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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

[<sup>F1</sup>PART 52

APPEALS

SECTION II

*Permission to appeal – General*

**[<sup>F1</sup>Determination of applications for permission to appeal to the County Court and High Court**

**52.4.**—(1) Where an application for permission to appeal is made to an appeal court other than the Court of Appeal, the appeal court will determine the application on paper without an oral hearing, [<sup>F2</sup>unless the court otherwise directs, or] as provided for under paragraph (2).

(2) Subject to paragraph (3) and except where a rule or practice direction provides otherwise, where the appeal court, without a hearing, refuses permission to appeal, the person seeking permission may request the decision to be reconsidered at an oral hearing.

(3) Where in the appeal court a judge of the High Court, a Designated Civil Judge or a Specialist Circuit Judge refuses permission to appeal without an oral hearing and considers that the application is totally without merit, the judge may make an order that the person seeking permission may not request the decision to be reconsidered at an oral hearing.

(4) For the purposes of paragraph (3), “Specialist Circuit Judge” means any Circuit Judge in the County Court nominated to hear cases in the [<sup>F3</sup>Circuit Commercial], Chancery or Technology and Construction Court lists.

(5) Rule 3.3(5) (party able to apply to set aside, etc., a decision made of court’s own initiative) does not apply to an order made under paragraph (3) that the person seeking permission may not request the decision to be reconsidered at an oral hearing.

(6) A request under paragraph (2) must be filed within 7 days after service of the notice that permission has been refused.]

**Textual Amendments**

- F1** Pt. 52 substituted (3.10.2016) by [The Civil Procedure \(Amendment No. 3\) Rules 2016 \(S.I. 2016/788\)](#), rule 2, [Sch.](#) (with rule 16)
- F2** Words in [rule 52.4\(1\)](#) substituted (1.10.2017) by [The Civil Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/889\)](#), rules 1(1), [6\(b\)\(i\)](#)
- F3** Words in [rule 52.4\(4\)](#) substituted (1.10.2017) by [The Civil Procedure \(Amendment No. 2\) Rules 2017 \(S.I. 2017/889\)](#), rules 1(1), [6\(b\)\(ii\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 52.4.