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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 54**

**[<sup>F2</sup>JUDICIAL REVIEW AND STATUTORY REVIEW]**

**Textual Amendments**

- F1** Pt. 54 inserted (2.10.2000) by [The Civil Procedure \(Amendment No. 4\) Rules 2000 \(S.I. 2000/2092\)](#), rule 1, [Sch.](#) (with rule 30)
- F2** Pt. 54 heading substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, 3

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*[<sup>F8</sup>SECTION I—  
JUDICIAL REVIEW]*

**Textual Amendments**

**F8** Pt. 54 Section 1 heading inserted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rule 1, **Sch. Pt. 1**

**Scope and interpretation**

**54.1.**—(1) [F9This Section of this Part] contains rules about judicial review.

(2) [F10In this Section]—

- (a) a “claim for judicial review” means a claim to review the lawfulness of—
  - (i) an enactment; or
  - (ii) a decision, action or failure to act in relation to the exercise of a public function.

F11(b) .....

F12(c) .....

F13(d) .....

- (e) “the judicial review procedure” means the Part 8 procedure as modified by [F14this Section];
- (f) “interested party” means any person (other than the claimant and defendant) who is directly affected by the claim; and
- (g) “court” means the High Court, unless otherwise stated.

(Rule 8.1(6)(b) provides that a rule or practice direction may, in relation to a specified type of proceedings, disapply or modify any of the rules set out in Part 8 as they apply to those proceedings)

**Textual Amendments**

- F9** Words in rule 54.1(1) substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(a)**
- F10** Words in rule 54.1(2) substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(b)(i)**
- F11** Rule 54.1(2)(b) omitted (1.5.2004) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **12**
- F12** Rule 54.1(2)(c) omitted (1.5.2004) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **12**
- F13** Rule 54.1(2)(d) omitted (1.5.2004) by virtue of [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **12**
- F14** Words in rule 54.1(2)(e) substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(b)(ii)**

**[F15Who may exercise the powers of the High Court**

**54.1A.**—(1) A court officer assigned to the Administrative Court office who is—

- (a) a barrister; F16 ...
- (b) a solicitor [F17; or]
- [ a Fellow of the Chartered Institute of Legal Executives [F19or a CILEX lawyer].]

F18(c)

may exercise the jurisdiction of the High Court with regard to the matters set out in paragraph (2) with the consent of the President of the [F20King’s] Bench Division.

(2) The matters referred to in paragraph (1) are—

- (a) any matter incidental to any proceedings in the High Court;

- (b) any other matter where there is no substantial dispute between the parties; and
  - (c) the dismissal of an appeal or application where a party has failed to comply with any order, rule or practice direction.
- (3) A court officer may not decide an application for—
- (a) permission to bring judicial review proceedings;
  - (b) an injunction;
  - (c) a stay of any proceedings, other than a temporary stay of any order or decision of the lower court over a period when the High Court is not sitting or cannot conveniently be convened, unless the parties seek a stay by consent.
- (4) Decisions of a court officer may be made without a hearing.
- (5) A party may request any decision of a court officer to be reviewed by a judge of the High Court.
- (6) At the request of a party, a hearing will be held to reconsider a decision of a court officer, made without a hearing.
- (7) A request under paragraph (5) or (6) must be filed within 7 days after the party is served with notice of the decision.]

#### Textual Amendments

- F15** Rule 54.1A inserted (1.10.2012) by [The Civil Procedure \(Amendment No.2\) Rules 2012 \(S.I. 2012/2208\)](#), rules 1, **9(b)**
- F16** Word in rule 54.1A(1)(a) omitted (6.4.2020) by virtue of [The Civil Procedure \(Amendment\) Rules 2020 \(S.I. 2020/82\)](#), rules 1(1), **7(a)**
- F17** Word in rule 54.1A(1)(b) substituted (6.4.2020) by [The Civil Procedure \(Amendment\) Rules 2020 \(S.I. 2020/82\)](#), rules 1(1), **7(b)**
- F18** Rule 54.1A(1)(c) inserted (6.4.2020) by [The Civil Procedure \(Amendment\) Rules 2020 \(S.I. 2020/82\)](#), rules 1(1), **7(c)**
- F19** Words in rule 54.1A(1)(c) inserted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(1)(a)**
- F20** Word in rule 54.1A(1) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(1)(b)**

#### When this [F21Section] must be used

**54.2** —The judicial review procedure must be used in a claim for judicial review where the claimant is seeking—

- (a) a mandatory order;
- (b) a prohibiting order;
- (c) a quashing order; or
- (d) an injunction under section 30 of the Supreme Court Act 1981 (restraining a person from acting in any office in which he is not entitled to act).

#### Textual Amendments

- F21** Word in rule 54.2 heading substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(c)**

### When this [F22Section] may be used

**54.3.—(1)** The judicial review procedure may be used in a claim for judicial review where the claimant is seeking—

- (a) a declaration; or
- (b) an injunction<sup>(g1)</sup>.

(Section 31(2) of the Supreme Court Act 1981 sets out the circumstances in which the court may grant a declaration or injunction in a claim for judicial review)

(Where the claimant is seeking a declaration or injunction in addition to one of the remedies listed in rule 54.2, the judicial review procedure must be used)

**54.3.—(2)** A claim for judicial review may include a claim for damages [F23, restitution or the recovery of a sum due] but may not seek [F24such a remedy] alone.

(Section 31(4) of the Supreme Court Act 1981 sets out the circumstances in which the court may award damages [F25, restitution or the recovery of a sum due] on a claim for judicial review)

#### Textual Amendments

- F22** Word in rule 54.3 heading substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(c)**
- F23** Words in rule 54.3(2) inserted (1.5.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **13(a)(i)**
- F24** Words in rule 54.3(2) substituted (1.5.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **13(a)(ii)**
- F25** Words in rule 54.3 inserted (1.5.2004) by [The Civil Procedure \(Amendment No. 5\) Rules 2003 \(S.I. 2003/3361\)](#), rules 1(d), **13(b)**

### Permission required

**54.4** The court’s permission to proceed is required in a claim for judicial review whether started under this [F26Section] or transferred to the Administrative Court.

#### Textual Amendments

- F26** Word in rule 54.4 substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(d)**

### Time limit for filing claim form

**54.5.—**[  
F27(A1) In this rule—

“the planning acts” has the same meaning as in section 336 of the Town and Country Planning Act 1990;

[F28cc decision governed by the Public Contracts Regulations 2015” means any decision the legality of which is or may be affected by a duty owed to an economic operator by virtue of regulations 89 or 90 of those Regulations (and for this purpose it does not matter that the claimant is not an economic operator); and]

“economic operator” has the same meaning as in <sup>F29</sup>regulation 2(1) of the Public Contracts Regulations 2015].]

- (1) The claim form must be filed—
  - (a) promptly; and
  - (b) in any event not later than 3 months after the grounds to make the claim first arose.
- (2) The time <sup>F30</sup>limits] in this rule may not be extended by agreement between the parties.
- (3) This rule does not apply when any other enactment specifies a shorter time limit for making the claim for judicial review.

[  
<sup>F31</sup>(4) Paragraph (1) does not apply in the cases specified in paragraphs <sup>F32</sup>(5), (6) and (7)].

(5) Where the application for judicial review relates to a decision made by the Secretary of State or local planning authority under the planning acts, the claim form must be filed not later than six weeks after the grounds to make the claim first arose.

(6) Where the application for judicial review relates to a decision governed by <sup>F33</sup>the Public Contracts Regulations 2015], the claim form must be filed within the time within which an economic operator would have been required by <sup>F34</sup>regulation 92(2)] of those Regulations (and disregarding the rest of that regulation) to start any proceedings under those Regulations in respect of that decision.]

[  
<sup>F35</sup>(7) Where the application for judicial review is in respect of a failure by a competent authority to comply with the Public Service Obligations in Transport Regulations 2023 in deciding to enter into a public services contract or make a general rule, the claim form must be filed within the applicable time period specified in regulation 24(1) of those Regulations.]

#### Textual Amendments

- F27** Rule 54.5(A1) inserted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/1412\)](#), rules 1, **4(a)(i)** (with rule 5)
- F28** Words in rule 54.5(A1) substituted (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 11(2)(a)**
- F29** Words in rule 54.5(A1) substituted (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 11(2)(b)**
- F30** Word in rule 54(2) substituted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/1412\)](#), rules 1, **4(a)(ii)** (with rule 5)
- F31** Rule 54(4)-(6) inserted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/1412\)](#), rules 1, **4(a)(iii)** (with rule 5)
- F32** Words in rule 54.5(4) substituted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **10(2)(a)**
- F33** Words in rule 54.5(6) substituted (26.2.2015) by [The Public Contracts Regulations 2015 \(S.I. 2015/102\)](#), reg. 1(2), **Sch. 6 para. 11(3)(a)**
- F34** Words in rule 54.5(6) substituted (3.10.2016) by [The Civil Procedure \(Amendment No. 3\) Rules 2016 \(S.I. 2016/788\)](#), rules 2, **11**
- F35** Rule 54.5(7) inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **10(2)(b)**

## Claim form

**54.6.**—(1) In addition to the matters set out in rule 8.2 (contents of the claim form) the claimant must also state—

- (a) the name and address of any person he considers to be an interested party;
- (b) that he is requesting permission to proceed with a claim for judicial review; <sup>F36</sup> ...
- (c) any remedy (including any interim remedy) he is claiming [<sup>F37</sup>; and]

[ where appropriate, the grounds on which it is contended that the claim is an Aarhus <sup>F38</sup>(d) Convention claim.

(Rules [<sup>F39</sup>46.24 to 46.27] make provision about costs in Aarhus Convention claims.)]

(Part 25 sets out how to apply for an interim remedy)

(2) The claim form must be accompanied by the documents required by [<sup>F40</sup>Practice Direction 54A].

### Textual Amendments

**F36** Word in rule 54.6(1)(b) omitted (1.4.2013) by virtue of [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), [rules 2, 18\(a\)](#) (with [rule 22](#))

**F37** Word in rule 54.6(1)(c) substituted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), [rules 2, 18\(b\)](#) (with [rule 22](#))

**F38** Rule 54.6(1)(d) and words inserted (1.4.2013) by [The Civil Procedure \(Amendment\) Rules 2013 \(S.I. 2013/262\)](#), [rules 2, 18\(c\)](#) (with [rule 22](#))

**F39** Words in rule 54.6(1) substituted (1.10.2023) by [The Civil Procedure \(Amendment No. 2\) Rules 2023 \(S.I. 2023/572\)](#), [rules 1\(1\), 18](#) (with [rule 2](#))

**F40** Words in rule 54.6(2) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), [rules 1\(2\), 29\(b\)](#)

## Service of claim form

**54.7** The claim form must be served on—

- (a) the defendant; and
- (b) unless the court otherwise directs, any person the claimant considers to be an interested party, within 7 days after the date of issue.

### [<sup>F41</sup>Judicial review of decisions of the Upper Tribunal

**54.7A.**—(1) Where the Upper Tribunal has refused permission to appeal against a decision of the First-tier Tribunal, no application for judicial review of the Upper Tribunal's decision, or which relates to the First-tier Tribunal's decision, may be made except where the question in the judicial review application is—

- (a) whether the application for permission to appeal was validly made to the Upper Tribunal;
- (b) whether the Upper Tribunal when refusing permission to appeal was properly constituted; or
- (c) whether the Upper Tribunal is acting or has acted in bad faith or in such a procedurally defective way as amounts to a fundamental breach of the principles of natural justice.

(2) The claim form and the supporting documents must be filed no later than 16 days after the date on which notice of the Upper Tribunal's decision was sent to the applicant.]

### Textual Amendments

- F41** Rule 54.7A substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(2)**

### Acknowledgment of service

**54.8.**—(1) Any person served with the claim form who wishes to take part in the judicial review must file an acknowledgment of service in the [<sup>F42</sup>approved] form in accordance with the following provisions of this rule.

- (2) Any acknowledgment of service must be—
- (a) filed not more than 21 days after service of the claim form; and
  - (b) served on—
    - (i) the claimant; and
    - (ii) subject to any direction under rule 54.7(b), any other person named in the claim form, as soon as practicable and, in any event, not later than 7 days after it is filed.
- (3) The time limits under this rule may not be extended by agreement between the parties.
- (4) The acknowledgment of service—
- (a) must—
    - [<sup>F43</sup>(i)] where the person filing it intends to contest the claim, set out a summary of his grounds for doing so; and
 

[ where the person filing it intends to contest the application for permission on the

<sup>F44</sup>[<sup>F43</sup>(ii)] basis that it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred, set out a summary of the grounds for doing so; and]
    - [<sup>F43</sup>(iii)] state the name and address of any person the person filing it considers to be an interested party; and
  - (b) may include or be accompanied by an application for directions.
- (5) Rule 10.3(2) does not apply.

[<sup>F45</sup>(Section 31(3C) of the Senior Courts Act 1981 requires the court, where it is asked to do so by the defendant, to consider whether the outcome for the claimant would have been substantially different if the conduct complained of had not occurred.)]

### Textual Amendments

- F42** Word in rule 54.8(1) substituted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **10(1)**
- F43** Rule 54.8(4)(a)(i)(ia)(ii) renumbered as rule 54.8(4)(a)(i)(ii)(iii) (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), **10(3)**
- F44** Rule 54.8(4)(a)(ia) inserted (13.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(4), 7 (with rule 12(2)); S.I. 2015/778, art. 3, **Sch. 1 para. 69**
- F45** Words in rule 54.8 inserted (13.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(4), 8 (with rule 12(2)); S.I. 2015/778, art. 3, **Sch. 1 para. 69**



### [<sup>F46</sup>Reply to acknowledgment of service

**54.8A.**—(1) A claimant who has been served with any acknowledgment of service in accordance with rule 54.8(2)(b)(i) may file a reply.

- (2) Any reply must be—
- (a) filed not more than 7 days after service of the acknowledgment of service; and
  - (b) served on—
    - (i) the defendant; and
    - (ii) any person served with the claim form,as soon as practicable and in any event not later than 7 days after it is filed.
- (3) The time limits under this rule may not be extended by agreement between the parties.
- (4) Practice Direction 54A makes provision as to the content and length of any reply.]

#### Textual Amendments

**F46** Rule 54.8A inserted (6.4.2024) by [The Civil Procedure \(Amendment\) Rules 2024 \(S.I. 2024/106\)](#), rules 1(1), 10(4)

### Failure to file acknowledgment of service

**54.9.**—(1) Where a person served with the claim form has failed to file an acknowledgment of service in accordance with rule 54.8, he—

- (a) may not take part in a hearing to decide whether permission should be given unless the court allows him to do so; but
  - (b) provided he complies with rule 54.14 or any other direction of the court regarding the filing and service of—
    - (i) detailed grounds for contesting the claim or supporting it on additional grounds; and
    - (ii) any written evidence,may take part in the hearing of the judicial review.
- (2) Where that person takes part in the hearing of the judicial review, the court may take his failure to file an acknowledgment of service into account when deciding what order to make about costs.
- (3) Rule 8.4 does not apply.

### Permission given

**54.10.**—(1) Where permission to proceed is given the court may also give directions.

[<sup>F47</sup>(2) Directions under paragraph (1) may include—

- (a) a stay<sup>(GL)</sup> of proceedings to which the claim relates;
- (b) directions requiring the proceedings to be heard by a Divisional Court.]

#### Textual Amendments

**F47** Rule 54.10(2) substituted (20.10.2010) by [The Civil Procedure \(Amendment No.3\) Rules 2010 \(S.I. 2010/2577\)](#), rules 1(2), 3

### Service of order giving or refusing permission

**54.11** The court will serve—

(a) the order giving or refusing permission; and

[ any certificate (if not included in the order) that permission has been granted for reasons  
<sup>F48</sup>(ai) of exceptional public interest in accordance with section 31(3F) of the Senior Courts Act 1981; and]

(b) any directions,

on—

(i) the claimant;

(ii) the defendant; and

(iii) any other person who filed an acknowledgment of service.

#### Textual Amendments

**F48** Rule 54.11(ai) inserted (13.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(4), **9** (with rule 12(2)); S.I. 2015/778, art. 3, **Sch. 1 para. 69**

### [<sup>F49</sup>Permission decision where court requires a hearing

**54.11A.**—(1) This rule applies where the court wishes to hear submissions on—

(a) whether it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred; and if so

(b) whether there are reasons of exceptional public interest which make it nevertheless appropriate to give permission.

(2) The court may direct a hearing to determine whether to give permission.

(3) The claimant, defendant and any other person who has filed an acknowledgment of service must be given at least 2 days' notice of the hearing date.

(4) The court may give directions requiring the proceedings to be heard by a Divisional Court.

(5) The court must give its reasons for giving or refusing permission.]

#### Textual Amendments

**F49** Rule 54.11A inserted (13.4.2015) by [The Civil Procedure \(Amendment No. 2\) Rules 2015 \(S.I. 2015/670\)](#), rules 2(4), **10** (with rule 12(2)); S.I. 2015/778, art. 3, **Sch. 1 para. 69**

### Permission decision without a hearing

**54.12.**—(1) This rule applies where the court, without a hearing—

(a) refuses permission to proceed; or

(b) gives permission to proceed—

(i) subject to conditions; or

(ii) on certain grounds only.

(2) The court will serve its reasons for making the decision when it serves the order giving or refusing permission in accordance with rule 54.11.

(3) [<sup>F50</sup>Subject to paragraph (7), the] claimant may not appeal but may request the decision to be reconsidered at a hearing.

(4) A request under paragraph (3) must be filed within 7 days after service of the reasons under paragraph (2).

(5) The claimant, defendant and any other person who has filed an acknowledgment of service will be given at least 2 days' notice of the hearing date.

[  
<sup>F51</sup>(6) The court may give directions requiring the proceedings to be heard by a Divisional Court.]

[  
<sup>F52</sup>(7) Where the court refuses permission to proceed and records the fact that the application is totally without merit in accordance with rule 23.12, the claimant may not request that decision to be reconsidered at a hearing.]

#### Textual Amendments

**F50** Words in rule 54.12(3) substituted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/1412\)](#), rules 1, **4(b)(i)** (with rule 5)

**F51** Rule 54.12(6) inserted (20.10.2010) by [The Civil Procedure \(Amendment No.3\) Rules 2010 \(S.I. 2010/2577\)](#), rules 1(2), 4

**F52** Rule 54.12(7) inserted (1.7.2013) by [The Civil Procedure \(Amendment No. 4\) Rules 2013 \(S.I. 2013/1412\)](#), rules 1, **4(b)(ii)** (with rule 5)

#### Defendant etc. may not apply to set aside<sup>(gl)</sup>

**54.13** Neither the defendant nor any other person served with the claim form may apply to set aside<sup>(gl)</sup> an order giving permission to proceed.

#### Response

**54.14.**—(1) A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) any written evidence,

within 35 days after service of the order giving permission.

(2) The following rules do not apply—

- (a) rule 8.5(3) and 8.5(4) (defendant to file and serve written evidence at the same time as acknowledgment of service); and
- (b) rule 8.5(5) and 8.5(6) (claimant to file and serve any reply within 14 days).

#### Where claimant seeks to rely on additional grounds

**54.15** The court's permission is required if a claimant seeks to rely on grounds other than those for which he has been given permission to proceed.

#### Evidence

**54.16.**—(1) Rule 8.6 [<sup>F53</sup>(1)] does not apply.

(2) No written evidence may be relied on unless—

- (a) it has been served in accordance with any—
  - (i) rule under this [<sup>F54</sup>Section]; or
  - (ii) direction of the court; or
- (b) the court gives permission.

**Textual Amendments**

**F53** Word in rule 54.16(1) inserted (2.12.2002) by The Civil Procedure (Amendment) Rules 2002 (S.I. 2002/2058), rules 1(b), **21**

**F54** Word in rule 54.16 substituted (1.4.2003) by The Civil Procedure (Amendment) Rules 2003 (S.I. 2003/364), rules 1, **5(d)**

**Court’s powers to hear any person**

- 54.17.**—(1) Any person may apply for permission—
- (a) to file evidence; or
  - (b) make representations at the hearing of the judicial review.
- (2) An application under paragraph (1) should be made promptly.

**Judicial review may be decided without a hearing**

**54.18** The court may decide the claim for judicial review without a hearing where all the parties agree.

**Court’s powers in respect of quashing orders**

**54.19.**—(1) This rule applies where the court makes a quashing order in respect of the decision to which the claim relates.

- [<sup>F55</sup>(2) The court may—
- (a) (i) remit the matter to the decision-maker; and
  - (ii) direct it to reconsider the matter and reach a decision in accordance with the judgment of the court; or
  - (b) in so far as any enactment permits, substitute its own decision for the decision to which the claim relates.

(Section 31 of the Supreme Court Act 1981 enables the High Court, subject to certain conditions, to substitute its own decision for the decision in question.)]

(3) .....

<sup>F56</sup> .....

**Textual Amendments**

**F55** Rule 54.19(2) substituted (6.4.2008) by The Civil Procedure (Amendment No.2) Rules 2007 (S.I. 2007/3543), rules 1(b), **7(b)**

**F56** Rule 54.19(3) and words omitted (6.4.2008) by virtue of The Civil Procedure (Amendment No.2) Rules 2007 (S.I. 2007/3543), rules 1(b), **7(c)**

## Transfer

**54.20** The court may—

- (a) order a claim to continue as if it had not been started under this [<sup>F57</sup>Section]; and
- (b) where it does so, give directions about the future management of the claim.

(Part 30 (transfer) applies to transfers to and from the Administrative Court)

### Textual Amendments

**F57** Word in rule 54.20(a) substituted (1.4.2003) by [The Civil Procedure \(Amendment\) Rules 2003 \(S.I. 2003/364\)](#), rules 1, **5(e)**

## *[<sup>F58</sup>II PLANNING COURT*

### Textual Amendments

**F58** [Pt. 54 Section 2](#) inserted (6.4.2014) by [The Civil Procedure \(Amendment No. 3\) Rules 2014 \(S.I. 2014/610\)](#), rules 2, **3** (with rule 4)

## General

**54.21.**—(1) This Section applies to Planning Court claims.

(2) In this Section, “Planning Court claim” means a judicial review or statutory challenge which —

- (a) involves any of the following matters —
  - (i) planning permission, other development consents, the enforcement of planning control and the enforcement of other statutory schemes;
  - (ii) applications under the Transport and Works Act 1992;
  - (iii) wayleaves;
  - (iv) highways and other rights of way;
  - (v) compulsory purchase orders;
  - (vi) village greens;
  - (vii) European Union environmental legislation and domestic transpositions, including assessments for development consents, habitats, waste and pollution control;
  - (viii) national, regional or other planning policy documents, statutory or otherwise; or
  - (ix) any other matter the judge appointed under rule 54.22(2) [<sup>F59</sup>considers appropriate] considers appropriate; and
- (b) has been issued or transferred to the Planning Court.

(Part 30 (Transfer) applies to transfers to and from the Planning Court.)

### Textual Amendments

**F59** Words in rule 54.21(2)(a)(ix) inserted (1.10.2014) by [The Civil Procedure \(Amendment No. 6\) Rules 2014 \(S.I. 2014/2044\)](#), rules 2, **9**

## Specialist list

**54.22.**—(1) The Planning Court claims form a specialist list.

(2) A judge nominated by the President of the [<sup>F60</sup>King’s] Bench Division will be in charge of the Planning Court specialist list and will be known as the Planning Liaison Judge.

[<sup>F61</sup>(3) The President of the [<sup>F62</sup>King’s] Bench Division will be responsible for the nomination of specialist planning judges to deal with Planning Court claims which are significant within the meaning of [<sup>F63</sup>Practice Direction 54D], and of other judges to deal with other Planning Court claims.]

### Textual Amendments

- F60** Word in rule 54.22(3) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(3)**
- F61** Rule 54.22(3) inserted (5.6.2014) by [The Civil Procedure \(Amendment No. 5\) Rules 2014 \(S.I. 2014/1233\)](#), rules 1, **4**
- F62** Word in rule 54.22(2) substituted (6.4.2023) by [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(3)**
- F63** Words in rule 54.22(3) substituted (6.4.2022) by [The Civil Procedure \(Amendment\) Rules 2022 \(S.I. 2022/101\)](#), rules 1(1), **16(a)**

## Application of the Civil Procedure Rules

**54.23.** These Rules and their practice directions will apply to Planning Court claims unless this section or a practice direction provides otherwise.

## Further provision about Planning Court claims

**54.24.** [<sup>F64</sup>Practice Direction 54D] makes further provision about Planning Court claims, in particular about the timescales for determining such claims.]

### Textual Amendments

- F64** Words in rule 54.24 substituted (6.4.2022) by [The Civil Procedure \(Amendment\) Rules 2022 \(S.I. 2022/101\)](#), rules 1(1), **16(b)**

## <sup>F65</sup>SECTION III

### ENVIRONMENTAL REVIEW UNDER THE ENVIRONMENT ACT 2021

### Textual Amendments

- F65** Pt. 54 Section 3 inserted (1.10.2022) by virtue of [The Civil Procedure \(Amendment No. 2\) Rules 2022 \(S.I. 2022/783\)](#), rules 1(1), **21(2)**

## Scope and interpretation

**54.25.**—(1) This Section contains rules about environmental review.

(2) In this Section—

- (a) “claim for environmental review” means a claim made by the Office for Environmental Protection (“OEP”) under section 38 of the Environment Act 2021;
- (b) “the environmental review procedure” means the Part 8 procedure as modified by this Section;
- (c) “interested party” means any person (other than the claimant and defendant) who is directly affected by the claim; and
- (d) “court” means the High Court.

### **Who may exercise the powers of the High Court**

**54.26.**—(1) Rule 54.1A (excluding paragraph (3)(a) of the rule) applies to a claim for environmental review.

- (2) A claim for environmental review shall be assigned to the Planning Court.

### **When this Section must be used**

**54.27.**—(1) The environmental review procedure must be used where a claim for environmental review is made.

- (2) Practice Direction 54E applies to the environmental review procedure.

### **Time limit for filing claim form**

**54.28.**—(1) The claim form must be filed not later than 6 months from the date by which a response to a decision notice was required under section 36(3) of the Environment Act 2021.

- (2) The time limit in paragraph (1) may be extended, but only upon application to the court by the claimant and if the court is satisfied that it is reasonable to do so.

### **Claim form**

**54.29.**—(1) In addition to the matters set out in rule 8.2 (contents of the claim form) the claimant must also state—

- (a) the name of the public authority, the defendant, against whom the claim for environmental review is brought;
- (b) the name and address of any person the claimant considers to be an interested party; and
- (c) any remedy (including any interim remedy) sought by the claimant.

- (2) The claim form must be accompanied by the documents required by Practice Direction 54E.

### **Service of claim form**

**54.30.** The claim form must be served on—

- (a) the defendant; and
- (b) unless the court otherwise directs, any person the claimant considers to be an interested party,

within 7 days after the date of issue.

**Acknowledgment of service**

**54.31.**—(1) Any person served with the claim form who wishes to take part in the environmental review must file an acknowledgment of service in the relevant practice form in accordance with the following provisions of this rule.

- (2) Any acknowledgment of service must be—
  - (a) filed not more than 35 days after service of the claim form; and
  - (b) served on—
    - (i) the claimant; and
    - (ii) subject to any direction under rule 54.30(b), any other person named in the claim form,

as soon as practicable and, in any event, not later than 7 days after it is filed.

- (3) The time limits under this rule may not be extended by agreement between the parties.
- (4) The acknowledgment of service—
  - (a) must state the name and address of any person the person filing it considers to be an interested party; and
  - (b) may include or be accompanied by an application for directions.
- (5) Rule 10.3(2) does not apply.

**Detailed grounds and evidence**

**54.32.**—(1) A defendant and any other person served with the claim form who wishes to contest the claim or support it on additional grounds must file and serve with the acknowledgment of service—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) any written evidence.

<sup>F66</sup>(2) .....

<sup>F67</sup>(3) .....

**Textual Amendments**

**F66** Rule 54.32(2) omitted (6.4.2023) by virtue of [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(4)**

**F67** Rule 54.32(3) omitted (6.4.2023) by virtue of [The Civil Procedure \(Amendment\) Rules 2023 \(S.I. 2023/105\)](#), rules 1(1), **28(4)**

**Failure to file acknowledgment of service**

**54.33.**—(1) Where a person served with the claim form has failed to file an acknowledgment of service in accordance with rule 54.31 or to comply with 54.32, they may not take part in the hearing of the claim unless the court allows them to do so and they comply with rule 54.31 or any other direction of the court regarding the filing and service of—

- (a) detailed grounds for contesting the claim or supporting it on additional grounds; and
- (b) any written evidence.

(2) Where that person takes part in the hearing of the environmental review, the court may take their failure to file an acknowledgment of service into account when deciding whether an order as to costs should be made.



(3) Rule 8.4 does not apply.

**Where claimant seeks to rely on additional grounds**

**54.34.** The court’s permission is required if the claimant seeks to rely on grounds other than those set out in the original claim.

**Other procedural rules**

**54.35.** Rules 54.10 and 54.16 – 54.20 shall apply to the environmental review procedure, except that—

- (a) references to “permission to proceed” shall be disregarded; and
- (b) the reference in rule 54.19 to “the decision to which the claim relates” shall be read as referring to “the matter to which the claim relates.]]

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, PART 54.