

75th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Direction and the amendments to the existing Practice Directions supplementing the Civil Procedure Rules 1998 are made by the Master of the Rolls under the powers delegated to him by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lord Faulks, Minister of State, by the authority of the Lord Chancellor.

Amendments to existing Pre-Action Protocols are approved by the Master of the Rolls as Head of Civil Justice.

The new Practice Directions and the amendments to the existing Practice Directions, and amendments to the existing Pre-Action Protocols come into force as follows—	
Practice Direction 2D – References in the Rules to actions done by the court	01.10.14
Practice Direction 5C – Electronic working scheme	01.10.14
Practice Direction 8A – Alternative Procedure for Claims	01.10.14
Practice Direction 8B – Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents And Low Value Personal Injury (Employers’ Liability and Public Liability) Claims – Stage 3 Procedure	01.10.14
Practice Direction 16 – Statements Of Case	01.10.14
Practice Direction 21 – Children and Protected Parties	01.10.14
Practice Direction 51I – The County Court at Central London Multi-Track Pilot Scheme	01.10.14
Practice Direction 52B – Appeals in the County Court and High Court	01.10.14
Practice Direction 52C – Appeals to the Court Of Appeal	01.10.14
Practice Direction 52D – Statutory Appeals and Appeals subject to Special Provision	01.10.14
Practice Direction 57B – Proceedings under the Presumption of Death Act 2013	01.10.14
Practice Direction 65 – Anti-social Behaviour and Harassment	01.10.14
Practice Direction 67 – Proceedings Relating to Solicitors	01.10.14
Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents	01.10.14
Transitional and Saving Provisions	01.10.14

The Right Honourable The Lord Dyson
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:

Minister of State
Ministry of Justice

PD 2D – REFERENCES IN THE RULES TO ACTIONS DONE BY THE COURT

1) After PD 2C insert—

"PD 2D – References in the Rules to actions done by the court

In the past, where the Rules have provided for an action to be done by the court, they have provided that the court "will" do that action.

From and including 1 October 2014, and including amendments coming into force on that date, where an amendment is made to these Rules to insert a new provision or alter an existing one, and that amendment provides for an action to be done by the court, the Rules will generally provide that the court "must" do the action, rather than "will". This is to make it clearer where an obligation lies with the court to do something. Occasionally in the future, it may still be appropriate to use the word "will", for example in a statement of future intent, and on those occasions, "will" will be used.

This does not affect the meaning of "will" and "must" in the Rules before 1 October 2014."

PRACTICE DIRECTION 5C – ELECTRONIC WORKING SCHEME

1) Omit Practice Direction 5C – Electronic working scheme.

PRACTICE DIRECTION 8A – ALTERNATIVE PROCEDURE FOR CLAIMS

1) In the table after the entry for paragraph 9.4, insert—

“Application under section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 to question the validity of a public spaces protection order or variation of such an order Paragraph 22 Administrative Court”.

2) After paragraph 22.11 insert—

“22.12 Where an application is made under section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 to question the validity of a public spaces protection order or of a variation of such an order—

(a) the claim form must be served on the local authority by which the order or variation was made or varied; and

(b) paragraphs 22.2, 22.3 and 22.7 to 22.11 apply.”.

PRACTICE DIRECTION 8B – PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS AND LOW VALUE PERSONAL INJURY (EMPLOYERS’ LIABILITY AND PUBLIC LIABILITY) CLAIMS – STAGE 3 PROCEDURE

1) After paragraph 3.4 insert—

“3.5 'Fixed cost medical report' and 'soft tissue injury claim' have the same meaning as in paragraph 1.1 (10A) and (16A), respectively, of the RTA Protocol.”

2) After paragraph 6.1 insert—

“6.1A

In a soft tissue injury claim, the claimant may not proceed unless the medical report is a fixed cost medical report. Where the claimant includes more than one medical report, the first report obtained must be a fixed cost medical report and any further report from an expert in any of the following disciplines must also be a fixed cost medical report—

- (a) Consultant Orthopaedic Surgeon;
- (b) Consultant in Accident and Emergency Medicine;
- (c) General Practitioner registered with the General Medical Council;
- (d) Physiotherapist registered with the Health and Care Professions Council.”.

PRACTICE DIRECTION 16 – STATEMENTS OF CASE

- 1) After paragraph 4.3 insert—

“4.3A

(1) In a soft tissue injury claim, the claimant may not proceed unless the medical report is a fixed cost medical report. Where the claimant files more than one medical report, the first report obtained must be a fixed cost medical report and any further report from an expert in any of the following disciplines must also be a fixed cost medical report:

- (a) Consultant Orthopaedic Surgeon;
- (b) Consultant in Accident and Emergency Medicine;
- (c) General Practitioner registered with the General Medical Council;
- (d) Physiotherapist registered with the Health and Care Professions Council.”.

(2) In this paragraph, 'fixed cost medical report' and 'soft tissue injury claim' have the same meaning as in paragraph 1.1 (10A) and (16A), respectively, of the RTA Protocol.”.

PRACTICE DIRECTION 21 – CHILDREN AND PROTECTED PARTIES

- 1) For paragraph 5.1(6)(b) substitute—

“(b) medical and quantum reports and joint statements material to the opinion required by paragraph 5.2,”.

- 2) In paragraph 6.4—

- (a) in subparagraph (2), at the end, for “.” substitute “; and”;
- (b) after paragraph 6.4(2) insert—

“(3) documentary evidence material to the opinion referred to at paragraph 6.4(1).”.

PRACTICE DIRECTION 51I – THE COUNTY COURT AT CENTRAL LONDON MULTI-TRACK PILOT SCHEME

- 1) After Practice Direction 51E insert Practice Direction 51I (The County Court at Central London Multi-Track Pilot Scheme), set out in Schedule 1, paragraph 1, to this instrument.

PRACTICE DIRECTION 52B – APPEALS IN THE COUNTY COURT AND HIGH COURT

- 1) In paragraph 4.3, for the words “Where the applicant qualifies for fee remission” to the end substitute—

“Any application for a transcript at public expense should be made within the appellant’s notice.”.

PRACTICE DIRECTION 52C – APPEALS TO THE COURT OF APPEAL

- 1) In paragraph 6—
 - (a) renumber paragraph 6 as paragraph 6.(1); and
 - (b) after what is now paragraph 6.(1) insert—

“(2) Any application for a transcript at public expense should be made within the appellant’s notice.”.

- 2) In paragraph 7.1A, after the words “The appellant’s skeleton argument” insert “in respect of an application for permission to appeal”.
- 3) In paragraph 15(2), for the words “except where rule 52.3(4A) (applications totally without merit) applies” substitute “except where the rules otherwise provide.”.

PRACTICE DIRECTION 52D – STATUTORY APPEALS AND APPEALS SUBJECT TO SPECIAL PROVISION

- 1) In the table of contents, omit the entry for paragraph 21.1 (appeals under the Extradition Act 2003).

- 2) For paragraph 3.3 substitute—

“3.3 Where the appellant wishes to appeal against a decision of the Upper Tribunal, the appellant’s notice must be filed within 28 days of the date on which notice of the Upper Tribunal’s decision on permission to appeal to the Court of Appeal is sent to the appellant.”.

- 3) In paragraph 3.3A, for the words “received by” substitute “sent to”.

- 4) Omit paragraph 21.1.

PRACTICE DIRECTION 57B – PROCEEDINGS UNDER THE PRESUMPTION OF DEATH ACT 2013

- 1) After Practice Direction 57A (Probate), insert Practice Direction 57B (Proceedings under the Presumption of Death Act 2013), set out in Schedule 2, paragraph 1, to this instrument.

PRACTICE DIRECTION 65 – ANTI-SOCIAL BEHAVIOUR AND HARASSMENT

- 1) In the table of contents—
 - (a) in the entry for Section I—
 - (i) after “1996”, for “AND” substitute “,”; and
 - (ii) after “2009” insert “AND ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014”.

- (b) for the words in the column opposite “Paragraph 1A.1”, substitute
“Proceedings transferred from youth court, or breach of injunction made by youth court”;
 - (c) in the words in the column opposite “Paragraph 1.2”, at end insert “ – Part 4 of the 2009 Act”; and
 - (d) in the entry for paragraph 2.1—
 - (i) after “1996 Act”, for “and” substitute “,”; and
 - (ii) after “2009 Act” insert “and section 10 of the 2014 Act”.
- 2) In the heading to Section I of the Practice Direction—
- (a) after “1996”, for “AND” substitute “,”; and
 - (b) after “2009” insert “AND ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014”.
- 3) In paragraph 1.1, in sub-paragraph (1)—
- (a) after “1996 Act”, for “or” substitute “,”; and
 - (b) after “2009 Act” insert “or Part 1 of the 2014 Act”.
- 4) For paragraph 1A.1 substitute—

“Proceedings transferred from youth court, or breach of injunction made by youth court

1A.1

Where proceedings under Part 4 of the 2009 Act or Part 1 of the 2014 Act which were commenced in a youth court have been transferred to the High Court or County Court after the respondent attained the age of 18, anything done in the youth court in or in relation to those proceedings will have effect, for the purposes of continuing the proceedings in the High Court or County Court, as if it had been done in the High Court or County Court as the case may be.

1A.2

Proceedings transferred to the County Court will be sent to the County Court hearing centre which serves the address where the respondent resides.

1A.3

Where a person aged 18 or over is brought before a judge following arrest for a breach of an injunction granted by a youth court (whether pursuant to a power of

arrest attached to the injunction or to a warrant issued for that person's arrest under section 44 of the 2009 Act or section 10 of the 2014 Act), it is the responsibility of the injunction applicant (within the meaning of paragraph 1(9) of Schedule 5A to the 2009 Act) or original applicant (within the meaning of paragraph 1(2) of Schedule 2 to the 2014 Act) to provide the judge with the information necessary to determine whether to deal with the matter or adjourn the proceedings under rule 65.47.”.

5) For paragraph 1.2, substitute—

“Hearings – Part 4 of the 2009 Act

1.2 Unless the court otherwise orders, an application on notice for an injunction under Part 4 of the 2009 Act under rule 65.43 or any other hearing in relation to such an injunction requiring the respondent's attendance must be heard at one of the following County Court hearing centres—

- (a) Birmingham
- (b) Bradford
- (c) Brighton
- (d) Bristol
- (e) Cardiff
- (f) Chelmsford
- (g) Croydon
- (h) Hammersmith (formerly known as West London)
- (i) Leicester
- (j) Liverpool
- (k) Luton
- (l) Manchester
- (m) Newcastle

- (n) Norwich
- (o) Nottingham
- (p) Oxford
- (q) Peterborough
- (r) Portsmouth
- (s) Preston
- (t) Sheffield.

(Attention is drawn to the statutory guidance on listing for hearings. These hearings will take place in courts which have been identified as having suitable facilities if special measures are needed for potential witnesses or security.)”

- 6) In paragraph 2.1—
 - (a) in the heading—
 - (i) after “1996 Act”, for “and” substitute “,”; and
 - (ii) after “2009 Act” insert “and section 10 of the 2014 Act”;
 - (b) in the opening words of the paragraph—
 - (i) after “1996 Act” the first time it occurs, for “and” substitute “,”;
 - (ii) after “2009 Act” the first time it occurs, insert “and section 10(3) of the 2014 Act”;
 - (iii) after “1996 Act” the second time it occurs, for “or” substitute “,”; and
 - (iv) after “2009 Act” the second time it occurs, insert “or section 10 of the 2014 Act”; and
 - (c) in sub-paragraph (2), after “1996 Act” insert “or the 2014 Act”.
- 7) In paragraph 3.1—
 - (a) in sub-paragraph (1)—
 - (i) after “1996 Act”, for “or” substitute “,”; and
 - (ii) after “2009 Act” insert “or Part 1 of the 2014 Act”; and
 - (b) in sub-paragraph (2)—
 - (i) after “1996 Act”, for “or” substitute “,”; and
 - (ii) after “2009 Act” insert “or Part 1 of the 2014 Act”.
- 8) In paragraph 4.1(1)—

- (a) after “1996 Act”, for “and” substitute “,”; and
- (b) after “2009 Act” insert “and Paragraph 6 of Schedule 1 to the 2014 Act”.

PRACTICE DIRECTION 67 – PROCEEDINGS RELATING TO SOLICITORS

- 1) For paragraph 2.2A substitute—

“**2.2A** Where a claim under section 70 or 71 of the Act is made by Part 8 claim form in the Costs Office, the court will fix a date for a hearing at which directions will be given, unless the claim is not contested, when an order for detailed assessment will be made. Evidence need not be filed or served by either party before that hearing.”.

PRE-ACTION PROTOCOL FOR LOW VALUE PERSONAL INJURY CLAIMS IN ROAD TRAFFIC ACCIDENTS

- 1) In the table of contents, after the entry for paragraph 6.19 insert—

“Defendant’s account in soft tissue injury claims Para. 6.19A”.

- 2) In paragraph 1.1—

- (a) after sub-paragraph (1)(d), insert—

“(1A) ‘associate’ means, in respect of a medical expert, any person whose business is linked to that expert or to any intermediary who commissions either the expert’s report or any proposed medical treatment and ‘associated with’ has the equivalent meaning;”;

- (b) after sub-paragraph(10)(d) insert—

“(10A) ‘fixed cost medical report’ means a report in a soft tissue injury claim which is from a medical expert who, save in exceptional circumstances—

- (a) has not provided treatment to the claimant;
- (b) is not associated with any person who has provided treatment; and
- (c) does not propose or recommend that they or an associate provide treatment;”;

- (c) in sub-paragraph (12)(c), after “Health” insert “and Care”; and
- (d) after sub-paragraph (16) insert—

“(16A) 'soft tissue injury claim' means a claim brought by an occupant of a motor vehicle where the significant physical injury caused is a soft tissue injury and includes claims where there is a minor psychological injury secondary in significance to the physical injury;”.

- 3) After paragraph 3.1 insert—

“3.2 In soft tissue injury claims, the additional aim of this Protocol is to ensure that-

- (1) the use and cost of medical reports is controlled;
- (2) in most cases only one medical report is obtained;
- (3) the medical expert is normally independent of any medical treatment; and
- (4) offers are made only after a fixed cost medical report has been obtained and disclosed.”.

- 4) After paragraph 4.6 insert—

“4.7 The provisions for soft tissue injury claims apply to any such claim for damages which arises from a road traffic accident where the CNF is submitted on or after 1 October 2014.”.

- 5) In paragraph 6.18—

- (a) After the words “must pay the Stage 1 fixed costs in rule 45.18” insert “and, in a soft tissue injury claim, the cost of obtaining the fixed cost medical report and any cost for obtaining medical records in rule 45.19(2A) (collectively the "Stage 1 fixed recoverable costs") ”; and
- (b) in the words which immediately follow sub-paragraph (2), after the words “the Stage 2 Settlement Pack” insert “, provided that invoices for the cost of obtaining the medical report and any medical records in a soft tissue injury claim have been included in the Stage 2 Settlement Pack”.

- 6) In paragraph 6.19, after “the defendant fails to pay the Stage1 fixed” insert “recoverable”.

- 7) After paragraph 6.19 insert—

“Defendant's account in soft tissue injury claims

6.19A Where liability is admitted in a soft tissue injury claim, it is expected that in most cases the defendant's account will not be relevant to the procedure in Stage 2. In the limited cases where it is considered appropriate, the defendant may send their account to the claimant electronically at the same time as the CNF response. The defendant's insurer must have the defendant's written authority to provide this account and, in sending it, is certifying that it has that authority. For the purposes of this paragraph, the defendant's written authority may be provided electronically.

6.19B The procedure in paragraph 6.19A applies to the MIB, save that the MIB is certifying that the defendant user of the vehicle has provided such authority.”.

8) After paragraph 7.1 insert—

“7.1A Subject to paragraph 7.8A, in a soft tissue injury claim—

(1) the claimant should obtain a medical report and if the claimant does so, the report must be a fixed cost medical report;

(2) subject to the restriction on further reports in paragraph 7.8A, any further report must also be a fixed cost medical report; and

(3) where the defendant provides a different account under paragraph 6.19A, the claimant must provide this as part of the instructions to the medical expert for the sole purpose of asking the expert to comment on the impact, if any, on diagnosis and prognosis if—

(a) the claimant's account is found to be true; or

(b) the defendant's account is found to be true.”.

9) After paragraph 7.8 insert—

“7.8A In a soft tissue injury claim—

(1) it is expected that only one medical report will be required; and

(2) a further medical report, whether from the first expert instructed or from an expert in another discipline, will only be justified where—

(a) it is recommended in the first expert's report; and

(b) that report has first been disclosed to the defendant.”.

10) In paragraph 7.32, after sub-paragraph (4) insert—

“(4A) in a soft tissue injury claim, the invoice for the cost of obtaining the fixed cost medical report and any invoice for the cost of obtaining medical records;”.

11) After paragraph 7.32 insert—

“**7.32A** In a soft tissue injury claim, the Stage 2 Settlement Pack is of no effect unless the medical report is a fixed cost medical report. Where the claimant includes more than one medical report, the first report obtained must be a fixed cost medical report and any further report from an expert in any of the following disciplines must also be a fixed cost medical report—

- (1) Consultant Orthopaedic Surgeon;
- (2) Consultant in Accident and Emergency Medicine;
- (3) General Practitioner registered with the General Medical Council;
- (4) Physiotherapist registered with the Health and Care Professions Council. ”.

12) In paragraph 7.44—

- (a) in sub-paragraph (3), at the end, omit “or”; and
- (b) after sub-paragraph (3) insert—

“(3A) in a soft tissue injury claim, the cost of obtaining a medical report in rule 45.19(2A)(a); or”.

13) After paragraph 7.44 insert—

“7.44A In a soft tissue injury claim, an offer to settle made by either party before a fixed cost medical report has been obtained and disclosed will have no adverse costs consequences until after the report has been disclosed.”.

14) In paragraph 7.47 (5), after the words “allowed in accordance with rule 45.19” insert “including any disbursements fixed under rule 45.19(2A) “.

15) In paragraph 7.62(5), after the words “allowed in accordance with rule 45.19” insert “including any disbursements fixed under rule 45.19(2A)“.

16) In paragraph 7.70(4), after the words “in rule 45.19(2) that have been agreed” insert “including any disbursements fixed under rule 45.19(2A)”.

Transitional provisions

- 1) The amendments made to Practice Directions 8B and 16 and the Pre-Action Protocol for Low Value Personal Injury Claims in Road Traffic Accidents apply only to soft tissue injury claims where the Claim Notification Form is sent in accordance with that Protocol on or after 1st October 2014.

- 2) The amendments made to paragraph 1A.1 of Practice Direction 65 – Anti-social Behaviour and Harassment, shall not come into force until the date upon which section 18 (*youth courts to have jurisdiction to grant gang-related injunctions*) of the Crime and Courts Act 2013 comes into force.

SCHEDULE 1

1. “PRACTICE DIRECTION 51I – THE COUNTY COURT AT CENTRAL LONDON MULTI-TRACK PILOT SCHEME

This Practice Direction supplements CPR Part 26

Contents of this practice direction	
Title	Number
Scope and interpretation	Para. 1
Certain money claims in the CCBC and CCMCC to be sent to the County Court at Central London: modification of rule 26.2A	Para. 2

1. Scope and interpretation

1.1 This Practice Direction is made under rule 51.2. It provides for a pilot scheme (“the County Court at Central London Multi-Track Pilot Scheme”) in respect of money claims issued at the County Court Business Centre (“CCBC”) and the County Court Money Claims Centre (“CCMCC”) for a period of 12 months from 1 October 2014 to 30 September 2015.

1.2 In this Practice Direction “the County Court Business Centre” means the Production Centre and Money Claims Online.

2. Certain money claims in the CCBC and CCMCC to be sent to the County Court at Central London: modification of rule 26.2A

2.1 In the circumstances set out in paragraph 2.2, rule 26.2A applies with the modifications in paragraphs 2.3 to 2.5.

2.2 The circumstances are that—

- (a) a money claim is started at the CCBC or CCMCC;
- (b) a court officer provisionally decides pursuant to rule 26.3 that the track which appears to be most suitable for the claim is the multi-track; and
- (c) either—

- (i) the defendant's home court or the preferred court specified on the defendant's directions questionnaire (where the defendant is an individual); or
- (ii) the claimant's preferred court (where the defendant is not an individual),

is one of the following County Court hearing centres—

Barnet, Bow, Brentford, Bromley, Central London, Clerkenwell and Shoreditch, Croydon, Edmonton, Kingston, Lambeth, Mayors and City of London, Romford, Uxbridge, Wandsworth, Hammersmith, Willesden and Woolwich (a "London hearing centre").

2.3 Rule 26.2A(3) is modified to provide that—

- (a) if there is a single defendant who is an individual, at the relevant time the claim will be sent to the County Court at Central London; and
- (b) where there are two or more defendants, at least one of whom is an individual, the claim will be sent to the County Court at Central London if the home court of the first defendant to file a defence is a London hearing centre.

2.4 Rule 26.2A(4) is modified to provide that, if the preferred court is a London hearing centre, at the relevant time the claim will be sent to the County Court at Central London.

2.5 Rule 26.2A(5) is modified to provide that if the preferred court specified on the relevant directions questionnaire is a London hearing centre, the claim will be sent to the County Court at Central London.”.

SCHEDULE 2

1. “PRACTICE DIRECTION 57B – PROCEEDINGS UNDER THE PRESUMPTION OF DEATH ACT 2013

This Practice Direction supplements CPR Part 57

Contents of this practice direction

Title	Number
Procedure for claims – Rule 57.19	Para. 1.1
Advertisement of claim – Rule 57.21	Para. 2.1
Interveners – Rule 57.22	Para. 3.1

Procedure for claims – Rule 57.19

Claim for declaration of presumed death – claim form

1.1 The claim form for a claim for a declaration of presumed death must include or be accompanied by the following (where known)—

(1) Information about the claimant

- (a) the claimant’s name and address;
- (b) the relationship of the claimant to the missing person; and
- (c) if the claimant is not the missing person’s spouse, civil partner, parent, child or sibling, details of the claimant’s interest in the determination of the application;

(2) Information about the missing person

- (a) the missing person’s name and surname, and any other names by which the missing person is or has formerly been known;
- (b) the missing person’s gender;
- (c) the missing person’s maiden surname (if any);
- (d) the missing person’s date and place of birth;
- (e) the occupation of the missing person;
- (f) the occupation, name and surname of—
 - (i) the missing person’s spouse or civil partner (or late spouse or civil partner if the marriage or civil partnership ended on death);

- (ii) where the missing person was under 16 years of age, the missing person's parents;
- (g) the missing person's National Insurance number;
- (h) the date on which missing person is thought to have died, or on which the missing person was last known have been alive;
- (i) on which of the grounds in section 1(4) of the 2013 Act the court is considered to have jurisdiction to entertain the claim; and
- (j) the name and address of the spouse or civil partner, parents, children or siblings of the missing person (if any, and if not the claimant);

(3) Information about steps taken to trace the missing person

- (a) details of any enquiries made or other steps taken to trace the missing person or confirm when the missing person was last known to be alive; and
- (b) details of the results of such enquiries or other steps;

(4) Information about the missing person's property

- (a) an estimate of the total value of the assets of the missing person;
- (b) details of property owned by the missing person; and
- (c) details of the interest of any other person in the missing person's property which it is sought to have determined by the court; and

(5) Information about advertisement and recipients of notice of the claim

- (a) details of the newspaper in which the claimant proposes to advertise the claim; and
- (b) details of the persons to whom the claimant is giving notice of the claim and, where notice is being given to a person under rule 57.20(1)(f), the nature of that person's interest in the claim.

Claim for variation order

1.2 The claim form for a variation order must include or be accompanied by the following (where known)—

(1) Information about the claimant

- (a) the claimant's name and address;
- (b) the relationship of the claimant to the missing person; and
- (c) details of the claimant's interest in the determination of the application;

(2) Information about previous claim and missing person's property

- (a) details of the declaration of presumed death or (as the case may be) previous variation order which it is sought to have varied or revoked;
- (b) details of the circumstances which are claimed to justify a variation order, and evidence of the enquiries made and other steps taken to verify them and their outcomes; and
- (c) details of any interest in property acquired as a result of the declaration of presumed death or (as the case may be) previous variation order which it is sought to have varied or revoked; and

(3) Information about advertisement and recipients of notice of the claim

- (a) details of the newspaper in which the claimant proposes to advertise the claim; and
- (b) details of the persons to whom the claimant is giving notice of the claim and, where notice is being given to a person under rule 57.20(2)(g), the nature of that person's interest in the claim.

Issue of claim form without serving notice on any person

1.3 For the purposes of rule 8.2A as modified by rule 57.19, an application for permission to issue a claim form, whether the claim is for a declaration or presumed death or for a variation order, may be made only where the claimant believes there to be no person within paragraph (1)(a) to (f) or paragraph (2)(a) to (g) of rule 57.20. The application must explain why the claimant believes that there is no such person.

Case management – first directions hearing

1.4 A claim (whether for a declaration of presumed death or for a variation order) must be listed for case management directions either—

- (a) more than 28 days (but where practicable no more than 56 days) after issue; or
- (b) where the claim form has been served outside the jurisdiction, more than 7 days (but where practicable no more than 35 days) after the period for filing provided for by rule 57.19(7),

to allow for time for those served with notice of the claim or who respond to the advertisement of the claim to file notice of intention to intervene or an application for permission to intervene as the case may be.

1.5 The court must notify all those who have filed notice of intention to intervene or an application for permission to intervene of the date of the directions hearing.

Advertisement of claim – Rule 57.21

2.1 The advertisement of the claim required by section 9(2) of the 2013 Act and rule 57.21(1)(a) must be in the form set out below, or contain the equivalent information about the claim and the possibility of applying, and where and by when to apply, to the Court—

**IN THE HIGH COURT OF JUSTICE
[CHANCERY] [FAMILY] DIVISION**

Case Number

IN THE MATTER OF AN APPLICATION FOR A DECLARATION OF THE
PRESUMED DEATH OF (*INSERT NAME*)

A claim has been issued in the High Court of Justice, for a [declaration] [variation of a declaration] that (*insert name*), whose last known address was (*insert address*) is presumed to be dead. Any person having an interest may apply to the Court to intervene in the matter.

If you wish to apply to the Court, you should do so at [*Court address*] as soon as possible, and if possible within 21 days of the date of this notice. Delay may harm your prospects of being able to intervene.

[If the claimant is legally represented]

(Name)

Claimant's Legal Representative

(Address)

[If the claimant is not legally represented]

(Claimant's address for service)

Interveners – Rule 57.22

3.1 The Attorney General, or a person who is entitled to intervene in the proceedings by virtue of section 11(1) (the missing person's spouse, civil partner, parent, child or sibling) should notify the intention to intervene as early as possible by filing, and serving on the claimant, notice in writing, specifying—

- (a) the intervener's name and address;
- (b) the intervener's relationship to the missing person (where the intervener is not the Attorney General);
- (c) the reasons for intervening; and
- (d) particulars of any determination or order sought under section 11(4)(b) or (c) of the 2013 Act.

3.2 An application under rule 57.22(2) for permission to intervene must be served on the claimant and must specify—

- (a) the applicant's relationship to the missing person or other interest in the proceedings;
- (b) the reasons for seeking to intervene; and
- (c) particulars of any determination or order sought under section 11(4)(b) or (c) of the 2013 Act. ”.