
Notes to Accompany 6th April 2009 49th Update

Coming into force

All the amendments including in this update come into force on 6 April 2009 with the following exceptions:

Part 79 in relation to Financial Restrictions proceedings under the Counter-Terrorism Act 2008 came into force 4 December 2008; and

Practice Direction 52 Appeals. Changes in relation to statutory appeals come into force on 9 January 2008.

Introduction

The 49th Update to the Civil Procedure Rules introduces changes in a large number of areas:

Consequential amendments have been made to Part 1, Part 3, Part 7, Part 14, Part 16, Part 30, and RSC O.115 and to PD55, PD64, the PD on Devolution Issues, the Pre Action Protocol for Judicial review and to the Glossary.

Part 7 How to start proceedings – the Claim Form and PD7C Production Centre

Amendments allow for claims to be issued electronically through the Money Claim Online and Court Production Centre where the particulars of claim are to be served separately.

PD7D Claims for the recovery of taxes

Amendments extend the list of taxes and duties subject to the streamlined procedure set out in PD7D. These include student loan repayments deductible by or recoverable from the employer, VAT, insurance Premium Stamp Duty Land Tax, Environmental Taxes, and Duties of Custom and Excise.

Part 14 Admissions

An amendment to Rule 14.1A(2)(a) as a consequence of a new PD on Pre Action Conduct.

Part 26 Case Management

For those claims issued on or after 6 April 2009 the financial limit of the fast track procedure is increased from £15,000 to £25,000.

Part 44 General Rules about Costs and PD supplements Parts 43–48 Costs

New rules to allow applications for and variation of costs capping orders on future costs are inserted and the Practice Direction is amended.

Part 46 Fast Track Trial Costs

The table setting out the amount of fast track trial costs, which may be awarded by the court, is amended. An additional entry of £1,650 is inserted for those fast track cases where the value

of the claim is more than £15,000. The original entry is modified to cover claims in the £10,000 –£15,000 band.

PD52 Appeals

As a consequence of the creation of a new Tribunal systems, including the new Upper Tribunal PD52 is amended. These changes come into force on 9 January 2009.

PD54D Judicial Review (Administrative Court (Venue)

A new Practice Direction supplementing Part 54 is inserted setting out the procedures for issue, administration and hearing of cases outside London and Cardiff.

Part 55 Possession Claims and PD55

This Part is amended to extend the period of notice about a possession claim that must be given by the claimant to the occupiers of the relevant property.

Part 70 General Rules about Enforcement of Judgments and Orders and PD70

This provision enables the enforcement of negotiated settlements in employment tribunal cases to be enforced as if payable under a court order.

Part 75 Traffic Enforcement and PD75

This amendment enables requests for a review of a court officer's decision to be determined without an oral hearing unless the person making their request asks for a hearing or the court orders a hearing. Provision is also made to enable an authority to request reissue of warrants (within the 12 month validity period) where the respondent's address has changed since the issue of the warrant.

Part 79 Financial Restrictions proceedings under the Counter – Terrorism Act 2008

This new Part came into force on 4 December 2008 and provides for financial restrictions proceedings, including the application to the High Court to set aside a financial restrictions decision.

CCR Order 26 Warrants of Execution, Delivery and Possession

This amendment requires a person requesting a warrant of possession to be issued to file a request certifying that the land, which is subject of the judgement or order, has not been vacated.

Practice Direction – Protocols

A new Practice Direction is created on the **Pre-Action Conduct** of parties. This includes the requirement in business debt claims for the creditor to provide information about sources of advice to the debtor before issuing proceedings. A consequential amendment is made to Rule 14.1A92)(a) on introduction of this new Practice Direction.

Rules

Part 1	New text substituted in Rule 1.2(b)
Part 3	New text substituted at Rule 3.1(4) New text inserted at Rule 3.1(4)
Part 7	New text substituted at Rule 7.4(3)
Part 14	New text substituted at Rule 14.1A(2)(a) New text inserted at Rule 14.1A(2)(a) New text substituted at Rule 14.1A(2)(b)

Part 16	New text substituted at Rule 16.3(2), Rule 16.3(3) and Rule 16.3(4) Text omitted at Rule 16.3(4)(b) New text substituted at Rule 16.3(5)(a) New text substituted at Rule 16.3(6) and Rule 16.3(6)(a) Text omitted at Rule 16.3(6)(b)
Part 26	Text omitted at Rule 26.6(1)(a)(i) and Rule 26.6(1)(a)(ii) New text substituted at Rule 26.6(1)(b) Text omitted at Rule 26.6(1)(b)(iii) and Rule 26.6(3) New text substituted at Rule 26.6(4)
Part 30	New text inserted after Rule 30.6
Part 44	New text inserted in table of contents New text inserted at Rule 44.3(5)(a) New text inserted after Rule 44.17
Part 46	New text inserted in the table at Rule 46.2 New text substituted at Rule 46.2(3)(b) and Rule 46.2(3)(b)(iii) New text substituted at Rule 46.2(6)(c) Text omitted in the parenthesis below Rule 46.2(6)
Part 55	New text substituted at Rule 55.10(2)
Part 70	New text substituted in the table of contents New heading and text substituted at Rule 70.5
Part 75	New text inserted in the table of contents New text substituted at Rule 75.5 New text inserted after Rule 75.5 New text substituted at Rule 75.7(6) New text inserted after Rule 75.7(6)
Part 79	New Part inserted
Practice Directions	
Practice Direction 3D	New text inserted at paragraph 9
Practice Direction 7A	New text substituted at paragraph 2.1 New text substituted at paragraph 3.3 New text substituted at paragraph 3.6(1) New text substituted at paragraph 3.7 New text substituted in parenthesis below paragraph 3.9 New text substituted at paragraph 4.1(4) New text substituted at paragraph 5B.2 New text substituted in parentheses below paragraph 5B.3 New text substituted at paragraph 5C.1(2) New text substituted at paragraph 5C.1(3) New text substituted at paragraph 6.1 Text omitted at parenthesis below paragraph 7.3
Practice Direction 7B	Omit sub-paragraph 5A at paragraph 3.1 Text omitted at sub-paragraph 6(b) at paragraph 3.1 Text omitted and new text substituted at 10.2 omit paragraph 10.2A New text substituted at paragraph 10.3
Practice Direction 7C	Substitute whole of PD for new text
Practice Direction 7D	New text inserted in heading to PD New text substituted in paragraph 1.1(e)

	New text inserted after paragraph 1.1.(e)
	New text inserted below paragraph 3.1
Practice Direction 7E	Substitute to the whole of the PD for new text
Practice Direction 8	New text inserted in the table following paragraph 9.4
	New text substituted in heading above paragraph 20.1
	Text omitted in paragraph 20.1(2)
	New text substituted in paragraph 20.1(3)
	New text inserted after 20.1(3)
	New text inserted at paragraph 22.3
Practice Direction 24	New text inserted at paragraph 2(6)
Practice Direction 28	New text inserted at paragraph 3.2
	Text omitted at paragraph 3.13(2)
	New text inserted at paragraph 3.13(2)
Practice Direction 29	New text inserted at paragraph 4.2
Practice Direction 43–48	
	Text omitted at paragraph 4.6(7)
	New text inserted at paragraph 4.6(7)
	New text inserted after paragraph 19.2(4)
	Text omitted at paragraph 19.2(5)
	New text inserted after paragraph 23.18
Practice Direction 52	New text substituted at paragraph 17.3 and heading to paragraph 17.3
	New text inserted after paragraph 17.4
	New text substituted at paragraph 17.5(1)
	New text substituted after paragraph 17.5(1)
	text omitted in the table at paragraph 20.3
	New text inserted at paragraph 21.4
	Text omitted at paragraph 21.5, heading to paragraph 21.5, and parenthesis following paragraph 21.5(5)
	Text omitted at paragraph 22.5 and the heading to paragraph 22.5
Practice Direction 54A	New text substituted in title to the PD54
	New text inserted after paragraph 2.1
	Text omitted at paragraphs 2.2, 2.3, 2.4, 3.1 and 3.2
	New text substituted in paragraph 5.4(1)
	New text substituted in paragraph 5.5
	Text omitted in paragraph 8.3
Practice Direction 54B	New text substituted in title to PD
Practice Direction 54C	New text substituted in title to PD
Practice Direction 54D	New Practice Direction inserted
Practice Direction 55	New text substituted at paragraph 10.8
Practice Direction 64	New text inserted at paragraph 7.5
	New text substituted at paragraph 7.5
Practice Direction 70	New text substituted at paragraph 4 and heading to paragraph 4
	New text substituted at heading to paragraph 5
Practice Direction 75	Text omitted at paragraph 6.1
	New text substituted at paragraph 6.2
	Text omitted at paragraph 6.2

Schedule 1

RSC O.115 Practice Direction

New text substituted in Rule 16(1)

New text inserted in Rule 16(1)
New text substituted at Rule 32(1)
New text inserted at Rule 32(1)

Schedule 2

CCR O.26 Practice Direction

New text substituted at Rule 17(2)

Other Practice Directions

Devolution Issues (and Crown Office Applications in Wales)

New text substituted at paragraph 14.1 and heading to paragraph 14.1

Text omitted at paragraph 3 of Annex 2 to the PD

Pre Action Protocols

Pre Action Protocol Practice Direction

PD substituted with new text

Pre Action Protocol Judicial Review

New text substituted at paragraph 3.3

New text substituted in first bullet point in Annex A, Section 2

New text substituted in second bullet point in Annex A, Section 2

New text substituted in fourth bullet point in Annex A, Section 2

Glossary

New text substituted at definition of Pre Action Protocol

Forms

New versions of N225, N322A, N461 and N461 (notes for guidance) and N462 are made available.

New forms N322B, N464, N465 and Ex80B are made available.

