
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 54

[^{F1}JUDICIAL REVIEW AND STATUTORY REVIEW]

[^{F1}SECTION 1—
JUDICIAL REVIEW]

[^{F1}]^{F2}**Judicial review of decisions of the Upper Tribunal**

54.7A.—(1) This rule applies where an application is made, following refusal by the Upper Tribunal of permission to appeal against a decision of the First Tier Tribunal, for judicial review—

- (a) of the decision of the Upper Tribunal refusing permission to appeal; or
 - (b) which relates to the decision of the First Tier Tribunal which was the subject of the application for permission to appeal.
- (2) Where this rule applies—
- (a) the application may not include any other claim, whether against the Upper Tribunal or not; and
 - (b) any such other claim must be the subject of a separate application.
- (3) The claim form and the supporting documents required by paragraph (4) must be filed no later than 16 days after the date on which notice of the Upper Tribunal's decision was sent to the applicant.
- (4) The supporting documents are—
- (a) the decision of the Upper Tribunal to which the application relates, and any document giving reasons for the decision;
 - (b) the grounds of appeal to the Upper Tribunal and any documents which were sent with them;
 - (c) the decision of the First Tier Tribunal, the application to that Tribunal for permission to appeal and its reasons for refusing permission; and
 - (d) any other documents essential to the claim.
- (5) The claim form and supporting documents must be served on the Upper Tribunal and any other interested party no later than 7 days after the date of issue.
- (6) The Upper Tribunal and any person served with the claim form who wishes to take part in the proceedings for judicial review must, no later than 21 days after service of the claim form, file and serve on the applicant and any other party an acknowledgment of service in the relevant practice form.
- (7) The court will give permission to proceed only if it considers—

Status: Point in time view as at 07/08/2021. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, Section 54.7A. (See end of Document for details)*

- (a) that there is an arguable case, which has a reasonable prospect of success, that both the decision of the Upper Tribunal refusing permission to appeal and the decision of the First Tier Tribunal against which permission to appeal was sought are wrong in law; and
- (b) that either—
 - (i) the claim raises an important point of principle or practice; or
 - (ii) there is some other compelling reason to hear it.
- (8) If the application for permission is refused on paper without an oral hearing, rule 54.12(3) (request for reconsideration at a hearing) does not apply.
- (9) If permission to apply for judicial review is granted—
 - (a) if the Upper Tribunal or any interested party wishes there to be a hearing of the substantive application, it must make its request for such a hearing no later than 14 days after service of the order granting permission; and
 - (b) if no request for a hearing is made within that period, the court will make a final order quashing the refusal of permission without a further hearing.
- (10) The power to make a final order under paragraph (9)(b) may be exercised by the Master of the Crown Office or a Master of the Administrative Court.]]

Textual Amendments

- F1** Pt. 54 inserted (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rule 1, **Sch.** (with rule 30)
- F2** [Rule 54.7A](#) inserted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **9(c)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 54.7A.