

158th UPDATE – PRACTICE DIRECTION AMENDMENTS

The amendments to the Practice Directions which supplement 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 Bellamy KC, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments to the existing Practice Directions come into force as follows ¹ —	
Amendments headed “CIVIL NATIONAL BUSINESS CENTRE”	14th August 2023
Practice Direction 3C – Civil Restraint Orders	1 October 2023
Practice Direction 5B – Communication and Filing of Documents by e-mail	1 October 2023
Practice Direction 7B – Production Centre	1 October 2023
Practice Direction 7C – Money Claim Online	1 October 2023
Practice Direction 14 – Admissions	1 October 2023
Practice Direction 16 – Statements of Case	1 October 2023
Practice Direction 22 – Statements of Truth	1 October 2023
Practice Direction 23A – Applications	1 October 2023
Practice Direction 23B – Applications under particular statutes	1 October 2023
Practice Direction 24 – The Summary Disposal of Claims	1 October 2023
Practice Direction 26 – Case Management – Preliminary Stage: Allocation, Reallocation, Assignment and Reassignment	1 October 2023
Practice Direction 27B – Claims Under the Pre-Action Protocol for Personal Injury Claims Below the Small Claims Limit in Road Traffic Accidents – Court Procedure	1 October 2023
Practice Direction 28 – The Fast Track	1 October 2023
Practice Direction 32 – Evidence	1 October 2023
Practice Direction 34A – Depositions and Court Attendance by Witnesses	1 October 2023
Practice Direction 35 – Experts and Assessors	1 October 2023
Practice Direction 40D – Court’s Powers in Relation to Land/Conveyancing Counsel of the Court	1 October 2023
Practice Direction 42 – Change of Solicitor	1 October 2023

¹ Where the date is 1 October 2023, the amendments come into force on that date immediately after the amendments made by the 156th Update.

Practice Direction 44 – General Rules About Costs	1 October 2023
Practice Direction 45 – Tables of Fixed Costs (2023)	1 October 2023
Practice Direction 49A – Applications Under the Companies Acts and Related Legislation	1 October 2023
Practice Direction 49G – Applications Under Part III of the Family Law Reform Act 1969 for Use of Scientific Tests to Determine Parentage	1 October 2023
Practice Direction 51O – The Electronic Working Pilot Scheme	1 October 2023
Practice Direction 52A – Appeals – General Provisions	1 October 2023
Practice Direction 52D – Statutory Appeals and Appeals Subject to Special Provision	1 October 2023
Practice Direction 55B – Possession Claims Online	1 October 2023
Practice Direction 57AC – Trial Witness Statements in the Business and Property Courts	1 October 2023
Practice Direction 61 – Admiralty Claims	1 October 2023
Practice Direction 84 – Enforcement by Taking Control of Goods	1 October 2023
Practice Direction – Claims Relating to EU And EEA EFTA Citizens’ Rights under Part 2 of the Withdrawal Agreement and Part 2 of the EEA EFTA Separation Agreement	1 October 2023

The Right Honourable Sir Geoffrey Vos
Master of the Rolls and Head of Civil Justice:

Signed by authority of the Lord Chancellor:

Lord Bellamy KC

Parliamentary Under-Secretary of State for Justice

Ministry of Justice

Date: 11th July 2023

CIVIL NATIONAL BUSINESS CENTRE

1) In Practice Direction 2C, for paragraph 3.2 substitute—

“3.2

(1) Unless it is a claim for which special procedures are provided in Rules or in practice directions, the claim form in respect of a claim for an amount of money started under Part 7 of the Civil Procedure Rules must be sent to the Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH. DX 702885 Northampton 7.

(2) A person who is permitted to start a Part 7 claim through the Production Centre pursuant to Practice Direction 7B must send the claim form to the Production Centre at the Civil National Business Centre at St Katharine's House at the above address.

(3) An application for a Part 7 claim to be issued through the Money Claim Online scheme must be sent electronically. Any other document, application or request, other than one filed electronically, must be sent to the Civil National Business Centre at St Katharine's House at the above address.”

2) In Practice Direction 2E, for paragraphs 1.1 and 1.2 below the heading “Scope and Interpretation” substitute—

“1.1 This Practice Direction specifies the jurisdiction that may be exercised by a legal adviser and any restrictions that apply relating to—

(a) claims proceeding in the Civil National Business Centre; and

(b) applications which are required by a rule or practice direction to be made at that Centre.

1.2 In this Practice Direction—

(a) “the Civil National Business Centre” includes the Production Centre and Money Claim Online;

(b) “legal adviser” means a court officer assigned to the County Court who is—

(i) a barrister;

(ii) a solicitor; or

(iii) a Fellow of the Chartered Institute of Legal Executives, or a CILEX lawyer,

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 relevant Designated Civil Judge or their nominee.”.

- 3) In Practice Direction 7A, in paragraph 5.1(1)(c), for “County Court Money Claims Centre, PO Box 527, M5 OBY” substitute “Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7”.
- 4) In Practice Direction 7B, in paragraph 5.2D—
 - a) for “County Court Business Centre” substitute “Civil National Business Centre”; and
 - b) omit “fax no. 0845 6015889”.
- 5) In Practice Direction 7C, for paragraph 1.4 substitute—

“1.4 Claims started using Money Claim Online will be issued in the Civil National Business Centre and will proceed at that Centre unless they are sent to a County Court hearing centre. The address for filing any document, application or request (other than one which is filed electronically in accordance with this practice direction) is the Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7.”.
- 6) In Practice Direction 27B, in paragraph 1.4(2), for “County Court Money Claims Centre, PO Box 527 M5 0BY” substitute “Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7”.
- 7) In Practice Direction 73, in paragraph 1.4, for “County Court Money Claims Centre” to the end substitute “Civil National Business Centre, the address is Civil National Business Centre, St Katharine's House, 21-27 St Katharine's Street, Northampton, NN1 2LH, DX 702885 Northampton 7”.
- 8) In the table below, in each location in column 1, for the existing wording in column 2 substitute the new wording in column 3—

Location	Existing wording	New wording
Practice Direction 2A, paragraph 3.1(b)(ii)	County Court Money Claims Centre	Civil National Business Centre
Practice Direction 2C, paragraph 5.3	County Court Money Claims Centre	Civil National Business Centre
Practice Direction 7B, paragraph 5.2C	County Court Business Centre	Civil National Business Centre
Practice Direction 7C, paragraph 3.3	County Court Money Claims Centre	Civil National Business Centre
Practice Direction 7C, paragraphs 6.1(2), 6.4 and 13.2	County Court Business Centre	Civil National Business Centre
Practice Direction 23A, in (i)	County Court Money Claims	Civil National Business Centre

the table of contents entry for paragraph 5A.1; (ii) paragraph 5A.1; and (iii) the heading to paragraph 5A.1	Centre	
Practice Direction 51R, paragraph 1.1(5)	County Court Business Centre	Civil National Business Centre
Practice Direction 51R, paragraph 1.1(5) paragraph 2.1(11) paragraph 2.1(12) paragraph 6A.3 paragraph 7.16(3) paragraph 7.42G(3) paragraph 9.1(2) paragraph 10.2(1) paragraph 10.2(3) paragraph 10.3(2) paragraph 10.4(1) paragraph 10A.1(3)	CCBC	CNBC
Practice Direction 51ZB, paragraph 1.1	County Court Money Claims Centre	Civil National Business Centre
Practice Direction 51ZB, paragraph 1.1 paragraph 2.2(6) paragraph 3.4 paragraph 4.6 paragraph 5.1(4) paragraph 5.1(5) paragraph 6.2(2) paragraph 6.4(2) paragraph 6.6(4) paragraph 6.7(2) paragraph 8.2 paragraph 8.6(1) paragraph 8.6(2)	CCMCC	CNBC

paragraph 8.7(1) paragraph 8.7(2)		
Practice Direction 70A, in (i) the table of contents entry for Section II; (ii) the heading to Section II; (iii) paragraph 8.1; and (iv) paragraph 11.1	County Court Money Claims Centre	Civil National Business Centre
Practice Direction 73, paragraph 3	County Court Money Claims Centre	Civil National Business Centre

PRACTICE DIRECTION 3C – CIVIL RESTRAINT ORDERS

- 1) In paragraph 1, for “3.3(7)” substitute “3.3(9)”.

PRACTICE DIRECTION 5B – COMMUNICATION AND FILING OF DOCUMENTS BY E-MAIL

- 1) In paragraph 1.1, at the end insert “It also makes provision about the e-mail address to be used where a rule or practice direction states that communications or documents may be sent to or served on a body by e-mail.”.
- 2) After paragraph 5.2 insert—

“E-mail addresses of bodies

6. Where any rule or practice direction states in relation to a body that a document, notice or other communication may be served on or sent to that body by e-mail but does not state an e-mail address, the e-mail address to be used will be the address given by that body for this purpose.

A list of such addresses may be found online at <https://www.justice.gov.uk/courts/procedure-rules/civil> .”.

PRACTICE DIRECTION 7B – PRODUCTION CENTRE

- 1) In paragraph 1.4(4)(b), for “Practice Direction 22—” to the end substitute “Practice Direction 22.”.

PRACTICE DIRECTION 7C – MONEY CLAIM ONLINE

- 1) In paragraph 7.1(2), for “14.5” substitute “14.2”.

- 2) In paragraph 9.2, for “Practice Direction 22— to the end substitute “Practice Direction 22.”.
- 3) In paragraph 11.1(2)—
 - (a) for “filed or served” substitute “made”; and
 - (b) for “14.4” substitute “14.2”.
- 4) In paragraph 12.3, after “in accordance” insert “with”.

PRACTICE DIRECTION 14 – ADMISSIONS

- 1) Omit Practice Direction 14.

PRACTICE DIRECTION 16 – STATEMENTS OF CASE

- 1) In paragraph 4.3A(1A), for “45.29(2A)(b)” substitute “45.62(2)(b)”.
- 2) In paragraph 4.3B(4), for “45.29(2A)(b)” substitute “45.62(2)(b)”.

PRACTICE DIRECTION 22 – STATEMENTS OF TRUTH

- 1) For paragraphs 1.1 to 1.6 substitute—

“Documents to be verified by a statement of truth

1.1 In addition to those documents expressly referred to in any rule or practice direction, the following documents must be verified by a statement of truth:

- (1) an application notice for –
 - (a) a third party debt order (rule 72.3);
 - (b) a hardship payment order (rule 72.7); or
 - (c) a charging order (rule 73.3);
 - (d) a certificate of reasons for bringing a claim for possession or a landlord and tenant claim in the High Court (rules 55.3(2), 55.32(2) and 56.2(2));
- (2) a notice of objections to an account being taken by the court, unless verified by an affidavit or witness statement;

(3) a schedule or counter-schedule of expenses and losses in a personal injury claim, and any amendments to such a schedule or counter-schedule, whether or not they are contained in a statement of case;

(4) an expert's report. For the form of the statement of truth verifying an expert's report (which differs from that set out below) see Practice Direction 35.

1.2 Where the form to be used includes a jurat for the content to be verified by an affidavit then a statement of truth is not required in addition.”.

- 2) In paragraph 2.1, omit “a response,”.
- 3) Paragraph 2.2A is renumbered as paragraph 2.3.
- 4) After paragraph 2.3 as so renumbered, insert—

“2.4 The form of the certificate to be used under rule 22.1(9) where a person is unable to read or sign a document to be verified by a statement of truth should be as follows:

I certify that I [name and address of authorised person] have read over the contents of this document and the declaration of truth to the person approving the document [if there are exhibits, add ‘and explained the nature and effect of the exhibits referred to in it’] who appeared to understand (a) the document and approved its content as accurate and (b) the declaration of truth and the consequences of making a false declaration, and made their mark in my presence.”

- 5) Paragraphs 2.3, 2.4 and 2.5 are renumbered as paragraphs 2.5, 2.6 and 2.7.
- 6) Omit paragraphs 3.1 to 3.3.
- 7) Paragraph 3.4 is renumbered as paragraph 3.1.
- 8) In paragraph 3.1 as so renumbered, for “paragraph 3.7” substitute “paragraphs 3.4 to 3.6”.
- 9) Paragraph 3.5 is renumbered as paragraph 3.2.
- 10) In paragraph 3.2 as so renumbered, in sub-paragraph (2)—
 - a) for “those persons” substitute “the people”; and
 - b) for “chairman” substitute “chair”.
- 11) Paragraph 3.6 is renumbered as paragraph 3.3.
- 12) Paragraph 3.6A is renumbered as paragraph 3.4, and in paragraph 3.4 as so renumbered—
 - a) omit “the result of” ;
 - b) omit “wholly or partially”; and
 - c) at the end insert “Paragraphs 3.1 and 3.2 apply if the insurer is a company.”.

- 13) Paragraph 3.6B is renumbered as paragraph 3.5, and in paragraph 3.5 as so renumbered, for “he signs” substitute “they sign”.
- 14) Paragraph 3.7 is renumbered as paragraph 3.6, and in paragraph 3.6 as so renumbered—
 - a) for “his” in each of the three places it occurs, substitute “their”;
 - b) for “In signing he” substitute “They”; and
 - c) for “he signs” substitute “they sign”.
- 15) Paragraph 3.8 is renumbered as paragraph 3.7, and in paragraph 3.7 as so renumbered—
 - a) for “his signature” substitute “their signature”;
 - b) for “his statement” substitute “their statement that”;
 - c) in sub-paragraph (1)—
 - i) at the beginning, omit “that”;
 - ii) for “he has” substitute “they have”; and
 - iii) for “him” substitute “them”;
 - d) in sub-paragraph (2)—
 - i) at the beginning, omit “that”; and
 - ii) for “he” in the two places it occurs substitute “they”; and
 - e) in sub-paragraph (3)—
 - i) at the beginning, omit “that”;
 - ii) for “he” substitute “they”; and
 - iii) for “subsequently” substitute “later”.
- 16) Paragraph 3.9 is renumbered as paragraph 3.8, and in paragraph 3.8 as so renumbered, for “his” in both places where it occurs substitute “their”.
- 17) Paragraph 3.10 is renumbered as paragraph 3.9, and in paragraph 3.9 as so renumbered, for “his” in both places where it occurs substitute “their”.
- 18) For paragraph 3.11 (including the table) substitute—

“3.10

(1) A “manager” of a company should hold a senior position and have personal knowledge of the content of the document or be responsible for managing those who do. The court will consider the size and nature of the claim and of the company.

(2) A “legal representative” is defined in rule 2.3(1). A person within that definition who is employed by a party may sign a statement of truth. A person employed by a party who is not within the definition but is managed by someone who is, may not.

(3) An employee of a solicitor or firm of solicitors in private practice representing a party is within the definition of “legal representative” in rule 2.3(1) and may sign a statement of truth.

(4) An agent who manages property or investments for a party cannot sign a statement of truth. It must be signed by the party or by the legal representative of the party.”.

19) Omit paragraphs 3A.1 to 5 and the Annex.

PRACTICE DIRECTION 23A – APPLICATIONS

1) For paragraph 1 and the heading above it substitute—

“Referral to a different judge

1. Masters or District Judges may refer to a judge of a higher level any matter which they think should properly be decided by that judge, and that judge may either dispose of the matter or refer it back to the Master or District Judge.”

2) In paragraph 2.1—

a) For paragraph (4) substitute—

“(4) where the applicant is not already a party, their address for service, including a postcode; and”; and

b) omit the words in parentheses after paragraph (5).

3) For paragraphs 2.2 to 2.10 substitute—

“2.2 Where a hearing is requested by the applicant or the court decides to hold a hearing, the court will notify the applicant of the time and date for the hearing of the application and may at the same time give directions for the filing of evidence.

2.3 On receipt of an application notice containing a request that the application be dealt with without a hearing, a Master, District Judge or other judge will decide whether the application is suitable for consideration without a hearing.

2.4 Where the Master, District Judge or other judge so decides, the court will inform the applicant and the respondent and may give directions for the filing of evidence.

2.5 Every application should be made as soon as it appears necessary or desirable to make it.

2.6 Applications should wherever possible be made so that they can be considered at any hearing for which a date has already been or is about to be fixed by the court.

2.7 The parties must anticipate that at any hearing the court may wish to review the conduct of the case as a whole and give any necessary case management directions. They should be ready to assist the court and to answer questions the court may ask.

2.8 Where a date for a hearing has been fixed and a party wishes to make an application at that hearing but does not have enough time to file or serve an application notice they should inform the other party and the court (if possible in writing) as soon as possible and make the application orally at the hearing.”

4) In paragraph 3—

a) After sub-paragraph (4) insert—

“(5) where the applicant is seeking a direction that their address not be provided to a party,”

b) Sub-paragraph (5) is renumbered as sub-paragraph (6), and in sub-paragraph (6) as so renumbered, for “3.10” substitute “3.8”; and

c) Sub-paragraph (6) is renumbered as sub-paragraph (7).

5) For paragraphs 4.1 to 4.2 and the heading above them substitute—

“Giving notice of an application

4 Where an application notice should be served but there is not enough time to do so, informal notification of the application should be given unless the circumstances of the application require secrecy.”

6) Omit paragraph 5 and the heading above it.

7) Paragraphs 5A.1 and 5A.2 are renumbered as paragraphs 5.1 and 5.2.

8) For paragraphs 6.1 to 13.2 substitute—

“Hearings

6.1 A hearing may be held in person, remotely or partially remotely in accordance with arrangements permitted or required under any enactment.

6.2 The court will communicate to the parties the arrangements for the hearing. The parties, their representatives and any witnesses must comply with those arrangements.

6.3 Hearings to deal with allocation or listing or with a time estimate of two hours or less may be conducted remotely, depending on the normal practice at a particular court.

Documents

6.4 Where a document is required to be filed and served in advance of a hearing, the party or their legal representative must, unless the court directs otherwise, do so no later than 4pm at least 2 days before the hearing.

6.5 A case summary and draft order must be filed and served in –

(a) multi-track cases; and

(b) small, fast and intermediate track cases if the court so directs.

Evidence

7.1 Where it is intended to rely on evidence not contained in the application itself, the evidence should be served with the application unless it has already been served.

7.2 Where a respondent wishes to rely on evidence which has not yet been served they should serve it as soon as possible and in accordance with any directions of the court.

7.3 If it is necessary for the applicant to serve any evidence in reply it should be served as soon as possible and in accordance with any directions of the court.

7.4 Evidence must be filed with the court as well as served on the parties. Exhibits to witness statements should not be filed unless the court directs otherwise.

7.5 The contents of an application notice may be used as evidence (otherwise than at trial) provided the contents have been verified by a statement of truth (see Part 22).

Consent orders

8.1 Rule 40.6 sets out the circumstances where an agreed judgment or order may be entered and sealed.

8.2 Where all parties affected by an order have written to the court consenting to the making of the order a draft of which has been filed with the court, the court will treat the draft as having been signed in accordance with rule 40.6(7).

8.3 Where a consent order is made by a judge, the order must be drawn so that the judge's name and judicial title can be inserted.

8.4 The parties to an application for a consent order must provide the court with clear evidence that all relevant parties consent to the order. Subject to any rule or practice direction a letter copied to all relevant parties will generally be acceptable.

8.5 Where a judgment or order has been agreed in respect of an application or claim where a hearing date has been fixed, the parties must inform the court immediately.

Applications to stay claim where there are related criminal proceedings

9.1 An application for the stay of civil proceedings pending the determination of related criminal proceedings may be made by any party to the civil proceedings or by the prosecutor or any defendant in the criminal proceedings.

9.2 Except for the applicant, every party to the civil proceedings must be made a respondent to the application.

9.3 The evidence in support of the application must contain an estimate of the expected duration of the stay and must identify the respects in which the continuance of the civil proceedings may prejudice the criminal trial.

9.4 In order to make an application under paragraph 11A.1, it is not necessary for the prosecutor or defendant in the criminal proceedings to be joined as a party to the civil proceedings.”.

PRACTICE DIRECTION 23B – APPLICATIONS UNDER PARTICULAR STATUTES

1) Practice Direction 23B is revoked.

PRACTICE DIRECTION 24 – THE SUMMARY DISPOSAL OF CLAIMS

1) Practice Direction 24 is revoked.

PRACTICE DIRECTION 26 – CASE MANAGEMENT – PRELIMINARY STAGE: ALLOCATION, REALLOCATION, ASSIGNMENT AND REASSIGNMENT

1) In paragraph 14(8), for “14.3” substitute “14.4”.

PRACTICE DIRECTION 27B – CLAIMS UNDER THE PRE-ACTION PROTOCOL FOR PERSONAL INJURY CLAIMS BELOW THE SMALL CLAIMS LIMIT IN ROAD TRAFFIC ACCIDENTS – COURT PROCEDURE

- 1) In paragraph 1.10, for “22.1(1)(g)” substitute 22.1(1)(f)”.

PRACTICE DIRECTION 28 – THE FAST TRACK

- 1) In—
 - a) sub-paragraph (a), at the end of the second sentence, for “.” substitute “;”;
 - b) sub-paragraph (b), at the end, for “,” substitute “;”.

PRACTICE DIRECTION 32 – EVIDENCE

- 1) In Annex 3, in paragraph 4.4, for “Foreign, and Commonwealth Office (Legalisation Office) sopenquiries@fco.gov.uk” substitute “Foreign, Commonwealth and Development Office (Public Facing Services, Taking of Evidence Team) TOE.Enquiries@fcdo.gov.uk”.
- 2) In the words in parentheses following paragraph 20.3, for “Paragraph 3A of Practice Direction 22” substitute “Rule 22.1(9)”.

PRACTICE DIRECTION 34A – DEPOSITIONS AND COURT ATTENDANCE BY WITNESSES

- 1) In paragraphs 3.1 and 3.2(1), for “his” substitute “their”.
- 2) In paragraph 3.4—
 - a) for “himself, he” substitute “they”; and
 - b) in sub-paragraph (1), for “he wishes” substitute “they wish”.
- 3) For paragraph 4.2 substitute—

“**4.2** The party who obtains an order for the examination of a deponent before an examiner of the court must:

(1) apply to the Foreign Process Section at the Royal Courts of Justice at foreignprocess.rcj@justice.gov.uk for the allocation of an examiner; alternatively engage a person who satisfies the criteria in CPR 34.8 (3) (a) or (c);

(2) when allocated or engaged, provide the examiner with copies of all documents in the proceedings necessary to inform the examiner of the issues; and

(3) pay the deponent a sum to cover their travelling expenses to and from the examination and compensation for their loss of time.”

4) In paragraph 4.3—

- a) for “on audiotape or videotape” substitute “by audio or video”; and
- b) for “him” substitute “them”.

5) In paragraph 4.4, for “him” substitute “them”.

6) In paragraphs 4.5(2), 4.6(2), 4.7(1), 4.8 and 4.10, for “his” substitute “their”.

7) In paragraph 4.11, for “him” substitute “them”.

8) In paragraph 4.12(3)(b), for “his” substitute “their”.

9) In paragraph 5.3—

- a) for “his” substitute “their”; and
- b) in sub-paragraph (5), after “Secretary of State“ insert “ (see [Form PF78: Solicitor's Undertaking as to Expenses \(rule 34.13\(6\)\(b\)\) - GOV.UK \(www.gov.uk\)](#)”.

10) For paragraph 5.4 substitute—

“**5.4** The above documents should be filed with the Foreign Process Section of the Royal Courts of Justice, by post to “Foreign Process Section Royal Courts of Justice, Strand London WC2A 2LL” or left in person at the document drop box in the Main Hall of the Royal Courts of Justice marked for the attention of the Foreign Process Section.”

11) In paragraph 5.7, omit “of the Masters’ Secretary’s Department”.

12) In Annex A (Draft Letter of Request)—

- a) for the first line substitute—

“To the Competent Judicial Authority of [name of court] in [country]”; and

- b) at the end insert—

“Dated

Signed

Senior Master of the King's Bench Division".

13) Omit Annexes B and C.

PRACTICE DIRECTION 35 – EXPERTS AND ASSESSORS

1) In paragraph 2.6(2), before "45.62(2)(b)", for "rules" substitute "rule".

PRACTICE DIRECTION 40D – COURT'S POWERS IN RELATION TO LAND/CONVEYANCING COUNSEL OF THE COURT

1) At the end of paragraph 4.2, omit "Paragraph 2 of Practice Direction 22 specifies the form of a statement of truth."

PRACTICE DIRECTION 42 – CHANGE OF SOLICITOR

- 1) Omit paragraph 2.6.
- 2) In paragraph 2.7A, after "account," insert "and that solicitor will be conducting the claim to which the notice of change relates through their MyHMCTS account,".

PRACTICE DIRECTION 44 – GENERAL RULES ABOUT COSTS

- 1) In paragraph 1.1—
 - a) before "Practice Direction 22" insert "Part 22 and"; and
 - b) omit the words in parentheses at the end of the paragraph.

PRACTICE DIRECTION 45 – TABLES OF FIXED COSTS (2023)

1) In Table 3, in the first column—

- a) in the third row, for “14.4” to “claim)” substitute “14.2(5) (judgment on admission of whole or part of a claim for a specified sum)”; and
- b) in the fourth row, for “14.4” to “claim)” substitute “14.2(5) (judgment on admission of whole or part of a claim for a specified sum)”.

PRACTICE DIRECTION 49A – APPLICATIONS UNDER THE COMPANIES ACTS AND RELATED LEGISLATION

- 1) In paragraph 5(1), for “must be started by a Part 8 claim form” substitute “may be started by a Part 7 or a Part 8 claim form, as appropriate”.

PRACTICE DIRECTION 49G – APPLICATIONS UNDER PART III OF THE FAMILY LAW REFORM ACT 1969 FOR USE OF SCIENTIFIC TESTS TO DETERMINE PARENTAGE

- 1) After Practice Direction 49F insert Practice Direction 49G as set out in Schedule 1 to this Update.

PRACTICE DIRECTION 51O – THE ELECTRONIC WORKING PILOT SCHEME

- 1) In paragraph 15.4, for “10.1” substitute “15.1”

PRACTICE DIRECTION 52A – APPEALS – GENERAL PROVISIONS

- 1) In paragraph 3.4—
 - a) after the definition of “CJ(CC)” insert—

““DC”: a Divisional Court.”;
 - b) after the definition of “Registrar” insert—

““SC: the Supreme Court.”.

- 2) In paragraph 3.5, after “save where” insert “section 13 of the Administration of Justice Act 1960 applies, or”.
- 3) For Table 1 below paragraph 3.5 substitute—

“Table 1 – Proceedings other than family or insolvency proceedings

Court	Deciding judge	Decision under appeal	Destination
County	DJ	Any, other than a decision in non-insolvency proceedings brought pursuant to the Companies Acts or a decision in contempt proceedings	CJ(CC)
		A decision in non-insolvency proceedings brought pursuant to the Companies Acts	HCJ or Registrar
		A decision in contempt proceedings	CJ(CC) or CA
	CJ	Any, other than a decision in contempt proceedings	HCJ
		A decision in contempt proceedings	CA
High	Master, Registrar or DJ	Any	HCJ
	HCJ	Any	CA
	DC	Any, other than a decision in contempt proceedings	CA
		A decision in contempt proceedings	SC
Intellectual Property	DJ	Any	Enterprise Judge

Enterprise Court	Enterprise Judge	Any	CA".
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- 4) In paragraph 4.1, after “application for permission to appeal” insert “in proceedings which are not contempt proceedings or from the CA”.
- 5) In paragraph 4.7, for “An” substitute “Unless paragraph 4.8 applies an”.
- 6) After paragraph 4.7 insert—

“**4.8** Where in contempt proceedings the first appeal is determined by the Divisional Court or a single judge of the High Court a second appeal lies to the Supreme Court with permission.”.

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

- 1) In paragraph 29.1(2), for “35(4)” substitute “35(6)”.

PRACTICE DIRECTION 55B – POSSESSION CLAIMS ONLINE

- 1) In paragraph 8.3(2), before “paragraph 3” insert “rule 22.1(6) and”.

PRACTICE DIRECTION 57AC – TRIAL WITNESS STATEMENTS IN THE BUSINESS AND PROPERTY COURTS

- 1) In paragraph 4.1—
 - a) for “22.1(c)” substitute “22.1(b)”; and
 - b) omit the words in parentheses at the end of the paragraph.

PRACTICE DIRECTION 61 – ADMIRALTY CLAIMS

- 1) In paragraph 2.2(2), for “26.8” substitute “26.13”.

PRACTICE DIRECTION 84 – ENFORCEMENT BY TAKING CONTROL OF GOODS

- 1) In the list of hearing centres in paragraph 2.2, under the heading “North-West”, for “Birkenhead” substitute “Liverpool”.

PRACTICE DIRECTION – CLAIMS RELATING TO EU AND EEA EFTA CITIZENS’ RIGHTS UNDER PART 2 OF THE WITHDRAWAL AGREEMENT AND PART 2 OF THE EEA EFTA SEPARATION AGREEMENT

- 1) The Practice Direction set out in Schedule 2 to this Update has effect.

SCHEDULE 1

“PRACTICE DIRECTION 49G – APPLICATIONS UNDER PART III OF THE FAMILY LAW REFORM ACT 1969 FOR USE OF SCIENTIFIC TESTS TO DETERMINE PARENTAGE

This Practice Direction supplements CPR Part 49

1.1 In this practice direction—

(1) ‘the Act’ means the Family Law Reform Act 1969;

(2) ‘direction’ means a direction under section 20(1) of the Act made in any proceedings in which a person’s parentage falls to be determined;

(3) ‘responsible adult’ means—

(a) in relation to a person under 16 to whom sub-paragraph (b) does not apply, the person having care and control of him;

(b) in relation to a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to give his consent to tests –

(i) a person having power under that Act to give consent on his behalf; or

(ii) if there is no such person, the person with whom he resides or in whose care he is.

(4) ‘samples’ means bodily samples within the meaning of section 25 of the Act; and

(5) ‘tests’ means scientific tests within the meaning of section 25 of the Act.

1.2 Where an application is made for a direction in respect of a person who either—

(a) is under 16; or

(b) lacks capacity (within the meaning of the Mental Capacity Act 2005) to give his consent to the tests,

the application notice must state the name and address of the responsible adult.

1.3 Unless the court orders otherwise—

(1) the court will serve a copy of the application notice on every party to the proceedings other than the applicant; and

(2) the applicant must serve a copy of the application notice personally on any other person who would be directed to give samples and, where paragraph 1.2 applies, on the responsible adult.

1.4 Unless the court orders otherwise, where the court gives a direction—

(1) the court will serve a copy of the direction on every party to the proceedings;

(2) the applicant must serve a copy of the direction personally on any other person directed to give samples and, where paragraph 1.2 applies, on the responsible adult; and

(3) further consideration of the proceedings shall be adjourned until the court receives a report of the tests carried out or samples taken.

1.5 When the court receives the report of the tests carried out or samples taken, the court officer shall send a copy of the report to—

- (1) every party to the proceedings;
- (2) the responsible adult where paragraph 1.2 applies; and
- (3) every other person directed to give samples.”

SCHEDULE 2

“PRACTICE DIRECTION – CLAIMS RELATING TO EU AND EEA EFTA CITIZENS’ RIGHTS UNDER PART 2 OF THE WITHDRAWAL AGREEMENT AND PART 2 OF THE EEA EFTA SEPARATION AGREEMENT

Introduction

1.1 The international treaties governing the United Kingdom’s withdrawal from the European Union (the Withdrawal Agreement and the EEA EFTA Separation Agreement), provide for certain rights including—

- (a) residency rights,
- (b) the right to work and be self-employed,
- (c) recognition of certain professional qualifications,
- (d) the right to co-ordination of social security, and
- (e) rights of non-discrimination on the grounds of nationality and equal treatment.

Scope and Interpretation

1.2 This Practice Direction applies to any proceedings in which a citizens’ rights issue arises.

1.3 A ‘citizens’ rights issue’ is an issue relating to rights arising under—

- (a) Part 2 of the Withdrawal Agreement; or
- (b) Part 2 of the EEA EFTA Separation Agreement.

Notice of proceedings

2.1 When a party serves a statement of case which raises a citizens’ rights issue, that party must send a copy of the statement of case to the IMA at the same time.

2.2 Notice under paragraph 2.1 should be sent either –

(a) by email; or

(b) in hard copy to—

The Independent Monitoring Authority for the Citizens' Rights Agreements

3rd Floor, Civic Centre

Oystermouth Road

Swansea

SA1 3SN.

2.3 In the event of non-compliance with paragraphs 2.1 and 2.2—

(a) the court will consider whether any order should be made or any step taken; but

(b) any such order or step must not involve any sanction (including any stay, dismissal or striking out) or costs penalty or other costs order against the relevant or other party.”