
STATUTORY INSTRUMENTS

1998 No. 3132

The Civil Procedure Rules 1998

[^{F1}PART 87

APPLICATIONS FOR WRIT OF HABEAS CORPUS

SECTION 2

APPLICATIONS TO THE HIGH COURT FOR A WRIT OF HABEAS CORPUS FOR RELEASE

[^{F1}How to make the application for a writ of habeas corpus for release

- 87.2.**—(1) The applicant must make the application by filing—
- (a) a claim form under Part 8; and
 - (b) a witness statement or affidavit.
- (2) The witness statement or affidavit must—
- (a) state that the application is made at the instance of the person being detained;
 - (b) set out the nature of the detention; and
 - (c) subject to paragraph (3), be made by the detained person.
- (3) If the detained person is unable to make the witness statement or affidavit, the witness statement or affidavit—
- (a) may be made by some other person on behalf of the detained person; and
 - (b) must state the reason why the detained person is unable to make the witness statement or affidavit.
- (4) The claim form must be filed in the Administrative Court.
- (5) The application may be made without notice.
- (6) In cases of urgency, the judge—
- (a) may dispense with the requirement that a claim form must be filed; and
 - (b) must give directions for the conduct of the application.]

Textual Amendments

- F1** Pt. 87 inserted (6.4.2015) by [The Civil Procedure \(Amendment No. 8\) Rules 2014 \(S.I. 2014/3299\)](#), rule 2(c), [Sch. 2](#)

Status:

Point in time view as at 30/03/2020.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 87.2.