

# PART 17

## AMENDMENTS TO STATEMENTS OF CASE

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### AMENDMENTS TO STATEMENTS OF CASE

- 17.1 | (1) A party may amend his statement of case at any time before it has been served on any other party.
- (2) If his statement of case has been served, a party may amend it only –
- (a) with the written consent of all the other parties; or
  - (b) with the permission of the court.
- (Part 19 also applies where the amendment relates to the addition, substitution or removal of a party)
- (Part 22 requires amendments to a statement of case to be verified by a statement of truth unless the court orders otherwise)

### POWER OF COURT TO DISALLOW AMENDMENTS MADE WITHOUT PERMISSION

- 17.2 | (1) If a party has amended his statement of case where permission of the court was not required, the court may disallow the amendment.
- (2) A party may apply to the court for an order under paragraph (1) within 14 days of service of a copy of the amended statement of case on him.

### AMENDMENTS TO STATEMENTS OF CASE WITH THE PERMISSION OF THE COURT

- 17.3 | (1) Where the court gives permission for a party to amend his statement of case, it may give directions as to –

- (a) amendments to be made to any other statement of case; and
  - (b) service of any amended statement of case.
- (2) The power of the court to give permission under this rule is subject to –
- (a) rule 19.1 (change of parties – general);
  - (b) rule 19.4 (special provisions about adding or substituting parties after the end of a relevant limitation period<sup>(GL)</sup>); and
  - (c) rule 17.4 (amendments of statement of case after the end of a relevant limitation period).

## AMENDMENTS TO STATEMENTS OF CASE AFTER THE END OF A RELEVANT LIMITATION PERIOD

### 17.4

- (1) This rule applies where –
- (a) a party applies to amend his statement of case in one of the ways mentioned in this rule; and
  - (b) a period of limitation has expired under –
    - (i) the Limitation Act 1980<sup>(19)</sup>;
    - (ii) the Foreign Limitation Periods Act 1984<sup>(20)</sup>;
    - (iii) section 190 of the Merchant Shipping Act 1995<sup>(21)</sup>; or
    - (iv) any other statutory provision.
- (2) The court may allow an amendment whose effect will be to add or substitute a new claim, but only if the new claim arises out of the same facts or substantially the same facts as a claim in respect of which the party applying for permission has already claimed a remedy in the proceedings.
- (3) The court may allow an amendment to correct a mistake as to the name of a party, but only where the mistake was genuine and not one which would cause reasonable doubt as to the identity of the party in question.
- (4) The court may allow an amendment to alter the capacity in which a party claims if the new capacity is one which that party had when the proceedings started or has since acquired.

(Rule 19.4 specifies the circumstances in which the court may allow a new party to be added or substituted after the end of a relevant limitation period<sup>(GL)</sup>)

(19) 1980 c.58.

(20) 1984 c.16.

(21) 1995 c.21.