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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 54**

**[<sup>F1</sup>JUDICIAL REVIEW AND STATUTORY REVIEW]**

*[<sup>F2</sup>III – APPLICATIONS FOR STATUTORY REVIEW UNDER SECTION  
103A OF THE NATIONALITY, IMMIGRATION AND ASYLUM ACT 2002*

**[<sup>F1</sup>][<sup>F2</sup>][<sup>F3</sup>Continuing an application in circumstances in which it would otherwise be treated as abandoned**

- 54.36.**—(1) This rule applies to an application under section 103A of the 2002 Act which—
- (a) would otherwise be treated as abandoned under section 104(4A) of the 2002 Act; but
  - (b) meets the conditions set out in section 104(4B) or section 104(4C) of the 2002 Act.
- (2) Where section 104(4A) of the 2002 Act applies and the applicant wishes to pursue the application, the applicant must file a notice at the Administrative Court Office—
- (a) where section 104(4B) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom for a period exceeding 12 months; or
  - (b) where section 104(4C) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom.
- (3) Where the applicant does not comply with the time limits specified in paragraph (2), the application will be treated as abandoned in accordance with section 104(4) of the 2002 Act.
- (4) The applicant must serve the notice filed under paragraph (2) on the other party to the appeal.
- (5) Where section 104(4B) of the 2002 Act applies, the notice filed under paragraph (2) must state—
- (a) the applicant’s full name and date of birth;
  - (b) the Administrative Court reference number;
  - (c) the Home Office reference number, if applicable;
  - (d) the date on which the applicant was granted leave to enter or remain in the United Kingdom for a period exceeding 12 months; and
  - (e) that the applicant wishes to pursue the application insofar as it is brought on grounds relating to the Refugee Convention specified in section 84(1)(g) of the 2002 Act.
- (6) Where section 104(4C) of the 2002 Act applies, the notice filed under paragraph (2) must state—
- (a) the applicant’s full name and date of birth;
  - (b) the Administrative Court reference number;

*Status: Point in time view as at 31/08/2009. 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 54.36. (See end of Document for details)*

- (c) the Home Office reference number, if applicable;
- (d) the date on which the applicant was granted leave to enter or remain in the United Kingdom; and
- (e) that the applicant wishes to pursue the application insofar as it is brought on grounds relating to section 19B of the Race Relations Act 1976 specified in section 84(1)(b) of the 2002 Act.

(7) Where an applicant has filed a notice under paragraph (2) the court will notify the applicant of the date on which it received the notice.

(8) The court will send a copy of the notice issued under paragraph (7) to the other party to the appeal.]]]

#### **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 54.36 inserted (2.10.2006) by [The Civil Procedure \(Amendment\) Rules 2006 \(S.I. 2006/1689\)](#), [rules 1](#), **8(c)**

**Status:**

Point in time view as at 31/08/2009. 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 54.36.