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STATUTORY INSTRUMENTS

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**2023 No. 788**

**The Civil Procedure (Amendment No. 3) Rules 2023**

**Amendment of Part 52**

**24.—(1)** In the Table of Contents to the Part—

(a) after the entry for rule 52.3 insert—

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“Permission to appeal in certain contempt proceedings      Rule 52.3A”;

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(b) after the entry for rule 52.7 insert—

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“Permission to appeal in contempt proceedings where the appeal lies to the Supreme Court      Rule 52.7A”;

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(c) after the entry for rule 52.15 insert—

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“Variation of time in certain contempt proceedings      Rule 52.15A”.

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(2) In rule 52.1—

(a) for paragraph (1) substitute—

“(1) The rules in this Part apply to—

(a) appeals to the civil division of the Court of Appeal;

(b) appeals to the High Court;

(c) appeals to the County Court;

(d) applications made in the High Court or the Court of Appeal for permission to appeal to the Supreme Court in contempt proceedings; and

(e) applications made in the Court of Appeal for permission to appeal to the Supreme Court in proceedings other than contempt proceedings.”.

(b) in paragraph (3)—

(i) in sub-paragraph (b), after “made” insert “but does not include the Supreme Court”;

(ii) in sub-paragraph (c), after “brought” insert “but does not include the Court of Appeal”;

(iii) in sub-paragraph (e)(ii), at the end omit “and”;

(iv) in sub-paragraph (f), for the full stop substitute “; and”; and

(v) after sub-paragraph (f) insert—

“(g) reference to an appeal in contempt proceedings is reference to—

(i) an appeal by a defendant in respect of any order or decision made by a court in the exercise of its jurisdiction to punish for contempt of court or under an enactment enabling the court to deal with an offence as if it were a contempt of court or under section 14, 92 or 118 of the County Courts Act 1984; and

- (ii) an appeal by an applicant in respect of any order made on an application for committal or attachment.”.
- (3) In rule 52.3—
  - (a) in paragraph (1)—
    - (i) in sub-paragraph (a)(i), after “order” insert “made in the County Court or by a single judge of the High Court not sitting on an appeal”;
    - (ii) in sub-paragraph (a)(iii), at the end omit “or”;
    - (iii) in sub-paragraph (b), at the end for the full stop substitute “; or”; and
    - (iv) after sub-paragraph (b) insert—
      - “(c) where the appeal is from the decision of—
        - (i) a Divisional Court in contempt proceedings;
        - (ii) a single judge of the High Court made on appeal in contempt proceedings;
        - (iii) the Court of Appeal in contempt proceedings; or
        - (iv) the Court of Appeal in proceedings other than contempt proceedings.”.
  - (b) in paragraph (2), for “An” substitute “Unless the appeal is within paragraph (1)(c), an”; and
  - (c) in paragraph (3), for “Where” substitute “Unless the appeal is within paragraph (1)(c), where”.
- (4) After rule 52.3 insert—

**“Permission to appeal in certain contempt proceedings**

- 52.3A.**—(1) Where the appeal is one to which rule 52.3(1)(c)(i), (ii) or (iii) applies—
  - (a) an application for permission to appeal must be made to the Divisional Court or the single judge of the High Court or the Court of Appeal (as the case may be); and
  - (b) the application must be made within 28 days of the date on which that Court provides reasons for its decision.
- (2) Where the appeal is one to which rule 52.3(1)(c)(iv) applies, an application for permission to appeal must be made to the Court of Appeal.”.
- (5) In rule 52.6(1), after “52.7” insert “or rule 52.7A”.
- (6) After rule 52.7 insert—

**“Permission to appeal in contempt proceedings where the appeal lies to the Supreme Court**

- 52.7A.**—(1) This rule applies where the appeal is—
  - (a) one to which rule 52.3(1)(c)(ii) applies; or
  - (b) from a decision to which rule 52.3(1)(c)(i) or (iii) applies and which was itself made on appeal.
- (2) Where this rule applies the court from which the appeal lies may grant permission only if—
  - (a) that court certifies that a point of general public importance is involved in the decision; and

(b) it appears to that court that the point is one which ought to be considered by the Supreme Court.”.

(7) In rule 52.8(1), after “Court of Appeal” insert “except where precluded by section 18(1)(a) of the Senior Courts Act 1981(1)”.

(8) After rule 52.15 insert—

**“Variation of time in certain contempt proceedings**

**52.15A.** A defendant in contempt proceedings may apply to extend the time set out at rule 52.3A(1)(a) and (b).”.