

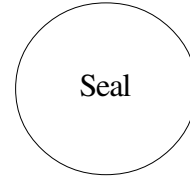
Appellant's Notice



In the

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 Reference No.	
Date filed	



Section 1

Details of the claim or case

Name of court

Case or claim number

Names of claimants/
applicants/
petitioner

Names of defendants/
respondents

In the case or claim, were you the
(tick appropriate box)

☐ claimant

☐ applicant

☐ petitioner

☐ defendant

☐ respondent

☐ other (please specify)

Section 2

Your (appellant's) name and address

Your (appellant's) name _____

Your solicitor's name _____ (if you are legally represented)

Your (your solicitor's) address

reference or
contact name

contact telephone
number

DX number

Section 3**Respondent's name and address**

Respondent's name _____

Solicitor's name _____ *(if the respondent is legally represented)*

Respondent's (solicitor's) contact address

reference or
contact namecontact telephone
number

DX number

Details of other respondents are attached ☐ Yes ☐ No**Section 4****Time estimate for appeal hearing****Do not complete if appealing to the Court of Appeal**

How long do you estimate it will take to put your appeal to the appeal court at the hearing?

Days Hours Minutes

--	--	--

Who will represent you at the appeal hearing?

☐ Yourself☐ Solicitor☐ Counsel**Section 5****Details of the order(s) or part(s) of order(s) you want to appeal**Was the order you are appealing made as the result of a previous appeal? Yes ☐ No ☐

Name of Judge

Date of order(s)

If only part of an order is appealed, write out that part (or those parts)

Was the case allocated to a track? Yes ☐ No ☐If Yes, which track was the case allocated to? ☐ small claims track ☐ fast track ☐ multi-trackIs the order you are appealing a case management order? Yes ☐ No ☐

Section 6

Permission to Appeal

Has permission to appeal been granted?

Yes ☐ complete box **A**

No ☐ complete box **B**
if you are asking for
permission or it is not
required

A

Date of order granting permission _____

Name of judge _____

Name of court _____

B

☐ I do not need permission

☐ I _____
appellant('s solicitor) seek permission to appeal the
order(s) at **section 5** above.

Are you making any other applications? Yes ☐ No ☐
If Yes, complete section 10

Is the appellant in receipt of legal aid certificate or a
community legal service fund (CLSF) certificate? Yes ☐ No ☐

Does your appeal include any issues arising from the Human Rights Act 1998? Yes ☐ No ☐

Section 7

Grounds for appeal

I (the appellant) appeal(s) the order(s) at **section 5** because:

IN COURT OF APPEAL

Court of Appeal Ref: A1/2004/1177
EAT's Reference: PA/0167/04/DM
ET's Case No: 2204560/03

Between:-
Dr. W YUAN
Appellant

v

BIRBECK COLLEGE
Respondent

**AMENDMENT
FOR GROUNDS OF APPEAL
IN SECTION 7 OF APPELLANT'S NOTICE**

Upon the receipt of the judgment promulgated on 9 June 2004 from the EAT, I would make the following amendment and substitute for original paragraphs 1, 2 and 7 in section 7 (Grounds of Appeal) of the Appellant's Notice according to the relevant issues raised in the judgment but absent from my personal record of the hearing at the EAT on 19 May 2004. The detailed discussion relating to this amendment would be found in my Statement of this appeal (tab 6).

1. The order of the Employment Appeal Tribunal (EAT) was regarding my Notice of Appeal against the Employment Tribunal's decision relating to out of time issue of my public interest disclosure (PIDA) complaint under Rule 3(10) of the EAT Rules 2001, and was made in a hearing on 19 May 2004. That hearing and the judgment of the hearing concluded that the Notice questioned facts but did not disclose an error of law from the ET's decision, or in another way to say the tribunal was not perverse. On the ground of this, it was ordered that the Notice be dismissed.

2. My Notice of Appeal did not question any facts that the tribunal used in making their decision and did identify an error of law from the ET's decision according to section 103A of the Employment Rights Act 1996. Thus, the EAT should have jurisdiction to entertain my appeal according to section 21 of the Employment Tribunal Act 1996, and so the EAT's order was wrong.

7. All evidence documents essential to the subject of the hearing, as listed at the end of my Notice of Appeal, had been lodged to the EAT. However, of them, my disclosure report (a crucial evidence for my complaint) had not been seen by the judge on the hearing day as claimed in the judgment, and the Respondent's email of 27/1/2003 (the most critical evidence for the real reason, i.e. my disclosure, to dismiss me finally) was ignored in the judgment. In addition, some of the evidences were misinterpreted in favor of the conclusion made in the judgment. Thus, the conclusion that served the ground of the order was contrary to the facts that were all available to the judge in that hearing. Therefore, it suggests that the order of the EAT was unjust, too.

My skeleton argument is:-

☐ set out below

☐ attached

☐ will follow within 14 days of filing this notice

I (the appellant) will rely on the following arguments at the hearing of the appeal:-

I (the appellant) am (is) asking that:-

(tick appropriate box)

☐ the order(s) at **section 5** be set aside

☐ the order(s) at **section 5** be varied and the following order(s) substituted :-

☐ a new trial be ordered

☐ the appeal court makes the following additional orders :-

I wish to make an application for additional orders

☐ in this section

☐ in the Part 23 application
form (N244) attached

Part A

I apply (the appellant applies) for an order (a draft of which is attached) that :-

because :-

Part B

I (we) wish to rely on :

☐ evidence in Part C

☐ witness statement (affidavit)

Part C

I (we) wish to rely on the following evidence in support of this application:-

Statement of Truth

I believe (the appellant believes) that the facts stated in Section 10 are true.

Full name _____

Name of appellant's solicitor's firm _____

signed _____ position or office held _____

Appellant ('s solicitor) (if signing on behalf of firm or company)



If you do not yet have a document that you intend to use to support your appeal, identify it, give the date when you expect it to be available and give the reasons why it is not currently available in the box below.

Please tick the papers you are filing with this notice and any you will be filing later.

- ☐ Your skeleton argument (*if separate*)
- ☐ A copy of the order being appealed
- ☐ A copy of any order giving or refusing permission to appeal together with a copy of the reasons for that decision
- ☐ Any witness statements or affidavits in support of any application included in this appellant's notice
- ☐ A copy of the legal aid or CLSF certificate (*if legally represented*)
- ☐ A bundle of documents for the appeal hearing containing copies of your appellant's notice and all the papers listed above and the following:-

- ☐ a suitable record of the reasons for the judgment of the lower court;
- ☐ any statements of case;
- ☐ any other affidavit or witness statement filed in support of your appeal;
- ☐ any relevant transcript or note of evidence;
- ☐ any relevant application notices or case management documents;
- ☐ any skeleton arguments relied on by the lower court;
relevant affidavits, witness statements, summaries, experts' reports and exhibits;
- ☐ any other documents ordered by the court; (give details)

-
- ☐ in a second appeal, the original order appealed, the reasons given for making that order and the appellant's notice appealing that original (first) order
 - ☐ if the appeal is from a decision of a Tribunal, the Tribunal's reasons for that decision, the original decision reviewed by the Tribunal and the reasons for that original decision

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

Signed _____ Appellant ('s Solicitor)