
STATUTORY INSTRUMENTS

1993 No. 2760 (L.25)

SUPREME COURT OF ENGLAND AND WALES

The Rules of the Supreme Court (Amendment No. 2) 1993

Made - - - - *5th November 1993*
Laid before Parliament *9th November 1993*
Coming into force - - *1st December 1993*

We, the Supreme Court Rule Committee, having power under section 85 of the Supreme Court Act 1981(1) to make rules of court under section 84 of that Act for the purpose of regulating and prescribing the practice and procedure to be followed in the Supreme Court, hereby exercise those powers as follows—

Citation, commencement and interpretation

1. These Rules may be cited as the Rules of the Supreme Court (Amendment No.2) 1993 and shall come into force on 1st December 1993.
2. In these Rules an Order referred to by number means the Order so numbered in the Rules of the Supreme Court 1965(2).

Service of process abroad

3. In Order 11, rule 1, at the end of paragraph (1) there shall be inserted the following new sub-paragraph—
“(u) the claim is made under the Immigration (Carriers' Liability) Act 1987(3).”.

Appeals from Immigration Appeals Tribunals

4. At the end of Order 59(4) there shall be inserted the following new rule—

(1) 1981 c. 54; section 85 was amended by the Courts and Legal Services Act 1990 (c. 41), Schedule 18, paragraph 36(1).
(2) S.I.1965/1776; the relevant amending instruments are S.I.1983/1181, 1986/2289, 1988/298, 1989/386, 1990/1689, 2599 and 1992/1907.
(3) 1987 c. 24.
(4) Rule 23 of Order 59 was inserted by S.I. 1988/298.

“Appeals from Immigration Appeals Tribunals

24.—(1) This rule shall apply to any appeal to the Court of Appeal under section 9 of the Asylum and Immigration Appeals Act 1993 (5) (appeal on a question of law from a final determination of an Immigration Appeals Tribunal, with the leave of the Immigration Appeals Tribunal or the Court of Appeal).

(2) Rule 4(1) shall have effect as if for the words “the date on which the judgment or order of the court below was sealed or otherwise perfected” there were substituted the words “the date of the tribunal’s written decision to grant or refuse leave to appeal”.

(3) The notice of appeal must be served on the other party or parties to the proceedings before the tribunal, and on the chairman.

(4) Rule 9 shall have effect as if—

(a) for paragraph (1)(e) there were substituted a reference to the following documents—

(i) any note recording the original decision or action of the immigration officer or of the Secretary of State, notes of interviews, any documents referred to in the original decision and any explanatory statement;

(ii) the notice of appeal to the Adjudicator or Special Adjudicator;

(iii) the written decision of the Adjudicator or Special Adjudicator; and

(iv) the notice of appeal to the tribunal;

(b) for paragraph (1)(f) there were substituted a reference to the written notice or decision and reasons for that decision given to the parties by the tribunal;

(c) for paragraph (1)(g) there were substituted a reference to any summary or record taken by the tribunal of the proceedings before it.

(5) Rule 13 shall not apply.”.

5. Rule 4 shall apply to all proceedings in which an appeal is set down or an application is lodged with the Court of Appeal on or after 1st December 1993.

Dated 5th November 1993

*Mackay of Clashfern, C
Taylor, C.J.,
Bingham, M.R.,
Stephen Brown, P.,
Donald Nicholls, V-C.,
Leggatt, L.J.,
Morritt, J.,
Phillips, J.,
Jules Sher,
J. A. Wall,
Jean H. Ritchie,
K. C. R. Gibson*

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules amend the Rules of the Supreme Court 1965 as follows—

(1) rule 3 provides that leave to serve a writ out of the jurisdiction may be given in proceedings under the Immigration (Carriers' Liability) Act 1987;

(2) rules 4 and 5 apply to appeals to the Court of Appeal on a question of law from a final determination of an Immigration Appeals Tribunal, with the leave of the Immigration Appeals Tribunal or the Court of Appeal; they modify the general provisions relating to the procedure for bringing appeals to the Court of Appeal by specifying—

- (a) the date from which time for appealing begins to run;
- (b) the persons on whom notice of appeal must be served;
- (c) the documents that must be lodged by the appellant prior to the hearing of the appeal; and
- (d) that rule 13 (which provides that in general an appeal shall not operate as a stay of execution or of the proceedings) shall not apply.