
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 52
APPEALS

[^{F1}II SPECIAL PROVISIONS APPLYING TO THE COURT OF APPEAL

Textual Amendments

- F1** Pt. 52 inserted (2.5.2000) by [The Civil Procedure \(Amendment\) Rules 2000 \(S.I. 2000/221\)](#), rule 1(b), [Sch. 5](#) (with rule 39(a)) (as amended by [S.I. 2000/940](#), rules 1, 2)

Second appeals to the court

52.13.—(1) Permission is required from the Court of Appeal for any appeal to that court from a decision of [^{F2}the County Court][^{F3}, family court] or the High Court which was itself made on appeal.

(2) The Court of Appeal will not give permission unless it 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.

Textual Amendments

- F2** Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014 \(S.I. 2014/407\)](#), rules 2(1), [4\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(a)
- F3** Words in [rule 52.13\(1\)](#) inserted (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court: Consequential Provision\) \(No.2\) Order 2014 \(S.I. 2014/879\)](#), arts. 1(1), [76](#)

Assignment of appeals to the Court of Appeal

52.14.—(1) Where the court from or to which an appeal is made or from which permission to appeal is sought (“the relevant court”) considers that—

- (a) an appeal which is to be heard by [^{F2}the County Court] or the High Court 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,

the relevant court may order the appeal to be transferred to the Court of Appeal.

Status: Point in time view as at 26/10/2015.

Changes to legislation: There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: II SPECIAL PROVISIONS APPLYING TO THE COURT OF APPEAL. (See end of Document for details)

(The Master of the Rolls has the power to direct that an appeal which would be heard by [^{F2}the County Court] or the High Court should be heard instead by the Court of Appeal—see section 57 of the Access to Justice Act 1999)(1)

(2) The Master of the Rolls or the Court of Appeal may remit an appeal to the court in which the original appeal was or would have been brought.

Textual Amendments

F2 Words in [Rules](#) substituted (22.4.2014) by [The Civil Procedure \(Amendment\) Rules 2014](#) (S.I. 2014/407), [rules 2\(1\), 4\(a\)\(i\)](#); S.I. 2014/954, [art. 2\(a\)](#)

Judicial review appeals [^{F4}from the High Court]

52.15.—(1) Where permission to apply for judicial review has been refused at a hearing in the High Court, the person seeking that permission may apply to the Court of Appeal for permission to appeal.

[
^{F5}(1A) Where permission to apply for judicial review of a decision of the Upper Tribunal has been refused by the High Court [^{F6}or where permission to apply for judicial review has been refused and recorded as totally without merit in accordance with rule 23.12]—

- (a) the applicant may apply to the Court of Appeal for permission to appeal;
- (b) the application will be determined on paper without an oral hearing.]

(2) An application in accordance with [^{F7}paragraphs (1) or (1A)] must be made within 7 days of the decision of the High Court to refuse to give permission to apply for judicial review [^{F8}or, in the case of an application under paragraph (1A), within 7 days of service of the order of the High Court refusing permission to apply for judicial review].

(3) On an application under paragraph (1) [^{F9}or (1A)], the Court of Appeal may, instead of giving permission to appeal, give permission to apply for judicial review.

(4) Where the Court of Appeal gives permission to apply for judicial review in accordance with paragraph (3), the case will proceed in the High Court unless the Court of Appeal orders otherwise.

Textual Amendments

F4 Words in [rule 52.15](#) title inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014](#) (S.I. 2014/2044), [rules 2, 8\(e\)\(i\)](#)

F5 [Rule 52.15\(1A\)](#) inserted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012](#) (S.I. 2012/2208), [rules 1, 8\(c\)\(i\)](#)

F6 Words in [rule 52.15\(1A\)](#) inserted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013](#) (S.I. 2013/1412), [rules 1, 3](#) (with [rule 5](#))

F7 Words in [rule 52.15\(2\)](#) substituted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012](#) (S.I. 2012/2208), [rules 1, 8\(c\)\(ii\)](#)

F8 Words in [rule 52.15\(2\)](#) inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014](#) (S.I. 2014/2044), [rules 2, 8\(e\)\(ii\)](#)

F9 Words in [rule 52.15\(3\)](#) inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014](#) (S.I. 2014/2044), [rules 2, 8\(e\)\(iii\)](#)

[^{F10}Judicial review appeals from the Upper Tribunal

52.15A.—(1) Where permission to bring judicial review proceedings has been refused by the Upper Tribunal and permission to appeal has been refused by the Upper Tribunal, an application for permission to appeal may be made to the Court of Appeal.

(2) Where an application for permission to bring judicial review proceedings has been recorded by the Upper Tribunal as being completely without merit and an application for permission to appeal is made to the Court of Appeal in accordance with paragraph (1) above, the application will be determined on paper without an oral hearing.

(The time limits for filing an appellant’s notice under rule 52.15A(1) are set out in Practice Direction 52D.)]

Textual Amendments

F10 Rule 52.15A inserted (1.10.2014) by The Civil Procedure (Amendment No. 6) Rules 2014 (S.I. 2014/2044), rules 2, **8(f)**

[^{F11}Planning statutory review appeals

52.15B.—(1) Where permission to apply for a planning statutory review has been refused at a hearing in the High Court, the person seeking that permission may apply to the Court of Appeal for permission to appeal (see Part 8 and Practice Direction 8C).

(2) Where permission to apply for a planning statutory review has been refused and recorded as totally without merit in accordance with rule 23.12—

- (a) the claimant may apply to the Court of Appeal for permission to appeal;
- (b) the application will be determined on paper without an oral hearing.

(3) An application in accordance with paragraph (1) or (2) must be made within 7 days of the decision of the High Court to refuse to give permission to apply for a planning statutory review or, in the case of an application under paragraph (2), within 7 days of service of the order of the High Court refusing permission to apply for a planning statutory review.

(4) On an application under paragraph (1) or (2) the Court of Appeal may, instead of giving permission to appeal, give permission to apply for a planning statutory review.

(5) Where the Court of Appeal gives permission to apply for a planning statutory review in accordance with paragraph (4), the case will proceed in the High Court unless the Court of Appeal orders otherwise.]

Textual Amendments

F11 Rule 52.15B inserted (26.10.2015) by The Civil Procedure (Amendment No. 4) Rules 2015 (S.I. 2015/1569), rules 1(3), **10**; S.I. 2015/1778, art. 3(b)(i)

Who may exercise the powers of the Court of Appeal

52.16.—(1) A court officer assigned to the Civil Appeals Office who is—

- (a) a barrister; or
- (b) a solicitor

may exercise the jurisdiction of the Court of Appeal with regard to the matters set out in paragraph (2) with the consent of the Master of the Rolls.

Status: Point in time view as at 26/10/2015.

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- (2) The matters referred to in paragraph (1) are—
- (a) any matter incidental to any proceedings in the Court of Appeal;
 - (b) any other matter where there is no substantial dispute between the parties; and
 - (c) the dismissal of an appeal or application where a party has failed to comply with any order, rule or practice direction.
- (3) A court officer may not decide an application for—
- (a) permission to appeal;
 - (b) bail pending an appeal;
 - (c) an injunction^(g1);
 - (d) a stay^(g1) of any proceedings, other than a temporary stay of any order or decision of the lower court over a period when the Court of Appeal is not sitting or cannot conveniently be convened.
- (4) Decisions of a court officer may be made without a hearing.
- (5) A party may request any decision of a court officer to be reviewed by the Court of Appeal.
- (6) At the request of a party, a hearing will be held to reconsider a decision of—
- (a) a single judge; or
 - (b) a court officer,
- made without a hearing.

[
^{F12}(6A) A request under paragraph (5) or (6) must be filed within 7 days after the party is served with notice of the decision.]

(7) A single judge may refer any matter for a decision by a court consisting of two or more judges.

(Section 54(6) of the Supreme Court Act 1981(2) provides that there is no appeal from the decision of a single judge on an application for permission to appeal)

(Section 58(2) of the Supreme Court Act 1981(3) provides that there is no appeal to the [^{F13}Supreme Court] from decisions of the Court of Appeal that—

- (a) are taken by a single judge or any officer or member of staff of that court in proceedings incidental to any cause or matter pending before the civil division of that court; and
- (b) do not involve the determination of an appeal or of an application for permission to appeal,

and which may be called into question by rules of court. Rules 52.16(5) and (6) provide the procedure for the calling into question of such decisions)]

Textual Amendments

F12 Rule 52.16(6A) inserted (1.2.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(a), **11**

F13 Words in rule 52.16 substituted (1.10.2009) by [The Civil Procedure \(Amendment\) Rules 2009 \(S.I. 2009/2092\)](#), rules 1(2), **10**

(2) 1984 c. 16.

(3) 1995 c. 21.

Status:

Point in time view as at 26/10/2015.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Cross Heading: II SPECIAL PROVISIONS APPLYING TO THE COURT OF APPEAL.