

Practice Direction - Schedule 1, Order 53 (Application for judicial review)

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

Terminology

- 1.1 In this practice direction -
- (1) “Order 53” means those provisions contained in Schedule 1, RSC Order 53, 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 53.

Scope

- 2.1 This practice direction supplements Order 53 (which sets out the procedure for applying for judicial review) by providing further detail about the application.
- 2.2 This practice direction must be read together with Order 53.
- 2.3 It also lists at paragraph 8 other practice directions which governed procedure relating to Order 53 before 26 April 1999 and which will continue to do so.

Claim Form

- 3.1 Rule 5. (2A) specifies that an application for judicial review must be made by claim form. The claim form to be used is Form 86, modified in accordance with the guidance contained in the Forms practice direction.
- 3.2 The claimant must also use a modified Form 86 where he is making an application under rule 11(1) (Proceedings for disqualification of a member of a local authority).

Application for judicial review

- 4.1 In order to comply with the requirement in rule 6 (1) (copy of the statement in support of the application for permission to be served), Form 86A must be attached to Form 86 (the claim form) and served with it.

Meaning of written evidence

- 5.1 The written evidence required by-
- (1) rule 5.6 (written evidence to be filed before the application is entered for hearing);
 - (2) rule 6 (statements and evidence); and
 - (3) rule 11 (proceedings for disqualification of member of a local authority, may be either an affidavit or a witness statement.)
- (CPR rule 32.16 provides for the form of an affidavit, CPR rule 32.8 provides for the form of a witness statement, and CPR rule 22.1 requires a witness statement to be verified by a statement of truth).

Service

- 6.1 The Crown Office will prepare and serve all orders of the court.
- (CPR rule 6.3 provides that the court will normally serve a document which it has issued or prepared).
- 6.2 All other documents (and copies) must be prepared and served by the parties.

Cases entered in the Crown Office List

- 7.1 When an application is entered in accordance with rule 5(5) -
- (a) for judicial review; or
 - (b) under rule 11(1) (Proceedings for disqualification of member of local authority),
- 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 proceedings under Order 53

8. The Practice directions, Statements and Practice Notes set out in Table 1 continue to apply to proceedings under Order 53 on and after 26 April 1999.

Table 1

Practice Direction etc.	Content
Practice Note [1983] 2 All ER 1020	Urgent matters outside London-consultation of Crown Office and continuation in London; Delay in applying for permission to apply for judicial review
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 Note [1991] 1 All ER 1055	Permission to apply for judicial review and time allowed for such applications
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 Note [1997] 1 All ER 128 (6th December 1997)	Permission to apply for judicial review- Documents to be lodged; -relevant legislative provisions and statutory instruments
Practice Statement (Supreme Court: Judgments) [1998] 1 WLR 825, [1998] 2 All ER 638.	Judgments