
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 a county 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.

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 a 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.

(The Master of the Rolls has the power to direct that an appeal which would be heard by a 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.

Status: Point in time view as at 02/05/2000.

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)

Judicial review appeals

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.

(2) An application in accordance with paragraph (1) must be made within 7 days of the decision of the High Court to refuse to give permission to apply for judicial review.

(3) On an application under paragraph (1), 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.

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.

(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.

(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 House of Lords from decisions of the Court of Appeal that—

(2) 1984 c. 16.

(3) 1995 c. 21.

- (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)]

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