
STATUTORY INSTRUMENTS

2005 No. 3515

The Civil Procedure (Amendment No.4) Rules 2005

Amendment to the Civil Procedure Rules 1998

12. In Part 54—

(a) in rule 54.28(2), after sub-paragraph (e) insert—

“(ea) “fast track case” means any case in relation to which an order made under section 26(8) of the 2004 Act provides that the time period for making an application under section 103A(1) of the 2002 Act or giving notification under paragraph 30(5) of Schedule 2 to the 2004 Act is less than 5 days;”;

(b) after rule 54.28, insert—

“Representation of applicants while filter provision has effect

54.28A.—(1) This rule applies during any period in which the filter provision has effect.

(2) An applicant may, for the purpose of taking any step under rule 54.29 or 54.30, be represented by any person permitted to provide him with immigration advice or immigration services under section 84 of the Immigration and Asylum Act 1999(1).

(3) A representative acting for an applicant under paragraph (2) shall be regarded as the applicant’s legal representative for the purpose of rule 22.1 (Documents to be verified by a statement of truth) regardless of whether he would otherwise be so regarded.

Service of documents on appellants within the jurisdiction

54.28B.—(1) In proceedings under this Section, rules 6.4(2) and 6.5(5) do not apply to the service of documents on an appellant who is within the jurisdiction.

(2) Where a representative is acting for an appellant who is within the jurisdiction, a document must be served on the appellant by—

(a) serving it on his representative; or

(b) serving it on the appellant personally or sending it to his address by first class post,

but if the document is served on the appellant under sub-paragraph (b), a copy must also at the same time be sent to his representative.”;

(c) in rule 54.29—

(i) in paragraph (1), for “(4)” substitute “(5)”;

(ii) in paragraph (2), for “The applicant” substitute “During any period in which the filter provision does not have effect, the applicant”; and

(iii) after paragraph (2), insert—

(1) 1999 c. 33, Part V of that Act has been amended by the Nationality, Immigration and Asylum Act 2002 (c. 41), section 140, and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), sections 37 to 41 and 47, and Schedule 4.

“(2A) During any period in which the filter provision has effect, the applicant must file with the application notice a list of the documents referred to in paragraph (2)(a) to (e).”;

(d) in rule 54.32—

(i) for the opening words of paragraph (2) substitute—

“(2) Where a party applies for an order for reconsideration in a fast track case—”;
and

(ii) omit paragraph (3); and

(e) in rule 54.34—

(i) in paragraph (2), after “Where” insert “the appellant is within the jurisdiction and”;

(ii) after paragraph (2) insert—

“(2A) Paragraph (2) does not apply in a fast track case.”;

(iii) for paragraph (3)(b), substitute—

“(b) immediately after serving the order, notify—

(i) the court; and

(ii) where the order requires the Tribunal to reconsider its decision on the appeal, the Tribunal,

on what date and by what method the order was served.”;

(iv) in paragraph (5), after “3(b)” insert “(i)”; and

(v) after paragraph (5), insert—

“(5A) Where the court serves an order for reconsideration under paragraph (5), it will notify the Tribunal of the date on which the order was served.”.