

SCHEDULE 1

Commencement Information

II Sch. 1 in force at 26.4.1999, see [Signature](#)

RSC ORDER 58

APPEALS FROM MASTERS, REGISTRARS, REFEREES AND JUDGES

Appeals from certain decisions of Masters, etc. to Judge sitting in private

Rule 1.—(1) Except as provided by rule 2, an appeal shall lie to a Judge ^{F1} ... from any judgment, order or decision of a Master, the Admiralty Registrar or a district judge of the Family Division.

(2) The appeal shall be brought by serving on every other party to the proceedings in which the judgment, order or decision was given or made a notice of appeal.

(3) Unless the Court otherwise orders, the notice must be issued within 5 days after the judgment, order or decision appealed against was given or made and must be served within five days after issue and an appeal to which this rule applies shall not be heard sooner than two clear days after such service.

(3A) When it issues the notice of appeal, the court will fix a date for the hearing.

(4) Except so far as the Court may otherwise direct, an appeal under this rule shall not operate as a stay of the proceedings in which the appeal is brought.

Textual Amendments

F1 Words in [Sch. 1 RSC Order 58 rule 1\(1\)](#) omitted (26.4.1999) by virtue of [The Civil Procedure \(Amendment\) Rules 1999 \(S.I. 1999/1008\)](#), rules 1, 36

Appeals from certain decisions of Masters, etc., to Court of Appeal

Rule 2.—(1) An appeal shall lie to the Court of Appeal from any judgment, order or decision of a Master given or made at trial—

(a) on the hearing or determination of any cause, matter, question or issue tried before him; or

(b) on an assessment of damages or of the value of goods, or an assessment of interest:

and where a judgment, order or decision of a kind referred to in paragraph (b) includes or involves a determination of any other matter, an appeal shall lie to the Court of Appeal in relation to such other matter.

(An appeal from the decision of a Master made other than at trial shall be made to the Judge in accordance with rule 1).

Appeals from District Judges

Rule 3.—(1) An appeal shall lie from any judgment, order or decision of a District Judge in any proceedings in any Division in the same circumstances and, except as provided by paragraph (2) subject to the same conditions as if the judgment, order or decision were given or made by a Master

Status: Point in time view as at 26/04/1999.

Changes to legislation: There are currently no known outstanding effects for the
The Civil Procedure Rules 1998, RSC ORDER 58. (See end of Document for details)

or Registrar in those proceedings in that Division, and the provisions of these rules with respect to appeals shall apply accordingly.

(2) In relation to an appeal from a judgment, order or decision of a District Judge, rule 1 shall have effect subject to the modification that for the first reference therein to 5 days and the reference therein to 2 clear days there shall be substituted references to 7 days and 3 clear days respectively.

Appeals from Judge of the Technology and Construction Court

Rule 4 Subject to section 18 of the Act (which shall apply in relation to a decision of a judge of the Technology and Construction Court as if he were a judge of the High Court), an appeal shall lie to the Court of Appeal from a decision of a judge of the Technology and Construction Court as if he were a judge of the High Court.

Status:

Point in time view as at 26/04/1999.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, RSC ORDER 58.