

IN THE COURT OF APPEAL, CIVIL DIVISION

REF: A3/2017/1980



STATI & ORS -v- THE REPUBLIC OF KAZAKHSTAN

ORDER made by the Rt. Hon. Lord Justice Lewison

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

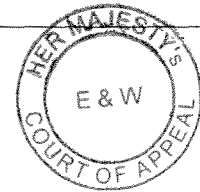
Decision: REFUSED

An order granting permission may limit the issues to be heard or be made subject to conditions.

Reasons

1. The Appellant's Notice is filed out of time. CPR part 52.12 (2)(b) requires it to be filed within 21 days of the date of the decision. This court explained in *R (Hysaj) v SSHD* [2015] 1 WLR 2472 at [22]; "Time runs from the date on which the court pronounces its decision, not from the date on which the order is drawn up or the date on which it is sealed, either of which may be some days after the decision has been given. Nor does time run from the determination of the lower court of an application for permission to appeal and an order adjourning an application for permission to appeal does not operate to extend time."
2. The Respondents have taken this point. The Appellant's response is to dispute that the Appellant's Notice was filed out of time. However, they are wrong (see above).
3. The Appellant's Notice contains no request for an extension of time. Nor does the Appellants' response to the Respondents ask for an extension. No doubt the Appellants have good reason for not making such a request.
4. If an extension of time had been asked for it would have had to have been considered in accordance with the principles applicable to the grant of relief against sanctions: *Hysaj* at [36]. There is no material before the court upon which the court could apply those principles (even in the absence of a request for an extension).
5. It follows that permission to appeal must be refused.

Information for or directions to the parties



Mediation:

Where permission has been granted or the application adjourned:

Does the case fall within the Court of Appeal Mediation Scheme (CAMS) automatic pilot categories (see below)? Yes No

Pilot categories:

- Personal injury and clinical negligence cases;
- All other professional negligence cases;
- Small contract cases below £500,000 in judgment (or claim) value, but not where principal issue is non-contractual;
- Boundary disputes;
- Inheritance disputes.

If yes, is there any reason not to refer to CAMS mediation under the pilot? Yes No

If yes, please give reason:

Non-pilot cases: Do you wish to make a recommendation for mediation? Yes No

Where permission has been granted, or the application adjourned

- a) time estimate (excluding judgment)
- b) any expedition

Signed: *Kim Lewis*
Date: 9 January 2018

By the Court

- (1) Rule 52.6(1) 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) Where permission to appeal has been refused on the papers, that decision is final and cannot be further reviewed or appealed. See rule 52.5 and section 54(4) of the Access to Justice Act 1999.
- (3) Where permission to appeal has been granted you must serve the proposed bundle index on every respondent within 14 days of the date of the Listing Window Notification letter and seek to agree the bundle within 49 days of the date of the Listing Window Notification letter (see paragraph 21 of CPR PD 52C).

Case Number: **A3/2017/1980**

DATED 9TH JANUARY 2018
IN THE COURT OF APPEAL

ORDER

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