

# NOTES TO ACCOMPANY OCTOBER 2002 29th SUPPLEMENT

## Amendments to existing material are included as follows:

### Rules

- Part 3** Rule 3.7 In paragraph (1) sub-paragraph (a) 'listing questionnaire' replaced by 'pre-trial check list (listing questionnaire)'. In sub-paragraphs (b) and (c) 'listing questionnaire' replaced by 'pre-trial checklist'.
- Part 5** Rule 5.5 New paragraph 5.5 inserted.
- Part 6** Rule 6.18 New paragraph (k) replaces existing text.  
Rule 6.19(1)(b) New sub-paragraphs (ii) and (iii) replace existing text.  
Rules 6.32 - 6.35 New Section IV (Service of foreign process) inserted.
- Part 19** Rule 19.7A New rule inserted.  
Rule 19.8A New rule replaces existing rule.
- Part 25** Rule 25.1(1) 'and' omitted at the end of sub-paragraph (m) new sub-paragraph (o) inserted after sub-paragraph (n).
- Part 28** Rule 28.4(1)(a),  
28.6(1) 'listing questionnaire' replaced by 'pre-trial check list'.  
Rule 28.5 Existing wording replaced by amended wording.
- Part 29** Rule 29.2(3)(b),  
29.5(1)(c) and  
29.8(a) 'listing questionnaire' replaced by 'pre-trial check list'.  
Rule 29.6 Existing wording replaced by amended wording.  
Rule 29.7 'pre-trial check lists' substituted for 'listing questionnaires'.
- Part 34** New title: 'WITNESSES, DEPOSITIONS AND EVIDENCE FOR FOREIGN COURTS' replaces existing title.  
Rule 34.1 Existing wording replaced by amended wording.  
Rule 34.15 Cross-reference in brackets deleted.  
Rules 34.16 - 34.21 New Section II (Evidence for foreign courts) adding rules 34.16 – 34.21 inserted.
- Part 40** Rule 40.4 Second cross reference in brackets deleted.
- Part 44** Rule 44.12A(4) In sub-paragraph (a)(i) 'to be determined by detailed assessment' inserted after 'order for costs'.  
Rule 44.15(3) In sub-paragraph (b) 'listing questionnaire' replaced by 'pre-trial check list (listing questionnaire)'. 'listing questionnaire' replaced by 'pre-trial check list' in the cross-reference.  
Rule 44.16 The existing wording of the sentence after paragraph (b) commencing 'the court may adjourn the hearing . . . . .' replaced by amended wording.
- Part 47** Rule 47.14 In paragraph (6) 'person' replaced by 'party'.  
Rule 47.19 In the cross reference in brackets 'unless the court orders otherwise' inserted after 'an assisted person'.
- Part 48** Rule 48.6 Paragraphs 3 4 existing wording replaced by amended wording.  
Rule 48.7 Existing paragraph (4) replaced by new wording.

|                |   |
|----------------|---|
|                | Rule 48.10 This rule was renumbered as 48.9 in error when the original rule 48.9 was revoked by SI 2001/256. Its correct number has now been restored. A note has also been inserted to indicate the revocation of 48.9.  |
| <b>Part 54</b> | Rule 54.16 In paragraph (1) figure '(1)' inserted after 8.6.  |
| <b>Part 55</b> | Rule 55.2 In paragraph (2) sub-paragraph (a) 'and' omitted. After sub-paragraph (b) new paragraph (c) inserted. Cross reference in brackets omitted.  |
|                | Rules 55.20 – 55.28 New Section III – Interim Possession Orders, adding rules 55.20 – 55.28 inserted.   |
| <b>Part 57</b> | Existing title replaced by 'PROBATE AND INHERITANCE'.<br>Rule 57.1 In paragraph (1) 'and' omitted at the end of sub-paragraph (b), new sub-paragraph (d) inserted.<br>Rules 57.14 - 57.16 New Section IV (Claims under the Inheritance (Provision for Family and Dependents) Act 1975 adding rules 57.14 – 57.16 inserted.  |
| <b>Part 62</b> | Rule 62.20 In paragraph (1) 'RSC Order 71, Part 1 applies in relation to the award as it applies' replaced by new wording. In paragraph (2)(a) 'country of the original court' replaced by 'State of origin'. In paragraph (2)(b) 'RSC Order 71, rule 3' replaced by 'rule 74.4'.<br>Rule 62.21 Existing paragraph (2) replaced by new wording. In paragraph (4) 'RSC Order 71, rule 3' replaced by 'rule 74.4'. In paragraph (4)(b) 'rule3(1)(c)(i) and(ii)' replaced by 'rule 74.4(2)(a) to (d)'.<br>New Part 'Estates, Trusts and Charities' inserted. |
| <b>Part 64</b> | New Part 'References to the European Court' inserted.   |
| <b>Part 68</b> | New Part 'Court's power to appoint a receiver' inserted.  |
| <b>Part 69</b> |   |
| <b>Part 70</b> | Rule 70.1 In the cross-reference after paragraph (1) '51' deleted.<br>Rule 70.5 Existing paragraph (2) replaced by new wording.   |
| <b>Part 74</b> | New part 'Enforcement of judgments in different jurisdictions' inserted.  |
| <b>Part 75</b> | New part 'Traffic Enforcement' inserted.  |

## Schedules

### Schedule 1

|                      |   |
|----------------------|---|
| <b>RSC Order 15</b>  | Revoked   |
| <b>RSC Order 30</b>  | Revoked   |
| <b>RSC Order 44</b>  | Revoked   |
| <b>RSC Order 51</b>  | Revoked   |
| <b>RSC Order 52</b>  | In rule 1(4) existing wording 'an order of committal may be made by a single judge of the Queen's Bench Division' replaced by new wording.                        |
| <b>RSC Order 69</b>  | Revoked   |
| <b>RSC Order 70</b>  | Revoked   |
| <b>RSC Order 71</b>  | Revoked   |
| <b>RSC Order 77</b>  | In rule 15(1) paragraph (a) '70' replaced by '69'. In paragraph (b) '51' is deleted. In rule (16)(1) paragraph (c) 'Order 30 or 51' is replaced by 'CPR Part 69'. |
| <b>RSC Order 85</b>  | Revoked   |
| <b>RSC Order 87</b>  | Revoked   |
| <b>RSC Order 92</b>  | Revoked   |
| <b>RSC Order 93</b>  | Rules 6 and 21 revoked.   |
| <b>RSC Order 99</b>  | Revoked   |
| <b>RSC Order 108</b> | Revoked   |
| <b>RSC Order 114</b> | Revoked   |
| <b>RSC Order 115</b> | In rule 8(1) 'Order 30, rules 2 to 8' replaced by 'CPR Part 69'.  |
| <b>Schedule 2</b>    | CCR Order 5 Rules 12 to 14 revoked.   |

|                      |  |
|----------------------|--|
| <b>CCR Order 19</b>  | Revoked  |
| <b>CCR Order 24</b>  | Rules 8 to 15 revoked.   |
| <b>CCR Order 35</b>  | Revoked  |
| <b>CCR Order 37</b>  | Revoked  |
| <b>CCR Order 42</b>  | In rule 13(1) paragraph (a) '70' replaced by '69'. After paragraph (a) 'or' inserted. Paragraph (c) deleted. In rule 14(1) 'RSC Order 30' replaced by 'CPR Part 69'. |
| <b>CCR Order 48B</b> | Revoked  |
| <b>CCR Order 49</b>  | Rule 20 revoked.   |

## **Non-Statutory Cross-References**

Signposts which have no statutory authority have been deleted. The cross-references in question are those appearing immediately after the following **rules**:

|                        |  |
|------------------------|--|
| <b>2.11</b>            | (the reference to "RSC O.59 r.2C (appeals to the Court of Appeal) in Schedule 1" only) |
| <b>3.3(6)</b>          |  |
| <b>3.7(7)</b>          |  |
| <b>6.16(6)</b>         |  |
| <b>10.5</b>            | (the second and third notes only)  |
| <b>16.8</b>            |  |
| <b>20.13(2)</b>        |  |
| <b>34.15(3)</b>        |  |
| <b>37.4(3)</b>         |  |
| <b>39.2(4)</b>         |  |
| <b>44.14(3)</b>        |  |
| <b>45.5</b>            |  |
| <b>48.9(6)</b>         |  |
| <b>RSC O.91 r.1(a)</b> |  |

**Please note that rules that have been revoked and not replaced will be marked as 'revoked' from this edition on. This has been done retrospectively to cover revocations from previous updates, but applies to the main parts only. Revocations in the RSC or CCR Orders set out in the Schedules to the CPR have not been recorded.**

## **Practice Directions**

|                              |   |
|------------------------------|---|
| <b>Practice Direction 2</b>  | In paragraph 2.1 (2)(a) 'Principal Probate Registry' replaced by 'Principle Registry of the Family Division'. Post code 'WC1V 6HA' amended to 'WC1V 6NP'.     |
| <b>Practice Direction 2B</b> | In paragraph 3.1 new sub-paragraph (g) inserted. In paragraph 9 the words 'or section 204A' inserted after 'section 204'.                                     |
| <b>Practice Direction 4</b>  | Revised to take account of changes to the table of forms.   |
| <b>Practice Direction 5</b>  | In paragraph 5.3 existing paragraph (2) replaced by new wording.  |
| <b>Practice Direction 5B</b> | New PD5B inserted on 'Practice Direction – Pilot Scheme for Communication and Filing of Documents by E-Mail'. The new PD supplements rule 5.5.                |
| <b>Practice Direction 7</b>  | Existing paragraph 2.7 replaced by new wording. Existing paragraph 3.4 replaced by new wording. Paragraph 3.6 (3) 'Part 49' replaced by 'Parts 49 and 58-62'. |
| <b>Practice Direction 7B</b> | Paragraph 3.2 cross-references in brackets deleted.   |
| <b>Practice Direction 7E</b> | Existing PD replaced by new PD.   |

- Practice Direction 8B** In Section A Table 1 the following references have been deleted: RSC O.71 r2(1), RSC O.71 r38, RSC O.71 r.41, RSC O.79 r.10(2), RSC O.79 r.11(1), RSC O.82 r.8(2), RSC O.92 r.5(2), RSC O.93 r.6(2), RSC O.93 r.21, RSC O.99 r.3(1). In Section B Table B the following references have been deleted: RSC O.71 r.24, RSC O.11 r.2(2), CCR O.24 r.10(2)(a).
- Practice Direction 16** Existing paragraph 1.4 replaced by new text.
- Practice Direction 19B** New paragraph 6.1A inserted.
- Practice Direction 23** Paragraph 12.1 ‘The current word processing system to be used is WordPerfect 5.1’ deleted.
- Practice Direction 24** The first sentence of the cross-reference deleted.
- Practice Direction 25C** PD deleted.
- Practice Direction 26** In paragraph 10.2(2) ‘to which Part 49 (specialist proceedings) applies’ replaced by ‘to which any of Parts 49 or 58-62 apply’. Existing paragraphs 12.1 to 12.10 replaced by new paragraphs 12.1 to 12.6.
- Practice Direction 28** In paragraph 3.12 the first reference to ‘listing questionnaires’ replaced by ‘pre-trial check lists (listing questionnaires)’ and the second reference to ‘pre-trial check lists’. In paragraph 3.13(3) ‘listing questionnaire’ replaced by ‘pre-trial check list’. The existing heading above paragraph 6 replaced by ‘Pre-trial check lists (listing questionnaires)’. In paragraph 6.1(1) ‘listing questionnaire’ replaced by ‘pre-trial check list (listing questionnaire)’. In paragraph 6.1(2) ‘listing questionnaires’ replaced by ‘pre-trial check lists’, ‘listing questionnaire’ replaced by ‘pre-trial check list’ and ‘questionnaires’ replaced by ‘check lists’. In paragraph 6.1(3) ‘listing questionnaires’ replaced by ‘pre-trial check lists’. In paragraph 6.1(4) ‘questionnaires’ replaced by ‘check lists’. In paragraph 6.2 ‘listing questionnaire’ replaced by ‘pre-trial check list’ and ‘listing hearing’ replaced by ‘hearing’. In paragraph 6.3 the first reference to ‘listing hearing’ replaced by ‘hearing under rule 28.5(3)’ and the second reference by ‘such a hearing’. In paragraph 6.5 ‘listing questionnaire’ replaced by ‘pre-trial check list’. In (2) ‘listing directions’ replaced by ‘directions’. In the appendix references to ‘listing questionnaire’ or ‘listing questionnaires’ replaced by ‘pre-trial check-list’ or ‘pre-trial check lists’.
- Practice Direction 29** Paragraph 1.2 deleted In paragraph 2.2(b) ‘(as defined in CPR Part 49)’ deleted. The existing heading above paragraph 8 replaced by ‘Pre-trial check lists (listing questionnaires)’. In paragraph 8 existing references to ‘listing questionnaire’ replaced by ‘Pre-trial check list (listing questionnaire)’, references to ‘listing questionnaires’ replaced by ‘pre-trial checklists’ and references to ‘questionnaires’ replaced by ‘check list’. In paragraphs 8.3(2), 8.4 and 8.5 ‘listing hearing’ replaced by ‘hearing under rule 29.6(3)’.
- Practice Direction 31** In paragraph 3.2 ‘19’ replaced by ‘20’ in each place it occurs.
- Practice Direction 32** In paragraph 1.4(1) ‘Statutory Instrument’ deleted.
- Practice Direction 34** In paragraph 6.1 ‘Schedule 1 to Part 50 (RSC Order 70)’ replaced by ‘Section II of Part 34’. New paragraphs 6.3 and 6.4 inserted.
- Practice Direction 35** Paragraph 2.6 deleted. In paragraph 4 ‘1.2(8)’ replaced by ‘2.2(3)’.
- Practice Direction 37** New paragraphs 6.1, 6.2, 7.1, 7.2, 7.3, 7.4, 7.5, 8.1, 8.2, 9.1, 9.2, 9.3, 10.1 and 10.2 inserted.
- Practice Direction 39** In paragraph 1.5 sub-paragraph (11) deleted.
- Practice Direction 40** Introductory wording at top of page deleted. The heading ‘Section 1’ deleted. Existing Section 2 deleted entirely – including section heading (PD no longer divided into 2 sections). New paragraphs 9-15 inserted.
- Practice Direction 40B** In paragraph 11 ‘and the provisions relating to interest in detailed assessment proceedings’ inserted after ‘assessment of costs’.

- Practice Direction 43–48** Existing paragraph 5.17 replaced by new wording. In paragraph 6.4(2) ‘listing questionnaire’ replaced by ‘pre-trial check list (listing questionnaire)’. In paragraph 13.3 ‘49.3’ replaced by ‘50.3’ and ‘49.4’ replaced by ‘50.4’. In paragraph 17.1 first sentence is deleted. Existing paragraphs 17.9 and 20.1 replaced by new wording. In paragraph 30.1(1) ‘£17,500’ replaced by ‘£30,000.’ After ‘senior executive officers’, ‘or their equivalent’ inserted. ‘£35,000’ replaced by ‘£75,000’. In paragraph 31.1(2) After ‘all other cases’, ‘including Court of Appeal cases’ inserted. In paragraph 32.5 (1)(b) existing wording replaced by new wording. In paragraph 37.1 new sub-paragraph (2) inserted, existing paragraph 37.1 re-numbered 37.1(1). New paragraph 45.5 inserted. In paragraph 48.3(2) ‘where the appellant is unrepresented’ replaced by ‘agreed by the respondent if possible and approved by the authorised court officer’. Section 55 heading deleted. Paragraph 55.1 renumbered as 54.5. In (1) first and second sentences deleted. Paragraph 55.2 and 55.3 renumbered as 54.6 and 54.7 respectively. (c) deleted. (d) and (e) renumbered as (c) and (d). Paragraph 55.4 renumbered as 54.8. In paragraph 57.8(2) ‘of the same type’ inserted after ‘a second or subsequent funding arrangement’. The word ‘additional’ before ‘liability’ is deleted. New sub-paragraph (3) inserted. In precedents A, C and D ‘listing questionnaire’ is replaced by ‘pre-trial check list’.
- Practice Direction 52** In paragraph 2A.2(b) ‘any of parts 57 to 62’ replaced by ‘Sections I, II or III of Part 57 or any of Parts 58 to 62’. Existing paragraph 4.8 replaced by new text. In paragraph 4.14 the last sentence beginning with the words ‘If no request . . .’ is deleted. Existing paragraphs 4.18 and 4.19 replaced by new text. New paragraphs 4.20, 4.21, 4.22, 4.23, 4.24 inserted. In paragraph 13.1 the word ‘normally’ inserted after ‘appeal court will not’. After ‘the lower court was wrong’, new words inserted. New paragraph 15.11A on ‘Core bundles’ inserted. In paragraph 23.2 ‘(10) the Charities Act 1993’ inserted. In paragraph 23.4 sub-paragraph (5) is deleted and in paragraph 23.5 sub-paragraph (2) is deleted. New paragraph 23.8A inserted.
- Practice Direction 54** In paragraph 5.6 sub-paragraph (5) deleted. New paragraphs 13.3, 13.4, and 13.5 inserted.
- Practice Direction 55** New paragraph 7.2 inserted. After paragraph 8.4 new Section III ‘Interim Possession Orders’ inserted.
- Practice Direction 56** New paragraph 2.6 added.
- Practice Direction 57** In paragraph 8.2(1) ‘CPR Schedule 1, RSC Order 30 rules 2, 3, 4 and 6’ replaced by ‘Rules 69.4 to 69.7’. In paragraph 8.2(2) ‘rule 3 of that order’ replaced by ‘rule 69.7’. New Section IV inserted on ‘Claims Under the Inheritance (Provision for Family and Dependents) Act 1975’.
- Practice Direction 64** New Practice Direction on ‘Estates Trusts and Charities’ inserted to supplement new Part 64.
- Practice Direction 68** New Practice Direction on ‘References to the European Court’ inserted to supplement new Part 68.
- Practice Direction 69** New Practice Direction inserted on ‘Court’s Power to Appoint a Receiver’ to supplement new Part 69.
- Practice Direction 70** In paragraph 1.1(5) ‘RSC Orders 30 and 51’ replaced by ‘Part 69’. The following sentence in brackets is deleted.
- Practice Direction 73** Existing paragraph 4.4 replaced by new wording. Paragraph 4.5 deleted. Appendix A – after ‘Order for sale following a charging order’ additional words ‘(property solely owned by judgment debtor)’ inserted. New form inserted after existing form.

|                                 |   |
|---------------------------------|---|
| <b>Practice Direction 74</b>    | New Practice Direction on 'Enforcement of Judgments in Different Jurisdictions' inserted to supplement new Part 74. |
| <b>Practice Direction 75</b>    | New Practice Direction on 'Traffic Enforcement' inserted to supplement new Part 75.                                 |
| <b>RSC Order 52 PD</b>          |   |
| <b>(Committal Applications)</b> | In paragraph 2.2 sub-paragraphs (1) and (2) 'may' replaced by 'must'.   |
| <b>RSC Order 71 PD</b>          | Revoked   |
| <b>RSC Order 85 PD</b>          | Revoked   |
| <b>CCR Order 48B PD</b>         | Revoked   |

### **Other Practice Directions**

|                                      |   |
|--------------------------------------|---|
| <b>Directors</b>                     | In paragraphs 11.5, 11.7, 33.10 and 33.12 'listing questionnaire' wherever it occurs replaced by 'pre-trial check list'.  |
| <b>Disqualification</b>              |   |
| <b>The use of the Welsh Language</b> | 'Listing questionnaire' replaced by 'pre-trial check list (listing questionnaire)' in the first place in which it occurs and by 'pre-trial check list' in the second. |

### **Forms**

#### **New forms inserted as follows:**

|                   |  |
|-------------------|--|
| <b>N130</b>       | Application for an interim possession order  |
| <b>N133</b>       | Witness statement of the defendant to oppose the making of an independent possession order |
| <b>N134</b>       | Interim Possession Order   |
| <b>N136</b>       | Order for Possession   |
| <b>N210a</b>      | Part 8 acknowledgment of service (costs-only claim) (PD 43–48 17.9)                        |
| <b>N461</b>       | Judicial Review claim form   |
| <b>N461 Notes</b> | Guidance notes on completing the Judicial review claim form (PD 54)                        |
| <b>N462</b>       | Judicial Review acknowledgment of service  |
| <b>N463</b>       | Judicial Review – application for urgent consideration                                     |

#### **The following forms are issued to replace existing forms:**

|             |   |
|-------------|---|
| <b>N170</b> | Listing questionnaire (Pre-trial checklist) (PD 28 6.1) |
| <b>N208</b> | Part 8 claim form (PD 8 2.2)                            |
| <b>N254</b> | Request for default costs certificate                   |

### **Coming into force**

All changes come into force on 2 December 2002 with the exception of the new Part 75 (Traffic Enforcement) and its accompanying Practice Direction, which comes into force 1 October 2002. The revocation of CCR Order 48B is also effective from 1 October 2002.