

89th UPDATE – PRACTICE DIRECTION AMENDMENTS

The new Practice Direction and amendments to the existing Practice Direction 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 Dr Phillip Lee MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

New Practice Direction 51Q – The County Court Legal Advisers Pilot Scheme, and the omission of Practice Direction 2E – Jurisdiction of the County Court That May Be Exercised by a Legal Adviser and consequential amendments to Practice Directions 17, 26 and 74A, will come into force on the day after the date upon which this instrument is signed by the Minister.

Practice Direction 2E – Jurisdiction of the County Court That May Be Exercised By a Legal Adviser
Practice Direction 17 – Amendments to Statements of Case
Practice Direction 26 – Case management – preliminary stage
Practice Direction 51Q – The County Court Legal Advisers Pilot Scheme
Practice Direction 74A – Enforcement of Judgments in Different Jurisdictions
SCHEDULE: Practice Direction 51Q – The County Court Legal Advisers Pilot Scheme

The Right Honourable Sir Terence Etherton
Master of the Rolls and Head of Civil Justice

Signed by authority of the Lord Chancellor:
Dr Phillip Lee MP
Parliamentary Under-Secretary of State for Justice
Ministry of Justice

Date: 8th August 2017

PRACTICE DIRECTION 2E – JURISDICTION OF THE COUNTY COURT THAT MAY BE EXERCISED BY A LEGAL ADVISER

- 1) Omit Practice Direction 2E.

PRACTICE DIRECTION 51Q – THE COUNTY COURT LEGAL ADVISERS PILOT SCHEME

- 1) After Practice Direction 51P, insert Practice Direction 51Q (The County Court Legal Advisers Pilot Scheme), set out in the Schedule to this instrument.

PRACTICE DIRECTION 17 – AMENDMENTS TO STATEMENTS OF CASE

- 1) In paragraph 2.1, for the words “[District Judge.....] [Legal Adviser] or as may be” substitute –

“[District Judge.....] or as may be”.

PRACTICE DIRECTION 26 – CASE MANAGEMENT – PRELIMINARY STAGE

- 1) In paragraph 3.1, for subparagraph (2)(a) substitute—

“(a) An order extending the stay must be made by a judge.”

PRACTICE DIRECTION 74A – ENFORCEMENT OF JUDGMENTS IN DIFFERENT JURISDICTIONS

- 1) In paragraphs 4.2 and 4.3, omit the words—

“, unless Practice Direction 2E applies”.

- 2) In paragraph 7.2, omit the words—

“or, where Practice Direction 2E applies, a legal adviser”.

SCHEDULE

“PRACTICE DIRECTION 51Q – THE COUNTY COURT LEGAL ADVISERS PILOT SCHEME

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1. Scope and interpretation

1.1 This Practice Direction is made under Rule 51.2. It provides for a pilot scheme (“the County Court Legal Advisers Pilot Scheme”) and applies to claims started at the County Court Business Centre (“CCBC”) and the County Court Money Claims Centre (“CCMCC”) from 29 July 2017 until further notice. It specifies the jurisdiction that may be exercised by a legal adviser and any restrictions that apply.

1.2 In this Practice Direction—

- (a) “the County Court Business Centre” means the Production Centre and Money Claim Online;
- (b) “legal adviser” means a court officer assigned to the County Court who is—
 - (i) a barrister; or
 - (ii) a solicitor,

who may exercise the jurisdiction of the County Court with regard to the matters set out in paragraph 2.1 and in the schedule to this Practice Direction, with the consent of the Designated Civil Judges for Northampton and Leicester Trial Centre, in respect of the CCBC, and Manchester Civil Justice Centre & Manchester Outer, in respect of the CCMCC, or their respective nominees.

2. Jurisdiction of the County Court that may be exercised by a legal adviser

2.1 A legal adviser may exercise the jurisdiction of the County Court with regard to the matters set out in the first column of the schedule to this Practice Direction, subject to the corresponding restrictions in the second column.

3. Reconsideration of a decision made by a legal adviser

3.1 Decisions of a legal adviser will be made without a hearing.

3.2 A party may request any decision of a legal adviser to be reconsidered by a District Judge.

3.3 A request must be filed within 14 days after the party is served with notice of the decision.

3.4 The request must include a summary of the issue and an explanation of why the reconsideration is sought.

3.5 Reconsideration will take place without a hearing.

SCHEDULE

Jurisdiction of the County Court that may be exercised by a legal adviser

Work type	Restrictions on the exercise of jurisdiction and modifications of the Civil Procedure Rules
1. Order to rectify a procedural error pursuant to rule 3.10	Limited to those instances where the court serves a claim contrary to the claimant's instructions.
2. Application to extend time for service of the claim form pursuant to rule 7.6	Limited to the first application, unless the claim would normally be allocated to the small claims track, and further limited to applications made within the period specified in rule 7.5 for service of the claim form.

3. Application for an order permitting service at an alternative place, pursuant to rule 6.15(2)	Limited to an order permitting service on the defendant at their place of work.
4. Applications for an extension of time in which to serve the particulars of claim	Limited to the first application, unless the claim would normally be allocated to the small claims track, and further limited to applications made within the period specified in rule 7.4 for service of the particulars of claim.
5. Applications to amend a claimant's or defendant's address or details after service, pursuant to rule 17.1(2)	Limited to applications prior to the expiration of the relevant limitation period and claims which have been, or would normally be, allocated to the small claims track.
6. Application to amend the particulars of claim or the amount of the claim pursuant to rule 17.1(2)	<p>Limited to—</p> <p>(a) applications received before a defence is filed; or</p> <p>(b) if an application is received after a defence is filed, claims which have been, or would normally be, allocated to the small claims track.</p>
7. Application to add or substitute a party to the proceedings pursuant to rule 19.4	Limited to applications where all existing parties, upon whom the claim has been served and who have acknowledged service, and the proposed new party agree to the addition or substitution and are in agreement that the application may be dealt with without a hearing.
8. Application or request to set aside default judgment, pursuant to rule 13.2	

9. Application to set aside default judgment, pursuant to rule 13.3	Limited to applications where— (a) all parties consent; and (b) the judgment is not satisfied.
10. Application to vary default judgment entered under Part 12, pursuant to rule 13.3	Limited to applications where— (a) the application relates to the time and rate of payment; and (b) all relevant parties consent.
11. Application to extend time for filing or serving a defence	Limited to the first such application by each defendant and to those where a claimant who has been notified of the application does not object within seven days of service.
12. Application to make a counterclaim after a defence has been filed, pursuant to rule 20.4(2)(b)	Limited to applications where all parties consent.
13. Application to appoint a new litigation friend in substitution for an existing one pursuant to rule 21.7(1)(c)	
14. Application to extend time for complying with a notice of proposed allocation in accordance with rule 26.3(1)	Limited to one application per party, unless the claim has been provisionally allocated to the small claims track, and subject to the further limitation that time can be extended for a period not exceeding 28 days.
15. Application to stay proceedings pursuant to rule 26.4(2A) or to extend the period of a stay pursuant to rule 26.4(3)	Limited to one application and where all parties consent.
16. Application to remove a stay of proceedings	Limited to applications where all parties consent.
17. Applications for interim payments	Limited to applications where all parties

pursuant to rule 25.6	consent to the payment.
18. Entering and sealing an agreed judgment pursuant to rule 40.6(2) in any case where the requirements in Form EX224 are not met	
19. Applications for judgments or orders in terms agreed pursuant to rule 40.6(5)	
20. Application for an Order that a solicitor has ceased to act pursuant to rule 42.3	
21. Applications for a certificate of judgment by a judgment creditor who seeks to enforce a County Court judgment abroad, pursuant to rule 74.12	
22. Applications for a certificate of money provisions by a judgment creditor who seeks to enforce a money judgment of the County Court in another part of the United Kingdom, pursuant to rule 74.17”.	