

**GUIDANCE NOTE ON FILING AN APPLICATION FOR PACC PERMISSION
AND/OR A PACC APPLICATION UNDER DIVISION 4 OF PART 5 OF THE
SUPREME COURT OF JUDICATURE ACT 1969**

A. Introduction

1. This guidance note provides guidance on the following in relation to the electronic filing on eLitigation of an application for PACC permission and/or a PACC Application under Division 4 of Part 5 of the Supreme Court of Judicature Act 1969:¹
 - a. Legal representation of a prisoner awaiting capital punishment (“**PACP**”) when commencing an application for PACC permission.
 - b. Changes in legal representation of a PACP.
2. This guidance note is applicable from 14 March 2025 until further notice. To avoid doubt, parties and counsel remain responsible for ensuring that any filing is accurate and complies with the applicable legislation.
3. An application for PACC permission should be commenced by selecting “Post-appeal Application in Capital Case” under “Case Type” on eLitigation.

B. Legal representation of a PACP when commencing an application for PACC permission

4. Where a PACP is represented by one or more counsel when filing an application for PACC permission, counsel should ensure that the name of each counsel is set out in the “Issued by” section of the Originating Application eForm.
5. If counsel are from different law firms, one law firm should be designated to commence the application for PACC permission and file the relevant documents on eLitigation. That law firm should manually edit the “Issued by” section of the Originating Application eForm to set out the names of all law firms and all counsel in each law firm who are representing the PACP. The other law firms on record

¹ As defined in s 60F of the Supreme Court of Judicature Act 1969.

will be granted access to the eLitigation case file after the filing of the application for PACC permission is accepted by the Registry.

6. Counsel are also reminded of the requirement in O 24A r 2(4) to file an affidavit made by the counsel (if only one counsel is appointed), or a separate affidavit made by each counsel as the deponent or a joint affidavit made by all of the counsel as deponents (if more than one counsel is appointed), at the same time as the filing of the application for PACC permission.

C. Changes in legal representation of a PACP

7. Where there are changes in the legal representation of a PACP, the following steps should be taken:

Scenario	Steps to be taken
(a) PACP was previously <u>un</u> represented. PACP now appoints counsel (“ appointed counsel ”). ²	<ul style="list-style-type: none"> - Each law firm that is appointed to act for the PACP is to file a Notice of Appointment of Solicitor in the following manner: <ul style="list-style-type: none"> • the law firm is to prepare Portable Document Format (“PDF”) version(s) of the Notice of Appointment of Solicitor in Form 3 of Appendix A of the Supreme Court Practice Directions 2021 (“Form 3”); and • the PDF is to then be e-filed using the “Notice of Appointment of Solicitor (CA/OAC)” document code under the “Certificates,

² See O 24A r 2(7)(b). Appointed counsel are reminded of the requirement to file an affidavit or affidavits, as the case may be, as set out in O 24A r 2(8).

Scenario		Steps to be taken
		<p>Memorandum & Notices” category on eLitigation.</p> <ul style="list-style-type: none"> - Counsel must ensure that the Notice of Appointment filed by their firm contains the name of each appointed counsel from that firm.
(b) PACP has legal representation in the court records.	(i) PACP now appoints <u>additional</u> counsel (“ additional counsel ”). ³	<ul style="list-style-type: none"> - Additional counsel are to file a Notice of Appointment of Solicitor in the following manner: <ul style="list-style-type: none"> • Additional counsel are to prepare PDF version(s) of the Notice of Appointment of Solicitor in Form 3; and • the PDF is to then be e-filed using the “Notice of Appointment of Solicitor (CA/OAC)” document code under the “Certificates, Memorandum & Notices” category on eLitigation.
	(ii) PACP <u>changes</u> the law firm(s) representing him. ⁴	<ul style="list-style-type: none"> - The new law firm that has been appointed to represent the PACP is to file a Notice of Change of Solicitor in the following manner:

³ See O 24A rr 2(7)(a) and 4. Additional counsel are reminded of the requirement to file an affidavit or affidavits, as the case may be, as set out in O 24A r 2(8).

⁴ See O 24A r 2(7)(a). Incoming counsel are reminded of the requirement to file an affidavit or affidavits, as the case may be, as set out in O 24A r 2(8).

Scenario		Steps to be taken
		<ul style="list-style-type: none"> the new law firm is to prepare a PDF version of the Notice of Change of Solicitor in Form 3 (comprehensively listing the names of all counsel who are being replaced and all counsel who are now representing the PACP); and the PDF is to then be e-filed using the “Notice of Change of Solicitor (CA/OAC)” document code under the “Certificates, Memorandum & Notices” category on eLitigation.
	(iii) One or more of the PACP’s counsel <u>ceases</u> to represent him but the PACP continues to be represented by other counsel (whether from same law firm or different law firm).	<ul style="list-style-type: none"> - If any counsel in a law firm is no longer representing the PACP, the law firm should write in to inform the Court. - If a law firm ceases to act for the PACP completely, the law firm is to file a Notice of Ceasing to Act as Solicitor in the following manner: <ul style="list-style-type: none"> the law firm is to prepare a PDF version of the Notice of Ceasing to Act as Solicitor in Form 5 of Appendix A of the Supreme Court Practice Directions 2021; and

Scenario		Steps to be taken
		<ul style="list-style-type: none"> the PDF is to then be e-filed using the “Notice of Ceasing to Act as Solicitor (CA/OAC)” document code under the “Certificates, Memorandum & Notices” category on eLitigation.
	(iv) PACP wishes to act in person	<p>- The PACP or the outgoing law firm is to file a Notice of Intention to Act in Person, in Place of Solicitor in the following manner:</p> <ul style="list-style-type: none"> the PACP or the outgoing law firm is to prepare a PDF version of the Notice of Intention to Act in Person, in Place of Solicitor in Form 4 of Appendix A of the Supreme Court Practice Directions 2021; and the PDF is to then be e-filed using the “Notice of Intention to Act in Person, in Place of Solicitor (CA/OAC)” document code under the “Certificates, Memorandum & Notices” category on eLitigation.
