
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 54

[^{F1}JUDICIAL REVIEW AND STATUTORY REVIEW]

*[^{F2}III – APPLICATIONS FOR STATUTORY REVIEW UNDER SECTION
103A OF THE NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002*

[^{F1}]^{F2}Scope and interpretation

54.28.—(1) This Section of this Part contains rules about applications to the High Court under section 103A of the Nationality, Immigration and Asylum Act 2002 for an order requiring the Asylum and Immigration Tribunal to reconsider its decision on an appeal.

(2) In this Section—

- (a) “the 2002 Act” means the Nationality, Immigration and Asylum Act 2002;
- (b) “the 2004 Act” means the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004;
- (c) “appellant” means the appellant in the proceedings before the Tribunal;
- (d) “applicant” means a person applying to the High Court under section 103A;
- (e) “asylum claim” has the meaning given in section 113(1) of the 2002 Act;

[“fast track case” means any case in relation to which an order made under section 26(8) of ^{F3}(ea) the 2004 Act provides that the time period for making an application under section 103A(1) of the 2002 Act or giving notification under paragraph 30(5) of Schedule 2 to the 2004 Act is less than 5 days;]

- (f) “filter provision” means paragraph 30 of Schedule 2 to the 2004 Act;
- (g) “order for reconsideration” means an order under section 103A(1) requiring the Tribunal to reconsider its decision on an appeal;
- (h) “section 103A” means section 103A of the 2002 Act;
- (i) “Tribunal” means the Asylum and Immigration Tribunal.

(3) Any reference in this Section to a period of time specified in—

- (a) section 103A(3) for making an application for an order under section 103A(1); or
- (b) paragraph 30(5)(b) of Schedule 2 to the 2004 Act for giving notice under that paragraph,

includes a reference to that period as varied by any order under section 26(8) of the 2004 Act.

(4) Rule 2.8 applies to the calculation of the periods of time specified in—

- (a) section 103A(3); and
- (b) paragraph 30(5)(b) of Schedule 2 to the 2004 Act.

Status: Point in time view as at 01/01/2010. This version of this provision has been superseded.

Changes to legislation: The Civil Procedure Rules 1998, Section 54.28 is up to date with all changes known to be in force on or before 15 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(5) Save as provided otherwise, the provisions of this Section apply to an application under section 103A regardless of whether the filter provision has effect in relation to that application.]]

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** Pt. 54 Section 3 inserted (4.4.2005) by [The Civil Procedure \(Amendment\) Rules 2005 \(S.I. 2005/352\)](#), [rule 1\(1\)](#), **Sch. Pt. 2** (with [rule 9](#))
- F3** [Rule 54.28\(2\)\(ea\)](#) inserted (6.4.2006) by [The Civil Procedure \(Amendment No.4\) Rules 2005 \(S.I. 2005/3515\)](#), [rules 1](#), **12(a)**

Status:

Point in time view as at 01/01/2010. This version of this provision has been superseded.

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