

# Practice Direction - Schedule 1, Order 54 (Application for writ of habeas corpus)

## THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 50, AND SCHEDULE 1 TO THE CPR

### Terminology

- 1.1 In this practice direction -
- (1) “Order 54” means those provisions contained in Schedule 1, RSC Order 54 which were previously contained in the Rules of the Supreme Court (1965);
  - (2) a reference to a rule or Part prefixed with CPR is a reference to a rule or Part contained in the CPR rules; and
  - (3) a reference to a rule number alone is a reference to the rule so numbered in Order 54.

### Scope

- 2.1 This practice direction supplements Order 54 (which sets out how to apply for a writ of habeas corpus) by providing further detail about the application.
- 2.2 This practice direction must be read together with Order 54.
- 2.3 It also lists at paragraph 7 other practice directions which governed procedure relating to Order 54 before 26 April 1999 and which will continue to do so.

### Form to be used where court directs claim form to be used

- 3.1 Where the court directs that an application be made by claim form, under -
- (1) rule 2, (on hearing application under rule 1); or
  - (2) rule 4(2) (application in criminal proceedings ordered to be made to Divisional Court of the Queen’s Bench Division),
- the claimant must use Form 87 modified in accordance with the guidance set out in the Forms practice direction.

### Form to be used for Notice of adjourned application directed by court

- 4.1 Where the court directs under rule 2 (1) (c) that an application made under rule 1 is adjourned to allow for service of notice of the application, such notice must be given in modified Form 88.

## Service

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- 5.1 The party seeking the writ must serve-
- (1) the claim form in accordance with rule 2.2; and
  - (2) the writ of habeas corpus ad subjiciendum and notice in Form 90, as modified, in accordance with rule 6.
- (CPR rule 6.3 provides that the court will normally serve a document which it has issued or prepared).

## The Crown Office List

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- 6.1 When the court directs that an application is to be made by claim form under-
- (1) rule 2 (1) (powers of court to whom application made under rule 1); or
  - (2) rule 4 (2) (power of court in where application made in criminal proceedings)
- the application must be entered in the Crown Office List in accordance with Practice Direction (Crown Office List) 1987 1 WLR 232 [1987] 1 All ER 368.
- (In Schedule 1, RSC Order 57 rule 2 provides for the entry of claims in the appropriate office and for the filing of copy documents for the use of the court)

## Practice Directions etc., which apply to Order 54

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- 7.1 On and after 26 April 1999, the Practice directions, Statements and Practice Notes set out in Table 1 continue to apply to proceedings under Order 54.

**Table 1**

<b>Practice Direction etc.</b>	<b>Content</b>
Practice Note [1983] 2 All ER 1020	Urgent matters outside London-consultation of Crown Office and continuation in London;
Practice Note (Crown Office List) [1987] 1 All ER 1184	Need for accuracy in time estimates
Practice Direction (Crown Office List) [1987] 1 WLR 232; [1987] 1 All ER 368.	Parts of the List.
Practice Direction (Crown Office List: Preparation for hearings) [1994] 4 All ER 671, [1994] 1 WLR 1551 (18th November 1994).	Preparation for hearings; Documentation; Time limits; Skeleton arguments; amendment of grounds.
Practice Direction (Crown Office List; Consent Orders ) [1997] 1 WLR 825	Consent orders
Practice Statement (Supreme Court; Judgments) [1998] 1 WLR 825, [1998] 2 All ER 638.	Judgments