

---

STATUTORY INSTRUMENTS

---

**2004 No. 2072**

**The Civil Procedure (Amendment No.2) Rules 2004**

**13.** In rule 52.10, after paragraph (4), insert—

“(5) If the appeal court—

- (a) refuses an application for permission to appeal;
- (b) strikes out an appellant’s notice; or
- (c) dismisses an appeal,

and it considers that the application, the appellant’s notice or the appeal is totally without merit, the provisions of paragraph (6) must be complied with.

(6) Where paragraph (5) applies—

- (a) the court’s order must record the fact that it considers the application, the appellant’s notice or the appeal to be totally without merit; and
- (b) the court must at the same time consider whether it is appropriate to make a civil restraint order.”.

---

**Commencement Information**

**II** Rule 13 in force at 1.10.2004, see [rule 1\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure (Amendment No.2) Rules 2004, Section 13.