



IN THE COURT OF APPEAL, CIVIL DIVISION
APPLICATION FOR A SECOND APPEAL

18547

REF: A2/2010/1562



Brady -v- Norman

Rule 52.13. Decision on an application for a second appeal. The Judge will not give permission unless he or she considers that (a) the appeal would raise an important point of principle or practice or (b) there is some other compelling reason for the Court of Appeal to hear it.

ORDER made by the Rt. Hon. Sir Richard Buxton

in consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal

Decision: granted, refused, adjourned. An order granting permission may limit the issues to be heard or be made subject to conditions.

Granted on the terms set out below

Reasons

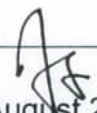
It is arguable that the decision turned on, or at least was significantly influenced by, a point of law, namely the relevance of *Cain v Francis* to defamation cases. If so, the judge was wrong, §32 of his judgment, to regard the issue as being resolvable by reference to the Master's discretion. If that is right, and the point of law has to be resolved in order to reach a correct conclusion on the application, that involves a undecided issue of some importance that is suitable for a second appeal

By the Court

Information for or directions to the parties

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment) three hours
- b) any expedition no

Signed: 
Date: 18 August 2010



Notes

- (1) Rule 52.3(6) provides that permission to appeal may be given only where –
 - a) the Court considers that the appeal would have a real prospect of success; or
 - b) there is some other compelling reason why the appeal should be heard.
- (2) Rule 52.3(4) and (5) provide that where the appeal court, without a hearing, refuses permission to appeal that decision may be reconsidered at a hearing, provided that the request for such a hearing is filed in writing within 7 days after service of the notice that permission has been refused. Note the requirement imposed on advocates by paragraph 4.14A of the Practice Direction.
- (3) Where permission to appeal has been granted, the appeal bundle must be served on the respondents within 7 days of receiving this order (see para. 6.2 of the Practice Direction to CPR Part 52). A letter of notification will be sent to the appellant or his solicitors, as soon as practicable (see para. 6.3).

Case Number: