
STATUTORY INSTRUMENTS

2018 No. 1135

The Education Administration Rules 2018

PART 4

COURT PROCEDURE AND PRACTICE

CHAPTER 7

Appeals in education administration

Application of CPR

4.37. CPR Part 52(1) applies to appeals under this Chapter as varied by any applicable Practice Direction.

Appeals and reviews of in education administration proceedings

4.38.—(1) A court which has jurisdiction in relation to education administration proceedings may review, rescind or vary any order made by it in the exercise of that jurisdiction.

(2) An appeal made in the exercise of the court’s jurisdiction in relation to education administration proceedings lies—

- (a) from the decision of an Insolvency and Companies Court Judge sitting in the High Court, to a High Court Judge; and
- (b) from a decision of a High Court Judge, to the Civil Division of the Court of Appeal.

(3) Any application for the rescission of a winding-up order must be made within five business days after the date on which the order was made.

(4) In this rule—

“Civil Division of the Court of Appeal” means the division of the Court of Appeal established by section 3(1) of the Senior Courts Act 1981(2);

“High Court Judge” means a judge listed in section 4(1) of the Senior Courts Act 1981(3); and

“Insolvency and Companies Court Judge of the High Court” means a person appointed to the office of Insolvency and Companies Court Judge under section 89(1) of the Senior Courts Act 1981(4).

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- (1) Part 52 is amended by S.I.s [1987/2024](#), [2998/3132](#), [2000/221](#), [2000/2092](#), [2003/2113](#), [2003/3361](#), [2004/2072/2005/2483](#), [2005/3515](#), [2006/1689/2006/3435](#), [2007/2204](#), [2009/2092/2009/3390](#), [2010/1953](#), [2012/2208](#), [2013/262](#), [2013/1412](#), [2013/1974](#), [2014/407](#), [2104/879](#), [2014/2044](#), [2014/3299](#), paragraph 1(2) of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), and sections 59 and 60 of the Access to Justice Act 1999 (c. 22).
 - (2) 1981 c. 54. Section 3 has been amended but no amendments are relevant to this instrument.
 - (3) Section 4 was amended by section 72 of the Courts and Legal Services Act 1990 (c. 41), section 69 of the Access to Justice Act 1999 (c. 22), paragraphs 114 and 114 of Schedule 15 to the Constitutional Reform Act 2005, and paragraphs 12 and 13 of Schedule 13 to the Crime and Courts Act 2013. There are other amendments but those are not relevant to this instrument.
 - (4) The definition was inserted in section 89(1) by paragraph 3(a) of Schedule 1 to S.I. 2018/130. Other amendments have been made to section 89(1), but those are not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Procedure on appeal

4.39.—(1) An appeal against a decision of a judge of the High Court may be brought only with the permission of the High Court or the Court of Appeal.

(2) An appellant must file an appeal notice⁽⁵⁾ within 21 days after the date of the decision of the court that the appellant wishes to appeal.

(5) “Appeal notice” is defined in CPR 52.1(3)(f).