
- in a claim for judicial review or a statutory appeal a copy of the original decision which was the subject of the application to the lower court;
- one copy of the skeleton arguments in support of the appeal or application for permission to appeal;
- a copy of the approved transcript of judgment; and
- a copy of the Civil Legal Aid Certificate (if applicable)
- where a claim relates to an Aarhus Convention claim, a schedule of the claimant's financial resources

Reasons why you have not supplied a document and date when you expect it to be available:-

<b>Title of document and reason not supplied</b>	<b>Date when it will be supplied</b>
THE APPELLANTS' SKELETON FOR THE COURT OF APPEAL IN SUPPORT OF THE GROUNDS OF APPEAL THE APPELLANTS NEED MORE TIME TO PREPARE IT BUT IT WILL BE FILED WITHIN THE 21 DAY TIME LIMIT OF 14/03/2023	14 MARCH 2023
THE TRANSCRIPT OF THE ADDITIONAL SHORT ORAL JUDGMENT GIVEN ON 21 FEBRUARY 2023 DEALING WITH ANCILLARY MATTERS THAT DAY. MAIN WRITTEN APPROVED JUDGMENT HANDED DOWN IS ALREADY PROVIDED HEREWITH.	THE TRANSCRIPT HAS ALREADY BEEN APPLIED FOR, SO AS SOON AS TRANSCRIBED

**Section 14** The notice of appeal must be signed here

Signed

Appellant(s legal representative)