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STATUTORY INSTRUMENTS

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**2006 No. 1689**

**The Civil Procedure (Amendment) Rules 2006**

**Amendment to the Civil Procedure Rules 1998**

**8.** In Section III of Part 54—

(1) in rule 54.28B(2), sub-section (b), after “by first class post” insert “(or an alternative service which provides for delivery on the next working day)”;

(2) after rule 54.31(2), insert—

“**54.31.** The applicant must file with the notice—

- (a) a copy of the Tribunal’s notification that it does not propose to make an order for reconsideration or does not propose to grant permission for the application to be made outside the relevant time limit (referred to in CPR rule 54.31(2));
- (b) any other document which was served on the applicant by the Tribunal giving reasons for its decision in paragraph (a);
- (c) written evidence in support of any application by the applicant seeking permission to make the application outside the relevant time limit, if applicable;
- (d) a copy of the application for reconsideration under section 103A of the 2002 Act (Form AIT/103A), as submitted to the Tribunal (referred to in Rule 54.29(1)(a).”;

(3) after rule 54.35, insert—

**“Continuing an application in circumstances in which it would otherwise be treated as abandoned**

**54.36.—**(1) This rule applies to an application under section 103A of the 2002 Act which—

- (a) would otherwise be treated as abandoned under section 104(4A) of the 2002 Act; but
- (b) meets the conditions set out in section 104(4B) or section 104(4C) of the 2002 Act.

(2) Where section 104(4A) of the 2002 Act applies and the applicant wishes to pursue the application, the applicant must file a notice at the Administrative Court Office—

- (a) where section 104(4B) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom for a period exceeding 12 months; or
- (b) where section 104(4C) of the 2002 Act applies, within 28 days of the date on which the applicant received notice of the grant of leave to enter or remain in the United Kingdom.

(3) Where the applicant does not comply with the time limits specified in paragraph (2), the application will be treated as abandoned in accordance with section 104(4) of the 2002 Act.

(4) The applicant must serve the notice filed under paragraph (2) on the other party to the appeal.

(5) Where section 104(4B) of the 2002 Act applies, the notice filed under paragraph (2) must state—

- (a) the applicant's full name and date of birth;
  - (b) the Administrative Court reference number;
  - (c) the Home Office reference number, if applicable;
  - (d) the date on which the applicant was granted leave to enter or remain in the United Kingdom for a period exceeding 12 months; and
  - (e) that the applicant wishes to pursue the application insofar as it is brought on grounds relating to the Refugee Convention specified in section 84(1)(g) of the 2002 Act.
- (6) Where section 104(4C) of the 2002 Act applies, the notice filed under paragraph (2) must state—
- (a) the applicant's full name and date of birth;
  - (b) the Administrative Court reference number;
  - (c) the Home Office reference number, if applicable;
  - (d) the date on which the applicant was granted leave to enter or remain in the United Kingdom; and
  - (e) that the applicant wishes to pursue the application insofar as it is brought on grounds relating to section 19B of the Race Relations Act 1976 specified in section 84(1)(b) of the 2002 Act.
- (7) Where an applicant has filed a notice under paragraph (2) the court will notify the applicant of the date on which it received the notice.
- (8) The court will send a copy of the notice issued under paragraph (7) to the other party to the appeal.”