

Appeals and Permission to Appeal in the Isle of Man

The High Court of Justice of the Isle of Man consists of the Civil Division and the Staff of Government Division (the "Appeal Division"). Although both divisions can hear appeals, the Appeal Division is the Isle of Man's dedicated court of appeal.

The appeal notice

Rule 14.2 of the Rules of the High Court of Justice 2009 details what information must be included in the appeal notice. The appeal notice must include (among other things):

- the grounds of appeal;
- where the decision is being appealed from; and
- where the decision is being appealed to.

Where to appeal to depends upon the court that the decision is being appealed from. Ordinarily, the Appeal Division will hear appeals from (among others stated in rule 14.3), the Civil Division, a court of summary jurisdiction, or the land court. An appeal from any other court than those listed in rule 14.3(2) will be heard by the Civil Division.

Permission to appeal

With few exceptions, an appeal to the Appeal Division will almost always require permission to appeal. Consideration of an application for permission to appeal involves the permission to appeal test. The test is different depending on where the decision is being appealed from.

If the appeal is a 'first appeal' from the Civil Division, the Appeal Division will only give permission to appeal where (rule 14.3C):

- the court considers that the appeal would have a real prospect of success; or
- there is some other compelling reason for the appeal to be heard.

If the decision being appealed is a decision from the Civil Division, which itself was a decision made on appeal (a 'second appeal'), the Appeal Division will not give permission unless (rule 14.4):

- the appeal would:
 - o have a real prospect of success; and
 - o raise an important principle or practice; or
- there is some other compelling reason for the Appeal Division to hear it.

As stated by Judge of Appeal Kross KC at paragraph [10] of *Bell v HM Solicitor General* [2025] 2DS 2025/07, a 'real prospect of success' means that "*there must be a realistic, as opposed to fanciful, prospect of success*".

A permission to appeal application will usually be dealt with administratively by the Judge of Appeal or a Deemster without an oral hearing. Where an application is refused without a hearing, an appellant may request an oral hearing to determine the application. However, where a case is first refused for being wholly without merit, a request for reconsideration at an oral hearing may be denied.

The Judicial Committee of the Privy Council

The final court of appeal for the Isle of Man is the Judicial Committee of the Privy Council (the "JCPC"). Section 24(1) of the High Court Act 1991 allows for judgments and orders of the Appeal Division to be appealed to His Majesty in Council with:

- leave of the Appeal Division; or
- special leave of His Majesty.

An appellant is required to apply for leave to appeal from the Appeal Division to the JCPC. The Appeal Division will apply the test at paragraph [15] of *Morris v Assessor of Income Tax* [2017] 2DS 2017/17 when considering an application for leave to appeal to the JCPC. This test is: "*is there (i) an arguable point of law, (ii) of general public importance, (iii) that needs to be determined now by the Privy Council?*"

Deciding to appeal a decision

In considering the prospects of an appeal, it is important to consider the many factors that may influence a decision to appeal. These might include:

- **Time limits** – an appeal must be filed within a fixed period and it is important to ensure that the rules on time limits to bring the appeal are complied with.
- **Grounds of appeal** – an appeal is not an opportunity to re-try a case; it is important to ensure that your grounds of appeal concern grounds which the appeal court can examine.
- **Costs** – it is important to consider the cost of bringing an appeal and any potential adverse costs awarded to the respondent should the appeal be unsuccessful.
- **Procedure** – it is vital to ensure compliance with the correct procedures for an appeal as deficiencies could be fatal to a case.

Our litigation team has significant experience in appeals and the appeals process. If you would like further information or assistance, please contact [Robert Colquitt](#), [Tara Cubbon-Wood](#) or any member of our team.

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